



TO: Denver City Council
FROM: Andrew Webb, Senior City Planner
DATE: January 3, 2018
RE: Official Zoning Map Amendment Application #2017I-00120

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00120.

Request for Rezoning

Address: 1420 38th Street
Neighborhood/Council District: Five Points/Council District 9
RNOs: Denver Neighborhood Association, Inc. Inter-Neighborhood Cooperation (INC), RiNo, River North Arts District, United Community Action Network, Five Points Business District, Elyria Swansea/Globeville Business Association, Rio Norte, Denver Arts and Cultural Initiative

Area of Property: .84 acres, 36,800 square feet
Current Zoning: R-MU-30 with waivers
Proposed Zoning: C-MX-8
Property Owner(s): Urban Land Conservancy
305 Park Ave. W
Denver, CO 80206

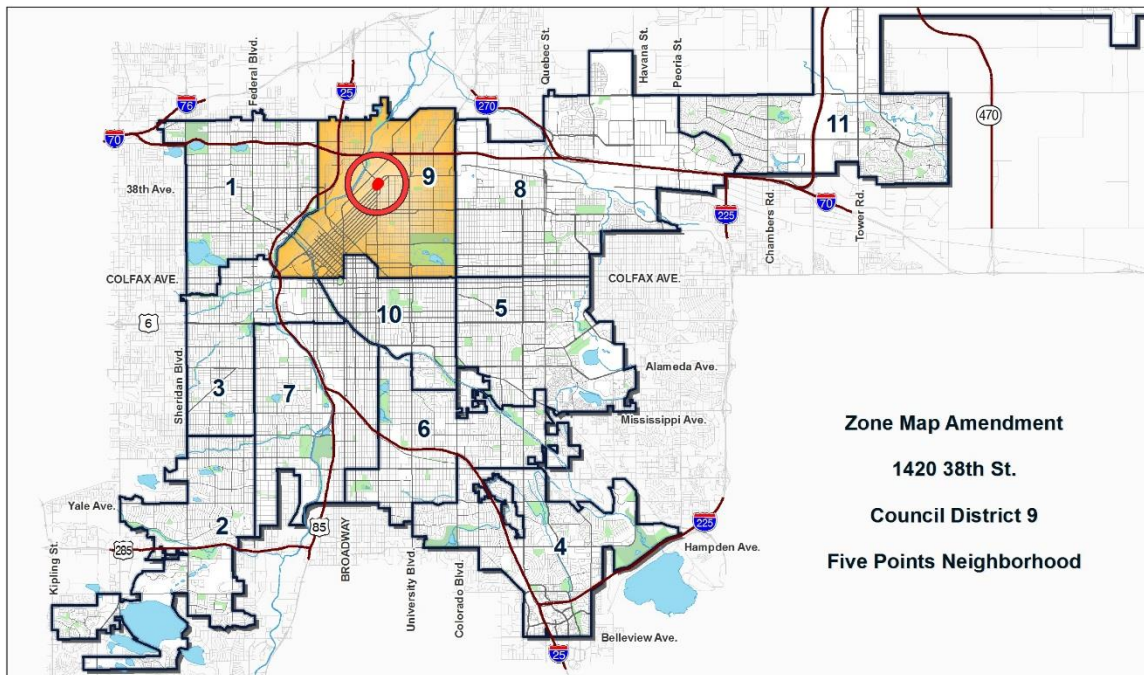
Owner Representative: Debra Bustos

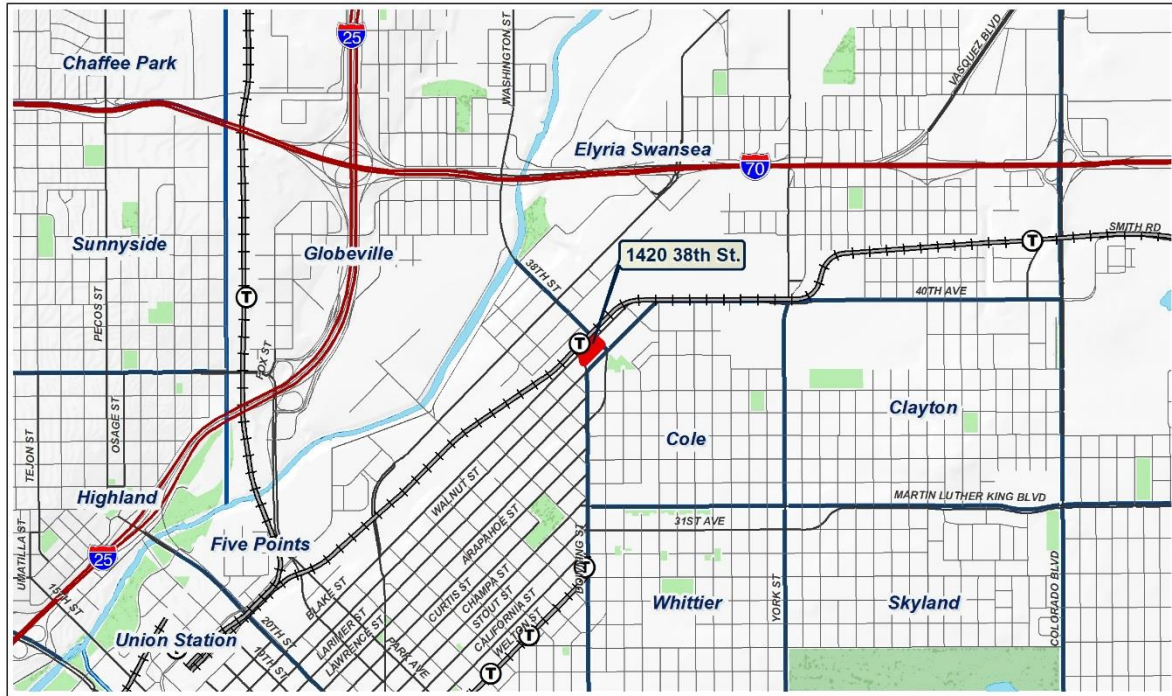
Summary of Rezoning Request

- The subject property is located in the Five Points statistical neighborhood near the grade-separated intersection of 38th and Blake Streets. It is comprised of a single assessor's parcel and is currently vacant. Foundations of former industrial structures remain on the site.
- The existing zoning is R-MU-30 with waivers. R-MU-30 is a mixed-use zone district from the city's previous zoning code, referred to as Former Chapter 59. The City Council adopted an ordinance in October 2006 (20060700) changing the zoning of this property from industrial to R-MU-30 with a waiver stipulating that the maximum building height could be 100 feet.
- The property owner is requesting rezoning of the site to permit relocation of a nearby temporary use, the Beloved Community Village tiny house community for formerly homeless persons. The proposed C-MX-8 zone district matches a separate City Council-led proposed

rezoning of multiple sites in the area aimed at implementing the 38th & Blake Station Area Plan Amendments with two overlay districts that correspond to Denver Zoning Code mixed-use districts (C-MX-, I-MX-, etc.). That effort (2017I-00122) is expected to have its final City Council Public Hearing in February, which would be too late to allow relocation of the tiny house community.

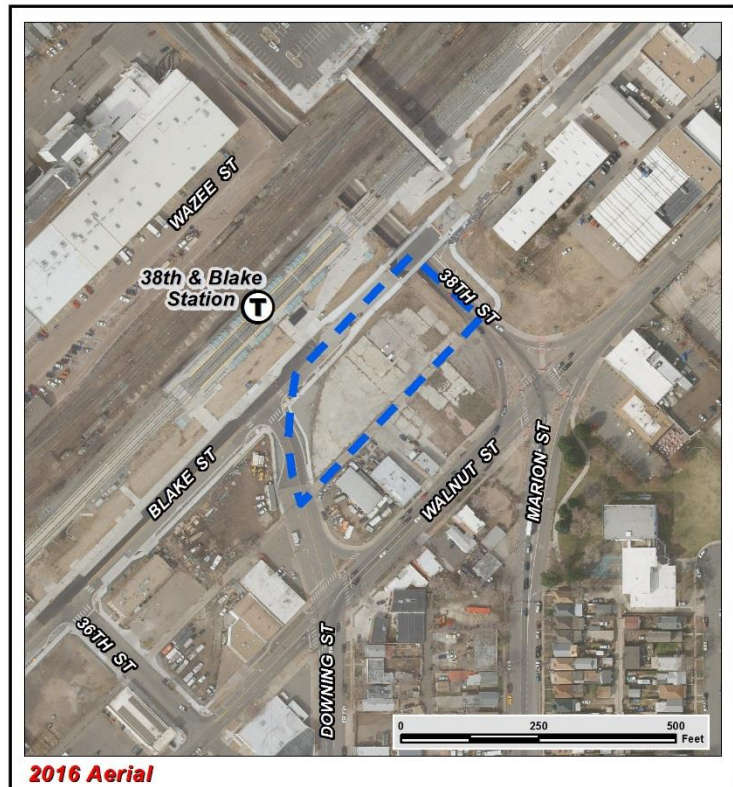
- Non-renewable, 6-month temporary unlisted use permits are permitted under certain circumstances in many Denver Zoning Code districts, but are not contemplated in Former Chapter 59. This expedited request has been made separately by the property owner to rezone in advance of the expiration in January of Beloved Community Village’s temporary unlisted use permit.
- The requested zone district, C-MX-8, is defined as Urban Center Context, Mixed-Use, 8-story maximum height. This district anticipates a high-density mix of residential and commercial uses with a vibrant pedestrian realm and parking oriented to the side or rear of structures.





Existing Context

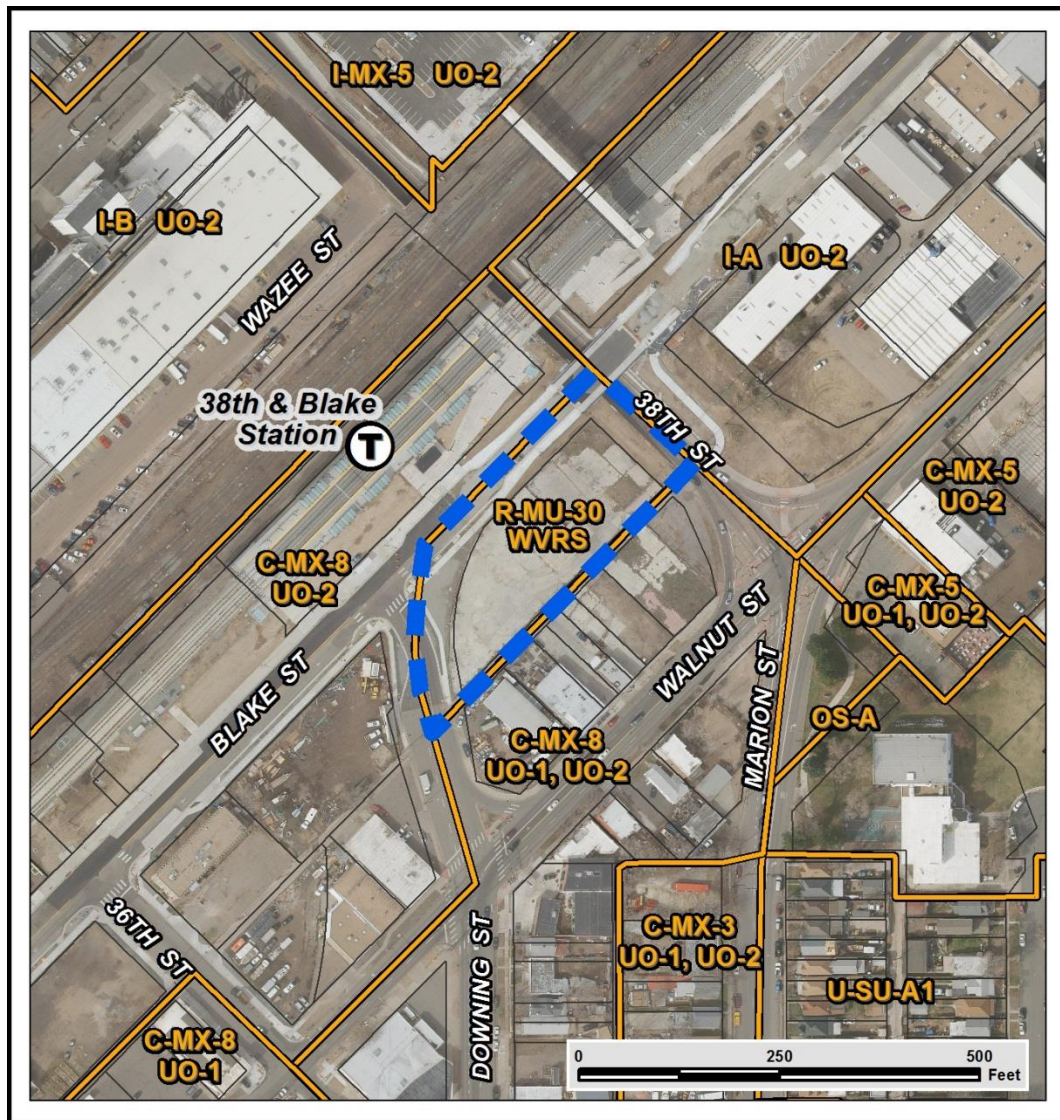
The site is framed by Blake, Downing and 38th streets to the northwest, southwest and northeast, respectively, and an alley to the southeast. It lies directly across Blake Street from the University of Colorado A-Line 38th and Blake station in an area that is redeveloping from warehousing and industrial to high-density, transit-oriented residential and commercial uses. A new mixed-use development is currently under construction to the west of the site. Across the alley to the southeast are a small industrial parcel used for vehicle storage, a brewery, a liquor store and the current location of Beloved Community Village, a development of 11 tiny homes and shared bathroom and kitchen facilities on temporary foundations. To the northeast are existing industrial uses, including manufacturing and sales of furniture and electric “tuk tuk” or open-air bus vehicles. Transit



access is plentiful, with a major bus and rail station directly across Blake to the northwest, and nearby bus service and stops on 38th and Downing streets.

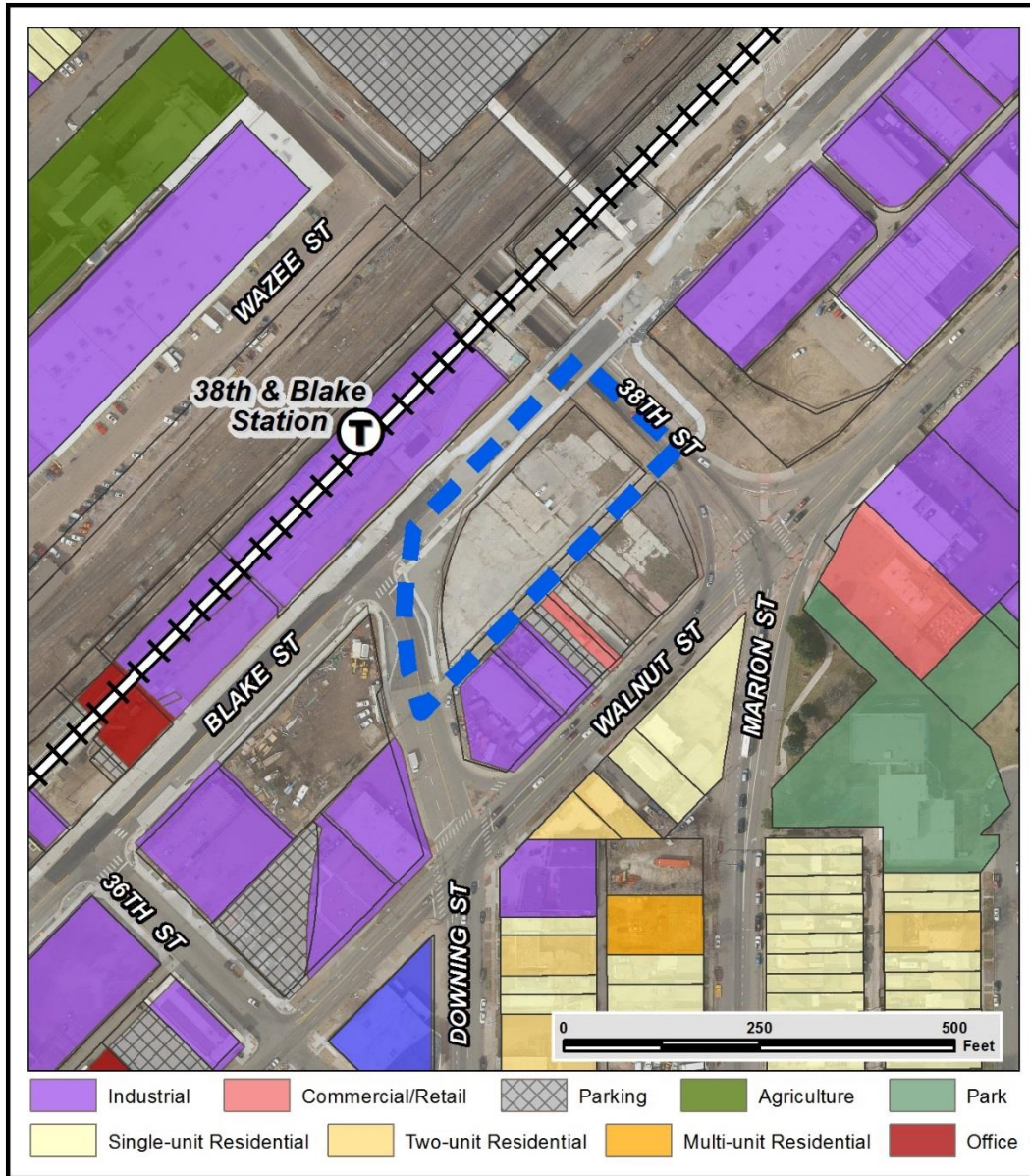
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	R-MU-30 with waivers	vacant	Former industrial/warehouse building foundations	Consists of a regular pattern of rectangular block shapes in an orthogonal, diagonal (downtown) grid. The east-west/north-south grid meshes with the diagonal downtown grid along Downing immediately adjacent to the subject site, resulting in unique non-rectangular shapes for the this and other nearby blocks.
Northwest	C-MX-8 UO-2	RTD U. of Colo. A-Line 38 th and Blake station	Covered rail platform with payment kiosks	
Southwest	C-MX-8 UO-2	Vacant, under construction (HUB development, office/hotel)	8-story office/hotel building under construction	
Southeast	C-MX-8 UO-1, UO-2	Liquor store, brewery, tiny home community	Shopfronts, development of 11 tiny homes and shared bathroom and kitchen facilities on temporary foundations	
Northeast	I-A UO-2	Industrial: furniture and vehicle manufacturing & sales.	Large single-story metal and block industrial structures	



1. Existing Zoning

The subject site is currently zoned R-MU-30 with waivers limiting height to 100 feet. This mixed-use district from Former Chapter 59 was adopted for the site in 2006. The existing zoning is very similar to what is proposed, and is described in Former Ch. 59 (Sec. 59 -301(3)) as encouraging “a density appropriate to the center-city and other activity centers such as light rail transit stations. Supporting commercial development, such as consumer retail and service uses and small-scale office uses, is encouraged to create a truly mixed-use environment.”



2. Existing Land Use Map

As shown above, existing land uses in the area are primarily industrial to the northeast and southwest, with residential uses to the southeast and rail and transit facilities to the northwest.

3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images.

(Source: Google Maps)

Current Tiny
Home Village
Site



45-degree aerial of site, looking northwest. Note: lot to southwest of this property (left in photo) now contains steel structure for an 8-story mixed-use development.

Subject site,
looking
northeast
from Downing



Vacant lot
across
Downing
Street,
currently
under
development
as 8-story
mixed-use
building



Subject site
viewed from
Blake/38th
Street
overpass (38th
is in lower
left, looking
southeast).



Industrial
uses north of
subject site,
looking
northwest
across 38th
Street



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. Due to the schedule for this request, the deadline for agencies to submit comments (Dec. 1) had not yet passed as of the writing of this report. However, the legislative rezoning that includes this site proposing the same zone district was referred to agencies and departments on XXXDATEXXX. Below are the relevant comments on the legislative rezoning that also pertain to this application. ... Comments received as of Nov. 29 are as follows:

A summary of agency referral responses follows:

Public Works – City Surveyor: Approved, No Comments

Public Review Process

The public review process has been expedited for this application. All Denver Zoning Code requirements for meetings and notices will be met, and the code-required meetings will be scheduled in the usual order, but several public notification periods will atypically overlap. This schedule has been advanced because the proposed rezoning was already noticed and vetted through the concurrent legislative rezoning process, which has included multiple rounds of public and internal review, and because CPD Development Services staff were not aware that temporary unlisted use permits could not be issued under Former Chapter 59 until it was too late to rezone the property on a traditional sequential timeline.

Step	Date
Informational Notice of Receipt of Application sent to affected councilmembers and RNOs within 200 feet	11/20/2017
Notice of Planning Board public hearing sent to affected councilmembers and RNOs within 200 feet	11/20/2017
Notice of Land Use, Transportation & Infrastructure City Council Committee meeting sent to affected councilmembers and RNOs within 200 feet	11/27/2017
Planning Board Public Hearing (unanimous recommendation of approval)	12/6/2017
Land Use, Transportation & Infrastructure Committee Meeting	12/12/2017
City Council First Reading (tentative)	12/18/2017
Notice of City Council public hearing to be sent to affected councilmembers and RNOs within 200 feet (tentative)	12/18/2017
City Council Public Hearing (tentative)	1/8/2018

- **Registered Neighborhood Organizations (RNOs)**
 - The RNOs identified on page 1 of this report were notified of this application. No comments have been received from RNOs as of the writing of this report.

- **Other Public Comment**
 - As of the date of this staff report, no further public comment had been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following Adopted Plans apply to the subject properties:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- River North Plan (2003)
- 38th & Blake Station Area Plan (2009)
- Northeast Downtown Neighborhoods Plan (2011)
- Elyria & Swansea Neighborhoods Plan (2015)
- 38th & Blake Station Area Height Amendments (2016)

Denver Comprehensive Plan 2000

The proposed rezoning of this property from R-MU-30 with waivers to C-MX-8 is consistent with many Denver Comprehensive Plan objectives, strategies and recommendations, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development within 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. Creating more density at transit nodes. (p. 39)*
- Land Use Strategy 3-B: *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p. 60)*
- Mobility Strategy 4-E: *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p. 78)*
- Legacies Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated. (p. 99)*

- Land Use 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. (p. 60)*
- Land Use Vision of Success – Congruency of land use and zoning: *Ongoing clarification of the Zoning Ordinance in a process linked to a citywide land-use plan will eventually result in a built environment with greater overall urban design integrity, stronger connections among urban centers, and a richer and more diverse mix of uses within geographically proximate areas. (p. 55)*
- Land Use Vision of Success – Compact Development: *Development and redevelopment of urban centers present opportunities to concentrate population and land uses within a limited geographic space [and] will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (p. 55)*

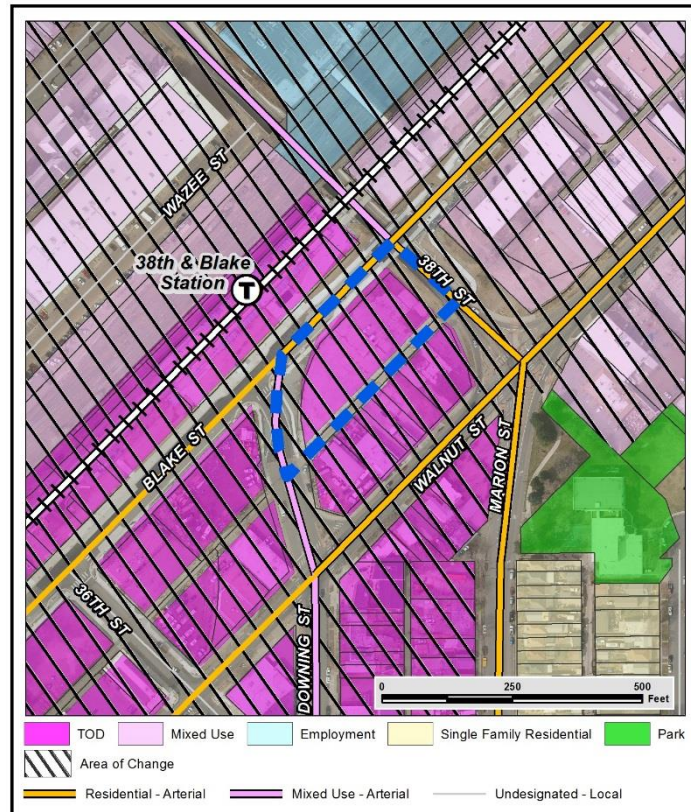
The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already provided and where additional transit-oriented development (TOD) investment is planned. The opening of the RTD University of Colorado A-Line station directly across Blake Street from the site has helped catalyze opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-MX-8 zone district broadens the variety of uses to include additional commercial uses to allow for residents to access additional services with pedestrian-friendly design standards appropriate for the site considering its opportunity for TOD infill development. The rezoning is consistent with these plan recommendations.

Blueprint Denver

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

Future Land Use

According to Blueprint Denver, future TOD areas are unique in that they “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” (P. 44). These areas are intended to develop or redevelop with compact, mid- to high-density development featuring a pedestrian-friendly and attractive pedestrian environment. The C-MX-8 zone district is consistent with this future land use classification because it enables a wide variety of commercial, residential, office, public facilities and other similar land uses, and because the C-MX-8 building form standards promote an attractive pedestrian environment.



Area of Change

The subject site is designated by Blueprint Denver as an Area of Change. The goal for 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” (p. 127). Rezoning to the C-MX-8 zone district will enable the site to accommodate new uses and services that will improve access to jobs, housing and services. Therefore, the rezoning application is consistent with the Blueprint Denver Area of Change recommendations.

Street Classifications

This site has frontage on three streets: Blake Street, N. Downing Street and 38th Street. Blueprint Denver classifies N Downing Street as a Mixed Use Arterial. According to Blueprint, arterials “are designed to provide a high degree of mobility and generally serve longer vehicle trips...within urban areas” and connect major urban areas, employment centers and residential neighborhoods, with mobility, rather than access, as the primary function of the street. (p. 51). According to Blueprint Denver, a Mixed Use street is “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and is “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns.” Blake Street and 38th

Street are designated as Residential Arterials, which serve a similar function, connecting residential areas to employment and commercial districts (p. 51).

The C-MX-8 zone district is consistent with the recommendations of these future street classifications, as the zone district will allow for a broad mix of uses, and require pedestrian-friendly design within close proximity to the RTD University of Colorado A-Line station.

Other Land Use Recommendations

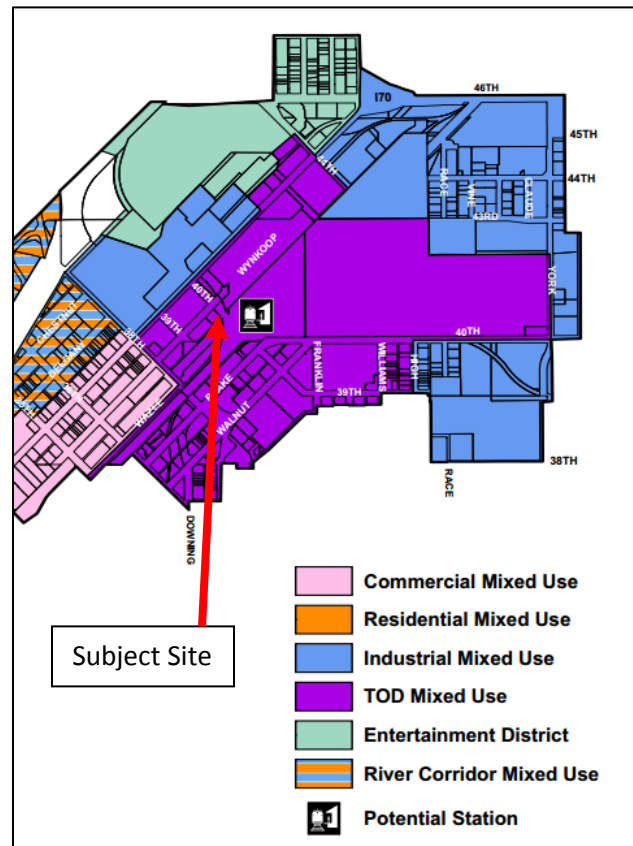
Among the specific strategies to implement Blueprint Denver, the plan calls for amending “the code to eliminate obsolete zone districts and amend the map to apply new zone districts to affected areas” (p. 162-3). Rezoning from the obsolete Former Chapter 59 to a standard zone district in the new Denver Zoning Code is directly consistent with this plan recommendation.

River North Plan

The River North Plan was adopted by the City Council in 2002 to identify appropriate locations for growth in the vicinity of a rail transit station then envisioned near the intersection of 40th Avenue and 40th Street. (p. 9). The station, which opened in 2016 to serve the RTD University of Colorado A-Line, was ultimately located slightly to the south near 38th and Blake, but the general location of the River North Plan’s concept land uses was bolstered by subsequent planning efforts and remains appropriate for this analysis.

Concept Land Use: The River North Plan designates this area for TOD (Transit Oriented Development) Mixed Use, and calls for:

- “Intensive office and residential uses along with supporting retail” oriented to the RTD station (p. 71)
- Creation of a “compact, mixed-use, pedestrian friendly transit-oriented development (TOD)” (p. 73)
- A range of housing options, including workforce and affordable housing, in for-sale and rental configurations (p. 74).
- Maximum density within a quarter mile of the station area. (P. 74)



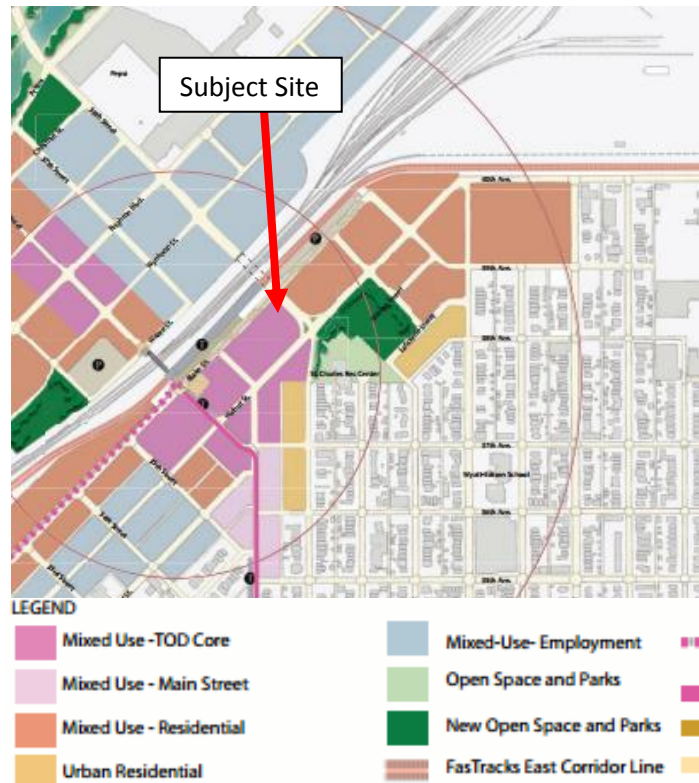
Detail of River North Plan Land Use Concept Map

The proposed C-MX-8 Zone District will implement the design and land use objectives from the River North Plan.

38th and Blake Station Area Plan

The 38th and Blake Station Area Plan was adopted by the City Council in 2009 to further refine land use and infrastructure policies in the area near what would later become an RTD commuter rail station for the University of Colorado A Line. By the time of this adoption, the final location of the station had been determined. That plan also identified this site, which is directly adjacent to the RTD station, as “Mixed Use – TOD Core. The plan envisions this area as the “front door” to the station (p. 49) and calls for a mix of uses where new and existing residents can meet their daily needs, while serving as a “destination” and “special place” for the larger community (p. 50).

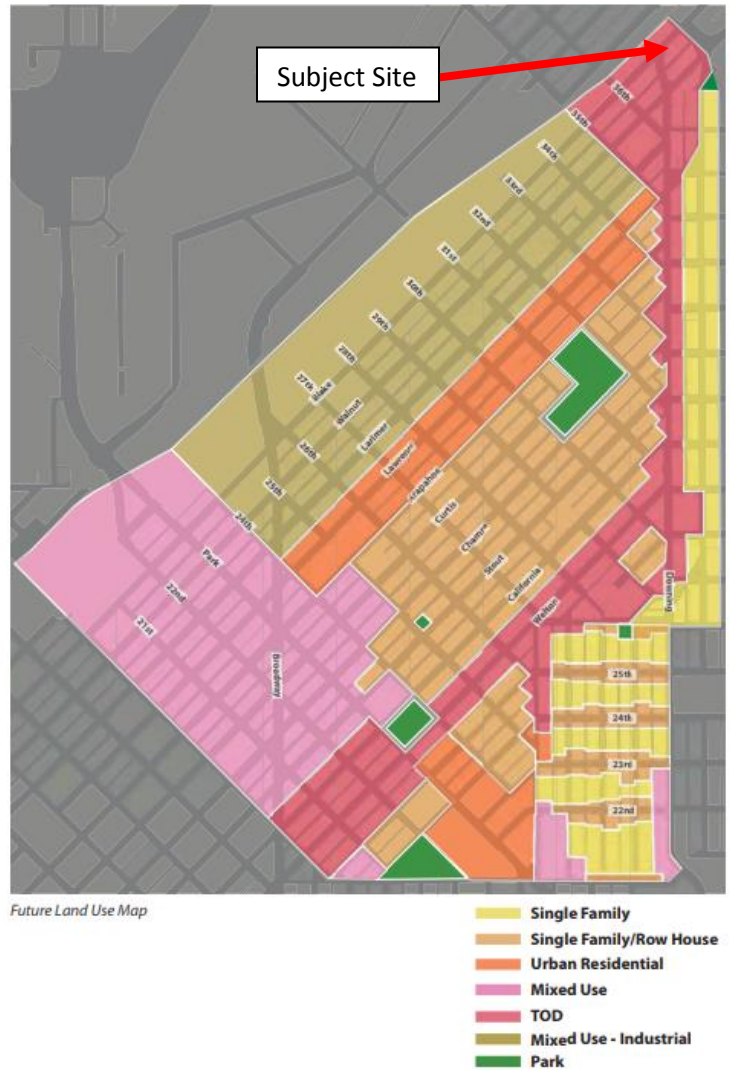
The proposed C-MX-8 Zone District’s mix of uses and street-frontage requirements for pedestrian friendliness and transparency will further these objectives by allowing future development of this currently vacant site that serves as a “front door” to the RTD University of Colorado A Line Station.



Detail of 38th & Blake Future Land Use Map

Northeast Downtown Neighborhoods Plan

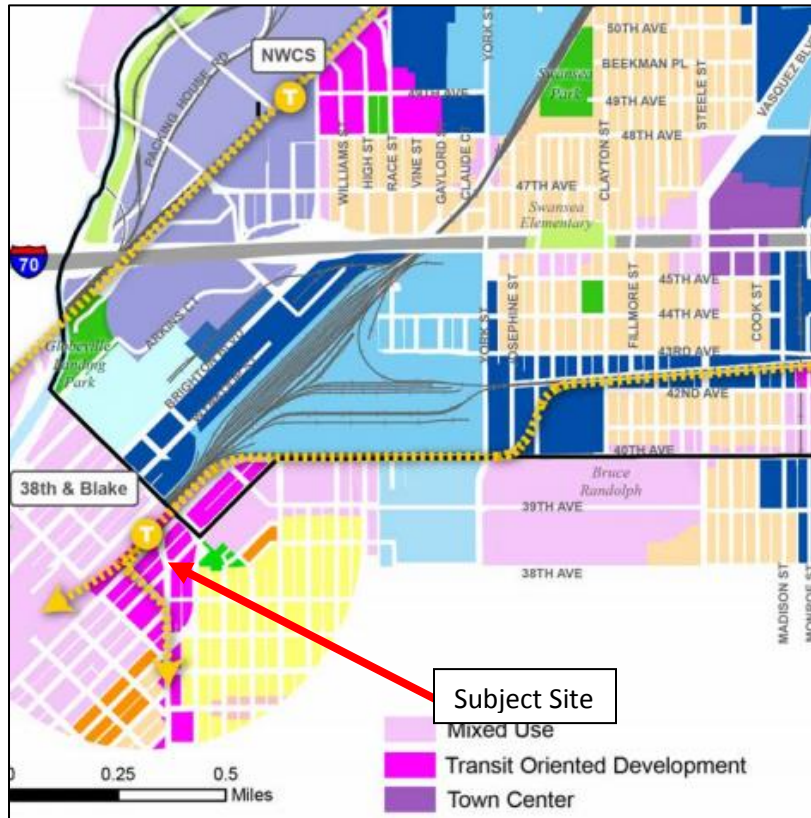
This plan was adopted by the City Council in 2011 to establish a long-range vision and guiding principles for the “development and future” of Northeast Downtown (p. 5), especially as relatively new light-rail and then planned commuter rail stations had begun to drive redevelopment in the area. It identifies several areas, including the subject site, for Transit Oriented Development, and encourages “walkable, urban neighborhoods that have easy access to daily needs and amenities.” (p. 15). Such areas should promote housing, employment, entertainment and services for a diverse population “that facilitates pedestrian access.” (p. 58) that “captures the value...of the amenity of enhanced transit services.” The TOD node at 38th & Blake is envisioned by the plan as being a new gateway to Northeast Downtown from regional rail service that will “build on the momentum of recent mixed-use and residential development nearby.



Elyria & Swansea Neighborhoods Plan

The City Council adopted the The Elyria & Swansea Neighborhoods Plan in 2015 to integrate land use and transportation approaches in response to four new RTD rail stations serving these neighborhoods. Though technically outside the official boundary of either neighborhood, the district containing the subject site is identified and considered by the plan due to its key role in future development of the area. The Elyria & Swansea plan calls for Transit Oriented Development at this site characterized by a mix of uses, diversity of housing and “building forms that activate streets and public spaces.” (p. 30)

The proposed C-MX-8 zone district would further these objectives by allowing a mix of uses and building forms appropriate for a transit oriented development district.

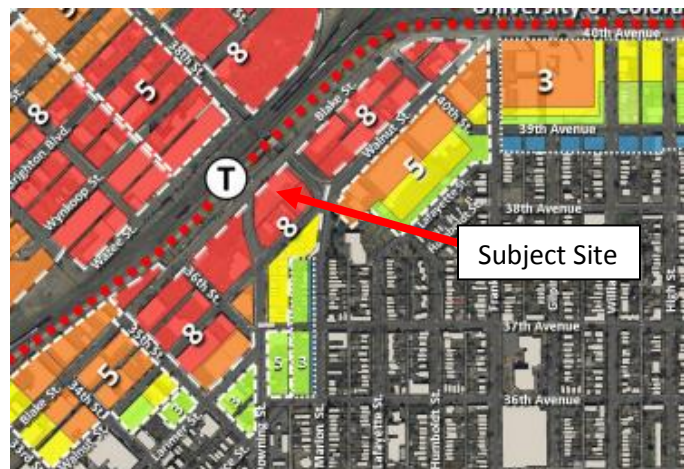


Detail of Elyria and Swansea Neighborhoods Plan Concept Land Use Map

38th & Blake Station Area Plan Height Amendments

The 38th & Blake University of Colorado A Line RTD station opened in April 2016, bringing increased redevelopment interest to the area, with a focus on high-density residential uses. This set of amendments to all plans impacting the 38th & Blake Station Area was adopted in 2016 after a public process that identified a unique opportunity to allow for taller building heights in the area to promote transit oriented development (TOD) in return for community benefits, such as the provision of

affordable housing. The core of that plan is a height map (p. 7) establishing appropriate “base” heights and “incentive” heights. Development to base heights requires only the standard Citywide Affordable Housing Linkage Fee and related rules and regulations (as established in the Denver Revised Municipal Code, Ch. 27, Sec. V). Development to incentive heights requires provision of additional fees or affordable units, per a proposed Incentive Height Overlay district to be considered for adoption by the City Council in early 2018. The 38th and Blake Station Area Height Amendments Map establishes a base height of 8 stories at this site, with an incentive height cap of 16 stories.



Detail of 38th & Blake Base Height Recommendations

The proposed C-MX-8 zone district is in line with the recommended base zone district height established by the 38th and Blake Station Area Height Amendments and therefore would further the objectives of that 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 for the Urban Center Neighborhood Context.

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, the River North Plan, the Elyria & Swansea Neighborhoods Plan, the Northeast Downtown Neighborhoods Plan, the 38th & Blake Station Area Plan and the 38th & Blake Station Area Height Amendments. Additionally, the allowance for more community serving uses will promote the public health, safety, and general welfare of the City. The improved pedestrian environment created by the C-MX-8 building form standards improves the general welfare of the community.

4. Justifying Circumstance

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."

Since the approval of the existing R-MU-30 zone district in 2006 (from a Former Ch. 59 Industrial zone district); the City and more specifically the River North and 38th & Blake areas have undergone significant change. Some of the more notable changes are associated with the planning, construction and opening of the RTD University of Colorado A-Line rail station, creating a shift in transportation opportunity that supports higher-intensity, mixed use development. Large portions of nearby properties located within the station area have redeveloped or are currently pursuing redevelopment and rezoning, signaling an evolution in the surrounding environs. Additionally, many adopted plan recommendations state and further reinforce that redevelopment and reinvestment of the area is desired. As stated in the application, the current residential zoning does not reflect the City's Transit Oriented Development vision as reinforced by all plans impacting the site. Accordingly, Sec. 12.4.10.8.A.4 is an appropriate justifying circumstance 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 Mixed Use Zone Districts are 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 (DZC 7.1). The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-8 will lead to development that is consistent with the zone district purpose and intent.

Attachments

1. Current Zoning Waivers
2. Application

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>*If More Than One Property Owner: 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>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</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> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</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:			

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</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 DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints 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 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)
- Individual Authorization to Sign on Behalf of a Corporate Entity

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) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES

BY AUTHORITY

ORDINANCE NO. 700
SERIES OF 2006

COUNCIL BILL NO. 640
COMMITTEE OF REFERENCE:
Blueprint Denver

A BILL

For an ordinance changing the zoning classification, with a waiver, for 3700-3790 Blake Street.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That upon consideration of a change in the zoning classification of the land area hereinafter described, Council finds:

1. That the land area hereinafter described is presently classified as I-1;

2. That the owner proposes that the land area hereinafter described be changed to R-MU-30 with a reasonable waiver it has approved;

3. That in the application the owner has represented that if the zoning classification is changed pursuant to the application, the owner will and hereby does:

(i) Waive the right to a maximum building height as required under Section 59-312(7) of the Denver Revised Municipal Code for structures located in the R-MU-30 zone district and instead, the maximum building height for structures shall be 100 feet as measured in accordance with Section 59-2(52) of the Denver Revised Municipal Code.

Section 2. That the zoning classification of the land area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-1 to R-MU-30 with a reasonable waiver, which waiver is set forth in Subsection (i) of Section 1 hereof:

A parcel of land located in Block 25, **RIVERSIDE ADDITION TO DENVER** and being a part of the Southwest One-quarter of Section 23, Township 3 South, Range 68 West of the 6th Principal Meridian, City and County of Denver, State of Colorado, being more particularly described as follows:

Beginning at the most northerly corner of Block 25, said **RIVERSIDE ADDITION TO DENVER**, which point is the point of intersection of the southeasterly line of Blake Street and the southwesterly line of 38th Street; thence S44°25'07"E along the northeasterly line of said Block 25 and along said southwesterly street line, a distance of 124.88 feet to the most easterly corner of Lot 1, said Block 25, which point is also on the northwesterly line of the alley within said Block 25; thence S45°00'00"W along said northwesterly alley line, a distance of 358.00 feet to a point on the easterly line of Downing Street; thence Northerly and Northeasterly along said easterly street line and along the following seven (7) courses and distances: 1) N08°22'07"W, 56.07 feet; 2) N01°35'46"E, 34.74 feet; 3) N07°58'42"E, 31.55 feet; 4) N15°01'59"E, 29.03 feet; 5) N21°20'45"E, 27.41 feet; 6) N26°16'58"E, 26.49 feet; 7) N26°37'26"E, 9.52 feet to a point on the southeasterly line of Blake Street, which point is also on the northwesterly line of said Block 25; thence N45°00'00"E along said southeasterly street line and along said northwesterly block line, a distance of 191.00 feet, more or less, to the **Point of Beginning**. Containing 37,101 square feet or 0.852 acres, more or less.

28 in addition thereto those portions of all abutting public rights-of-way, but only to
29 the centerline thereof, which are immediately adjacent to the aforesaid
30 specifically described area.
31

32 **Section 3.** That the foregoing change in zoning classification is based upon the representation
33 by the owner that it will waive those certain rights available to it, and, in lieu thereof, agrees to
34 certain limitations which limitations are set forth in Subsection (i) of Section 1 hereof, and no
35 permit shall be issued except in strict compliance with the aforesaid waiver. Said waiver shall be
36 binding upon all successors and assigns of said owner, who along with said owner shall be
37 deemed to have waived all objections as to the constitutionality of the aforesaid waiver.

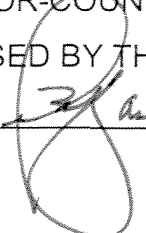
38 **Section 4.** That this ordinance shall be recorded by the Department of Zoning Administration
39 among the records of the Clerk and Recorder of the City and County of Denver.

40 COMMITTEE APPROVAL DATE: 9/13/06

41 MAYOR-COUNCIL DATE: 9/19/06

42 PASSED BY THE COUNCIL _____ October 30 2006

43 _____ - PRESIDENT



1 COMMITTEE APPROVAL DATE: 9/13/06

2 MAYOR-COUNCIL DATE: 9/19/06

3 PASSED BY THE COUNCIL October 30 2006

4 [Signature] PRESIDENT

5 APPROVED: [Signature] - MAYOR Nov. 1, 2006

6 ATTEST: [Signature] - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER
9

10 NOTICE PUBLISHED IN THE DAILY JOURNAL Oct. 6, 2006; Nov. 3, 2006

11 PREPARED BY: [Signature] KERRY A. BUCKEY, ASSISTANT CITY ATTORNEY; September 28, 2006

12
13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office
14 of the City Attorney. We find no irregularity as to form, and have no legal objection to the
15 proposed ordinance. The proposed ordinance is not submitted to the City Council for approval
16 pursuant to § 3.2.6 of the Charter.
17

18 Cole Finegan, City Attorney

19
20 BY: [Signature], Asst City Attorney

21 DATE: 28 Sep 06

22
23

