



TO: Neighborhoods and Planning Committee
Mary Beth Susman, Chair

FROM: Deirdre M. Oss, AICP, Senior City Planner

DATE: November 6, 2014

RE: Denver Zoning Code – Application #2014I-0038, a text amendment to create a design overlay district applicable to development in the South Sloan’s Lake General Development Plan (SSL GDP) area

CPD Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11.4 (Text Amendment), CPD staff recommends the City Council approve the South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment. Text amendments may be brought forward only by City Council or any individual member of City Council, the Manager of Community Planning and Development on his initiative or upon request of private parties, or the manager of any other city department or agency. DZC Section 12.4.11.3.A.

Summary and Purpose

DZC Section 12.4.11.1 states the text of the DZC may be amended to correct an error in the code, or because of changed or changing conditions in a particular area of the city, or to implement adopted plans, or as reasonably necessary to promote the public health, safety or general welfare. In addition, DZC Section 9.4.5.1 provides that Design Overlay Districts are intended to, among other things, implement land use and urban design recommendations and standards set forth in neighborhood or small area plans adopted as part of the Comprehensive Plan, provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses, and reinforce the desired character for newly developing areas.

The proposed South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment, if approved by City Council, will create height limits measured from the zone lots adjacent to specific streets within the South Sloan’s Lake General Development Plan area (generally between Stuart Street, 17th Avenue, Conejos Place, and Perry Street) (the “**SSL GDP area**”). This overlay district, if mapped against the SSL GDP area through a separate City Council approved map amendment, will ensure that the newly developing SSL GDP area better transitions and integrates to the surrounding lower intensity, lower height West Colfax neighborhood (the “**West Colfax neighborhood**”). These height transitions will implement the West Colfax Plan (2006), as further refined by the South Sloan’s Lake General Development Plan (2014) (the “**SSL GDP**”), promote the public health, safety and welfare, provide uniform standards for mitigating the impact of the more intensive SSL GDP area development to the existing West Colfax neighborhood, and reinforce the desired character of the SSL GDP area as reflected in the West Colfax Plan and SSL GDP.

For the avoidance of doubt, the proposed text amendment creating the South Sloan’s Lake Design Overlay District, DO-5 will not apply to any property unless and until such property is mapped DO-5 through a separate map amendment process.

A summary of the proposed text amendment is provided in the following table.

Summary of Denver Zoning Code Text Amendment	
Code Location	Proposed New Design Overlay Text
Article 9 – Special Contexts and Districts Division 9.4.5.3 – Design Overlay Districts Established	Create 3 story (45 feet), four story (60 feet) and five story (70 feet) height limits within the SSL GDP area; provide for a height exception to allow upper story balconies

Criteria for Review and CPD Analysis

DZC Section 9.4.5.2.A contemplates use of a Design Overlay District to reduce a building height standard in an underlying zone district. Design Overlay Districts are considered zoning text amendments subject to the review criteria found in Section 12.4.11.4 of the DZC. See DZC Section 9.4.5.2.A. Accordingly, CPD and the Planning Board analyzed the proposed South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment for compliance with the review criteria (restated below) and finds that the proposed text amendment meets each of the criteria.

1. Text Amendment is Consistent with the City’s Adopted Plans

The Text Amendment is consistent with the city’s following adopted plans¹:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- West Colfax Plan (2006)
- Sloan’s Lake General Development Plan (2014)

Denver Comprehensive Plan 2000

Denver’s planning foundation is built on the acknowledgement that the combination of new development and traditional Denver form must blend to provide attractive, appropriately scaled urban places. The introduction of newer, higher intensity development adjacent to the West Colfax neighborhood is supported and guided by key aspects of various City plans, including the Denver Comprehensive Plan, as summarized below.

GOAL ■ Use the best of Denver’s architectural and landscape legacies to guide the future...Quality design. To be livable and admired, all of the components of the city — its infrastructure, buildings and open spaces — must function well and be attractive individually, while combining to create meaningful, beautiful places. The primary urban design challenge of the early 21st century will be to integrate elements of Denver’s traditional urban design character into redeveloping areas and into new, more compact mixed-use areas. – Page 86

¹ Denver Comprehensive Plan 2000 was approved by Planning Board and adopted by City Council ordinance. Blueprint Denver and the West Colfax Plan also were approved by Planning Board and adopted by City Council, and are supplements to the Comprehensive Plan. The SSL GDP is approved by the City’s Development Review Committee; this committee consists of the managers of Community Planning and Development, Public Works, and Parks and Recreation, the Zoning Administrator, the chief of the Fire Department, and, at the discretion of the Manager of CPD, additional City agencies. GDPs are not considered supplements to the Comprehensive Plan.

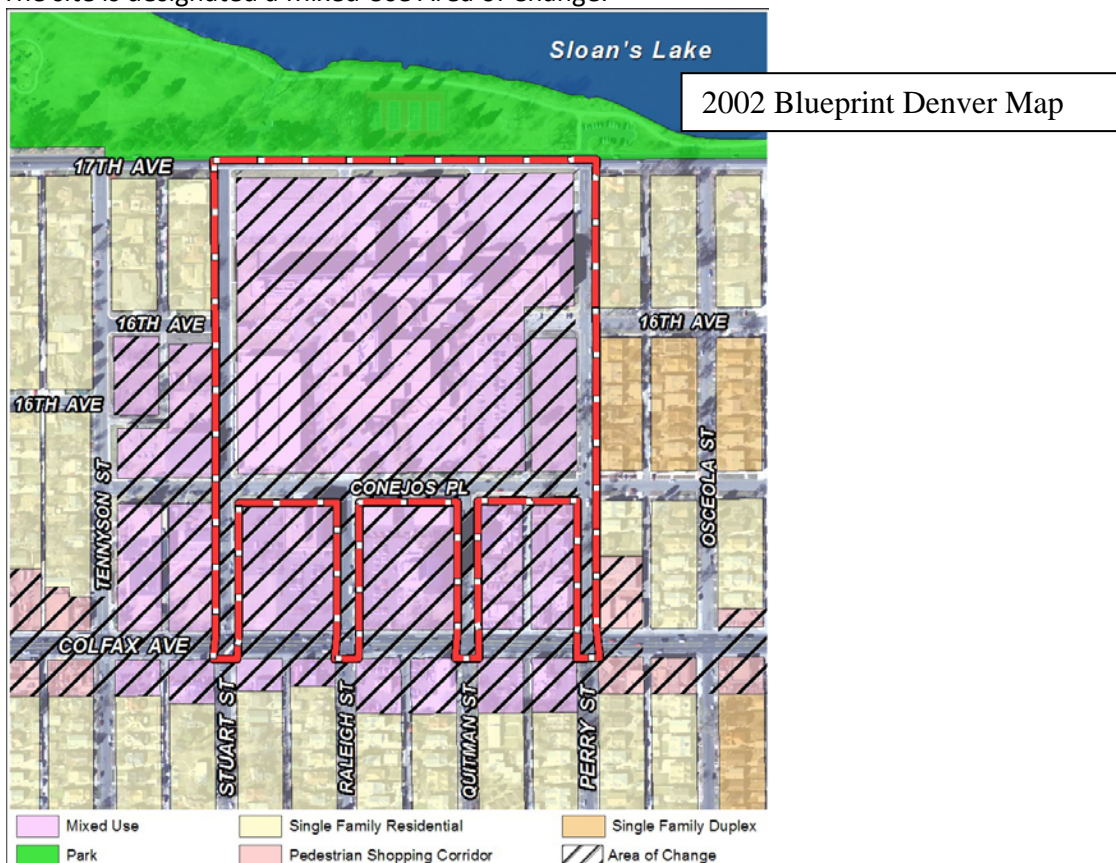
The proposed text amendment to limit heights at the edges of the SSL GDP area is reinforced with key relevant Comprehensive Plan strategies including:

- Denver’s Legacies chapter, Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated.*
- Land Use chapter, 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.*

Current zoning of the SSL GDP area is C-MX-5. Consistent with Strategies 3-A and 3-B above, the West Colfax Plan, as further refined by the SSL GDP, identifies the SSL GDP area as desirable area for increased intensity and, to ensure consistency with the West Colfax neighborhood, requires appropriate transitions in height and scale from the newly developing SSL GDP area to the West Colfax neighborhood. Development of this new neighborhood section north of Denver’s major commercial arterial corridor, Colfax Avenue, is not only expected to be sensitive to adjacent residential development, but is also a prominent building-scape across from Denver’s Sloan’s Lake Park. Consistent with the strategies above, the proposed text amendment provides for context-sensitive transitions required of new development adjacent to the existing lower intensity, lower height West Colfax neighborhood and Sloan’s Lake Park. Upon mapping of the text amendment to the GDP SSL area, three-five story limitations in height that provide for pedestrian-scale buildings closest to the edges of the GDP SSL area will be required.

Blueprint Denver - 2002

The site is designated a Mixed Use Area of Change.



Blueprint Denver Area of Change

The subject site is designated as a Mixed Use Area of Change along 17th Avenue which is designated as a Mixed-Use Collector. **Using land-use and transportation types focuses on the experience of “place” at ground level, where the qualities of a pedestrian-oriented city are most apparent.** (p. 36) Street design elements of multimodal streets like 17th are essential to ensure the appropriate connection between land use, transportation, urban design, community, environment and social interaction (p. 61). **Along a mixed use street, pedestrian-scaled facades, which may include height transitions/stepbacks for the front of a taller building, promote pedestrian activity (p. 66).**

In general, 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. Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole. (Page 127). Blueprint Denver also proposes strategies for Areas of Change, including **addressing edges** between Areas of Change and Areas of Stability, **compatibility between existing and new development**, reuse of older buildings, and **pedestrian and transit supportive design and development standards** (Pg. 61). Regulatory tools, including language amendments are used to provide standards for appropriate uses, densities, and design standards for certain Areas of Change where the tool may not currently exist. (Pgs. 74-75).

Further, planning for new development in Areas of Change relies on many strategies including appropriate transitions to Areas of Stability that create the right building scale to compliment new development’s edges adjacent to existing neighborhoods and other valued attributes like parks and parkways (Pg. 142).

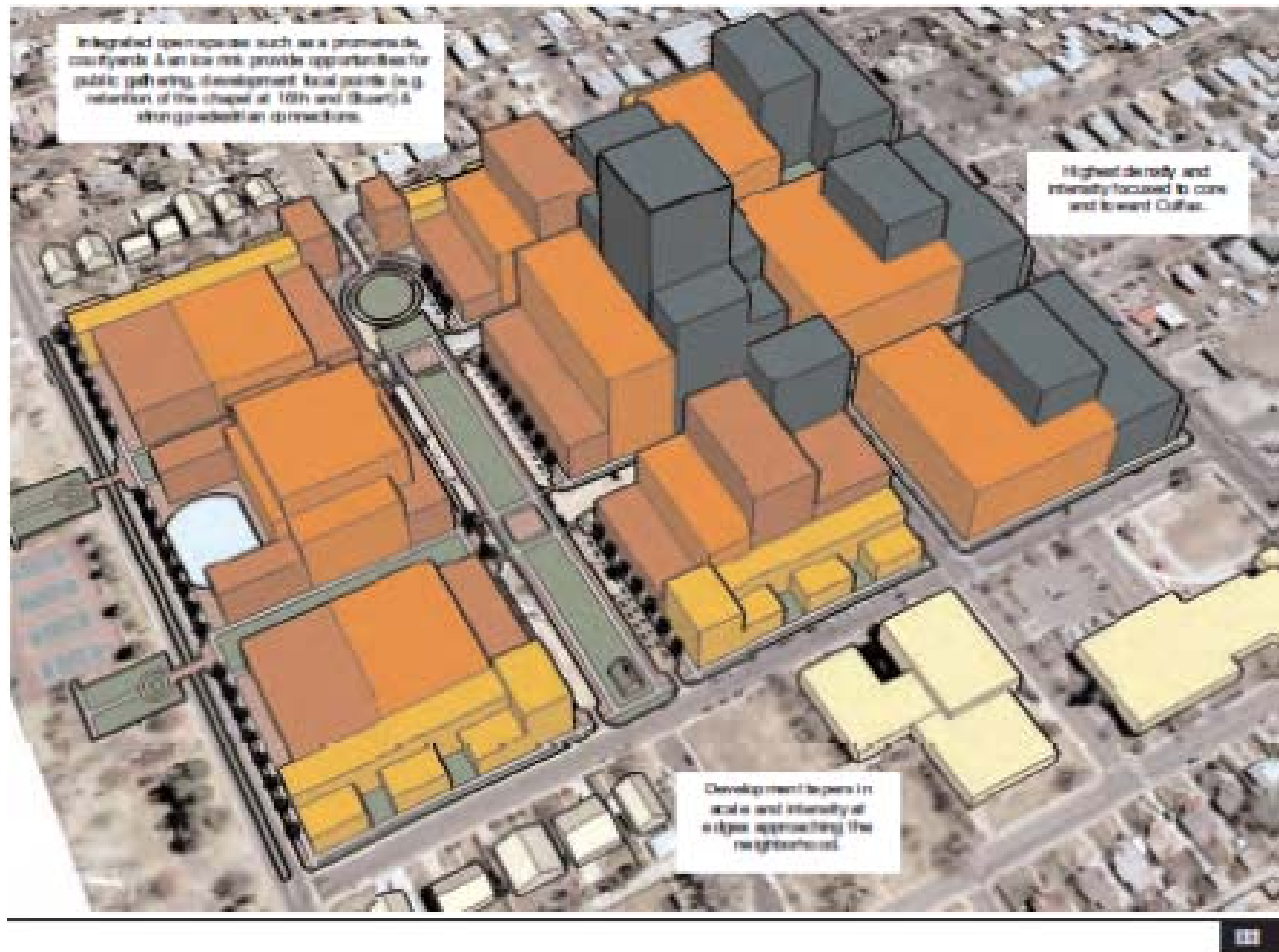
The proposed text amendment is consistent with the strategies set forth in Blueprint Denver for Areas of Change by stepping down heights at the edges of the SSL GDP area to address compatibility between existing this area, adjacent Areas of Stability and Sloan’s Lake Park (p. 23).

West Colfax Plan - 2006

In the West Colfax Plan, the SSL GDP area is described as a “catalyst redevelopment opportunity” for the entire West Colfax neighborhood. The West Colfax Plan envisions the site as an Urban Town Center with a scale and quality of development that will bring an influx of new residents and a mix of commercial activities that promote West Colfax and its environs as a destination. The proposed text amendment implements the West Colfax Plan’s recommendations to moderate heights adjacent to the lower intensity, lower West Colfax neighborhood, leaving the more intense development in the center of this designated Town Center.

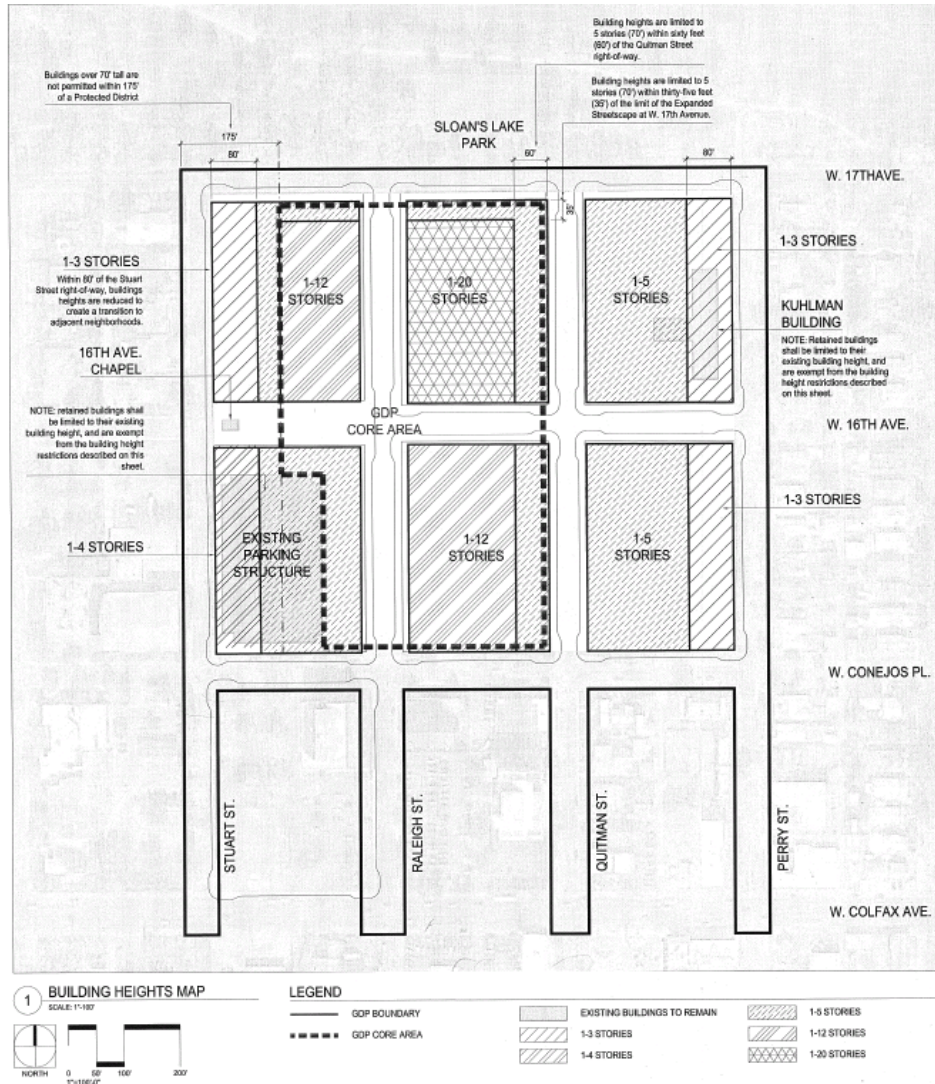
The Town Center concept in the Plan describes “compact, development radiates from a dense core and centralized gathering space, with variable scale where greatest height and intensity in the core radiates to lower intensity at the fringe (p. 83).” The rendering below from the West Colfax Plan for the SSL GDP area (referred to sometimes in the West Colfax Plan as “Holy Tonys”) shows the concept of tapering height at the edges of the new development. Consistent with the Plan, the proposed text amendment provides for three, four, and five-story height limits to provide context sensitive transitions to the neighborhood adjacent to Stuart Street, Perry Street, and 17th Avenue/Sloan’s Lake Park.

By imposing more restrictive height limitations at the fringe of the SSL GDP area and along streets adjacent to existing neighborhoods, the proposed text amendment furthers the vision, recommendations, and concepts set forth in the West Colfax Plan.



South Sloan’s Lake General Development Plan (2014)

In January 2014, the City’s Development Review Committee approved the SSL GDP. The GDP further refines the West Colfax Plan by providing a framework for development and land use concepts, infrastructure, and phasing. Consistent with the City plans described above, the GDP includes specific recommendations for building height limitations adjacent to Stuart Street, Quitman Street, Perry Street, and 17th Avenue. Transitional height concepts do include parcels on which existing buildings will be retained, including the parking structure and the Kuhlman building. The following graphic is from the SSL GDP.



2. Text Amendment Furthers the Public Health, Safety and Welfare

This Text Amendment furthers the public health, safety, and general welfare of Denver residents as it provides for context-sensitive transitions between new infill development and adjacent lower intensity, lower height blocks in established neighborhoods. These transitions provide for pedestrian-friendly environments at the street level where the experience of “place” is most apparent (pg. 36, BPD).

3. Text Amendment Results in Regulations that are Uniform Across the District

This text amendment will result in uniform regulations applicable to all new buildings within land mapped DO-5.

Public Process and Comments

Below is a summary of the public process for this amendment.

August 2014: CPD drafts proposed design overlay language based upon approved West Colfax Plan and Sloan’s Lake General Development Plan height concepts.

- September 2014: *Internal draft review by CPD staff, City Council District 1 and management and partners/owners in South Sloan’s Lake redevelopment.*
- September 30, 2014: *Draft of DZC text and map amendment posted to CPD website for public and City agency review; Email notice to all Registered Neighborhood Organizations (RNOs) of scheduled Planning Board public hearing, with link to updated draft and summary.*
- September 30, 2015 *Public Notification for October 15, 2014 hearing – continued to 11-5-14*
- October 15, 2014 *Public Hearing opened and continued to November 5, 2014*
- October 22, 2014 *EFG (property owner) hosts public meeting and includes item on their agenda for presentation by City Council and CPD. Staff presented the text amendment to explain the origin of the specific height limitations (as based on previously approved City documents explained above) and discussed the basis for the text amendment as it relates to DZC Section 9.4.5.1 and 12.4.11.4.*
- October 28, 2014 *Notification of NAP Committee meeting sent to all applicable registered neighborhood organizations and Council Districts*
- November 5, 2014: *Planning Board public hearing: The Planning Board recommended unanimously to support the Design Overlay DO-5, with deliberation focused on review criteria including compliance with our adopted City plans and consideration for related height limitation guidance in the South Sloan’s Lake GDP.*

As of the date of this staff report, CPD received three public comment letters on this text amendment. The comment letters expressed the following concerns:

1. *Timing of the public hearing did not provide enough time for RNOs to meet and discuss and provide comments.*
2. *First hearing date of October 15th fell on a Jewish holiday which could impact some community members’ ability to attend.*

In order to address concerns in #1 and #2 above, the Planning Board opened, then continued the public hearing on the text amendment from October 15, 2014 to November 5, 2014.

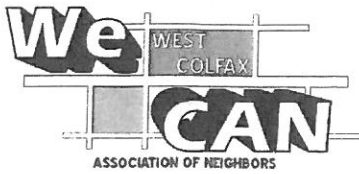
3. West Colfax Association of Neighbors (WeCAN) provided a letter of support at the Planning Board hearing indicating the design overlay approach forwards the goals of the neighborhood plan.
4. During the Planning Board hearing, testimony offered in favor of the design overlay indicated that the tool helps to implement plans for the St. Anthony’s redevelopment and codifies what is recommended in the SSL GDP. Testimony offered in objection to the overlay focused on (1) overall concern for development intensity and traffic and (2) concern about the way in which future development would adhere to the overlay and meet the intent of not only area plans but also the original St. Anthony’s redevelopment task force recommendations. Staff explained to the Planning Board that the recommendations are part of the background resources for the adopted West Colfax Plan and read specific recommendations that lend support to the design overlay approach.

Staff Recommendation to the Neighborhoods and Planning Committee

Staff finds that the South Sloan’s Lake Design Overlay District furthers the purposes of a text amendment and the Design Overlay District tool and meets the text amendment review criteria. Staff, therefore, recommends APPROVAL of the South Sloan’s Lake Design Overlay District.

Attachments

1. Proposed South Sloan’s Lake Design Overlay District Proposed Text Amendment (DO-5)
2. Letters received at Planning Board hearing



WEST COLFAX ASSOCIATION OF NEIGHBORS

www.wecanddenver.org

October 31, 2014

Denver Planning Board and Planning Staff
Community Planning and Development
City and County of Denver

Dear Members of the Denver Planning Board and Planning Staff.

I am writing on behalf of the West Colfax Association of Neighbors (WeCAN) to express our general support for the Design Overlay District at the SLOANS redevelopment. Since the Board and Membership of our organization voted to support the GDP for the redevelopment in December of last year, and the Design Overlay District merely codifies the lower heights specified in the GDP at the time, the Board of Directors feels confident in supporting this new District. It should be noted that we did not take any official vote on this issue, but simply lean on our previous support.

By and large the board and the membership are quite happy with the way in which the project is progressing and glad to see that the city is taking it upon themselves to ensure that the residential edges of the development are protected from taller development as outlined in the GDP.

WeCAN represents the needs and desires of the residents and business owners in the Denver's West Colfax Neighborhood. Our organization currently has over 550 registered members and is dedicated to creating a healthy safe and sustainable community in West Colfax. Please support us in approving this rezoning. We look forward to the completion of this project.

Sincerely,

Chad Reischl
Co-president: WeCAN

Citizens at Lowry Sue Denver Over Zoning Overlay Just Like Shepherd Seeks at St. Anthony's

The City of Denver is being sued over a flawed zoning process virtually identical to that being pursued by South Sloan's Lake developer EFG and District 1 Councilwoman Susan Shepherd. A precedent setting lawsuit filed on October 24, 2014 against the City of Denver, the Department of Community Planning and Development (CPD) and the Denver Planning Board in Denver District Court has direct implications for proposed St. Anthony's, "South Sloan's Lake" project. The suit, by neighbors of the Lowry Buckley Annex development, seeks to "challenge and reform," what the complaint describes as a "corrupt, consultant-dominated, unlawful process" that led to the rezoning through a Text Amendment of a portion of the proposed 70-acre Buckley Annex at Lowry.

The suit addresses two main aspects of the attempt to rezone the parcel into a high density development. One is the October 1 approval by the Denver Planning Board of an Overlay Zone District which limits the height of buildings on the edges of the Development as proposed in the General Development Plan (GDP). The GDP was approved by the Planning Board in 2013. The Planning Board approved a text amendment to the Zoning Code which was scheduled to then go to a City Council Committee and then to City Council for final approval. The text amendment was withdrawn from consideration by Council immediately after the lawsuit was filed.

Councilwoman Shepherd has promulgated a virtually identical text amendment for the St. Anthony site (aka South Sloan's Lake) which is on a fast track for approval by the Planning Board on Wednesday, November 5, City Council Neighborhoods and Planning Committee on November 12. Final approval after a public hearing is scheduled for January 5, 2015.

The Zoning Code limits the circumstances when the text of the Code can be amended. It allows text amendments in only four circumstances one of which is to "implement adopted plans". Plans can only be adopted City Council. GDPs are not and were never intended to be "adopted plans" but rather to provide infrastructure planning for larger development areas. The official justification given by the City for the Text Amendment is to implement the "height limitations approved in the South Sloan's Lake GDP". The Lowry Overlay Zone District, was likewise justified in its text amendment to implement its GDP. The Lowry suit cites the action by the Planning Board as a violation of the Zoning Code because the GDP is not an adopted plan.

Another major aspect of the suit challenges the Planning Board's Oct. 1, 2014 reliance on the General Development Plan in determining zoning. Under the Denver Zoning Code, only the Denver Comprehensive Plan, Blueprint Denver, and "small area plans" are to control the determination of zoning. The GDP process is usually initiated and controlled by the developer and, although GDPs are supposed to be consistent with small area plans, they are approved only by the Planning Board and not adopted by City Council.

Council has full responsibility and is accountable to the public for adopting amendments to the Zoning Code consistent with small area plans and the Comprehensive Plan through a quasi-judicial, public process. The irony of the process of using the GDP as zoning is that City Council has actually implicitly agreed to give up its City Charter granted zoning powers to the Executive Branch's CDP, becoming a rubber stamp for what has already been decided by the Mayoral appointed Planning Board.

According to the CPD website, "Small area plans cover a specific geography that often has a cohesive set of characteristics." CDP goes on to say that, "Making Denver livable for its people now and in the future is the overarching vision that guides all planning efforts. Each plan is the result of a thorough, collaborative public process; each represents a long-term, broad vision for a community and functions

as a guide for future land use and urban design, ensuring orderly and appropriate neighborhood development.” Small area plans are adopted only by City Council as ordinances and become part of the Denver Comprehensive Plan.

The small area plan for the St. Anthony site is the West Colfax Plan. Adopted in 2006 by Council, it also incorporates by direct reference the “principles” of the St. Anthony Redevelopment Task Force. Both the West Colfax Plan and the Task Force Plans resulted from lengthy and collaborative community processes initiated and controlled by the City. These two plans clearly state that the tallest and most dense part of any development of the St. Anthony site shall be centered closest to West Colfax. The Plan states and shows a graphic of “The highest density and intensity focused to core and toward Colfax”, not along 17th Avenue as the developer advocated during the GDP process and the GDP now recommends.

Developer, EnviroFinance Group has made no bones about its intent to sell the property and apply for zoning consistent with their GDP. Approval of Overlay Districts for both Lowry and St. Anthony's would set a precedent and would be the first step in morphing the GDPs to become the Zoning. The St. Anthony's text or map amendments should not be considered before any further zoning proposal forthcoming from EnviroFinance Group. Furthermore, in order not to violate Denver's Comprehensive Plan, any further zoning proposal for any part of the St. Anthony's site must be consistent with the West Colfax “small area plan” no matter what the developer's imagination may have conjured up. In principle, the St. Anthony's GDP should not control zoning. Unfortunately, the GDP has flip-flopped the vision of the West Colfax Plan and St. Anthony Task Force. For this reason, as well as other reasons, it should not be the basis of any future rezoning decisions.

Larry Ambrose
Sloan's Lake Neighborhood Association

Submitted by Jonathan Wachtel, 1331 Osceola St, 80204

I suppose all of the stakeholders weighing in on this process are motivated by what they perceive to be their own best interests.

And, I suppose then, that the challenge of our local government is finding a path forward that provides the greatest good to the greatest number of people with consideration of neighborhood heritage, commercial and residential markets, and most importantly our long term resiliency and sustainability.

This project and the proposed overlay district present a unique opportunity to reinvigorate our neighborhood by creating a neighborhood destination, attracting quality retail establishments, and enhancing our collective identity. The redevelopment takes advantage of the existing parkland and transit infrastructure encouraging sustainability through shared resources, transit oriented development, and a mix of housing types, all of which should increase our property values, and should help spark reinvestment along West Colfax and in the surrounding neighborhood.

There are certainly locations within any urban environment that are of unique character and that deserve to be maintained in their existing form. The residential neighborhoods that make up the Sloan's Lake and West Colfax neighborhoods contain blocks and blocks of areas where the predominant existing character of single family homes and duplexes should certainly be preserved and protected.

The great thing about this proposed project and overlay district is that it provides the very rare and unique opportunity to preserve the best characteristics of the existing neighborhood while taking advantage of a rare set of opportunities.

- I support the OD because it limits the heights closest to the existing residential neighborhoods.
- I support the OD because it provides clarity and certainty what can/cannot be built nearest the existing residential neighborhoods.

(Cool
Topic for
Adoption?)

- I support the OD because approving the OD is a major step for this development which will go a long way towards revitalizing West Colfax.

And I support the revitalization of the West Colfax neighborhood because

- an influx of new housing types in energy efficient buildings, with access to recreation, transit, and neighborhood services will diversify the neighborhood and reduce our collective carbon footprint
- This projects will providing places for young professionals, new families, and seniors to call home in an environment that fosters sustainable living through resource efficiency, community engagement, healthy lifestyles, and walkability
- An emerging generation of young professionals and an aging baby boomer generation both have been increasingly demonstrating a desire to live in the kind of environment that this development can provide.
- Because I believe that more neighbors using Sloans Lake park will make the park safer and more vibrant and will ultimately lead to more investment from the city to satisfy a growing diversity of users.

I urge the Planning Board to support the OD because I'd like to think that a neighborhood can embrace its history, protect its character, become more sustainable, shelter the poor, provide housing for an emerging professional and for an aging retiree and for a growing family, rich or poor or somewhere in between.

I'd like to think that we can share our common resources.

I'd like to think that the more lifestyle choices we have the more resilient we become, and most of all I'd hope that we realize that if we don't start planning for and building sustainably then each of us and all of our children won't have the luxury of complaining about shadows on the park, how we measure open space, or whether an individual's view is slightly altered.

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3
Reserved	DO-4
South Sloan's Lake	DO-5

9.4.5.4 Effect of Approval

A. Official Map Designator

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

- There is hereby created an design overlay district designated as the Uptown Design Overlay District.
- As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.

B. Lower Floor Building Design

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

1. Lower Floor Design Standards

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building above street level, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active

9.4.5.9 South Sloan’s Lake Design Overlay (DO-5)

A. Creation

There is hereby created a Design Overlay District designated as the South Sloan’s Lake Design Overlay District (DO-5). This applies only to those areas that are mapped DO-5.

B. Intent

To apply additional building height limitations that create a transition down in height from new higher-intensity development to surrounding lower-intensity residential neighborhoods and uses, and Sloan’s Lake Park.

C. Primary Buildings - Maximum Height

1. Stuart Street - West 17th Avenue to West 16th Avenue

a. Applicability

This Section 9.4.5.9.C.1’s standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 17th Avenue and West 16th Avenue.

b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4- .

c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-3 Zone District” and “All C-Zone Districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4- .
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-?



2. Stuart Street- West 16th Avenue to West Conejos Place

a. Applicability

This Section 9.4.5.9.C.2's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 16th Avenue and West Conejos Place.

b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 4 stories and 60 feet. See Figure 9.4- .

Figure 9.4-?



c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4- .
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

3. **West 17th Avenue**

a. **Applicability**

This Section 9.4.5.9.C.3's standards shall apply on the south side of West 17th Avenue between Stuart Street and Quitman Street, except that area subject to the standards in Section 9.4.5.9.C.1. above.

b. **Maximum Primary Building Height**

The maximum height of primary structures located within 43 feet of the West 17th Avenue zone lot line shall be 5 stories and 70 feet. See Figure 9.4-.

Figure 9.4-?



c. **Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-5 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 35 feet from the zone lot line abutting West 17th Avenue. Such projection shall be measured perpendicular to the zone lot line abutting 17th Avenue.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

4. **Quitman Street**

a. **Applicability**

This Section 9.4.5.9.C.4's standards shall apply on the west side of Quitman Street between West 17th Avenue and West Conejos Place.

b. **Maximum Primary Building Height**

The maximum height of primary structures located within 60 feet of the Quitman Street zone lot line shall be 5 stories and 70 feet. See Figure 9.4-.

Figure 9.4-?



c. **Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-5 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 52 feet from the zone lot line abutting Quitman Street. Such projection shall be measured perpendicular to the zone lot line abutting Quitman Street. See Figure 9.4-.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable base zone district.

5. **Perry Street**

a. **Applicability**

This Section 9.4.5.9.C.5's standards shall apply on the west side of Perry Street between West 17th Avenue and West Conejos Place.

b. **Maximum Primary Building Height**

The maximum height of primary structures located within 80 feet of the Perry Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4- .

Figure 9.4-?

Not to Scale. Illustrative Only.



c. **Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Perry Street. Such projection shall be measured perpendicular to the zone lot line abutting Perry Street. See Figure 9.4- .
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

