



TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Edson Ibañez, Senior City Planner
DATE: May 11, 2023
RE: Official Zoning Map Amendment Application #2022I-00209

Staff Report and Recommendation

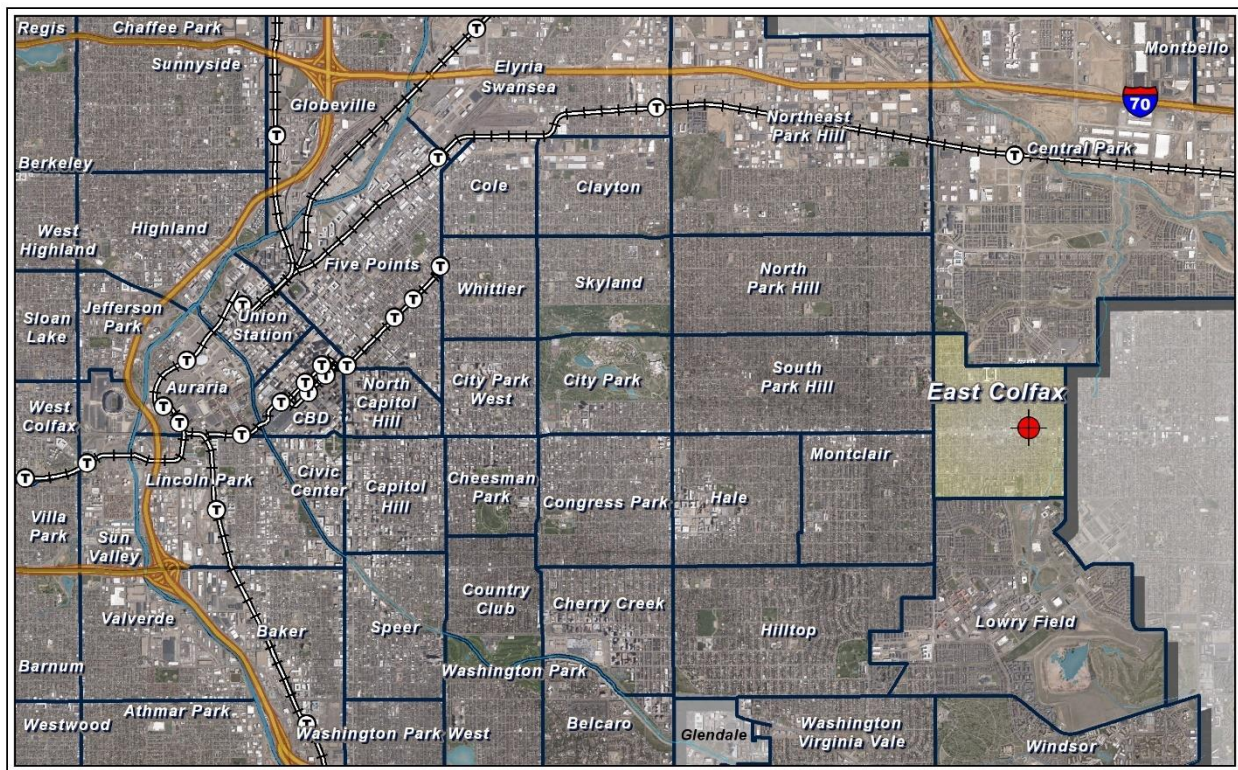
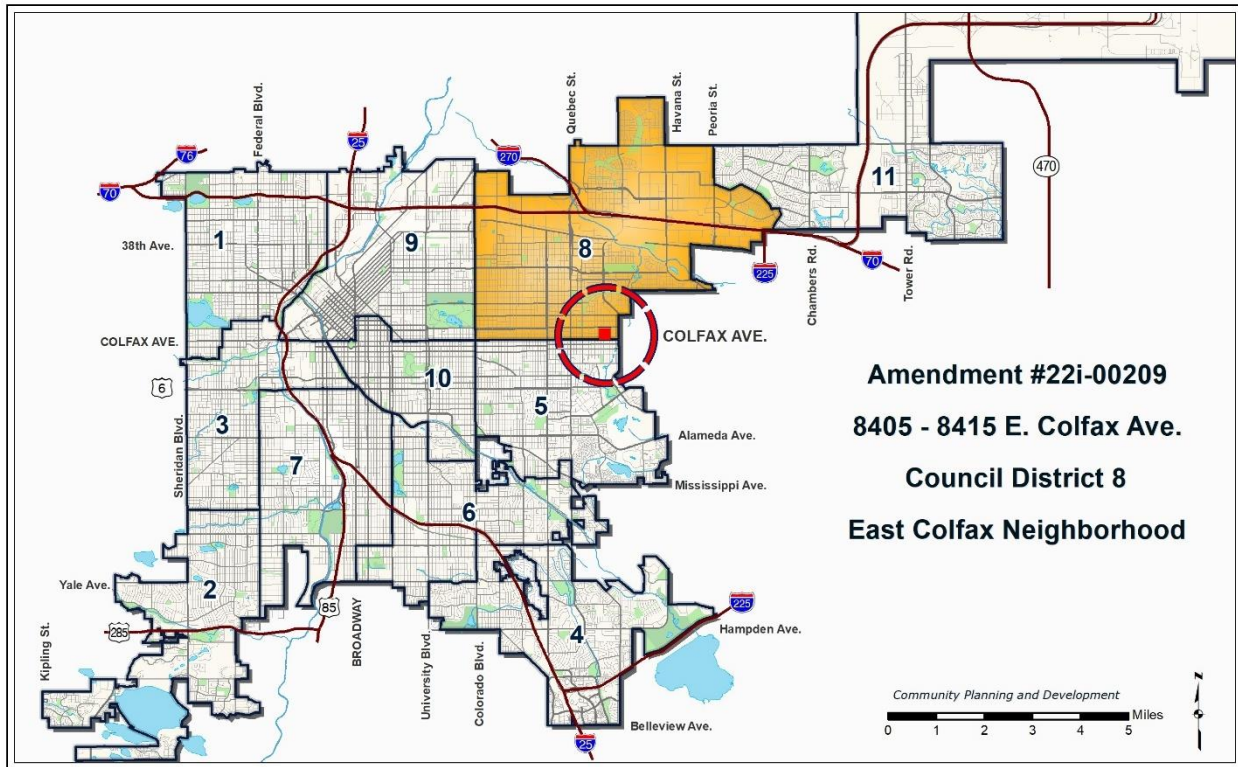
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00209.

Request for Rezoning

Address: 8405 & 8415 East Colfax Avenue
Neighborhood/Council District and CM: East Colfax / Council District 8, CM Herndon
RNOs: Opportunity Corridor Coalition of United Residents; East Colfax Neighborhood Association; Strong Denver; Inter-Neighborhood Cooperation
Area of Property: 33,200 square feet or 0.76 acres
Current Zoning: E-MS-3
Proposed Zoning: E-MS-5
Property Owner(s): Far East Colfax Redevelopment, LLC
Applicant: Councilman Chris Herndon

Summary of Rezoning Request

- The subject property is located in the East Colfax neighborhood on the north side of East Colfax Avenue between Verbena Street and Wabash Street.
- The subject property at 8405 East Colfax Avenue is currently occupied by the Westerner Motel.
- The subject property at 8415 East Colfax Avenue is currently occupied by the Sand & Sage Motel.
- The proposed rezoning will allow for the property to be redeveloped with a mix of residential and commercial uses up to 5 stories. The property was purchased by Far East Colfax Redevelopment, LLC (an entity of The Fax Partnership) through funds granted by the Denver Department of Housing Stability (HOST) to acquire and renovated the property for temporary operation as a family shelter associated with the City's RISE GO Bond program. In the future, The Fax Partnership intends to apply for funds for the redevelopment of the site to serve as long-term income-restricted housing as negotiated with HOST.
- The requested E-MS-5 district stands for Urban Edge Neighborhood Context – Main Street – 5 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. Further details of the proposed zone district can be found in Article 4 of the Denver Zoning Code (DZC).



Existing Context

The site is located in the East Colfax neighborhood on the north side of East Colfax Avenue between Verbena Street and Wabash Street. The area is characterized by a mix of commercial and auto-related uses along East Colfax Avenue and single-, two-, and multi-unit uses to the south and north of East Colfax Avenue. Transit access includes the 15 and 15L RTD bus lines that run frequently along East Colfax Avenue. Bus Rapid Transit is also planned for East Colfax Avenue.

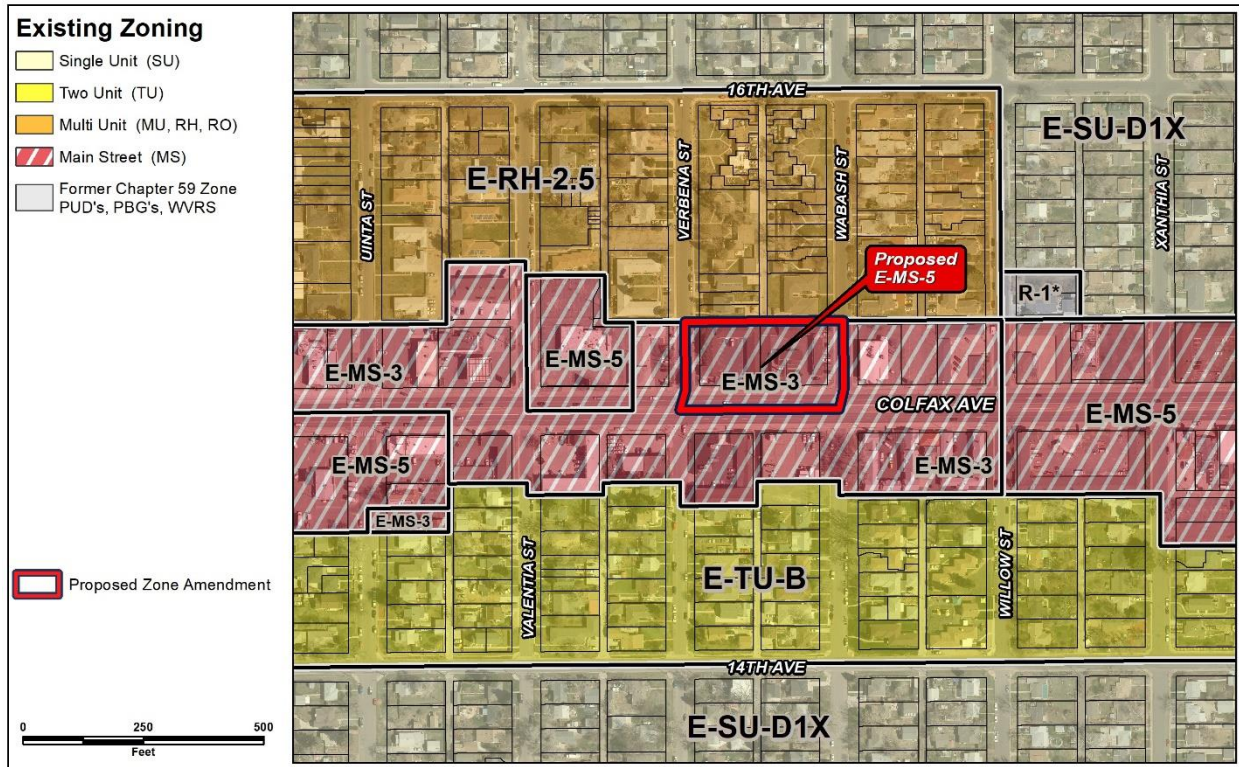


The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-MS-3	Commercial	2 motels each oriented around a central parking area; each motel is 1-2 stories in height; there is a billboard located on the 8415 East Colfax property	Consists of a regular pattern of rectangular block shapes in an orthogonal grid. Vehicle parking generally occurs in the front and side of buildings on East Colfax Avenue. Residential parking is
North	E-RH-2.5	Multi-unit Residential	<ul style="list-style-type: none"> Verbena Street – 2-story fourplex with rear parking off an alley 	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			<ul style="list-style-type: none"> • Wabash Street – 1-story garden court fourplex with rear parking off an alley • An alley separates the multi-unit properties to the north from the subject property 	generally accessed from the alley.
South	E-MS-3	Multi-unit Residential and Industrial	<ul style="list-style-type: none"> • Corner of Colfax and Verbena – 1-2 story former motel that has been converted into multi-unit residential with surface parking in front of the structure • Corner of Colfax and Wabash – 1-story auto body shop with surface parking fronting Wabash 	
East	E-MS-3	Commercial	1-story restaurant with surface parking	
West	E-MS-3	Commercial	1-2 story motel with surface parking	

1. Existing Zoning

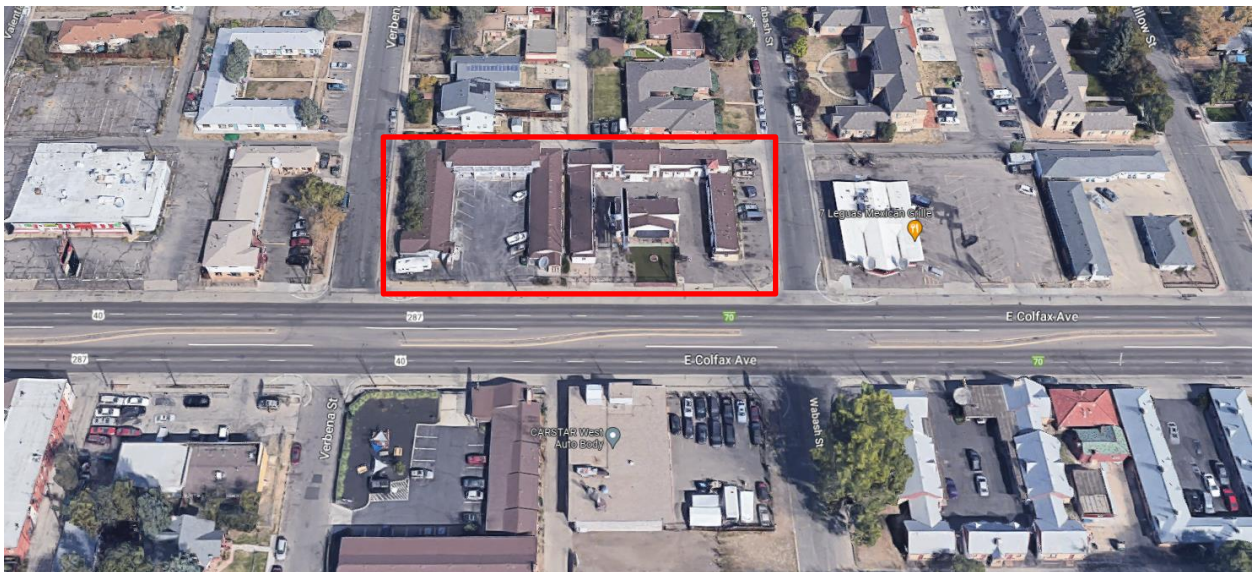


The subject site is currently zoned E-MS-3. The E-MS-3 zone district is a Main Street district that allows a mix of uses and is intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. The 3-story district is intended to apply primarily to local or collector street corridors. Further details of the zone district can be found in Article 4 of the Denver Zoning Code (DZC).

2. Existing Land Use Map



3. Existing Building Form and Scale



Aerial view of the subject property, looking north (Source: Google Maps)



View of the 8405 East Colfax Avenue property, looking north (Source: Google Maps)



View of the 8415 East Colfax Avenue property, looking north (Source: Google Maps)



View of the property to the north along Verbena Street, looking southeast (Source: Google Maps)



View of the property to the north along Wabash Street, looking west (Source: Google Maps)



View of the property to the south along Verbena Street, looking south (Source: Google Maps)



View of the property to the south along Wabash Street, looking southwest (Source: Google Maps)

4. HOST coordination

The property owners have entered into an agreement with the City and County of Denver, as negotiated with HOST, to received funds to use the property initially as a non-congregant shelter with a planned subsequent conversion to housing. This agreement carries a restrictive covenant requiring the initial use as non-congregant shelter providing a minimum of 34 non-congregant shelter units. At the time the owners seek to convert the property to a long-term housing use, they must seek approval from the Executive Director of HOST and will require a written affordable housing agreement and covenant.

Proposed Zoning

The requested E-MS-5 zone district has a maximum height of 5-stories or 70'. The minimum primary street front setback is 0', except for in the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Section 4.3.3.

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

Design Standards	E-MS-3 (Existing)	E-MS-5 (Proposed)
Primary Building Forms Allowed	Town House; Drive Thru Services*; Drive Thru Restaurant*; Shopfront	Town House; Drive Thru Services*; Drive Thru Restaurant*; Shopfront
Stories/Heights (max)	3/45'**	5/70'**
Primary Build-To Percentages (min)	50-75%***	50-75%***
Primary Build-To Ranges	0' to 35'****	0' to 35'****
Primary Setbacks (min)	0'-10'***	0'-10'***
Upper Story Setback Above 27', adjacent to Protected District****	15'	15'-20'****
Upper Story Setback Above 51', adjacent to Protected District****	N/A	35'

*Building form not allowed within a ¼ mile of a transit station platform

**EHA incentive heights are available; however, the site is adjacent a protected district which limits the available incentive height

***Standard varies between building forms

****Subject property is adjacent a Protected District, rear, alley

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No Response

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

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Comments

Zoning: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/3/23
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	2/27/23
Planning Board hearing voted unanimously 11-0 to recommend approval to the City Council:	3/15/23
CPD written notice of the Land Use, Transportation and Infrastructure Committee	3/31/23

meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	4/4/23
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	4/24/23
City Council Public Hearing:	5/15/23

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date staff has received one letter of support from a city-wide RNO noting the additional housing units this rezoning would potentially create.
 - **General Public Comments**
 - To date staff has received one letter of support from The Fax Partnership noting the rezoning would allow the property to develop with the inclusion of community-serving ground floor use and more income-restricted units.
 - To date staff has received on letter of moderate opposition noting the five-story zoning for the inclusion of affordable housing did not seem justified or needed given the other investments the city has made in affordable housing in the area. They also noted potential negative impacts on neighbors’ ability to use solar panels and general parking concerns.

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 this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *East Area Plan* (2020)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with multiple of the adopted *Denver Comprehensive Plan 2040* strategies, including:

Equitable, Affordable, and Inclusive Goal 1, Strategy A: “Increase development of housing units close to transit and mixed-use developments” (p. 28)

- This rezoning could increase potential housing density along Colfax Avenue where the Department of Transportation and Infrastructure is implementing Bus Rapid Transit (BRT) and where the city anticipates growth in mixed-use developments.

Equitable, Affordable, and Inclusive Goal 1, Strategy C: “Improve equitable access to resources that improve quality of life” (p. 28)

- This rezoning could increase development potential for much-needed goods and services along Colfax Avenue, a long-standing mixed-use area.

Equitable, Affordable, and Inclusive Goal 2, Strategy A: “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28)

- This rezoning could increase housing density along Colfax Avenue which could provide for a greater mix of housing options.

Equitable, Affordable, and Inclusive Goal 3, Strategy A: “Maximize and ensure the long-term sustainability of city funding sources for workforce and affordable housing” (p. 28)

- As described previously, this site was purchased and will be deed restricted as shelter for at least 60 years. It is contemplated that The Fax Partnership will apply in the future for funds for the redevelopment of the site to serve as affordable housing. At the time of confirmation of this additional funding, the property will be accordingly restricted for at least 60 years. Therefore, the proposed rezoning will facilitate the development of more affordable housing units on this site.

Equitable, Affordable, and Inclusive Goal 8, Strategy B: “Partner with organizations to develop permanent and transitional housing affordable to very low-income populations” (p. 30)

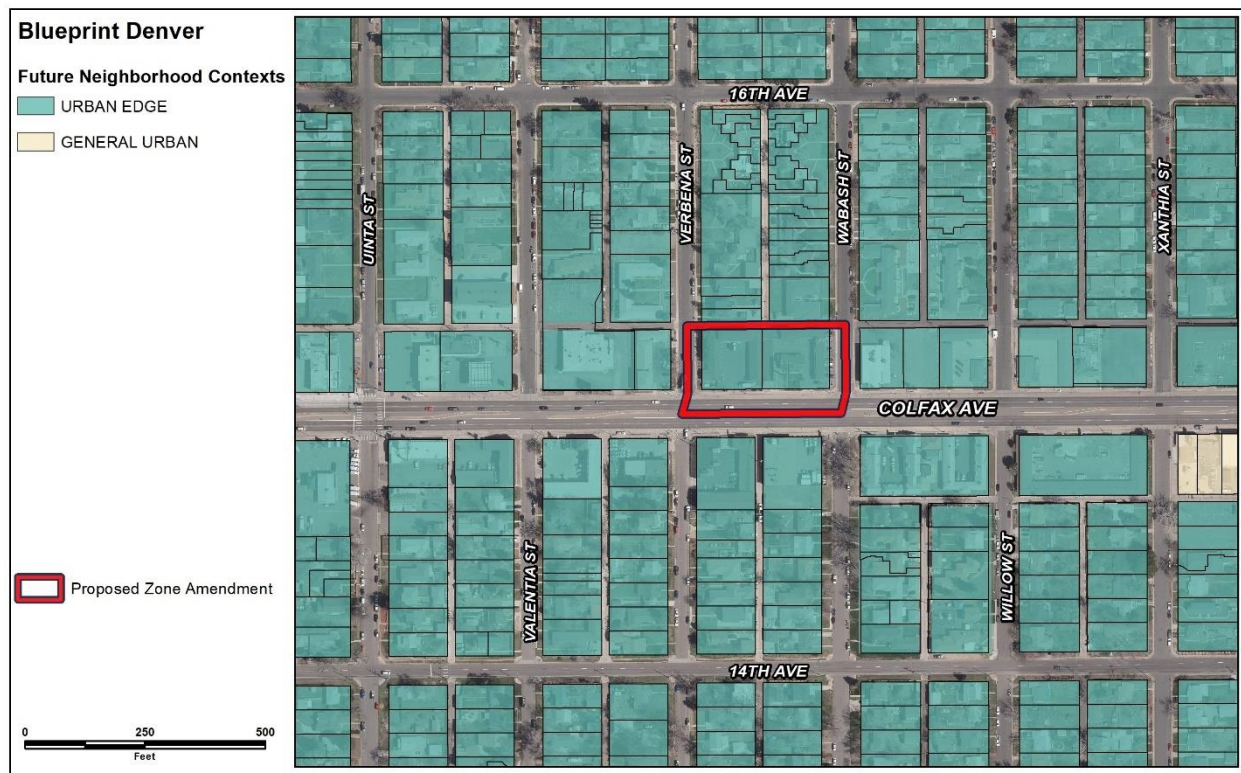
- HOST is granting funds to a special purpose entity of The Fax Partnership to acquire and renovate the property for temporary operation as a non-congregant shelter associated with the City’s RISE GO Bond program and long-term redevelopment as low-income affordable housing.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city’s land use and transportation decisions. There are six key components of *Blueprint Denver* that apply to this rezoning proposal:

1. Neighborhood Context
2. Place
3. Street Type
4. Growth Area Strategy
5. Plan Policies and Strategies
6. Equity Concepts

Blueprint Denver Future Neighborhood Context

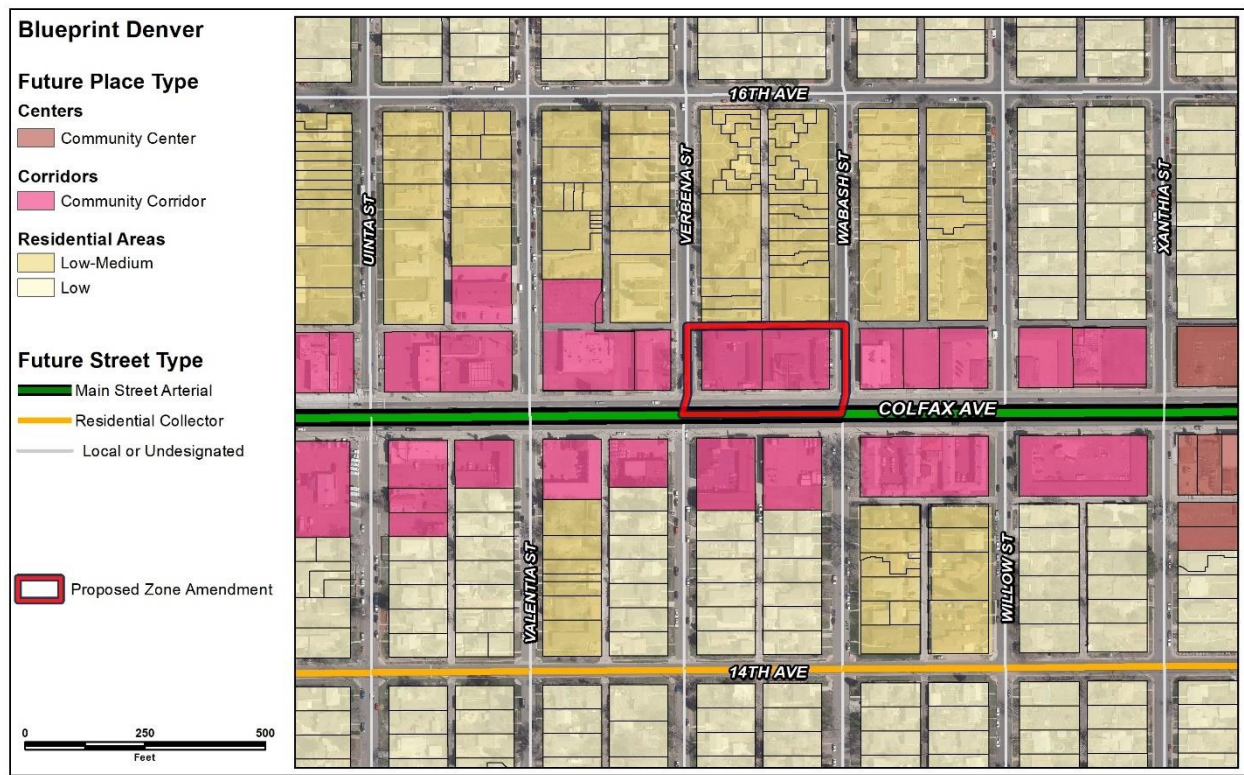


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject properties are shown on the context map in the Urban Edge neighborhood context. The description is used to guide appropriate zone districts (p. 66).

The Urban Edge neighborhood context is “predominantly residential and tend to act as a transition between urban and suburban areas. Homes in this context are typically low-scale single- and two-unit residential with some small-scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development” (p. 205). E-MS-5 is a zone district within the Urban Edge neighborhood context and is intended to promote safe, active, and pedestrian-scaled areas through building forms that clearly define and activate the public street edge. The zone district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering (DZC 4.2.6.1).

The proposed E-MS-5 zone district is consistent with the Urban Edge neighborhood context because it will promote commercial and mixed-use development along a main corridor and active, pedestrian friendly streets that will be compatible with the existing residential areas.

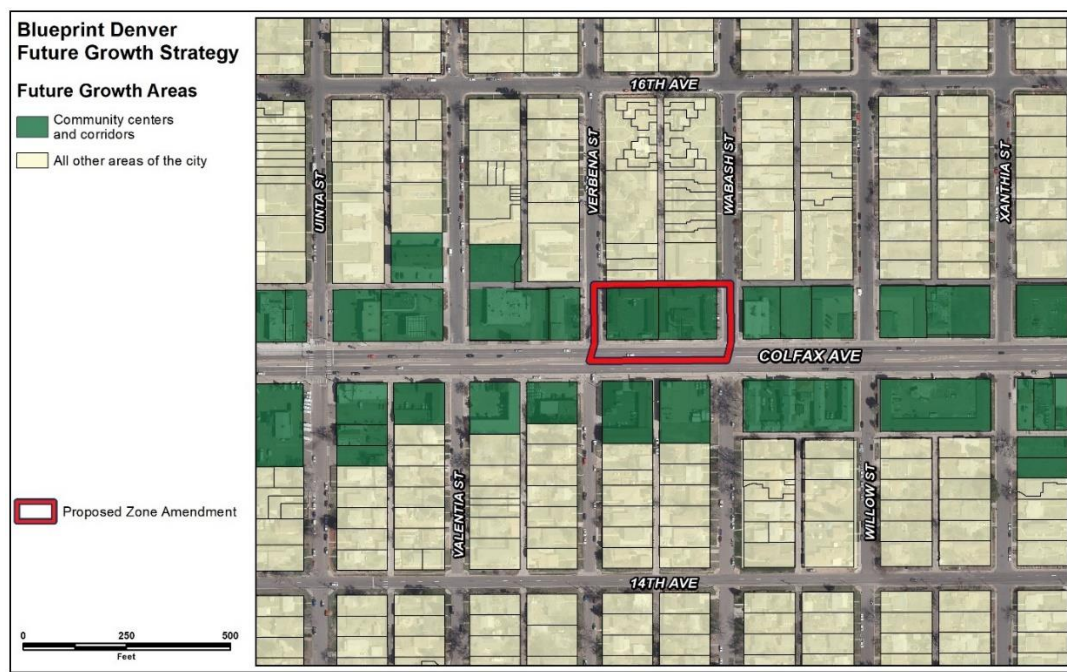
Blueprint Denver Future Places



The subject properties are designated as Community Corridor. *Blueprint Denver* describes corridors as “mixed-use places of different scales oriented along a street. They provide spaces for people to engage in social activities and entertainment, such as shopping and dining. Corridors are often embedded in neighborhoods and serve nearby residents” (p. 140). Community Corridors within the Urban Edge neighborhood context “provide some mix of office, commercial, and residential. A mix of larger and smaller scale buildings, some being setback from the street to accommodate parking. Heights are generally up to 5 stories” (p. 212). *Blueprint Denver* also recommends that further guidance be provided by the small area plan (p. 62), which is described further in this report. The proposed E-MS-5 zone district is consistent with the Community Corridor place type as it would allow a diversity of commercial and residential uses along a major corridor with appropriately scaled heights.

In *Blueprint Denver*, future street types work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (p. 67). The three volume classifications of Local, Collector, and Arterial, are further refined by six types of surrounding context. Colfax Avenue is identified as a Main Street Arterial, which is “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency. Street level uses are highly activated, including café seating in the right-of-way” (p. 158). Main Street districts “are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets... and should be applied where a higher degree of walkability and pedestrian activity is desired” (DZC 5.2.6.1). The proposed E-MS-5 zone district is consistent with this street types as Colfax Avenue is a Main Street Arterial.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). East Colfax Avenue is identified by the Growth Strategy Map as part of the Community Centers and Corridors Future Growth Area, where the city anticipates seeing 20% of new jobs and 25% of new housing. The proposed E-MS-5 zone district is appropriate for this Future Growth Area as it would allow for an increased density of housing and employment opportunities.

Blueprint Denver Strategies

Blueprint Denver contains recommendations in the form of a comprehensive list of a policies and strategies that implement plan guidance. The proposed zone district is consistent with many of the adopted *Blueprint Denver* strategies, including:

Land Use & Build Form, General Policy 1: "Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets" (p. 72).

- The proposed rezoning is in a major community corridor where transit priority is planned.

Land Use & Build Form, General Policy 2, Strategy C: "Allow increased density in exchange for desired outcomes, such as affordable housing, especially in transit-rich areas" (p. 72).

- The proposed rezoning is spurred by the proposed redevelopment of the site using HOST funding to construct permanently affordable housing on a site located on a transit priority corridor.

Land Use & Build Form, Housing Policy 6: "Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services, and amenities" (p. 85).

- The proposed rezoning would increase the allowance for income-restricted affordable housing along a community corridor, in an area identified as having high vulnerability to involuntary displacement and low housing diversity.

Land Use & Build Form, Housing Policy 8: "Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation/flex districts, and university campus districts" (p. 86).

- The proposed rezoning would allow for more housing located in a community corridor.

Land Use & Build Form, Economics Policy 1: "Capture 90 percent of job growth in regional centers, community centers and corridors, certain districts and high-intensity residential areas in downtown and urban center contexts" (p. 90).

- The proposed rezoning would increase the development potential of the site, allowing for mixed-use development that supports the creation of a jobs along a community corridor.

Land Use & Build Form, Economics Policy 2, Strategy B: “Promote and incentivize the development of affordable and family-friendly housing, as well as a full range of job opportunities, in and near regional centers, community centers and community corridors” (p. 90).

- The proposed rezoning, along with the HOST-negotiated uses, would promote the development of more income-restricted units along a community corridor.

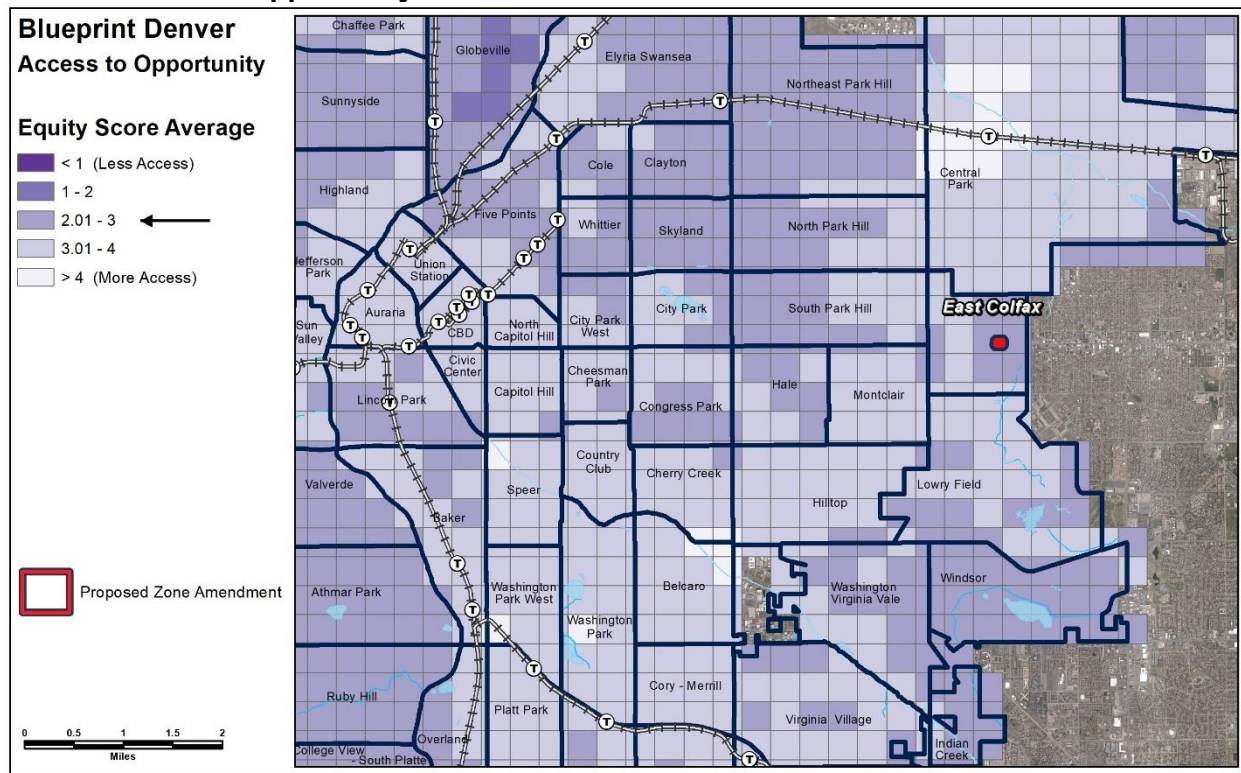
Land Use & Build Form, Housing Policy 6: “Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services, and amenities” (p. 85).

- The proposed rezoning would support the development of income-restricted affordable housing along a community corridor, in an area identified as having high vulnerability to involuntary displacement and low housing diversity.

Blueprint Denver Equity Concepts

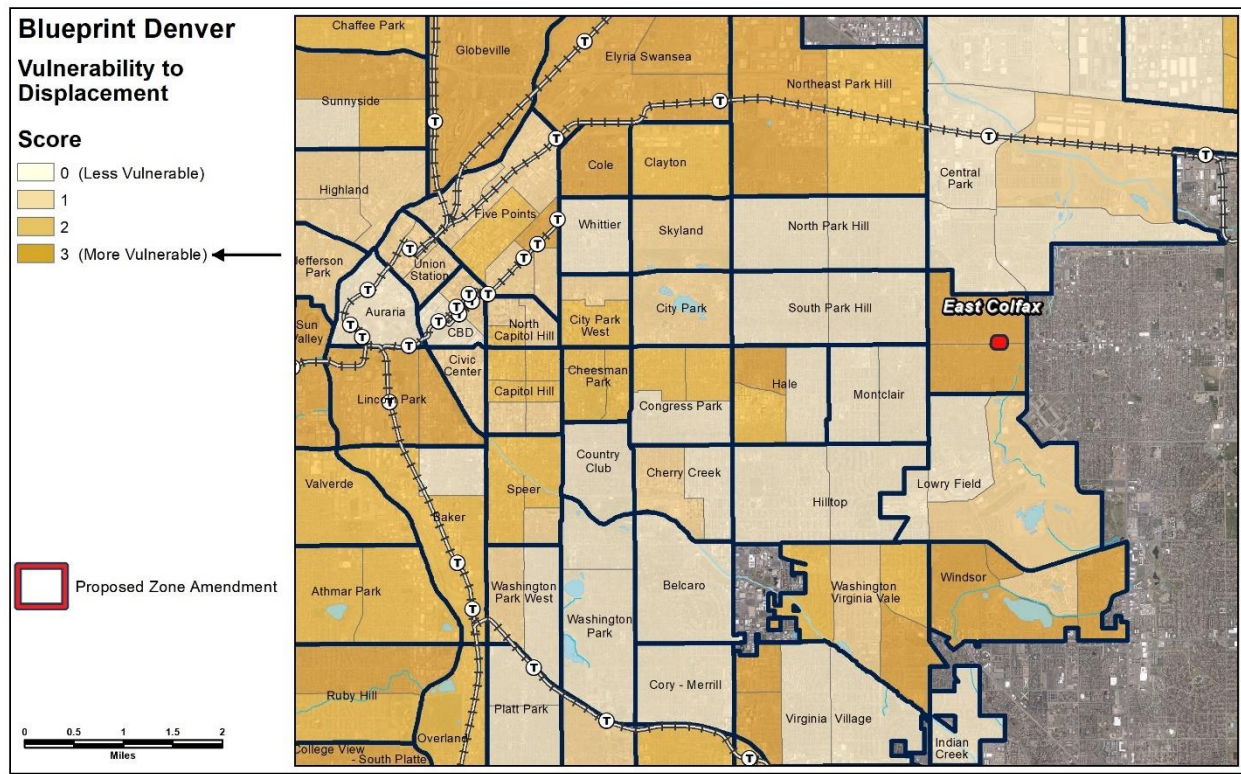
Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

I. Access to Opportunity

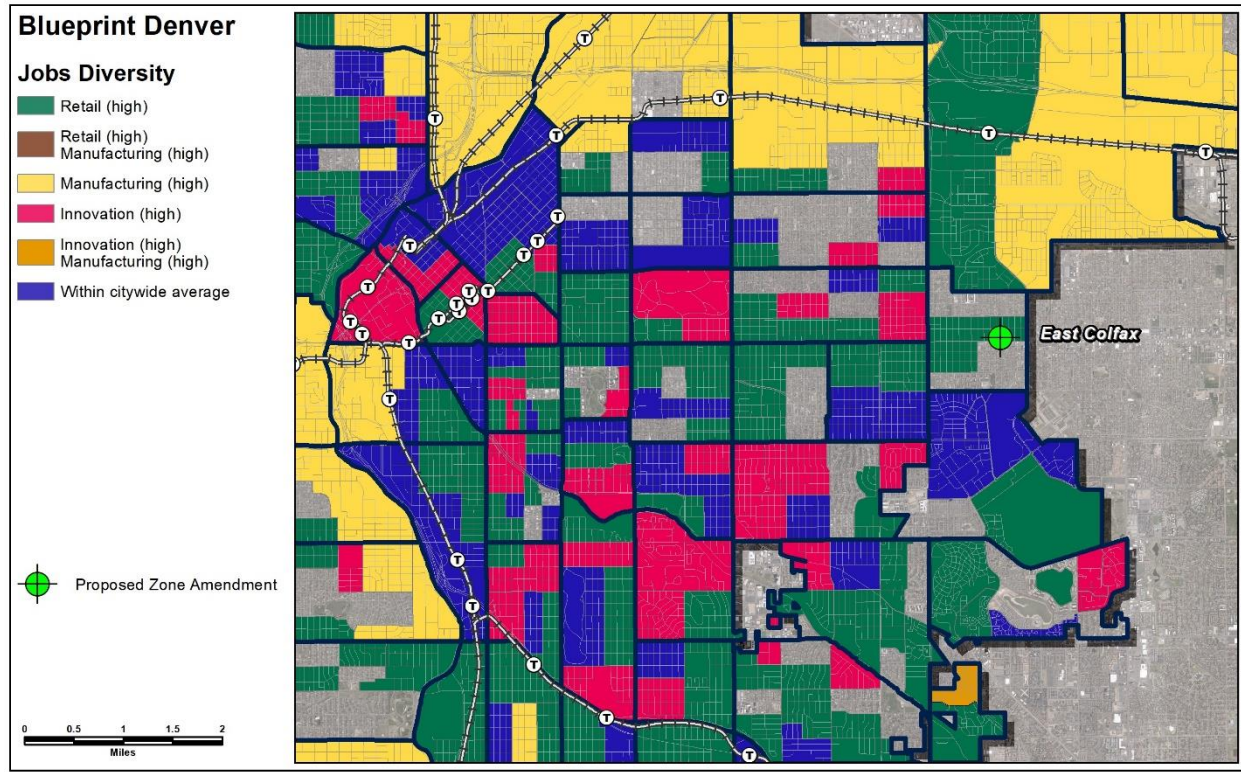


This area of the East Colfax neighborhood has average access to opportunity, which is defined as access to basic goods, services, and amenities to improve quality of life. The area is less equitable in terms of access to grocery stores, access to prenatal healthcare, access to local and community centers and corridors, and a lower-than-average life expectancy. The proposed rezoning will increase access to opportunity by increasing opportunities for mixed-use development that includes retail, commercial, or office spaces that provide quality-of-life benefits.

II. Vulnerability to Involuntary Displacement

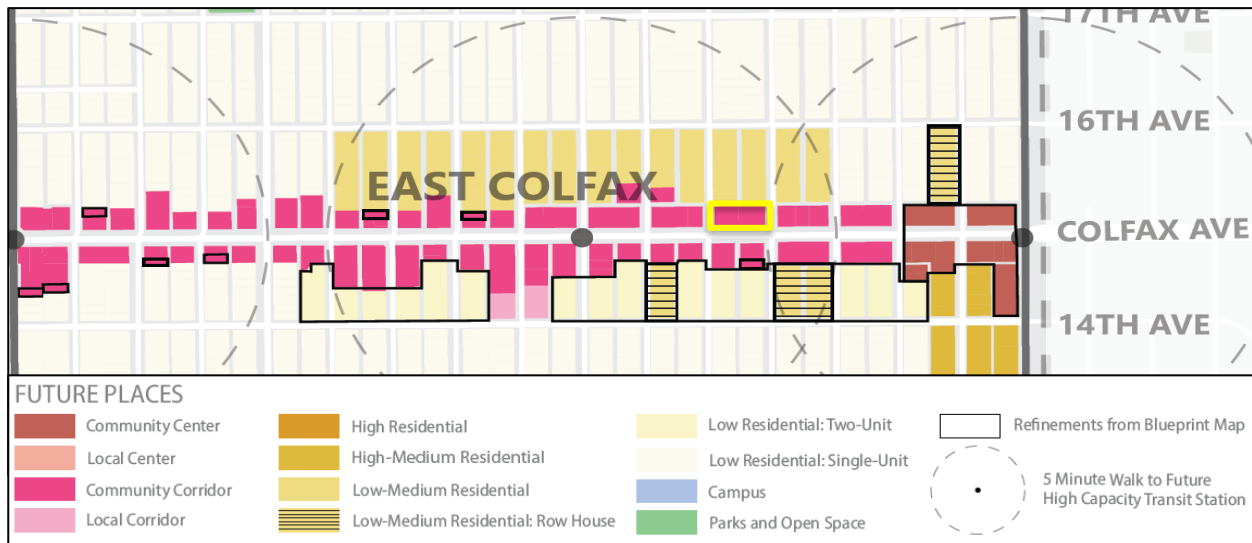


The East Colfax neighborhood is identified as an area that is vulnerable to involuntary displacement based on all indicators – educational attainment, rental occupancy, and median household income. Notable this neighborhood has a larger-than-average, but shrinking, percentage of minority residents and median incomes that are growing at more than twice the city-wide average. Those statistics point towards trends that potentially threaten to displace the most vulnerable residents of this area. This rezoning is proposed alongside committed funds from HOST to the property owners to redevelop the property with permanently affordable housing which will provide housing opportunities to those most vulnerable to displacement.

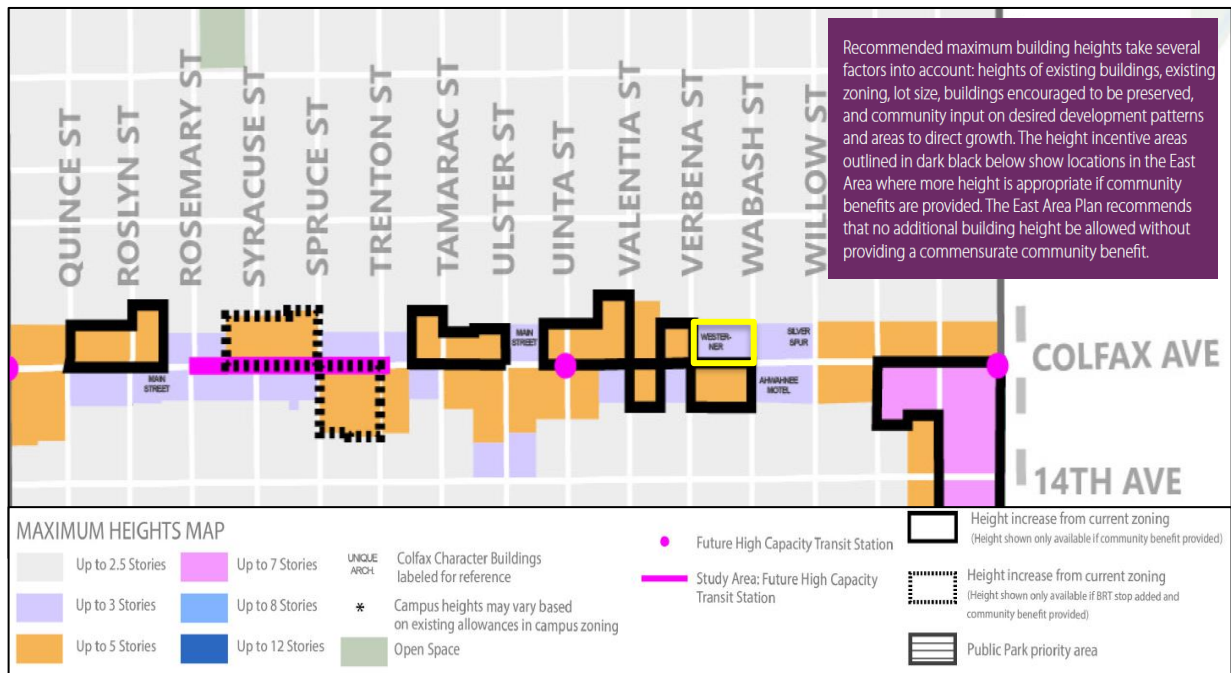


The Colfax Avenue corridor has a larger share of retail jobs than the city as a whole. The proposed rezoning may have a positive impact on jobs diversity in the neighborhood by creating new opportunities for employment.

Small Area Plan: East Area Plan (2020)



The *East Area Plan* identifies the property as part of the Community Corridor future places. These are described as areas that “typically provides some mix of office, commercial, and residential uses. Accessible to surrounding neighborhoods by a variety of transportation options. Buildings have a distinctly linear orientation along the street” (p. 28). Following the guidance of *Blueprint Denver*, the growth strategy is Community Centers and Corridors and Colfax Avenue is identified as a Main Street Arterial. As with the *Blueprint Denver* guidance, the E-MS-5 zone district is appropriate for a Community Corridor along a Main Street Arterial as it would provide a mix of residential and commercial options.



The *East Area Plan* height recommendation for this property is up to 3 stories. While the proposed zone district is higher than the recommended height in the plan, it is consistent with the general height recommendations in *Blueprint Denver* and the overall approach of a mix of 3 and 5-story zoning along East Colfax Avenue recommended in the small area plan. Further, a priority of the *East Area Plan* is to make more housing options available and affordable to families and individuals (p. 9). Given that the proposed rezoning is accompanied by a concurrent covenant, the proposed rezoning furthers the key priorities of the plan.

The *East Area Plan* includes policy strategies and recommendations to help achieve equitable, community-focused goals of the plan. The proposed E-MS-5 meets many of these recommendations including:

Land Use & Built Form Policy L3: “Allow taller buildings in key locations along Colfax Avenue, within the Mayfair Town Center, and the 9th and Colorado area when significant community benefits are provided” (p. 31).

- While the proposed property for rezoning is not included in the Maximum Building Heights map as identified for increased height in exchange for a community benefit, the high commitment to affordable housing on this site is consistent with the recommendation to allow for increased height where affordable housing is provided as a community benefit. The proposed E-MS-5 would allow for a height appropriately identified for much of the Colfax Corridor while increasing the total number of affordable units on site. The entire site is within 175' of a protected district so the zoning will limit incentive heights and require upper story setbacks that ensure appropriate transitions.

Economy & Housing Policy E1: "Stabilize resident at risk of involuntary displacement" (p. 52).

- The covenant on this property requires that the motels continue to operate as non-congregate shelters for families in the short-run and then be redeveloped as permanently affordable housing. The proposed E-MS-5 would allow for a greater number of units to be built in the future, thus helping to stability residents at risk of involuntary displacement.

Economy & Housing Policy E3: "Create new affordable housing with access to transit and amenities" (p. 53).

- The *East Area Plan* identifies the area has having a significant shortage of units available for low-income families. The plan further identifies encouraging more affordable apartment buildings near transit as a priority identified by the community during the planning process (p. 53). The proposed E-MS-5 would allow for the construction of more affordable units along a transit priority corridor, helping to achieve these identified needs and goals.

Economy & Housing Policy E4, Strategy B: "Encourage the transition of motels along Colfax Avenue into permanent housing for those most vulnerable" (p. 54).

- The *East Area Plan* notes that through the community process when participants were asked about ideas for improving housing in the area, "the most frequent response was to rehabilitate Colfax's motels into higher-quality affordable housing" (p. 54). The proposed E-MS-5 would allow for the rehabilitation of two Colfax

motels into even more affordable units than the current zoning allows.

The *East Area Plan* also includes specific policy and strategy recommendations for the East Colfax neighborhood. The proposed E-MS-5 meets many of those recommendations including:

East Colfax, Land Use 2: “Prioritize land use policies that achieve community benefits in Centers and Corridors” (p. 171).

- The proposed rezoning to E-MS-5 in conjunction with the covenant on the property would ensure that the value of increased development is shared with the community through the provision of affordable housing.

East Colfax, Economy 1: “Reduce involuntary displacement and address the affordable housing shortage in East Colfax” (p. 172).

- The increased development potential of the E-MS-5 zoning would be directly tied to an increase in potential affordable units which would help reduce displacement and increase the supply of units.

The *East Area Plan* implementation section specifically calls for public investment in affordable housing with specific reference to public-private partnerships. It goes further to explain how partnerships offer opportunities to work together to advance community goals and provide for community needs (p. 246). This particular project encapsulates the spirit of that implementation strategy as HOST will be providing funds to a local non-profit organization to partner on the creation of new permanently affordable housing.

Finally, in both the overall *East Area Plan* priorities and the East Colfax neighborhood section, anti-displacement efforts and affordable housing are identified as top priorities.

Executive Summary, Vision and Community Priorities (p.9)

1 - Help current residents and small businesses stay in the community long-term by connecting them to resources and making more housing options available and affordable to families and individuals.

2. - Ensure the East area is an inclusive place in the future by increasing the amount of affordable housing using all available methods.

East Colfax, Key Opportunities (p. 165) _ “In the short-term, implementation of community stabilization strategies aimed at preventing displacement should be prioritized. Key opportunities include: Help Residents Become more Financially Secure and Prevent Displacement.”

Though the proposed rezoning exceeds the maximum height recommendation, the rezoning facilitates achieving the plan’s priority recommendations with regard to helping to prevent

displacement and support the development of affordable housing and is therefore consistent with the *East Area Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MS-5 will result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of numerous adopted city plans which recommend increasing the supply of affordable housing in the East Colfax neighborhood. The plans specifically call for increased height in the case of community benefits such as affordable housing. Given the significant need for more affordable housing in the area and called for in the *East Area Plan*, the proposed E-MS-5 zone district is in the general welfare of the city.

4. Justifying Circumstance

The justifying circumstances for this rezoning are that since the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest including a city adopted plan and changing conditions in a particular area.

Blueprint Denver and the *East Area Plan* were adopted after the existing zoning was put in place. The *East Area Plan* contains numerous policy recommendations that call for increasing affordable housing along Colfax Avenue through the allowance of additional height.

In 2020 the city began work on the preliminary design of the East Colfax Bus Rapid Transit project. This is a significant city investment in the infrastructure of the Colfax Corridor that aligns with increased ridership and residential density along the corridor. The city has also been putting funds into public-private partnerships within the immediate area to facilitate denser housing development along East Colfax Avenue. As such, the area is undergoing and will continue to undergo changing conditions.

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

The proposed E-MS-5 zone district is consistent with the neighborhood context, purpose, and intent statements. The existing neighborhood context is Urban Edge, and the proposed rezoning would retain that neighborhood context which calls for mid-rise multi-unit residential and commercial uses located along main streets. The E-MS-5 zone district would comply with the purpose of Main Street Districts by promoting safe, active, and pedestrians-scaled commercial streets that activate the public street edge while promoting an urban, mixed-use, environment. The proposed E-MS-5 further meets the intent statement by being applied to a main street arterial with a build scale up to 5-

stories. The entire site is within 175' of a protected district so the zoning will limit incentive heights and require upper story setbacks that ensure appropriate transitions.

Attachments

1. Application
2. RNO and Public Comments