



**TO:** Land Use, Transportation, and Infrastructure Committee  
**FROM:** Alisa Childress, Associate City Planner  
**DATE:** July 25, 2024  
**RE:** Official Zoning Map Amendment Application #2023I-00095

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2023i-00095 forward for consideration by the full City Council.

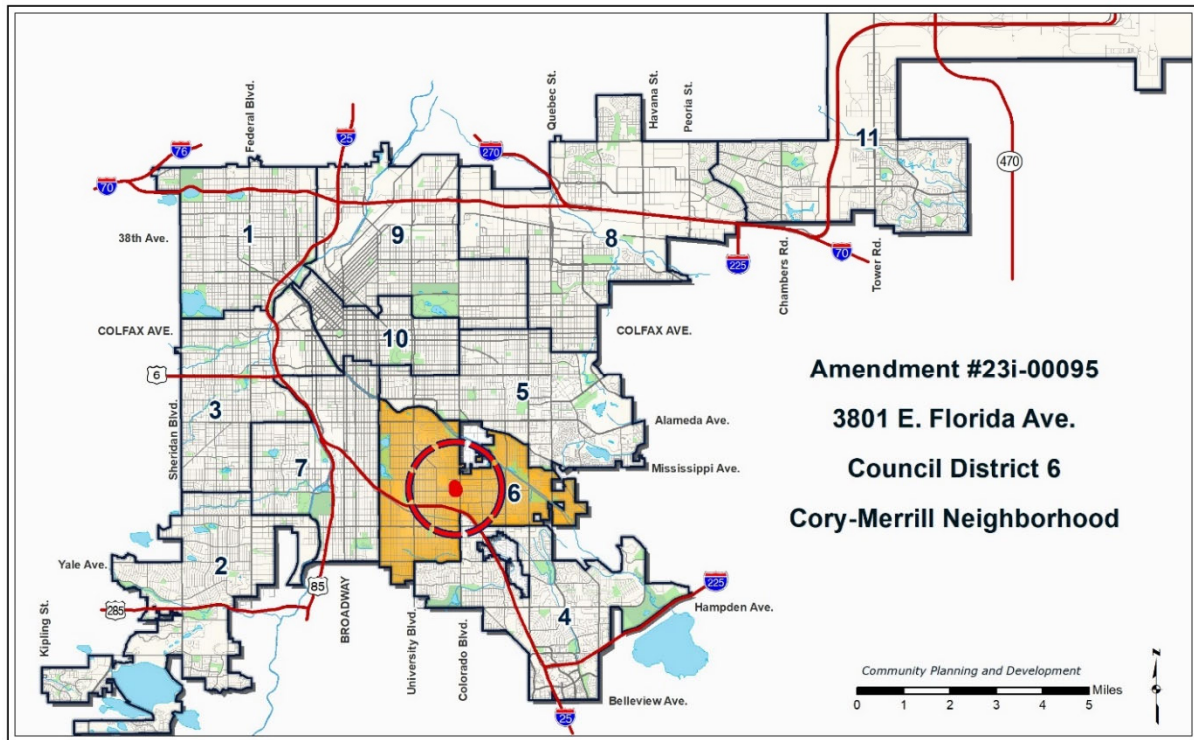
### **Request for Rezoning**

Address: 3801 East Florida Avenue  
Neighborhood/Council District and CM: Cory-Merrill / Council District 6 – Paul Kashmann  
RNOs: Cory-Merrill Neighborhood Association, Strong Denver, Inter-Neighborhood Cooperation (INC)  
Area of Property: 126,697 square feet or 2.912 acres  
Current Zoning: B-A-3 and O-1  
Proposed Zoning: S-MX-5  
Property Owner(s): F6F, LLC  
Owner Representative: David Budrow, David Budrow Architects, LLC

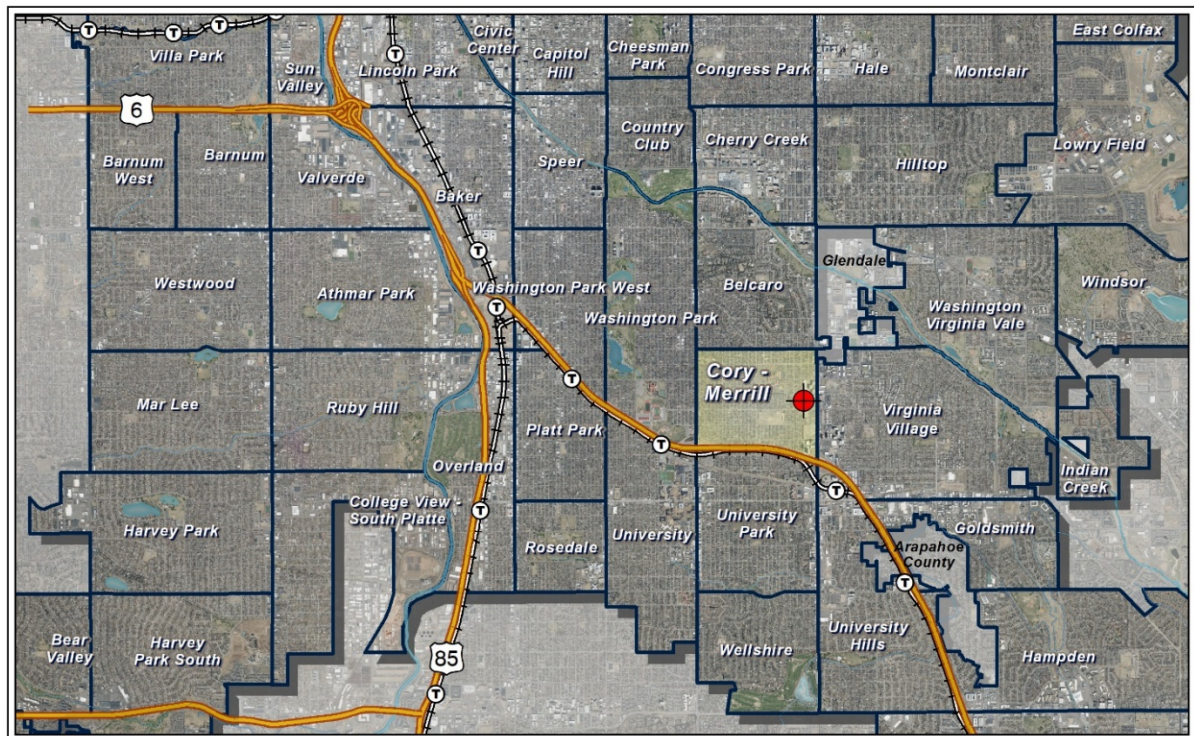
### **Summary of Rezoning Request**

- The subject property is in the Cory-Merrill neighborhood, at the corner of South Jackson Street and East Florida Avenue.
- This application proposes to rezone the subject property to S-MX-5. The property is currently zoned B-A-3 and O-1, which are districts in the Former Chapter 59 Zoning Code. See “Existing Zoning” below for more information about the current zoning of this property.
- The subject property is currently occupied by a nine-story office building and parking lot.
- The applicant is requesting the rezoning to facilitate the redevelopment of the property in a way that is consistent with the recommendations in adopted plans. If rezoned, the structure on the property will be considered a Compliant Structure. If the structure was demolished and rebuilt, the 5-story height maximum would apply.
- The proposed S-MX-5 (Suburban, Mixed-Use, 5-story) zone district allows a broad range of commercial, residential, and civic uses in the General, Drive Thru Services, Drive Thru Restaurant, and Shopfront building forms with a maximum height of five stories. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

## City Location

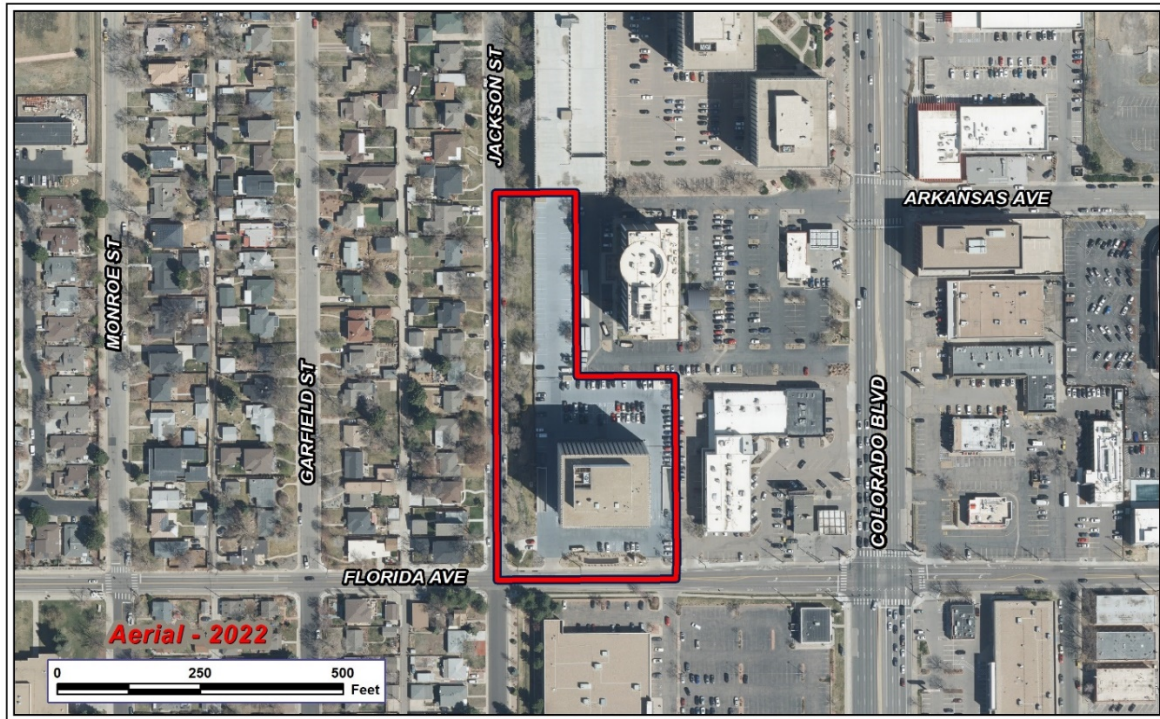


## Neighborhood Location – Cory-Merril





## Existing Context

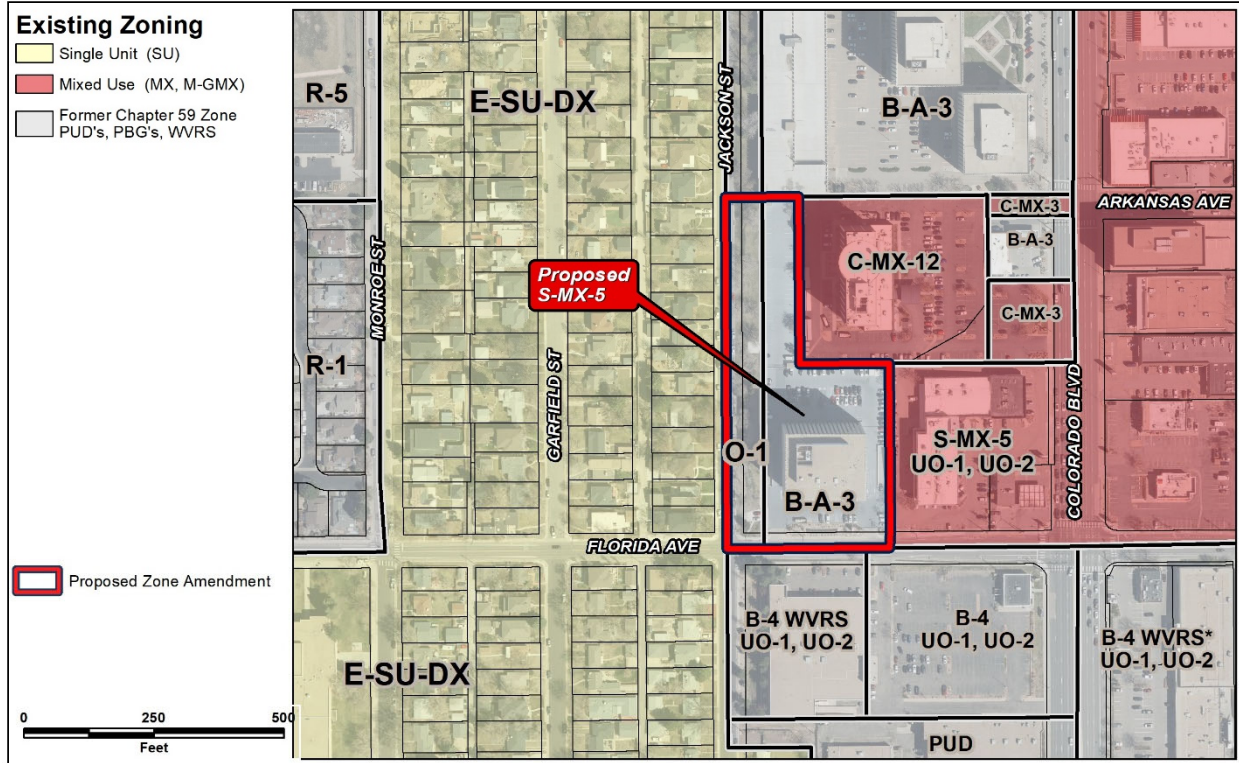


The subject property is in the Cory-Merrill neighborhood at the corner of South Jackson Street and East Florida Avenue. It is one-half block from South Colorado Boulevard which runs parallel to South Jackson Street. The area has a mix of commercial/retail and office uses on the east side of South Jackson Street and single-family homes on the west side. Transit access includes the Regional Transportation District (RTD) bus route 40 which runs along South Colorado Boulevard and has 30-minute headways. The bus stop for this route is approximately one-block away, along South Colorado Boulevard.

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	B-A-3 and O-1	Office	Nine-story office building and parking lot	The street pattern is suburban and inconsistent. Block sizes, shapes, building setbacks, and street orientation are varied. Large-scale development often occupies super blocks while residential uses occupy smaller blocks, some served by alleys.
North	C-MX-12	Commercial	13-story hotel	
South	B-4 WVRs, UO-1, UO-2	Commercial	1-story commercial building	
East	S-MX-5, UO-1, UO-2	Commercial	3-story commercial building	
West	E-SU-Dx	Single-unit residential	1-2 story residential homes	

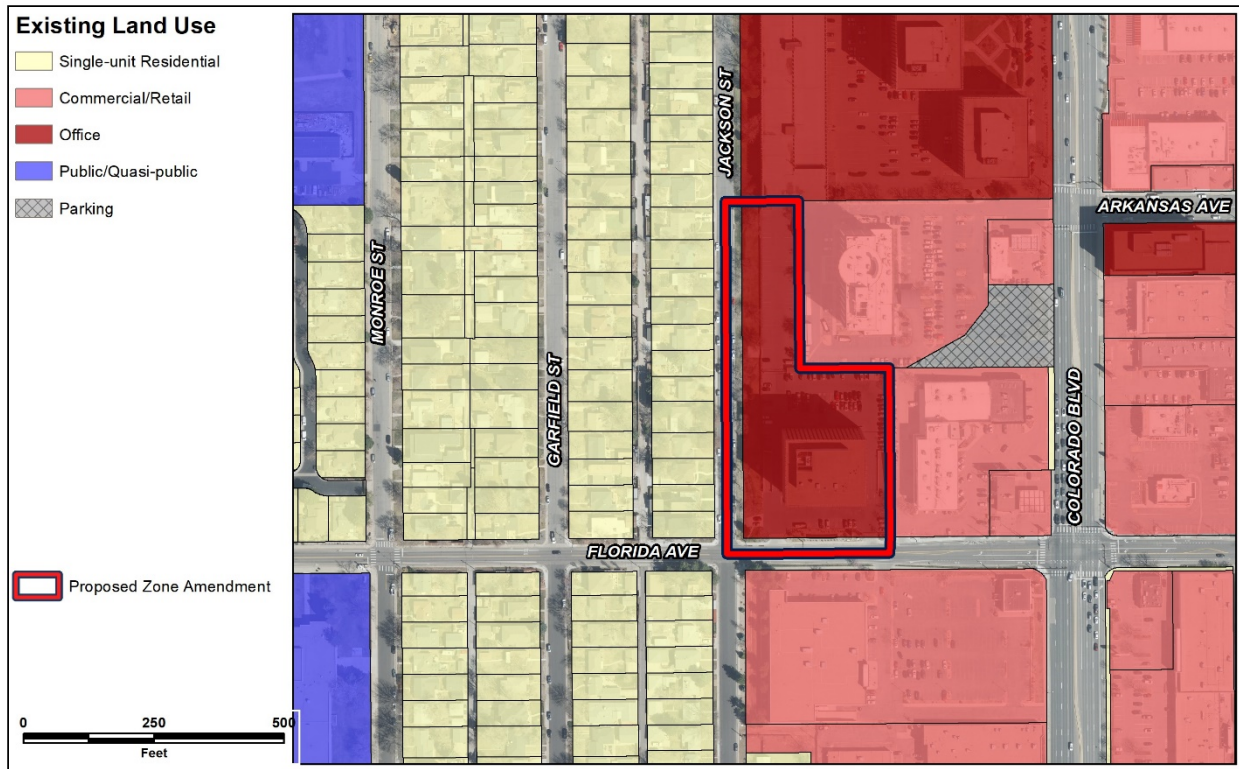
## 1. Existing Zoning



The subject site is currently zoned primarily B-A-3, which is a zone district in the Former Chapter 59 zoning code that allows a wide array of commercial, residential, and industrial uses. The western side of the property is zoned O-1. O-1 is a zone district in the Former Chapter 59 zoning code that allows a variety of industrial and institutional uses.



## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (Source: Google Maps)



Site - Looking north from across East Florida Avenue



**North** - The property to the north, looking north from the north side of the property



**East** – The property to the east, looking north from East Florida Avenue





**South** – The property to the south, looking south across East Florida Avenue



**West** – The single-unit housing to the west, looking west across South Jackson Street

### Proposed Zoning

The requested S-MX-5 zone district has a maximum height of five stories or 70 feet with allowable encroachments, except for the drive-thru building forms, which are limited to three stories and 45 feet. The minimum primary street setback is zero feet. A variety of residential, commercial, industrial, and civic uses are allowed. Build-to requirement ranges between 0% and 75%, depending on the building form. For additional details of the requested zone district, see DZC Sections 3.3.3.4. The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	B-A-3 (Existing)	S-MX-5 (Proposed)
Primary Building Forms Allowed	NA	Drive Thru Services, Drive Thru Restaurant, General, Shopfront
Stories/Heights (max.)	NA	5 stories / 70 feet without incentives* 7 stories / 95 feet with incentives*

Feet, within 175' of Protected District (max)	75'*	75'*
Building Coverage per Zone lot	30%	NA
Primary Build-To Percentages (min.)	NA	Drive Thru Services: NA Drive Thru Restaurant: 50% General: 50% Shopfront: 75%
Primary Build-To Ranges (min./max.)	NA	Drive Thru Services: NA Drive Thru Restaurant: 0'/80' General: 0'/80' or 0'/150' Shopfront: 0'/5' (0'/10' for Residential only)
Primary Street Setbacks (min.)	20' if primary street is an arterial 10' if primary street is not an arterial	0' for all building forms
Primary Street Transparency (min.)	NA	Drive Thru Services: 40% Drive Thru Restaurant: 40% General: 40% (30% for Residential only) Shopfront: 60% (40% for Residential only)

\*7 stories or 95 feet is allowed in the general and shopfront building form for the provision of enhanced affordable housing. However, the site's proximity to a protected district (E-SU-Dx) would limit height to 75 feet.

Generally, specific development proposals and standards are not assessed until a Site Development Plan is submitted. However, initial conversations with the Department of Transportation and Infrastructure Wastewater and Forestry teams revealed the following:

- The sidewalk ordinance will require a 5' sidewalk and an 8' amenity zone along Jackson Street. This would preserve approximately 15' of the green space in the form of right-of-way.
- Forestry will require the preservation of all the trees immediately along the curb on Jackson Street.
- All proposed improvements, including sidewalks and access ways, should be located outside the tree protection zone of trees. This may mean that a larger amenity zone will be required.
- Generally speaking, Forestry would not permit the mass removal of the trees along Jackson 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. 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 Oly – will require additional information at Site Plan Review.

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD 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. EQD 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. EQD 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 Comments.

**Department of Transportation and Infrastructure – Surveyor:** Approved.

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

**Development Services – Transportation:** Approved – No Response.

**Development Services – Wastewater:** Approved – No Response

**Development Services – Fire Protection:** Approved – No Comments.

## Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	11/14/2023
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:	4/30/2024
Planning Board public hearing: (Recommended Approval)	5/15/2024
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	7/16/2024
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	7/30/2024
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:	8/26/2024 (tentative)
City Council Public Hearing:	9/16/2024 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
  - 1 letter of support from the East Evans Business Association has been received. The letter expressed support for a district that promotes safe, active, and pedestrian-scaled development and that a mixed-use district would provide a good transition to the residential area.
- **Other Public Comment**
  - To date, staff has received 13 comments in opposition from neighboring property owners. Comment themes include concerns about potential loss of green space along Jackson Street, increased traffic and street noise, less parking, and commercial uses spilling over into the neighborhood.

## 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)
- *The Colorado Boulevard Plan* (1991)

***Denver Comprehensive Plan 2040***

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

- Equitable, Affordable and Inclusive Goal 1 – “Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities” (p. 28).

S-MX-5 allows for residential, commercial, and office uses, which will allow for a variety of amenities and basic services for nearby residents.

- Strong and Authentic Neighborhoods Goal 1, Strategy D – “Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities” (p. 34).

S-MX-5 expands the permitted uses on the site which could lead to an increase in amenities. The design standards will ensure any proposed use or development is consistent with the surrounding neighborhood.

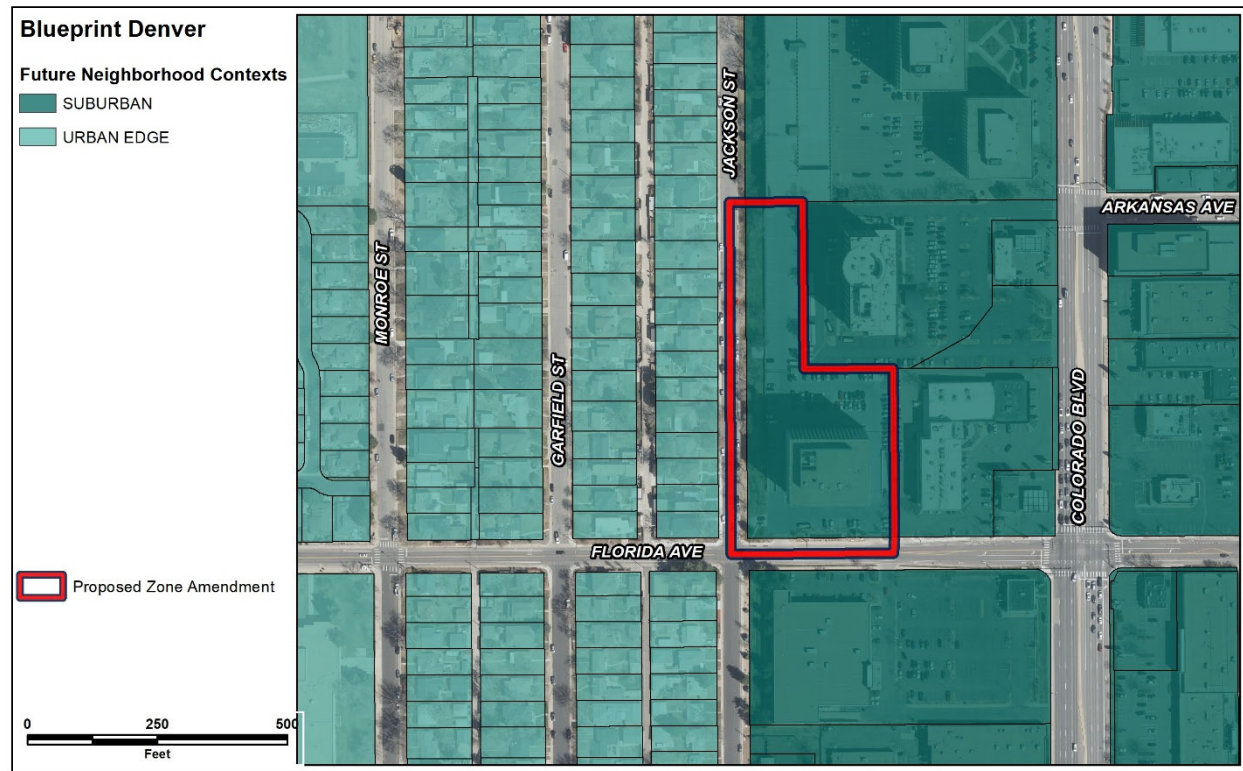
- Environmentally Resilient Goal 8, Strategy B – “Encourage mixed-use communities where residents can live, work and play in their own neighborhoods” (p. 54).

The proposed map amendment will facilitate a mixed-use development in an area where uses are largely separated from each other with a single land use on each lot. S-MX-5 permits a variety of uses on a single lot, which allows Denver to grow responsibly and promotes land conservation.

***Blueprint Denver***

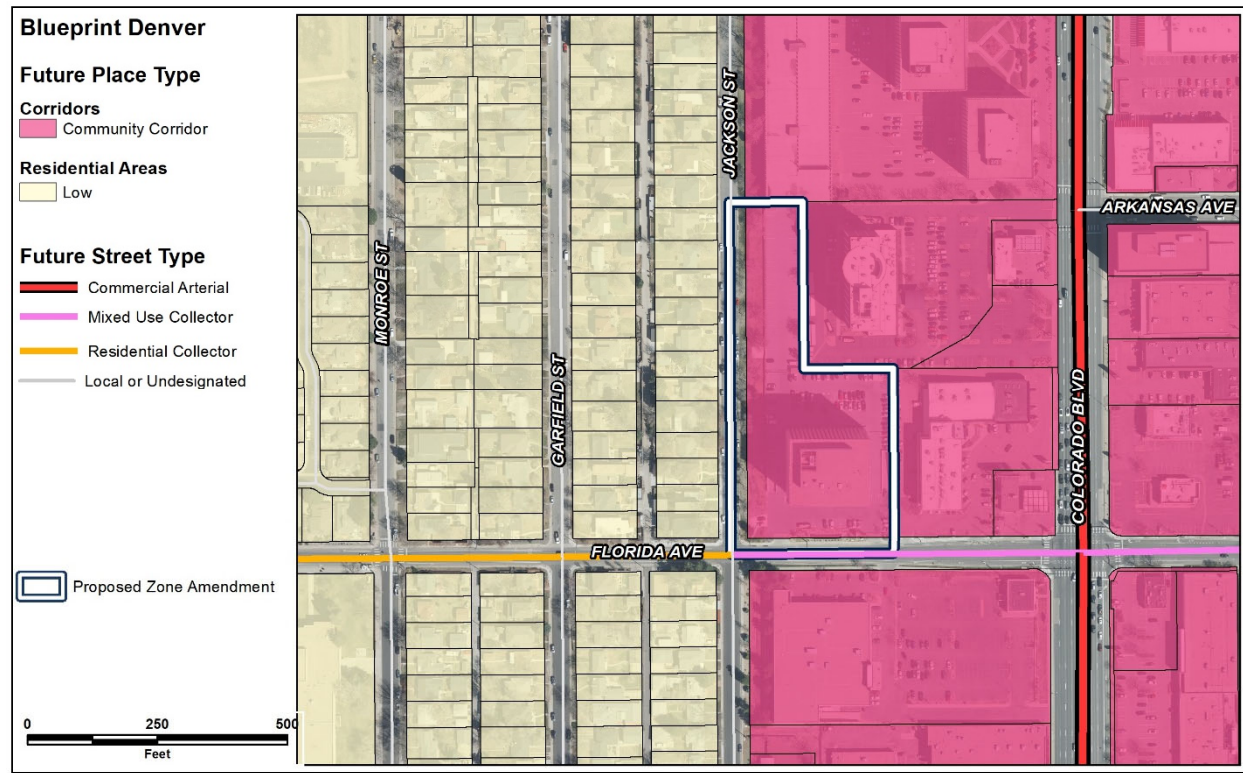
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of the Community Center future place within the Suburban Neighborhood Context and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Suburban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Suburban neighborhood context is described as a “range of uses from single-unit and multi-unit residential to commercial corridors and centers” with irregular block patterns with curvilinear streets (p. 136). While the Suburban context is more auto oriented than the other neighborhood contexts, “Denver’s suburban areas are still more urban in nature and suburban places should reflect that” (p. 189). S-MX-5 is a zone district within the Suburban neighborhood context and is “intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods” (DZC 3.2.4.1). S-MX-5 is consistent with the Blueprint future neighborhood context of Suburban because it will promote Blueprint’s aspiration of making suburban places more urban in nature by encouraging a more walkable community.

### **Blueprint Denver Future Place and Future Street Types**



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Community Corridor in the Future Place Map. *Blueprint Denver* describes the aspirational characteristics of Community Corridor in the Suburban context as “typically provides some mix of office, commercial and residential. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels vary depending on the type and mix of uses. Buildings have a distinctly linear orientation, but may provide an opportunity for infill in large setbacks that are a result of historic suburban development. Heights are generally up to 5 stories. Due to shorter lot depths, special attention is needed for transitions to nearby residential areas.” (p. 196).

The proposed district of S-MX-5 provides a wide range and mix of uses in building forms that address the street and define the public realm. The future proposed height of up to 5 stories is appropriate for a Community Corridor in this location.

### **Street Types**

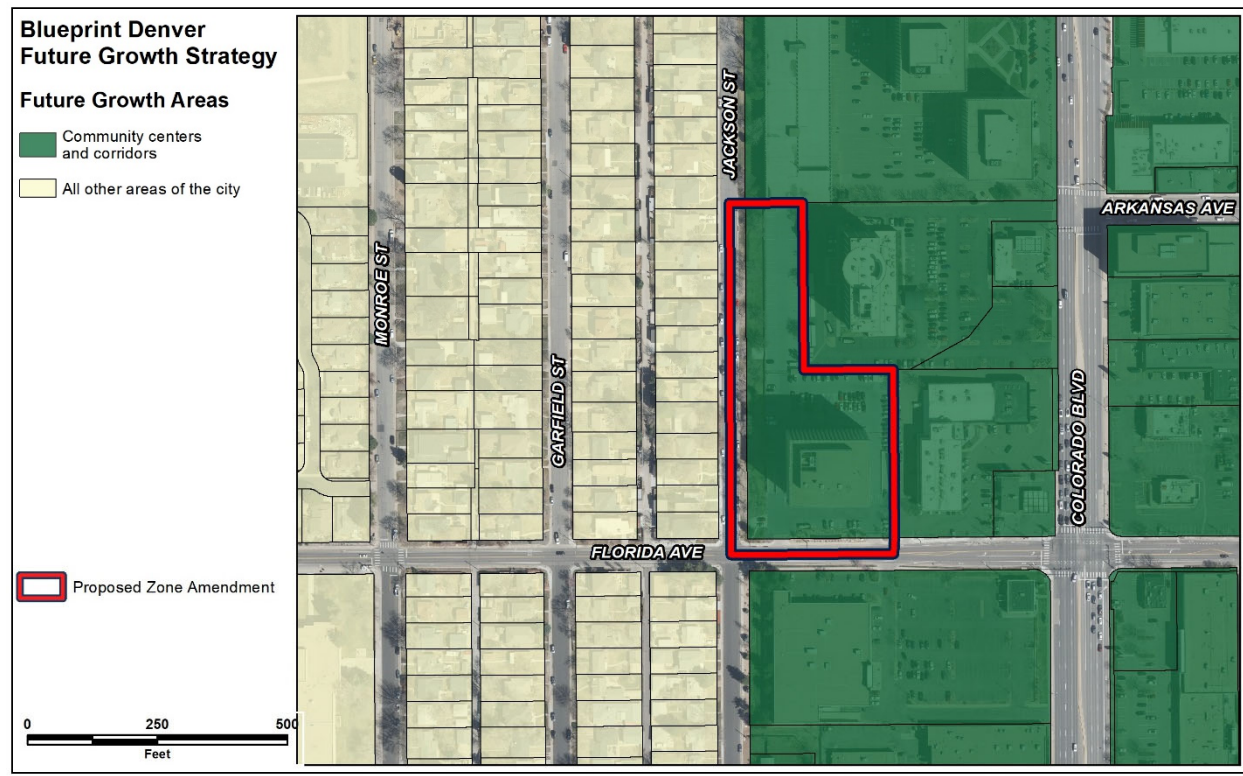
In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies East Florida Avenue as a Mixed-Use Collector. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). Mixed-use streets are characterized by a “varied mix of uses including retail, office, residential and restaurants. Buildings are



pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary” (p. 159).

The rezoning request is consistent with *Blueprint Denver’s* identified Street Types because it would allow residential uses, as well as additional uses that serve the neighborhood.

### **Blueprint Denver Future Growth Strategy**



*Blueprint Denver’s* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a Community Center. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The plan states that “focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49).

The proposed map amendment to S-MX-5 will focus mixed-use growth to a Community Center and Corridor where it has been determined to be most appropriate.

Given that the intent of this rezoning is to facilitate the redevelopment of the property in a way that is reflective of adopted plans, the proposed S-MX-5 district is consistent with these descriptions as it is intended to create an active area with a mix of uses along East Florida Avenue while South Jackson

Street provides residential access. Overall, the proposed rezoning is consistent with the context, place, growth strategy, and street type recommendations of Blueprint Denver.

### **Blueprint Denver Strategies**

- Land Use & Built Form: General, Policy 3, Strategy A: Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code (p. 73).

The proposed S-MX-5 district is a district within the Denver Zoning Code and will bring the property at 3801 East Florida Avenue from the Former Chapter 59 code to the Denver Zoning Code, consistent with this strategy.

### **The Colorado Boulevard Plan**

The *Colorado Boulevard Plan* was adopted in 1991 and applies to the subject property, although the site is not located directly along Colorado Boulevard. Land Use Recommendation 2 discusses the mix of land uses in the area and states that “Glendale and Denver should seek to retain the diversity of land uses in the corridor. Denver and Glendale should also encourage large office projects to incorporate either retail, residential, entertainment, lodging or restaurant uses in addition to the primary office use.”

The proposed S-MX-5 district allows a variety of residential, commercial, industrial, and civic uses and will help maintain the mix of land uses desired in this plan.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to S-MX-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 the city’s adopted land use plan which recommends “rezon[ing] properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC” (p. 73). Compared to the current B-A-3 and O-1 zoning, a mixed-use district such as S-MX-5 facilitates a greater mix of uses and may facilitate the creation of additional community amenities. The improved design standards found in the S-MX-5 district may lead to improved design outcomes along East Florida Avenue, such as greater transparency and active ground floor uses.

## **4. Justifying Circumstance**

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted

plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The current zoning B-A-3 and O-1 are Former Chapter 59 zone districts, and rezoning to S-MX-5 will bring the property under the regulations of the Denver Zoning Code. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested S-MX-5 zone district is within the Suburban Neighborhood Context. This neighborhood context is “characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks” and “commercial buildings are typically separated from residential and consist of Shopfront and General forms” (DZC, Division 3.1.1). These areas consist of “an irregular pattern of block shapes surrounded by curvilinear streets within a modified non-existent grid, with cul-de-sacs and typically no alleys” (DZC, Section 3.2.1). The proposed rezoning to S-MX-5 is consistent with the neighborhood context description.

Denver Zoning Code Section 3.2.4 states the general purpose of the Mixed Use zone districts as “promot[ing] safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” These districts are also “intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC, Section 3.2.4). The proposed S-MX-5 will provide a buffer between the more intense commercial uses to the north and east and the single-unit residential uses to the east. It will also allow for a more pedestrian-oriented area than the current zoning accommodates.

The specific intent of the S-MX-5 zone district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired” (DZC 3.2.4.2.E). The subject site is in an area primarily served by collector streets where buildings up to 5 stories is desired in Blueprint Denver. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

## **Attachments**

1. Application
2. Public comments



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	F6F, LLC VINCENT RIEGER	Representative Name	DAVID BUDROW ARCHITECTS, LLC DAVID BUDROW
Address	PO BOX 9677 33 VILLAGE LOOP	Address	8200 SOUTH QUEBEC ST. STE. A3-715
City, State, Zip	KALISPELL, MT 59904	City, State, Zip	CENTENNIAL CO 80112
Telephone	406-755-9552	Telephone	303-877-7545
Email	vrieger@lovgrpc.com	Email	david@budrowarchitects.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.  ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	3801 EAST FLORIDA AVENUE		
Assessor's Parcel Numbers:	0524100030000		
Area in Acres or Square Feet:	2.912 ACRES		
Current Zone District(s):	B-A-3, O-1		
PROPOSAL			
Proposed Zone District:	S-MX-5		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> <b>Yes - State the contact name &amp; meeting date</b> JAMES LARSEN 8/25/23 <input type="checkbox"/> <b>No - Describe why not (in outreach attachment, see bottom of p. 3)</b>		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> IN PERSON MEETING, 9/5/23 COUNCILMAN PAUL KASHMANN <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment, see bottom of p. 3)</b>		

## REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b></p> <p><u>THE BOULEVARD PLAN</u></p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of 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 checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

## REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- ☒ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☒ Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.
- ☒ Review Criteria Narratives. See page 2 for details.

## ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- ☒ **Written narrative explaining reason for the request** (optional)
- ☒ **Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- ☒ **Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- ☒ **Written Authorization to Represent Property Owner(s)** (if applicable)
- ☒ **Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- ☐ **Affordable Housing Review Team Acceptance Letter**
- ☐ **Other Attachments.** Please describe below.



## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> 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>	01/12/20	(A)	YES
F6F, LLC	3801 EAST FLORIDA AVE. DENVER, CO 80210 406-755-9552	100%	<i>David Budrow</i>	2/22/24	B	YES NO n/a
						YES
						YES
						YES



D B A

DAVID BUDROW  
ARCHITECTS

February 22, 2024

Mr. Andrew Webb  
Ms. Alisa Childress  
Community Planning and Development  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application Revised  
S-MX-5 Zoning

Dear Andrew and Alisa:

The following is intended to supplement the above referenced Zone Map Amendment for the property located at 3801 East Florida Avenue. This narrative addresses in more detail the specifics of the Review Criteria contained on page 2 of the Application and speaks to how the proposed rezoning is consistent with City and County of Denver Adopted Plans, Uniformity of District Regulations and Restrictions, and application of Public Health, Safety and General Welfare. This narrative has been updated to reflect our revised S-MX-5 zoning designation as we have discussed in detail.

## **CONSISTENCY WITH ADOPTED PLANS**

### **Comprehensive Plan 2040**

*Comprehensive Plan 2040* “is the vision for Denver and its people.”(page 11). “ The vision, composed of six vision elements, is the backbone of this plan. It knits together a set of long-term, integrated goals. The vision and goals provide a common language to connect the plans, policies and programs of multiple city departments.” Small area plans are envisioned as “supplements to the comprehensive plan” and “advance the citywide vision while providing important and specific guidance for a smaller area.” The proposed rezoning at 3801 East Florida Avenue comports with these objectives and is the first step in making this site align with the stated objectives of the various Denver adopted plans and codes. Further definition of future site development will occur through the “small area plan” process and development design and review submittals. The “small area plan” process has been discussed in our various meetings and is of participatory interest to our project team subsequent to this rezoning.

1. Equitable, Affordable and Inclusive Goals 1, 2, 3, 5, 7, 8  
Each of these goals is intended to advance the vision of Denver as an equitable city. The rezoning of this site to S-MX-5 is a first step to implementation of the stated goals by properly zoning the parcel consistent with enhanced land uses and development supportive of the goals.
2. Strong and Authentic Neighborhoods Goals 1, 2, 4, 5, 8, 9  
These *Comprehensive Plan 2040* goals seek to encourage maintenance of existing strong neighborhoods such as the Cory-Merrill neighborhood in which the 3801 East Florida parcel is located. The site is a connector site between the heavily trafficked Colorado Boulevard transit corridor and the suburban context Cory-Merrill residential neighborhood. Assignment of the S-MX-5 zoning designation will promote "... a network of well-connected, vibrant, mixed-use centers and corridors," and "...encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities," both as per stated Goal 1.
3. Connected, Safe and Accessible Places Goals 1, 2, 3, 4, 5, 6, 8  
Each of these goals promote integration of the multimodal transportation network with urban design elements that promote transportation options. The 3801 East Florida site is adjacent to the Colorado Boulevard multimodal transportation networks as well as the multiple mixed uses on adjacent parcels. Goal 1 ("encourage more trips by rolling, biking and transit"), Goal 3 ("contribute to great urban design and accommodate green infrastructure, including street trees"), Goal 4 ("improve access to opportunity and services"), and Goal 8 ("strengthen multimodal connections in mixed-use centers and focus growth near transit) are all strongly supportive of the rezoning to S-MX-5.
4. Economically Diverse and Vibrant Goals 2, 3,  
Although most of the *Comprehensive Plan 2040* goals of this section are administrative in nature, Goals 2 and 3 are impacted by the rezoning. Goal 2 ("Grow a strong, diversified economy") and Goal 3 ("sustain and grow Denver's local neighborhood businesses") are both supported through the rezoning.
5. Environmentally Resilient Goals 1, 3, 4, 6, 8, 9,  
The property at 3801 East Florida aligns with Goal 8 ("promote infill development where infrastructure and services are already in place") which incorporates the other goals within this section. The site already integrates stormwater into its built environment (Goal 4) and recognizes its existing green infrastructure (Goal 6) which may be integrated into any new design solutions consistent with Denver Zoning Code criteria and constraints. The S-MX-5 mixed use designation anticipates various uses (live, work, shop) that improve climate outcomes by having all services and amenities available nearby without necessitating auto trips.
6. Healthy and Active Goals 1, 2  
The header in this section identifies those outcomes that are resultant from this proposed rezoning: "safe and inviting, walkable, bikeable, accessible and transit-friendly, access to amenities and services, active and vibrant." A mixed-use S-MX-5 zoning designation supports all of those activities central to life within close proximity or made available by proximity to multimodal transportation options and achieves the goals as stated.



## Blueprint Denver

As stated in *Blueprint Denver* (page 6), “*Blueprint Denver* provides the foundation for citywide policies and recommendations related to land use, transportation, design and growth.” It specifically identifies (page 4) “a set of community-driven plans that shape Denver’s future land use, mobility, parks, recreational resources and more.” It specifically states (page 25) that *Blueprint Denver* will: Inform neighborhood planning, Guide rezoning and regulations and is a supplement to *Comprehensive Plan 2040*. *Blueprint Denver* recognizes (page 58) that “changes to the city’s zoning map, called rezonings or map amendments, will also help to implement the plan vision over time,” so rezoning of the site at 3801 East Florida Avenue is conceptually supported.

The site at 3801 East Florida Avenue is identified as a Community Center and Corridor on the Growth Strategy map on page 51. The intent is to “strengthen our existing neighborhoods through carefully planned infill development.” 20% of job growth and 25% of new household growth citywide is projected within the Community Center and Corridor areas by 2040. Rezoning of this site to mixed-use is consistent with and supportive of the Community Center and Corridor *Blueprint Denver* Growth Strategy that allows for innovative infill development. It should be noted that the rezoning will also provide Key Equity Concepts opportunities to “include efforts to increase the range of housing options while respecting the existing context of that area” (page 43). It also would enhance the opportunity to increase jobs diversity (page 45) as defined by *Blueprint Denver* within the Cory-Merrill neighborhood.

*Blueprint Denver* has specific criteria for applying its components to rezoning requests (pages 66-67). The following define and respond to each of these criteria.

1. Neighborhood context.

- 3801 East Florida is Suburban adjacent to Urban Edge (Neighborhood Contexts map, pages 138-139).

2. Place

- Places Map

- . Community Corridor (Future Places map, pages 142-143)
  - “Corridors are often embedded in neighborhoods and serve nearby residents.” (page 140).

- Places description (pages 144-145)

- . Community Corridor (Page 196): “Typically provides some mix of office, commercial and residential. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels vary depending on the type and mix of uses. Buildings ... may provide an opportunity for infill in large setbacks that are a result of historic suburban development. Heights are generally up to 5 stories.... special attention is needed for transitions to nearby residential areas.”
- . At 3801 East Florida, scale will be mitigated adjacent to the single-family detached neighborhood to the west. The S-MX-5 zoning will transition (“... between corridors and lower-scale residential neighborhoods. ... page 147) to the existing 9-story building on the site and especially to the existing 13-story hotel building on the already rezoned C-MX-12 adjacent property to the north and northeast. Existing buildings and uses are to remain and will be enhanced/transitioned by new, scale transitioning, infill construction.

- . Street type is local residential on Jackson Street and mixed-use collector on Florida Avenue.
  - Building Heights
    - . Existing 9-story office building on site and 13-story hotel on adjacent site.
    - . 75' height restriction on west side of 3801 East Florida property adjacent to a protected district (single family detached 1 and 2 story houses west of site).
    - . Proposing S-MX-5: The 75' height restriction would limit building height on the west side of the site.
      - o "Transitions from higher intensity to lower intensity areas," "Surrounding context, including existing and planned building height": S-MX-5 would provide transition from residential neighborhood scale as well as visual barrier / buffer to existing 13-story hotel building on adjacent C-MX-12 site.
      - o "Adjacency to transit": 3801 East Florida is near and adjacent to transit along Colorado Boulevard.
      - o "Achieving plan goals for community benefits, including affordable housing": Rezoning to S-MX-5 provides opportunity to satisfy Denver requirements for affordable housing.
      - o "Further urban design goals": Although no design specifics currently exist for site development, new residential along Jackson Street would provide urban design solutions compatible with *Blueprint Denver* and *Denver Zoning Code* objectives (screen parking lot visual exposure, provide buffer / transition to 13-story hotel structure, affordable housing initiative, etc.).
  - Growth Strategy
    - . "Certain future places are anticipated to take on more jobs and housing than others": 3801 East Florida site is identified on Growth Strategy map (Pages 50-51) as a Community Center and Corridor and is expected to contribute significantly to job and new household growth as discussed above. Rezoning at this location satisfies intended *Blueprint Denver* objectives.
3. Street Type
- Street Types Map
    - . Street type is local residential on Jackson Street and mixed-use collector on Florida. Florida transitions to a residential collector street west of the site.
    - . Street types are not expected to change with the rezoning.
  - Street Types Descriptions
    - . Florida Avenue south of the site, a mixed-use collector, extends to Colorado Boulevard and serves the existing 9-story office building on the site as well as other existing properties east and south of the site.
    - . Future "aspirational street type" (page 159) bounding the site will be Mixed-use, i.e. rezoning will allow "varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian oriented, typically multi-story..."
4. Equity Concepts
- Although *Blueprint Denver* states that equity concepts "are not intended to be part of the evaluation for smaller rezonings," the rezoning at 3801 East Florida does provide opportunities for compliance with Denver affordable housing objectives.

Other *Blueprint Denver* objectives and goals supported in the proposed rezoning are the following:

- Page 49: “These regional centers are complemented by mid-sized community centers and corridors where underutilized infill redevelopment sites can be repurposed. Regional centers and community centers and corridors should attract almost two-thirds of all new jobs and half of new households.”
- Page 49: “...a critical component of the growth strategy’s success will be to coordinate the development of transit-supportive land uses in community centers and corridors... Focusing growth in centers and corridors helps provide a variety of housing, jobs and entertainment options within a comfortable distance ... and is a key element of building complete neighborhoods...”
- Page 72: General Policy 01A: “Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas.”
- Page 72: General Policy 02D: “Incentivize redevelopment of opportunity sites such as ... Surface parking lots.”
- Page 73: General Policy 03A: “Rezone properties from the former Chapter 59 zoning code so that the entire city is covered by the DZC, including to incentivize owners to come out of the old code.”
- Page 85: Housing Policy 06A: “Incentivize affordable housing through zoning, especially in regional centers, community centers and community corridors adjacent to transit.”
- Page 86: Housing Policy 08: “Capture 80 percent of new housing growth in regional centers, community centers and corridors ...”
- Page 90: Economics Policy 02B: “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.”
- Page 108: Mobility Policy 01D: “Increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas...”
- Page 108: Mobility Policy 01E: “Promote mixed-use development in all centers and corridors.”
- Page 118: Quality-of-Life Infrastructure Policy 02A: “Prioritize trees in green infrastructure facilities to improve urban tree canopy.”
- Page 118: Quality-of-Life Infrastructure Policy 02F: “Study and implement requirements and/or incentives for existing parking lots to provide landscaping improvements that include trees, giving priority to upgrading existing parking lots in centers and corridors.”
- Page 120: Quality-of-Life Infrastructure Policy 04B: “Study and implement requirements to preserve existing green infrastructure, including trees...”
- Page 168: Pedestrian Enhanced: “...focus on design treatments to create areas that are truly enhanced for pedestrians, with a focus on placemaking.”
- Pages 170-171: Pedestrian Enhanced Map: 3801 East Florida site is identified as a pedestrian enhanced area.
- Pages 178-179: Transit Priority Map: 3801 East Florida site is located adjacent to the Colorado Boulevard High-capacity Transit Corridor.
- Pages 182-183: Future Multimodal Network Map: 3801 East Florida site is located adjacent to the Colorado Boulevard High-capacity Transit Corridor and is at the intersection of several of the identified multimodal priority options.



## The Boulevard Plan

Although *The Boulevard Plan* was adopted in 1991 and many of its provisions seem dated with respect to current conditions and realities, there are certain provisions that still are applicable. The Plan Summary on page 3 describes its intent as follows:

This portion of South Colorado Boulevard is, and should continue to be, a regionally distinct transportation, business and residential corridor accommodating a wide range of development types and sizes which serve the shopping, business and entertainment needs of nearby residents, as well as providing destination opportunities for a wider community.

While serving as a gateway to the cities of Glendale and Denver and the Cherry Creek area, Colorado Boulevard will provide for functional and efficient traffic flow both within and through the corridor. There will be a growing role for transit and a more friendly and safe environment for pedestrians.

Higher standards of both public and private urban design will create a positive human scale image and a cohesiveness which will distinguish “the Boulevard” from typical strip commercial areas, while retaining the separate identities of Glendale and Denver. Design considerations will reinforce the integrity of adjacent residential areas by enhancing their privacy and livability.

These *Boulevard Plan* summary visions are applicable today and are reinforced by *Blueprint Denver* and *Comprehensive Plan 2040* as well as the design provisions of the since adopted *Denver Zoning Code*. It further states the goal of “taking action to retain a broad mix of land uses that are a good neighbor to existing uses,” which is a stated goal of this rezoning.

The proposed rezoning to S-MX-5 is consistent with *The Boulevard Plan*’s general stated objectives for Land Use and Urban Design: Public Right-of-Way. The following Land Use areas of focus contained in the plan are consistent with the S-MX-5 rezoning and allow further specificity through the Site Development Plan process:

RECOMMENDATION	NEXT STEPS
1. Overall Development Cap	1. Recognize in Rezoning Application
2. Land Use Mix	1. Recognize in Rezoning Application Reviews
	2. Work with Large Project Developers
3. On-Site Parking	1. Recognize in Development Review
	2. Update requirements citywide.

It should be noted that the above recommendations have been addressed in subsequent passage of the updated *Denver Zoning Code* and *Blueprint Denver*, so these become site planning and Urban Design issues to be implemented through the development design and review process.

The following Urban Design: Public Right-of-Way areas of focus contained in the plan are consistent with the S-MX-5 rezoning and allow further specificity through the Site Development Plan process. As with the Land Use issues above, Urban Design issues have been addressed in detail in the updated *Denver Zoning Code* as well as in the objectives of *Blueprint Denver*.

RECOMMENDATION	NEXT STEPS
1. Sidewalk Standard	1. Use in Development Review as Applicable.
2. Street Trees	1. Use in Development Review as Applicable. 2. Develop Design Guidelines
	3. Continue Glendale Program & Standards
3. Street Lighting	1. Develop Lighting Plan 2. Use Development Review as Applicable 3. Continue Glendale Program & Standards

The following Urban Design: Private Development areas of focus contained in the *Plan* are consistent with the S-MX-5 rezoning and allow further specificity through the Site Development Plan process. As with the Land Use and Public Right-of-Way issues above, Urban Design issues have been addressed in detail in the updated *Denver Zoning Code* as well as in the objectives of *Blueprint Denver*.

RECOMMENDATION	NEXT STEPS
7. Parking Lot Screening/Entry Medians	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
8. Front Setback and Landscaping	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
9. Building Placement	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
10. Building Entrance Orientation	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
11. Building Facades	1. Consider in New Corridor Development Requirements
12. Upper Level Setback	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
13. Maximum Height Limitation	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements 3. Develop Design Guidelines
14. Architectural Treatment on All Sides	1. Use in Development Review as Applicable. 2. Incorporate in New Corridor Development Requirements

As with the Land Use and Urban Design: Right-of-Way issues above, Urban Design: Private Development issues are addressed in detail in the updated *Denver Zoning Code* as well as in the objectives of *Blueprint Denver*. All will be addressed through the development review process as is contemplated in the “Next Steps” in the charts above. This eventuality was envisioned in the adoption of *The Boulevard Plan*. On page 8 of the plan, it is stated that “Many of the land use and urban design recommendations will require amendments to the ordinances and regulations that

guide private development.” Adoption of the updated *Denver Zoning Code* and subsequent plans all address current development thinking and process.

Generally, the infrastructure transit objectives contained in *The Boulevard Plan* do not apply to the rezoning request for 3801 East Florida Avenue. Development at this site will, however, support the transit objectives as defined including encourage transit use, improve pedestrian / bicycle connections, reduce auto trips / traffic by mixed use development, etc. as contemplated by the *Plan*.

The proposed rezoning to S-MX-5 supports *The Boulevard Plan* stated Land Use Objectives:

1. Continue an appropriate mix of land uses along the Boulevard; and
2. New development should be compatible with existing development.

It is stated on page 29 that “maintaining an appropriate land use mix will help reinforce the economic vitality of the corridor, and if the corridor remains economically healthy on an overall basis, there will be a stronger likelihood that high-quality neighborhood serving uses will continue to thrive. It also tends to reduce traffic impacts more than if the land uses were more homogeneous.” These stated objectives of the *Plan* are also the objectives of the rezoning here contemplated.

Page 36 of *The Boulevard Plan* states the objective that “All new development should provide sufficient parking to meet 100% of the project’s needs on-site or in shared facilities adjacent to the site.” The existing office building on the site currently has parking in excess of zoning code requirements. Utilization of this excess capacity is anticipated for any new development on the site. New uses, if any, will require compliance with *Denver Zoning Code* parking requirements and will be addressed through the development design and review process.

Urban Design objectives for *The Boulevard Plan* begin on page 39. Pertinent design objectives, and those contemplated for any future redevelopment of the site include the following:

1. Provide a safe and secure walking environment by providing separation between automobile traffic and sidewalks in order to encourage more people to make trips on foot or by public transportation.
3. Create lively and visually interesting buildings.
6. Screen some of the parking lots by the placement of buildings.
7. Scale back the mass of buildings to reduce the intrusion into neighborhoods and to avoid “overpowering” the street.
8. Ensure that adverse impacts of new buildings on adjacent, older buildings and residential development is minimized.

It should be noted that any future development on the site at 3801 East Florida is intended to provide a buffer to the adjacent residential neighborhood and improve the current unscreened parking lots and existing visual access to the 13-story existing adjacent hotel building. These urban design goals are paramount. Page 40 states that the differentiation between “smaller scaled single family residential neighborhoods ... should be emphasized as a distinct edge which separates the two areas.” This thinking and urban design objective will be addressed and solved through the design development review process. The *Denver Zoning Code* and *Blueprint Denver* anticipate and address these interface concerns.



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The site at 3801 East Florida Avenue does not front on Colorado Boulevard, so its design and zoning concerns are somewhat different than those on the Boulevard. The following Urban Design recommendations, however, do apply and are intended to be considered in any future development on the site:

- UD-1. Sidewalk Standard.
- UD-2. Street Trees.
- UD-3. Street Lighting.
- UD-7. Parking Lot Screening / Entry Medians.
- UD-8. Front Setback and Landscaping.
- UD-9. Building Placement.
- UD-10. Building Entrance Orientation.
- UD-11. Building Facades.
- UD-12. Upper Level Setback.
- UD-13. Maximum Height Limitation.
- UD-14. Architectural Treatment on all Sides.
- UD-15. Rear Buffers and Screening / Access to Alleys.
- UD-16. Service Area Screening.

It should be noted that these urban design recommendations have been fully implemented in the *Denver Zoning Code* and are also reflected in the recommendations and objectives of *Blueprint Denver*. As such, they will be implemented in any redevelopment planning, design and review that may occur on the site in the future.

## **UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS**

The proposed rezoning to Mixed Use District S-MX-5 incorporates the criteria of the various adopted plans of the City and County of Denver. The current zoning is a remnant from the former Chapter 59 zoning and warrants revision to bring it in line with citywide district regulations and restrictions. An S-MX-5 Mixed Use district is consistent with adjacent uses and supportive of the stated objectives of *Blueprint Denver* (as described above) and the adopted *Denver Zoning Code* (as described below).

## **PUBLIC HEALTH, SAFETY AND GENERAL WELFARE**

The proposed rezoning to S-MX-5 is intended to allow development and redevelopment at this location to proceed in the future in accordance with the criteria that have been established by the City and County of Denver through the various plans that have been created. Each plan has described in greater detail the intentions for redevelopment near and adjacent to 3801 East Florida Avenue. Each plan has set out strategies for improving the neighborhood through various planning objectives including mixed land uses and the integration of a transit oriented development model centered on South Colorado Boulevard. The rezoning of this particular parcel is one of the next steps in the realization of the intentions of the various plans.

## **SITE REZONING AND CRITERIA FOR MIXED USE DISTRICT S-MX-5**

As has been described in the various City and County of Denver plans, the intention for future development and redevelopment along the South Colorado Boulevard corridor, and its contribution to overall, citywide planning objectives, hinges on the integration of transit-supportive

land uses in community centers and corridors. Focusing growth in centers and corridors provides a variety of housing, jobs and entertainment options within a comfortable distance and is a key element of building complete neighborhoods. Corridors and centers will capture relatively more of the regional growth expected over the next decades and the South Colorado Boulevard corridor is one of the identified areas projected for growth. Rezoning of the parcel at 3801 East Florida Avenue, within the South Colorado Boulevard corridor, is warranted to align with City and County of Denver stated planning objectives.

The S-MX-5 Mixed Use District will satisfy the planning criteria that have been set out. The following General Purposes (3.2.4.1) are from the Denver Zoning Code:

- A. The Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.
- B. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections.
- C. The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, street level activation and parking lot screening along the right-of-way. Standards offer predictable flexibility consistent with the variety of mixed use development found in the Suburban Neighborhood Context.
- D. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

The specific S-MX-5 intent (3.2.4.2) is that this Mixed Use District applies to areas or intersections served primarily by collector or arterial streets (East Florida Avenue, a mixed use collector) where a building scale of 1 to 5 stories is desired.

Each of the following General Intent Statements contained in Section 3.3.1 of the Denver Zoning Code are applicable to and support the rezoning to S-MX-5 at 3801 East Florida Avenue:

- 3.3.1.1 Implement the Denver Comprehensive Plan.
- 3.3.1.2 Implement the zone district's Intent and Purpose.
- 3.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space and transit.
- 3.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
- 3.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- 3.3.1.6 Give equal prominence to pedestrian realm as a defining element of neighborhood character.
- 3.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- 3.3.1.8 Provide human scale in building through use of detail, contrast, form, window and door placement, color and materials.
- 3.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- 3.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the

transit facility as a component, is the primary element to which buildings are oriented.

3.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

3.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

Each of the following Building Form Intent Statements contained in Section 3.3.2 of the Denver Zoning Code are applicable to and support the rezoning to S-MX-5 at 3801 East Florida Avenue:

3.3.2.1 Height

- A. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
- C. Allow flexibility in height for buildings that provide additional affordable housing.

3.3.2.2 Siting

- A. Required Build-To
  - 1. Provide a more consistent street edge to enhance the character, quality and accessibility of new development.
  - 2. Improve the relationship between new development and public streets to promote pedestrian activity and to establish a sense of place.
  - 3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.
- B. Setbacks
  - 1. Site buildings to be consistent with intended character and functional requirements of the context.
  - 2. Improve connections between varied uses and the public street.
- C. Parking Location
  - 1. Minimize the visual impact of parking areas on streets and adjoining property.
  - 2. Minimize conflicts between pedestrians and vehicles.

3.3.2.3 Design Elements

- A. Configuration
  - 1. Promote variation in building form that enhances access to sunlight, air and views from within and around new structures.
  - 2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
  - 3. Main street setback: Consider the proportional scale of new development necessary to establish a well defined edge to the public street.
  - 4. Arrange building heights and scaling devices to provide transitions to adjoining areas.
- B. Transparency
  - 1. Maximize window area at Street Level to help activate the street.
  - 2. To create rhythms and patterns on building facades that provide visual interest and reflect the uses within the building.
  - 3. Limit the use of highly reflective glass to avoid reflected glare into neighboring streets and properties.
- C. Entrances
  - 1. Give prominence to pedestrian realm as a defining element of district and neighborhood

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character.

2. Provide convenient access to buildings and active uses from the street.
3. Create a clearly articulated and varied visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

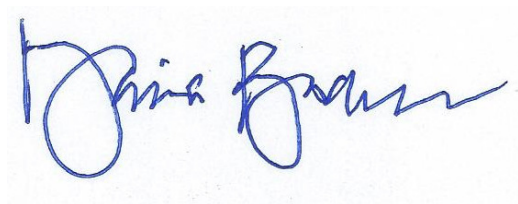
Rezoning 3801 East Florida Avenue to S-MX-5, within the *Blueprint Denver* identified preferred growth corridor and incorporating access to transit, is wholly consistent with the planning and design intents as mandated, described and depicted in the various City and County of Denver plans, codes and regulations.

Please note the inclusions to this rezoning submission:

1. Formal Application for Rezoning on Denver Form.
2. Written Narrative
3. Legal Description.
4. Copy of Warranty Deed validating Ownership by F6F, LLC.
5. Individual Authorization to Sign on Behalf of a Corporate Entity
6. Authorization by F6F, LLC for David Budrow Architects, LLC to act on their behalf.
7. Copies of Outreach letters sent to RNO's.
  - Note that additionally we have met with Paul Kashmann, City Council member, who verbally expressed support.
  - Note that we have met with East Evans Business Association. A copy of a letter of support from them is attached.
  - We have had contact (back and forth emails) with the Cory-Merrill Neighborhood Association but have been unsuccessful in arranging a meeting to discuss our rezoning in Detail at this time.

We are available to answer any questions that you may have and look forward to your continuing responses. Please do not hesitate to call or email if I can answer questions and or / respond.

Sincerely,



David Budrow  
Principal





11/16/2017 12:52 PM  
City & County of Denver  
Electronically Recorded

R \$38.00

WD

D \$2,000.00

**WARRANTY DEED**

THIS DEED, made this 15 day of November, 2017, between **RTA Cypress Point, LLC**, a Delaware limited liability company, whose address is c/o RedTail Acquisitions, 2082 Michelson Drive, 4<sup>th</sup> Floor, Irvine, California 92612, Grantor, and **F6F LLC**, a Delaware limited liability company, whose address is 4 Meridian Court, Kalispell, Montana 59901, Grantee:

WITNESSETH, That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the said County of Denver and State of Colorado described as follows:

See Exhibit A attached hereto and by this reference made a part hereof

also known by street and number as: 3801 East Florida Avenue, Denver, CO 80210

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, water rights, mineral rights, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the Grantor, for itself, and its successors, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except as described in Exhibit B attached hereto and by this reference made a part hereof.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

**N0013269**  
Recording Requested by:  
FNTG-NCS Colorado

IN WITNESS WHEREOF, The Grantor has executed this Warranty Deed, the day and year first above written.

**RTA Cypress Point, LLC,**  
a Delaware limited liability company  
By its Manager:  
RTA Cypress Point GP, LLC,  
a Delaware limited liability company

By:   
Benton J. Ketel, Manager

#### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF SAN FRANCISCO )

On November 6, 2017 before me, Patti Harrison, Notary Public, personally appeared Benton J. Ketel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

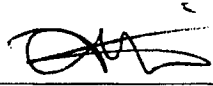
Signature 



EXHIBIT A  
Real Property Legal Description

All that land situated in the State of Colorado, County of Denver, City of Denver and described as follows:

Parcel I:

That part of the East  $\frac{1}{2}$  Southeast  $\frac{1}{4}$  Northeast  $\frac{1}{4}$  of Section 24, Township 4 South, Range 68 West of the 6th P.M., in the City and County of Denver, Colorado, more particularly described as follows: Beginning at a point on the North line of East Florida Avenue, which is 315.00 feet West of the intersection of the North line of East Florida Avenue with the West line of South Colorado Boulevard; Thence North and parallel to the West line of South Colorado Boulevard a distance of 325.00 to a point, which point is the Northwest corner of the tract described in Book 9653 at Page 213 of the records of the recorder of the City and County of Denver, State of Colorado; Thence West and parallel to the North line of East Florida Avenue a distance of 172.00 feet to a point, which point is the Southwest corner of that tract described in Book 9662 at Page 693 of said records; Thence North and parallel to the West line of South Colorado Boulevard and along the West line of said tract described in Book 9662 at Page 693 a distance of 323.00 feet to the Northwest corner of said tract described in Book 9662 at Page 693 of said records; Thence West and parallel to the North line of East Florida Avenue to a point on the East line of South Jackson Street; Thence South along the East line of South Jackson Street a distance of 648.00 feet more or less to the intersection of said East line of South Jackson Street with the North line of East Florida Avenue; Thence East along the North line of East Florida Avenue a distance of 281.42 feet more or less to the Point of Beginning, City and County of Denver, State of Colorado.

Parcel II:

Those certain easement rights as contained in the Sanitary Sewer Line Agreement recorded May 1, 1981 in Book 2367 at Page 696, City and County of Denver, State of Colorado.

Parcel III:

Those certain easement rights concerning curb and gutter and incidental uses as contained in the Agreement recorded May 1, 1981 in Book 2368 at Page 16, City and County of Denver, State of Colorado.

EXHIBIT B  
Permitted Exceptions

1. Taxes and assessments for the year 2017 and subsequent years, a lien, not yet due and payable.
2. Rights of tenants in possession, as tenants only, pursuant to written but unrecorded rental or lease agreements, without rights or options to purchase insured property.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Empire Park Associates, a California general partnership  
Purpose: ingress and egress  
Recording Date: December 15, 1980  
Recording No.: Book 2289 at Page 346, to the extent shown on the Survey prepared by Douglas H. Ort III, PLS No. 37066, dated September 15, 2015 and last revised October 12, 2015 (the "Survey")

4. Terms, conditions, provisions, agreements and obligations contained in the Sanitary Sewer Line Agreement as set forth below:

Recording Date: May 1, 1981  
Recording No.: Book 2367 at Page 696

5. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: May 1, 1981  
Recording No.: Book 2368 at Page 1

6. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement as set forth below:

Recording Date: May 1, 1981  
Recording No.: Book 2368 at Page 16, and shown on the Survey

7. Terms, conditions, provisions, agreements and obligations contained in the Easement created by Aetna Life Insurance Company for encroachment as set forth below:

Recording Date: June 30, 1992  
Recording No.: Reception No. R-92-0072566, and shown on the Survey

8. Deed of Trust:  
Amount: \$14,000,000.00  
Trustor/Grantor: RTA Cypress Point, LLC, a Delaware limited liability company  
Trustee: Public Trustee of Denver County  
Beneficiary: Pillar Multifamily, LLC, a Delaware limited liability company

Recording Date: December 2, 2015  
Recording No: Reception No. 2015166775

An assignment of the beneficial interest under said deed of trust which names:

Assignee: Pillar Funding – Series Belcaro, a Series of Pillar Funding  
LLC, a Delaware limited liability company  
Recording Date: December 2, 2015  
Recording No: Reception No. 2015167123

An assignment of the beneficial interest under said deed of trust which names:

Assignee: Pillar Funding III LLC, a Delaware limited liability company  
Recording Date: October 26, 2016  
Recording No: Reception No. 2016149098

An assignment of the beneficial interest under said deed of trust which names:

Assignee: Bank of America, National Association  
Recording Date: October 26, 2016  
Recording No: Reception No. 2016149100

An assignment of the beneficial interest under said deed of trust which names:

Assignee: Wilmington Trust, National Association, as Trustee for  
Morgan Stanley Bank of America Merrill Lynch Trust 2016-  
C31, Commercial Mortgage Pass-Through Certificates,  
Series 2016-C31  
Recording Date: January 9, 2017  
Recording No: Reception No. 2017002094

Assignment of Leases and Rents:

Recording Date: December 2, 2015  
Recording No.: Reception No. 2015166776

Assignment and Assumption of Interest under Assignment of Leases and Rents:

Recording Date: December 2, 2015  
Recording No.: Reception No. 2015167124

Assignment of Assignment of Leases and Rents:

Recording Date: October 26, 2016  
Recording No.: Reception No. 2016149097

Assignment and Assumption of Interest under Assignment of Leases and Rents:

Recording Date: October 26, 2016  
Recording No.: Reception No. 2016149099

Assignment of Assignment of Leases and Rents:

Recording Date: January 9, 2017  
Recording No.: Reception No. 2017002095

9. Financing Statement:

Debtor: RTA Cypress Point, LLC  
Secured Party: Pillar Multifamily, LLC  
Recording Date: December 2, 2015  
Recording No: Reception No. 2015166777



## UCC Financing Statement Amendment:

Recording Date: December 2, 2015  
Recording No.: Reception No. 2015166778

## UCC Financing Statement Amendment:

Recording Date: October 26, 2016  
Recording No.: Reception No. 2016148825

## UCC Financing Statement Amendment:

Recording Date: October 26, 2016  
Recording No.: Reception No. 2016148826

## UCC Financing Statement Amendment:

Recording Date: January 9, 2017  
Recording No.: Reception No. 201700

F6F, LLC is the owner of the real property located at 3801 E. Florida Avenue, Denver, Colorado.

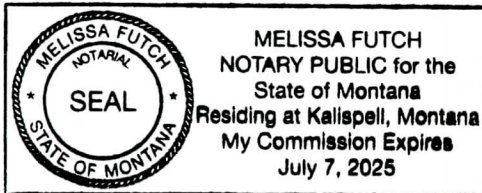
The undersigned, Vincent G. Rieger, is the Manager of F6F, LLC, and has the requisite authority to sign all documents and take all actions on behalf of F6F, LLC.

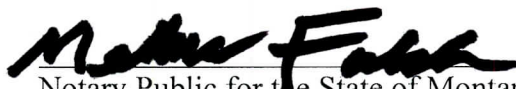
Dated: October 20, 2023.

  
Vincent G. Rieger, Manager of F6F, LLC


STATE OF MONTANA     )  
                                      : ss.  
County of Flathead     )

This instrument was acknowledged before me on this 20<sup>th</sup> day of October, 2023, by Vincent G. Rieger.



  
Notary Public for the State of Montana  
Residing at Kalispell, Montana  
My commission expires: 7/7/25

I, Vincent Rieger, as Managing Member of F6F, LLC, hereby authorize David Budrow, as principal of David Budrow Architects, LLC, to act as the Property Owner's representative in regard to all matters pertaining to the Zone Map Amendment (Rezoning) for the parcel owned by F6F, LLC located at 3801 East Florida Avenue, Denver, Colorado 80210.

  
Vincent Rieger  
Managing Member

10/13/23

Subscribed and sworn to before me in the City and County of Denver, State of Colorado, this 13<sup>th</sup> day of October, 2023.

My commission expires: August 29, 2027 Witness my hand and official seal.

MARISSA ALEJANDRA ARCHULETA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20234033171  
MY COMMISSION EXPIRES AUGUST 29, 2027

  
Notary Public



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Ms. Laura Harter  
Cory-Merrill Neighborhood Association  
P.O. Box 101713  
Denver, CO 80210

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Harter:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

The purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. The Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Per language in the Denver Zoning Code, since the date of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code.

In recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-8. The S-MX-8 zoning designation is defined as a Mixed Use District in the Denver Zoning Code. Mixed Use Districts are intended to promote "safe, active, pedestrian-scaled, diverse areas and enhance the convenience of walking, shopping and public gathering." Since 3801 East Florida Avenue has an existing 9-story office building that will remain, the site, between Colorado Boulevard and Jackson Street, will intend to "improve the transition between commercial development and adjacent residential neighborhoods."

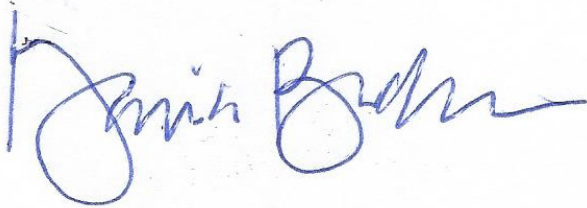


October 9, 2023  
Ms. Laura Harter  
Page 2

I had a Pre-Application meeting with Tony Lechuga of Community Planning and Development in late May and Councilman Kashmann on September 5th. They both suggested I reach out to you as representative of one of the affected Registered Neighborhood Organizations for feedback and guidance on our rezoning request.

We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans' intents. I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Please do not hesitate to call if I can be of assistance or answer any questions or if you would like to arrange a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Budrow". The signature is fluid and cursive, with a large initial "D" and "B".

David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Ms. Nancy Barlow  
East Evans Business Association  
2055 South Oneida, Suite 286  
Denver, CO 80224

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Barlow:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

The purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. The Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Per language in the Denver Zoning Code, since the date of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code.

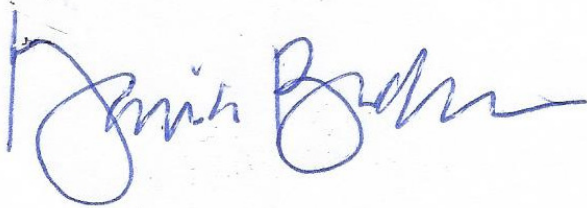
In recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-8. The S-MX-8 zoning designation is defined as a Mixed Use District in the Denver Zoning Code. Mixed Use Districts are intended to promote "safe, active, pedestrian-scaled, diverse areas and enhance the convenience of walking, shopping and public gathering." Since 3801 East Florida Avenue has an existing 9-story office building that will remain, the site, between Colorado Boulevard and Jackson Street, will intend to "improve the transition between commercial development and adjacent residential neighborhoods."

October 9, 2023  
Ms. Nancy Barlow  
Page 2

I had a Pre-Application meeting with Tony Lechuga of Community Planning and Development in late May and Councilman Kashmann on September 5th. They both suggested I reach out to you as representative of one of the affected Registered Neighborhood Organizations for feedback and guidance on our rezoning request.

We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans' intents. I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Please do not hesitate to call if I can be of assistance or answer any questions or if you would like to arrange a meeting.

Sincerely,

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David Budrow  
Principal



October 9, 2023

Ms. Nancy Barlow, President

East Evans Business Association

2055 South Oneida, Suite 286 Denver, CO 80224

Re: 3801 East Florida Avenue Zone Map Amendment (Rezoning) Application

The East Evans Business Association supports the rezoning of the property at 3801 East Florida Avenue from the current zoning which is a combination of B-A-3 and O1 left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

In reference to this request, we are aware that the rezoning would align the parcel with adjacent parcels that have already been rezoned. It is our understanding that the Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Specifically, we understand that the intent is to modify the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code. In recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-8. The S-MX-8 zoning designation is defined as a Mixed-Use District in the Denver Zoning Code and would promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience of walking, shopping, and public gathering. Since an adjacent property has an existing 9-story office building that will remain, this site, between Colorado Boulevard and Jackson Street, would, in our opinion improve the transition between commercial development and adjacent residential neighborhoods. We welcome these improvements to the SE Denver corridor, where East Evans Businesses continue to improve our livelihoods.

Nancy Barlow

President, East Evans Business Association





D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Ms. Serena Gonzales-Gutierrez  
Council District at Large  
1437 Bannock Street Room 451  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Gonzales-Gutierrez:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

The purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. The Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Per language in the Denver Zoning Code, since the date of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code.

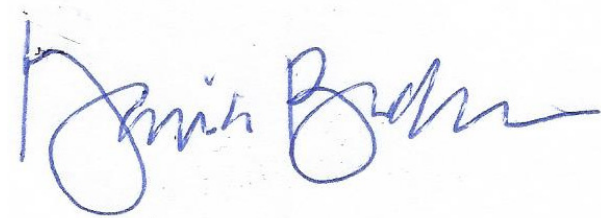
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October 9, 2023  
Ms. Serena Gonzales-Gutierrez  
Page 2

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We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans' intents. I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Please do not hesitate to call if I can be of assistance or answer any questions or if you would like to arrange a meeting.

Sincerely,

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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Mr. Keith Meyer  
Inter-Neighborhood Cooperation  
P.O. Box 181012  
Denver, CO 80218

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Meyer:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

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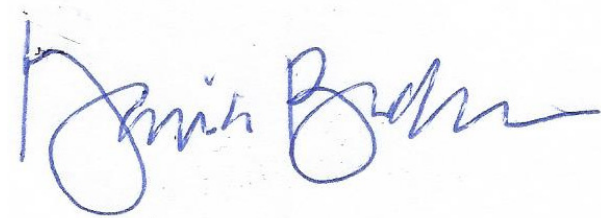
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October 9, 2023  
Mr. Keith Meyer  
Page 2

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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Ms. Sarah Parady  
Council District at Large  
1437 Bannock Street Room 451  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Parady:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

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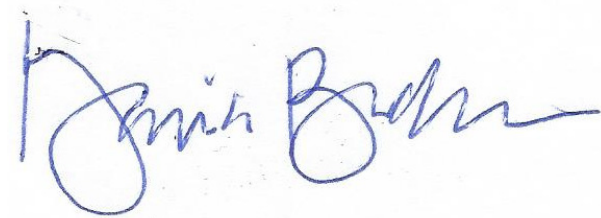


October 9, 2023  
Ms. Sarah Parady  
Page 2

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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Mr. John Inzina  
Strong Denver  
Denver, CO 80210

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Inzina:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

The purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. The Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Per language in the Denver Zoning Code, since the date of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code.

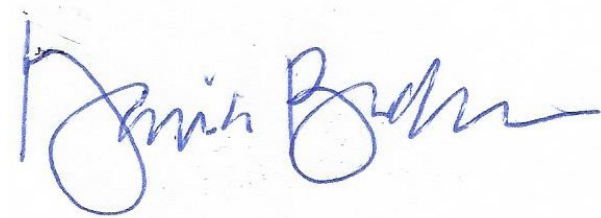
In recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-8. The S-MX-8 zoning designation is defined as a Mixed Use District in the Denver Zoning Code. Mixed Use Districts are intended to promote "safe, active, pedestrian-scaled, diverse areas and enhance the convenience of walking, shopping and public gathering." Since 3801 East Florida Avenue has an existing 9-story office building that will remain, the site, between Colorado Boulevard and Jackson Street, will intend to "improve the transition between commercial development and adjacent residential neighborhoods."

October 9, 2023  
Mr. John Inzina  
Page 2

I had a Pre-Application meeting with Tony Lechuga of Community Planning and Development in late May and Councilman Kashmann on September 5th. They both suggested I reach out to you as representative of one of the affected Registered Neighborhood Organizations for feedback and guidance on our rezoning request.

We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans' intents. I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Please do not hesitate to call if I can be of assistance or answer any questions or if you would like to arrange a meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Budrow". The signature is fluid and cursive, with a large initial "D" and "B".

David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

October 9, 2023

Mr. Joshua Ratliff  
Virginia Village Ellis Community Association  
1460 South Birch Street  
Denver, CO 80222

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Ratliff:

I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue a rezoning of the property. There is currently a nine-story office building on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

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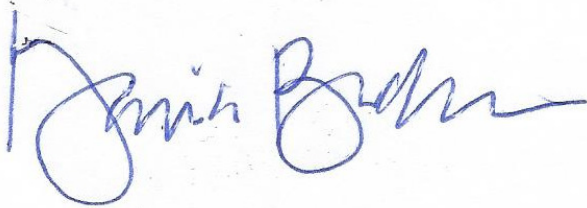
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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

March 13, 2024

Mr. Paul Kashmann  
City Councilman District 6  
1437 Bannock Street Room 451  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Kashmann:

I had reached out to you last September and we met in-person at your office as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

As I had indicated in our September meeting, I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue the rezoning described above. There is currently a nine-story office building and a parking structure on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

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March 13, 2024  
Mr. Paul Kashmann  
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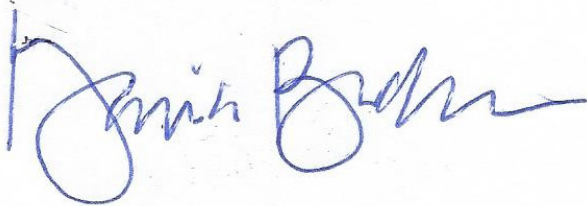
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Andrew Webb and Alisa Childress are now our designated project managers at Community Planning and Development. I wanted to reach back out to you to keep you informed on the progress and process of our rezoning application and request your feedback and guidance on our rezoning request as may be appropriate.

We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans’ intents. We have addressed the various plans’ intents and the implications of our rezoning on those plans in detail in the resubmitted Rezoning Application and narrative.

I am happy to meet with you again to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you if you would like. Your support as we continue this process is invaluable. Please do not hesitate to call if I can be of assistance or answer any questions. Thank you for engaging our rezoning process.

Sincerely,

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David Budrow  
Principal



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DAVID BUDROW  
ARCHITECTS

March 13, 2024

Ms. Serena Gonzales-Gutierrez  
Council District at Large  
1437 Bannock Street Room 451  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Gonzales-Gutierrez:

I had reached out to you last October as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

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March 13, 2024  
Ms. Serena Gonzales-Gutierrez  
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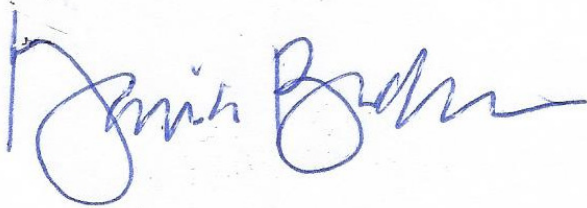
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Andrew Webb and Alisa Childress are now our designated project managers at Community Planning and Development. As I indicated previously, I met with Councilman Kashmann on September 5<sup>th</sup> last year. Councilman Kashmann and Mr. Webb and Ms. Childress suggested I reach out to you as representative of one of the affected Registered Neighborhood Organizations for feedback and guidance on our rezoning request.

We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans’ intents. We have addressed the various plans’ intents and the implications of our rezoning on those plans in detail in the resubmitted Rezoning Application and narrative.

I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Your support as we continue this process is invaluable. Please do not hesitate to call if I can be of assistance or answer any questions. If you would like and prefer we can arrange an in person meeting. Thank you for engaging our rezoning process.

Sincerely,

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David Budrow  
Principal



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DAVID BUDROW  
ARCHITECTS

March 13, 2024

Ms. Sarah Parady  
Council District at Large  
1437 Bannock Street Room 451  
Denver, CO 80202

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Parady:

I had reached out to you last October as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

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March 13, 2024  
Ms. Sarah Parady  
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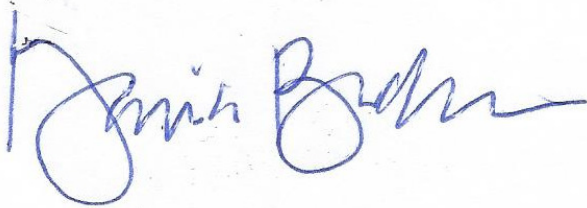
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David Budrow  
Principal



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DAVID BUDROW  
ARCHITECTS

March 13, 2024

Ms. Laura Harter  
Cory-Merrill Neighborhood Association  
P.O. Box 101713  
Denver, CO 80210

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Harter:

I had reached out to you last October as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

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March 13, 2024  
Ms. Laura Harter  
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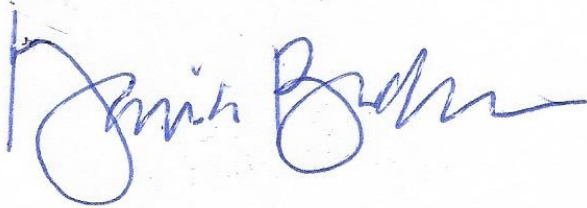
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We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans’ intents. We have addressed the various plans’ intents and the implications of our rezoning on those plans in detail in the resubmitted Rezoning Application and narrative.

I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Your support as we continue this process is invaluable. Please do not hesitate to call if I can be of assistance or answer any questions. If you would like and prefer we can arrange an in person meeting. Thank you for engaging our rezoning process.

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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

March 13, 2024

Ms. Nancy Barlow  
East Evans Business Association  
2055 South Oneida, Suite 286  
Denver, CO 80224

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Ms. Barlow:

I had reached out to you last October as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

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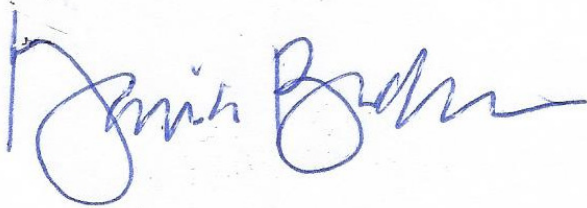
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I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Your support as we continue this process is invaluable. Please do not hesitate to call if I can be of assistance or answer any questions. If you would like and prefer we can arrange an in person meeting. Thank you for engaging our rezoning process.

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David Budrow  
Principal



March 13, 2024

Ms. Nancy Barlow, President

East Evans Business Association

2055 South Oneida, Suite 286 Denver, CO 80224

Re: 3801 East Florida Avenue Zone Map Amendment (Rezoning) Application

The East Evans Business Association supports the rezoning of the property at 3801 East Florida Avenue from the current zoning request to S-MX-5

In reference to this request, we are aware that the purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. We understand the Owner intends to explore options for future redevelopment of the site which may include expanded uses. the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code, and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code. And, in recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-5. The S-MX-5 zoning designation is defined as a Mixed-Use District in the Denver Zoning Code. And is intended to promote "safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods." Since 3801 East Florida Avenue has an existing 9-story office building that will remain, the site, between Colorado Boulevard and Jackson Street, will intend to "improve the transition between commercial development and adjacent residential neighborhoods."

We welcome these improvements to the SE Denver corridor, where East Evans Businesses continue to improve our livelihoods.

Nancy Barlow

President, East Evans Business Association



D B A

DAVID BUDROW  
ARCHITECTS

March 13, 2024

Mr. John Inzina  
Strong Denver  
Denver, CO 80210

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Inzina:

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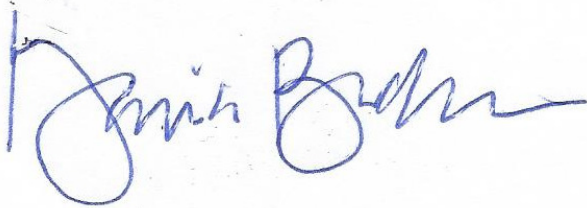
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We recognize the intentions of the various Denver Plans and are proposing this rezoning as the next step in the realization of the plans’ intents. We have addressed the various plans’ intents and the implications of our rezoning on those plans in detail in the resubmitted Rezoning Application and narrative.

I am happy to meet with you to discuss further the intentions of the Owner of 3801 East Florida Avenue at a time convenient to you. Your support as we continue this process is invaluable. Please do not hesitate to call if I can be of assistance or answer any questions. If you would like and prefer we can arrange an in person meeting. Thank you for engaging our rezoning process.

Sincerely,

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David Budrow  
Principal





D B A

DAVID BUDROW  
ARCHITECTS

March 13, 2024

Mr. Joshua Ratliff  
Virginia Village Ellis Community Association  
1460 South Birch Street  
Denver, CO 80222

Re: 3801 East Florida Avenue  
Zone Map Amendment (Rezoning) Application

Dear Mr. Ratliff:

I had reached out to you last October as we were initially pursuing rezoning of the property at 3801 East Florida Avenue. At that time, we were seeking a rezoning designation to S-MX-8 which would have allowed construction on the site up to 8 stories. Subsequent to our earlier formal submission to the City and County of Denver, and after many meetings with Community Planning and Development staff, we have revised our application to reflect a request for rezoning to S-MX-5 which limits construction heights to 5 stories. Our revised Zone Map Amendment Application was submitted on February 22, 2024.

As I had indicated in our October correspondence, I am working with the owner (F6F, LLC) of the property at 3801 East Florida Avenue to propose and pursue the rezoning described above. There is currently a nine-story office building and a parking structure on the site that was part of a very old master plan from 1971. The current zoning is a combination of B-A-3 and O-1 which are left over zoning designations from Chapter 59 of the previous zoning ordinance (which has now been replaced by Denver's newer use and context zoning code).

The purpose for pursuing the rezoning is to align the parcel with adjacent parcels that have already been rezoned. The Owner intends to explore options for future redevelopment of the site which may include expanded uses.

Per language in the Denver Zoning Code, since the date of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest, i.e. the City adopted the Denver Zoning Code and the property retained the former Chapter 59 zoning. Specifically, the intent is to bring the parcel's zoning designation to align with, and be consistent with, the Neighborhood Context Description, Zone District Purpose and Intent, and Adopted Plans of the current zoning code.

In recognition of the City and County of Denver's various plans for the area (Denver Zoning Code, Blueprint Denver, Comprehensive Plan 2040, The Boulevard Plan), the property Owner desires to revise the current B-A-3 / O-1 zoning to S-MX-5. The S-MX-5 zoning designation is defined as a

March 13, 2024  
Mr. Joshua Ratliff  
Page 2

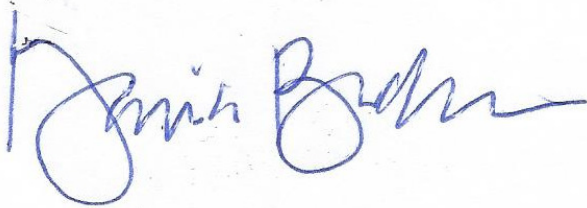
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David Budrow  
Principal



D B A

DAVID BUDROW  
ARCHITECTS

March 13, 2024

Mr. Keith Meyer  
Inter-Neighborhood Cooperation  
P.O. Box 181012  
Denver, CO 80218

Re: 3801 East Florida Avenue  
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Mr. Keith Meyer  
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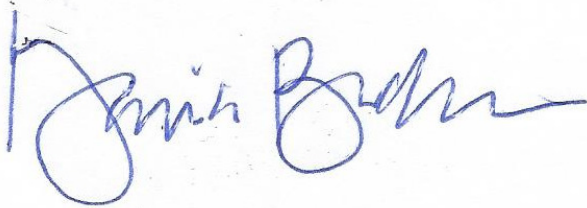
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