

Section III

Exhibit "C": Proposed Waivers, Conditions and Uses

Application No. 4648

November 25, 2002
Revised August 3, 2004

**To: Mr. Kent Strapko, Zoning Administrator
Department of Zoning Administration
201 W. Colfax Avenue, Department 205
Denver, CO 80202**

**Re: 1701 Wynkoop Street
Application No. 4648**

Waivers

The Property:

- A. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the right to build, use, occupy, or erect any structure with a maximum permitted building height of two hundred and twenty (220) feet set forth in Section 59-312(7) of the Denver Revised Municipal Code and instead shall comply with the following:

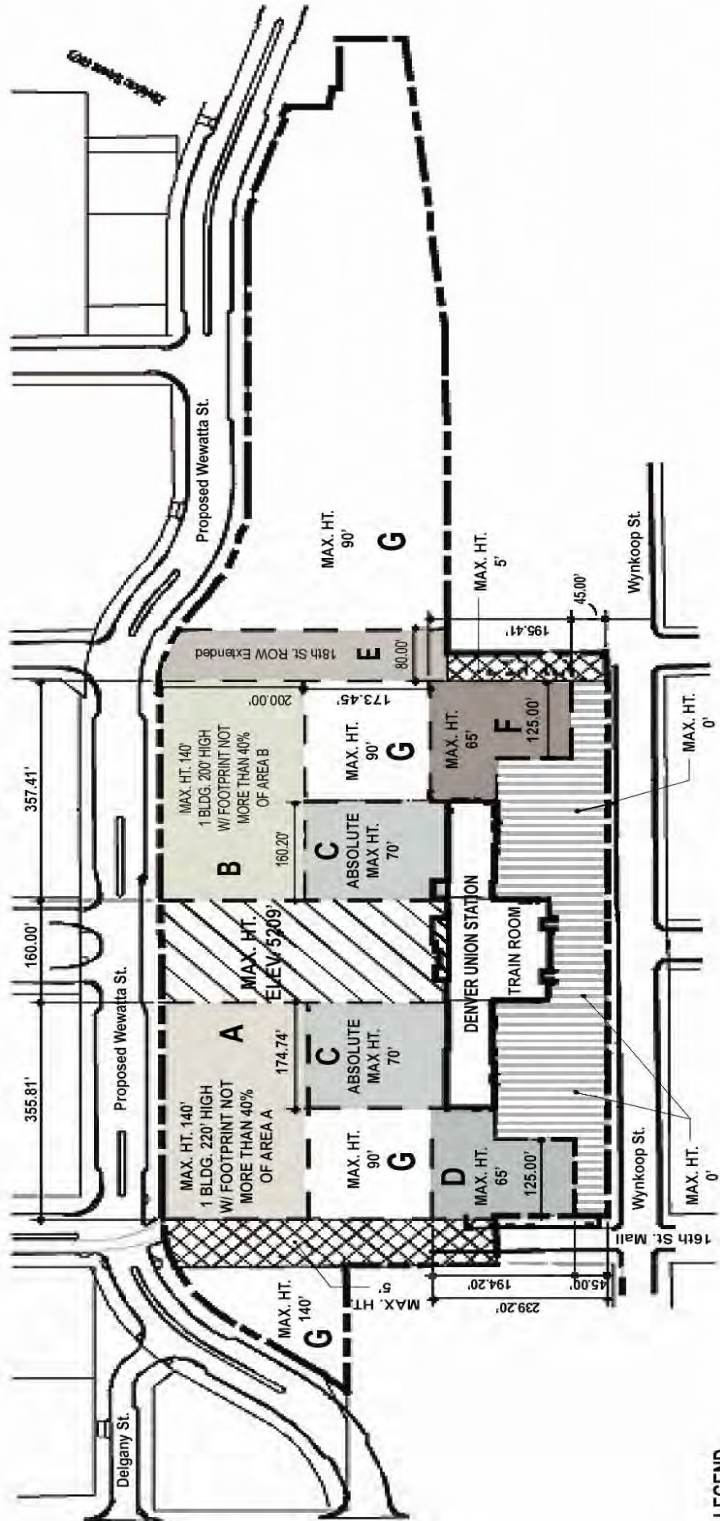
(1) Permitted Height

(i) Minimum Height

The minimum height for structures on the property shall be thirty-five (35) feet in all areas except the 17th Street Corridor Area, Zero Foot Height Area and Five Foot Height Area designated on Map 1. The minimum height requirement shall not apply to structures that (a) are required for or are accessory to right-of-way as determined by the Manager of Public Works, (b) are accessory uses and temporary uses (including, but not limited to, mechanical equipment, lighting features and utilities) as permitted under the T-MU-30 Zone District, (c) provide access to or shelter for users of transportation facilities, (d) are public art or (e) are part of a mass transit railway system as defined in Section 59-2(170) of the Denver Revised Municipal Code necessary for the operation of transit facilities.

(ii) Maximum Height

The maximum heights for structures on the property shall be the heights specified on Map 1, except for permitted encroachments into such height limits as set forth in paragraph A (2), (3), (4), (5) and (6) below:



LEGEND

-  17th STREET CORRIDOR AREA
MAXIMUM HEIGHT:
5209 FEET ELEVATION
-  FIVE-FOOT HEIGHT AREA
MAXIMUM HEIGHT 5 FEET
-  ZERO-FOOT HEIGHT AREA
MAXIMUM HEIGHT 0 FEET
-  A: 1 BLDG. 220' HIGH W/ FOOTPRINT
NOT MORE THAN 40% OF AREA A
MAXIMUM HEIGHT 140 FEET
-  B: 1 BLDG. 200' HIGH W/ FOOTPRINT
NOT MORE THAN 40% OF AREA B
MAXIMUM HEIGHT 140 FEET
-  C: ABSOLUTE MAXIMUM HEIGHT
70 FEET
-  D: MAXIMUM HEIGHT 65 FEET
-  E: STRUCTURE RESTRICTION
MAXIMUM HEIGHT 90 FEET
-  F: MAXIMUM HEIGHT 65 FEET
-  G: HEIGHT RESTRICTION ONLY

(iii) Height Measurement

In Area C designated on Map 1, the height of a structure shall be the vertical distance measured from the highest point of the structure to the average elevation of the corners of the structure at the finished grade, the highest point of the structure shall be either the top of the parapet or coping of a flat roofed building, or the ridge of a sloping roof, and the highest point of the structure shall not exceed the maximum height. In all other areas shown on Map 1, the height of a structure shall be measured in accordance with Section 59-2(52) of the Denver Revised Municipal Code.

(2) Permitted Encroachments within Area A

No structures or other encroachments in excess of 140 feet shall be permitted within Area A designated on Map 1 except that one structure of up to 220 feet in height shall be permitted provided that (i) the area of the footprint of such structure shall not exceed 40% of the total area of Area A and (ii) the dimension of such structure facing Wewatta Street and above 140 feet shall not exceed 40% of the Wewatta Street frontage of Area A. To provide for architectural diversity and height differential, building heights in Area A shall be varied in accordance with the design guidelines.

(3) Permitted Encroachments within Area B

No structures or other encroachments in excess of 140 feet shall be permitted within Area B designated on Map 1 except that one structure of up to 200 feet in height shall be permitted provided that (i) the area of the footprint of such structure shall not exceed 40% of the total area of Area B and (ii) the dimension of such structure facing Wewatta Street and above 140 feet shall not exceed 40% of the Wewatta Street frontage of Area B. To provide for architectural diversity and height differential, building heights in Area B shall be varied in accordance with the design guidelines.

(4) Permitted Encroachments Into Zero Foot Height Area

No structures or other encroachments shall be permitted within the Zero Foot Height Area designated on Map 1 except for (i) structures or encroachments that provide access to or shelter for users of transportation facilities, (ii) public art, (iii) accessory uses and temporary uses (including, but not limited to, mechanical equipment, lighting features and utilities) as permitted under the T-MU-30 Zone District, or (iv) outdoor retail sales, as defined in Section 59-86(e)(2) of the Denver Revised Municipal Code, except that, for purposes of this subparagraph 4(iv) only, pedestrian and/or transit mall shall be defined as public rights-of-way, public rights-of-way extended, private streets and/or public spaces which have been specially constructed with amenities to enhance a primarily pedestrian environment and from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be allowed.

(5) Permitted Encroachments Into Five Foot Height Area

No structures or other encroachments in excess of five feet shall be permitted within the Five Foot Height Area designated on Map 1 except (i) structures or encroachments that are required for or are accessory to right-of-way as determined by the Manager of Public Works or (ii) mass transit railway system as defined in Section 59-2(170) of the Denver Revised Municipal Code necessary for the operation of transit facilities.

(6) Permitted Encroachments Into 17th Street Corridor Area

In the 17th Street Corridor Area designated on Map 1, no structure shall be built except those structures approved or approved with conditions by the Zoning Administrator in accordance with the process outlined below.

(i) At the design development phase, the Department of Community Planning and Development shall evaluate the application based on the following criteria for review of any such structure:

(a) minimizes incursions into the protected view corridor above an elevation of 5,209 feet above sea level so as to allow a substantially unobstructed view to and from the Wewatta side facade of the train room of Denver Union Station to and from Wewatta Street and Commons Park;

(b) complements and protects the historic scale and character of Denver Union Station;

(c) promotes visibility of pedestrian activities;

(d) spatially defines the public street, major pedestrian corridors, plazas and public spaces in order to create a clear urban character and facilitate pedestrian activity linking Wewatta Street to Denver Union Station;

(e) encourages easy pedestrian access to structures and uses along public streets, sidewalks, plazas, public spaces and major pedestrian corridors; and

(f) promotes patterns of vehicular and transit circulation compatible with pedestrian access, streetscape, and amenities.

(ii) The process for review of proposed encroachments into the 17th Street Corridor Area shall be as follows:

(a) The Department of Community Planning and Development shall prepare a recommendation to approve, approve with conditions, or deny the application not later than thirty (30) days after receiving the completed application. The time frame may be extended by mutual consent of the applicant and the Department of Community Planning and Development. The Manager of Community Planning and Development shall send the application and its recommendation to the Planning Board for consideration. The Department of Community Planning and Development shall send notice of its recommendation to the registered neighborhood organizations pursuant to Section 12-96 of the Denver Revised Municipal Code whose boundaries are within two hundred (200) feet of the property and the city councilperson in whose district the property is located.

(b) The Planning Board shall hold a public meeting to review the application based on the criteria set forth in paragraph A (6) (i) above and any applicable standards and guidelines not later than 60 days after the Department of Community Planning and Development receives the completed application. Notice of the time and place of the Planning Board meeting shall be mailed by the applicant to the following at least fifteen (15) days prior to the public meeting:

1. registered neighborhood organizations on file with the Department of Community Planning and Development whose boundaries include any land within two hundred (200) feet of the property;

2. property owners within 200 feet of the property; and

3. the city councilperson in whose district the 17th Street Corridor Area is located.

(c) The Planning Board shall consider the application and any comments from the public in light of the criteria set forth in paragraph A (6) (i) above and any applicable standards and guidelines. Recommendation of the Planning Board to approve, approve with conditions, or deny the application shall be forwarded to the Zoning Administrator within fifteen (15) calendar days after the Planning Board meeting.

(d) The Zoning Administrator shall approve, approve with conditions, or deny the proposed encroachments into the 17th Street Corridor Area after reviewing the recommendation of the Planning Board.

(7) Permitted Structures in Area E

Within Area E designated on Map 1, permitted structures shall be limited to structures with no occupied floor area and shall be used only for pedestrian and vehicular circulation, provided that in no event shall any structure in Area E have a height in excess of 90 feet.

All other provisions of Section 59-312(7) of the Denver Revised Municipal Code shall remain in full force and effect.

B. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the review procedures set forth in Section 59-313(c)(4)(b) of the Denver Revised Municipal Code and instead shall comply with the following for all design review during the design development phase:

(1) At the design development phase, the Department of Community Planning and Development shall evaluate the design review application based on criteria set forth in paragraph F below and any applicable standards and guidelines and prepare a recommendation to approve, approve with conditions, or deny the application not later than thirty (30) days after receiving the completed application. The time frame may be extended by mutual consent of the applicant and the Department of Community Planning and Development. The Manager of Community Planning and Development shall send the application and its recommendation to the Planning Board for consideration. The Department of Community Planning and Development shall send notice of its recommendation to the registered neighborhood organizations pursuant to Section 12-96 of the Denver Revised Municipal Code whose boundaries are within two hundred (200) feet of the property and the city councilperson in whose district the property is located.

(2) The Planning Board shall hold a public meeting to review the application based on the criteria set forth in paragraph F below, any applicable standards and guidelines and the recommendation of the Department of Community Planning and Development not later than sixty (60) days after the Department of Community Planning and Development receives the completed application. The Department of Community Planning and Development shall send notice of the meeting to the applicant, registered neighborhood organizations pursuant to Section 12-96 of the Denver Revised Municipal Code whose boundaries are within two hundred (200) feet of the property and the city councilperson in whose district the property is located at least fifteen (15) days prior to the meeting. The Planning Board shall prepare a final recommendation to approve, approve with conditions, or deny the design review application and shall forward its recommendation to the Zoning Administrator not later than fifteen (15) days after the meeting.

(3) The Zoning Administrator shall approve, approve with conditions, or deny the design review application after reviewing the recommendation of the Planning Board.

All other provisions of Section 59-313(c)(4) of the Denver Revised Municipal Code shall remain in full force and effect.

- C. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive our rights to use, occupy, or erect on the surface of the Zero Foot Height Area any structure or structures designed, erected, altered, used or occupied for the following uses by right, and uses by special review in the T-MU-30 Zone District as identified in Section 59-303 and the following requirements of Article VI, Section 59-316, and Section 59-317 of the Denver Revised Municipal Code:

parking of vehicles, excess;
terminal and service facility for bus system;
terminal, public transportation, local;
off-street loading; and
off-street parking.

Notwithstanding the foregoing provision, the above uses within the Zero Foot Height Area shall constitute a nonconforming use until such time as a substitute location is provided for such use. Nothing herein shall be construed to prohibit the uses and requirements listed above from occurring below the surface of the Zero Foot Height Area.

- D. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to setbacks for structures and permitted encroachments into required setback spaces set forth in Section 59-312(3) and Section 59-312(4) of the Denver Revised Municipal Code and instead shall comply with the following:

The minimum setbacks for structures shall be zero (0) feet; provided, however that structures in Areas D and F as designated on Map 1 shall be set back a minimum of 45 feet from the property line along Wynkoop Street.

- E. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to permitted signs set forth in Section 59-315(3) of the Denver Revised Municipal Code and instead shall comply with the following:

(1) General sign concepts shall be required as part of any required GDP. Such general sign concepts shall:

(i) create organized and inter-related systems of signs, sign structures, lighting and graphics;

(ii) provide high quality sign and graphic design and durable materials appropriate to an urban setting;

(iii) create signs and graphic elements that are appropriate to and expressive of the use they identify;

(iv) create signs and graphic elements that are related to and/or respect the architecture of the building which they serve; and

(v) encourage a variety of signs and graphic elements which are compatible with, and enhance the character of the surrounding area.

(2) A comprehensive sign plan shall be prepared in accordance with Section 59-537(c) (1), (3), (4), (5) and (6) of the Denver Revised Municipal Code. Until a comprehensive

sign plan is approved, all of the provisions of Section 59-315 of the Denver Revised Municipal Code shall apply. Once a comprehensive sign plan is approved, only the provisions of Section 59-315 of the Denver Revised Municipal Code, other than those specifically addressed in the comprehensive sign plan, shall apply.

(3) All way-finding signage shall be exempt from the calculation of allowed signage.

- F. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to design guidelines set forth in Section 59-314(b)(3) of the Denver Revised Municipal Code and instead shall comply with the following:

Design of development on the property shall be governed by rules and regulations adopted pursuant to Section 12-18 of the Denver Revised Municipal Code and developed to address the following criteria:

- (i) promotes visibility of pedestrian oriented activities at ground level;
- (ii) provides human scale through change, contrast and intricacy of facade form, color, and/or material where lower levels of structures face public streets and sidewalks;
- (iii) spatially defines the street space and other public open spaces in order to create a clear urban character and concentrate pedestrian activity;
- (iv) encourages easy pedestrian access to structures and uses along public streets, sidewalks and open space;
- (v) maintains sky exposure and minimizes downdrafts from tall buildings;
- (vi) protects the interior and exterior historic nature of the Denver Union Station;
- (vii) promotes patterns of vehicular and transit circulation compatible with pedestrian access, streetscape, and open space amenities;
- (viii) promotes architectural relationships between structures of various height and mass, and with adjacent urban areas;
- (ix) for structures within the 17th Street Corridor Area, minimizes incursions into the protected view corridor above an elevation of 5,209 feet above sea level so as to allow a substantially unobstructed view to and from the Wewatta side facade of the train room of Denver Union Station to and from Wewatta Street and Commons Park;
- (x) for structures immediately adjacent to the Denver Union Station, provides sufficient transparency and minimizes structural incursions into the area immediately adjacent to the Denver Union Station to protect the historic nature of the Denver Union Station;
- (xi) for structures in Areas A and B, provides for architectural diversity and height differential through varied building heights; and
- (xii) protecting sunlight on the 16th Street Mall.

Such rules and regulations shall be adopted prior to or as part of the approval of any GDP on the property.

- G. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to not allowing outdoor sales near a mall in the T-MU-30 zone in the Chart of Temporary Permit Uses by Zone for T-MU-30 located in Section 59-86 of the Denver Revised Municipal Code and instead shall allow outdoor retail sales in all areas of the property, except that, for purposes of this paragraph G only, pedestrian and/or transit

mall shall be defined as public rights-of-way, public rights-of-way extended, private streets and/or public spaces which have been specially constructed with amenities to enhance a primarily pedestrian environment and from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be allowed and except no permit shall be issued for such use within 20 feet from the curb line of a designated transit stop.

- H. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to general development plan set forth in Section 59-314(a) of the Denver Revised Municipal Code and instead shall comply with the following:

The intent of the general development plan (GDP) is to establish a workable framework for the development of large or phased projects. Major transportation, stormwater, open space or land use issues within the GDP area shall be identified and a conceptual plan for addressing those issues shall be reviewed and approved by the appropriate development review committee (DRC) agencies as part of the GDP. A GDP shall integrate the anticipated land uses with the necessary infrastructure, including arterial and collector streets, drainage and water quality systems and all major utilities. Approval of a GDP will constitute approval of a master plan that will guide all future development within the area defined by the GDP. A GDP may be used to establish a framework for development of single or multiple zone lots. Landowner(s), at their option, may elect to submit a GDP for their property in order to establish a coordinated development plan for the project area. For development in T-MU-30 districts, submittal of a GDP is required, except that RTD Early Action Transit Elements, as defined below, to be constructed by RTD or its contractors may proceed prior to approval of a GDP so long as the nature, extent, size and placement of those RTD Early Action Transit Elements do not significantly change and are consistent with the Master Plan. The GDP application shall contain the information required in applicable rules and regulations promulgated by the Manager of Community Planning and Development.

For the purposes of this waiver, the term "RTD Early Action Transit Elements" shall mean the following elements:

- (i) Track, platform and passenger access and loading areas necessary for RTD light rail service, as provided in the Master Plan;
- (ii) Passenger rail track and switch work to be done between 18th and 23rd Streets as provided in the Master Plan;
- (iii) Any commuter rail track improvements to be located on the DUT site, which improvements are specifically included in the final Record of Decision for the US 36 Corridor, East Corridor or North Metro I-25 Corridor, provided that such improvements are not inconsistent with the Master Plan;
- (iv) Improvements or modifications to the 16th Street Mall Shuttle turnaround located on the DUT Site, provided that such improvements or modifications are not inconsistent with the Master Plan; and
- (v) Incidental improvements or modifications to the existing bus/HOV lane and its points of access and egress on the DUT Site, provided that such improvements or modifications are not inconsistent with the Master Plan.

- I. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to building or yard for construction materials set forth in Section 59-81(a)(1) and instead shall comply with the following:

Upon application to and issuance by the Department of Zoning Administration of a permit therefor, a temporary building or yard for construction materials, which is the storage of

equipment and/or excavated materials, both incidental and necessary to a construction project, may be operated, subject to the following limitations. Each permit shall specify the location of the building and/or yard and the location of the permitted operation. Construction materials and/or equipment and/or excavated materials shall be stored a minimum of one hundred (100) feet from a residential use within a residential structure. This spacing requirement may be reduced upon notification to the residents living on zone lots within one hundred (100) feet of and abutting to the proposed site. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however that no screening fence or wall shall be required that is taller than eight (8) feet. Such materials shall be piled no higher than twenty (20) feet above grade and any piles above four (4) feet in height shall be protected by a seven (7) foot high security fence with controlled access. A temporary building shall comply with the building setback requirements of the zone district in which it is located.

- J. We, the undersigned owner(s) of the property under application for the rezoning referenced above, do hereby waive the requirements related to maximum gross floor area in structures set forth in Section 59-312(8) for the T-MU-30 zone district and instead shall comply with the following:

Basic maximum gross floor area is equal to five (5) times the area of the zone lot on which the structures are located (5:1).*

*Note: For an approved general development plan area within a T-MU-30 zone district, the maximum gross floor area may be applied on an area-wide basis, provided that the area-wide average maximum gross floor area shall not exceed the limit specified above. Any parking of vehicles, excess, shall be included in the calculation of gross floor area, unless otherwise approved by the Zoning Administrator. For this purpose only, gross floor area for parking of vehicles, excess shall include all above grade parking spaces, drive aisles, and ramps; underground parking shall be excluded from the calculation.

These Waivers shall apply to all our successors and assigns, who along with the present owners, shall be deemed to have waived all objections as to the constitutionality of these provisions.

Signature of Property Owners:

Clarence W. Marsella
General Manager
Regional Transportation District

John W. Hickenlooper
Mayor
City and County of Denver

Indicate type of Ownership

Indicate type of Ownership

_____ - option holder on property

_____ - option holder on property

X - fee title owner (19.7 acres)

X - fee title owner (0.15 acres)

_____ - holder of deed of trust

_____ - holder of deed of trust

November 25, 2002
Revised March 23, 2004

**To: Mr. Kent Strapko, Zoning Administrator
Department of Zoning Administration
201 W. Colfax Avenue, Department 205
Denver, CO 80202**

**Re: 1701 Wynkoop Street
Application No. 4648**

Conditions

The Property:

- A. We, the undersigned owner(s) of the property under application for the rezoning referenced above, shall also comply with the following design criteria and related rules and regulations for the design of structures on the property in addition to design standards and criteria set forth in Section 59-313(c)(5) of the Denver Revised Municipal Code:
- (1) promoting visibility of pedestrian oriented activities at ground level;
 - (2) providing human scale through change, contrast and intricacy of facade form, color, and/or material where lower levels of structures face public streets and sidewalks;
 - (3) spatially defining the street space and other public open spaces in order to create a clear urban character and concentrate pedestrian activity;
 - (4) encouraging easy pedestrian access to structures and uses along public streets, sidewalks and open space;
 - (5) maintaining sky exposure and minimizing downdrafts from tall buildings;
 - (6) protecting the interior and exterior historic nature of the Denver Union Station;
 - (7) promoting patterns of vehicular and transit circulation compatible with pedestrian access, streetscape, and open space amenities;
 - (8) promoting architectural relationships between structures of various height and mass, and with adjacent urban areas;
 - (9) for structures within the 17th Street Corridor Area, minimizes any incursions into the protected view corridor above an elevation of 5,209 feet above sea level so as to allow a substantially unobstructed view to and from the Wewatta side facade of the train room of Denver Union Station to and from Wewatta Street and Commons Park;
 - (10) for structures immediately adjacent to the Denver Union Station, providing sufficient transparency and minimizing structural incursions into the area immediately adjacent to the Denver Union Station to protect the historic nature of the Denver Union Station;
 - (11) for structures in Areas A and B, providing for architectural diversity and height differential through varied building heights; and
 - (12) protecting sunlight on the 16th Street Mall.
- B. We, the undersigned owner(s) of the property under application for the rezoning referenced above, shall also comply with the following:

11/25/02
Revised 8/3/04
Denver Union Station

For each structure constructed on the property, at least sixty-five (65) percent of each first floor building facade along any right-of-way, extended right-of-way, Zero Foot Height Area and 17th Street Corridor Area shall be designed for pedestrian-active uses except where such percentage is not achievable due to requirements for transit facilities.

- C. We, the undersigned owner(s) of the property under application for the rezoning referenced above, shall also comply with the following:

For buildings within sixty (60) feet of the 17th Street Corridor Area, Wewatta Street, 16th Street, and 18th Street, in excess of seventy (70) feet in height, the bulk of such buildings shall be reduced in accordance with design guidelines to reduce the overall appearance of building mass and to meet the criteria set forth in Condition A above.

- D. We, the undersigned owner(s) of the property under application for the rezoning referenced above, shall also comply with the following:

For buildings on the 17th Street Corridor Area, Wewatta Street, 16th Street, and 18th Street, 80% of the facade up to the minimum height shall be built to the edge of the 17th Street Corridor Area, the rights-of-way or the rights-of-way extended.

These Conditions shall apply to all our successors and assigns, who along with the present owners, shall be deemed to have waived all objections as to the constitutionality of these provisions.

Signature of Property Owners:

Clarence W. Marsella
General Manager
Regional Transportation District

John W. Hickenlooper
Mayor
City and County of Denver

Indicate type of Ownership

- _____ - option holder on property
- X - fee title owner (19.7 acres)
- _____ - holder of deed of trust

Indicate type of Ownership

- _____ - option holder on property
- X - fee title owner (0.15 acres)
- _____ - holder of deed of trust

**FOR APPLICATION # 4648
1701 WYNKOOP STREET
FROM PRV AND PUD #531 TO T-MU-30 WITH WAIVERS AND CONDITIONS**
Reference Section 59-303 of the Denver Revised Municipal Code

D= Uses permitted with distance requirements, L = Uses permitted with limitations and SR = Uses permitted after special review
*Need not be enclosed

RESIDENTIAL USES

Waived Uses	Retained Uses
	Artist studio;
	Dwelling, multiple unit;
	Live/work residential;
	Residence for older adults;
	Residential, institutional/special; and
	Rooming and/or boarding house.

RETAIL, SERVICE, OFFICE USES

Waived Uses	Retained Uses
	Adult establishment as follows:
	Adult amusement or entertainment (D2);
	Bookstore, adult (D2);
	Eating place with adult amusement (D2);
	Photo studio, adult (D2);
	Sexually oriented commercial enterprise (D2); and
	Theater, adult (D2);
	Animal care, kennel, cattery (SR);
	Animal sales, service, care, household pets only (SR);
	Automobile gasoline filling station, emissions inspection (SR);
	Automobile repair garage (SR);
	Automobile, motorcycle, light truck sales, leasing, rental* (L34);
	Banking and financial services;
	Bed and breakfast;
	Bookstore (L39/SR);
	Brew pub (SR);
	Communications service;
	Eating place (L46);
	Food preparation and sales, commercial (L49/SR);
	Food sales or market, large (SR);
	Food sales or market, small;
	Furniture, furnishings, retail sale, large scale (L39/SR);
	Hotel;
	Laboratory, research, development; technological service (SR);
	Liquor store (D7);
	Office, nondental, nonmedical (L66/SR);
	Printing service, publishing, business support;
	Retail, service, repair, consumer, large scale (L72/SR);
	Retail, service, repair, consumer, medium scale;
	Retail, service, repair, consumer, small scale;
	Retail, service, repair, consumer, special (L39/SR); and
	Service, repair, commercial (L89/SR).

**FOR APPLICATION # 4648
1701 WYNKOOP STREET
FROM PRV AND PUD #531 TO T-MU-30 WITH WAIVERS AND CONDITIONS**

Reference Section 59-303 of the Denver Revised Municipal Code

D= Uses permitted with distance requirements, L = Uses permitted with limitations and SR = Uses permitted after special review

*Need not be enclosed

INDUSTRIAL, WHOLESALE, TRANSPORTATION, UTILITIES USES

Waived Uses	Retained Uses
	Manufacturing, fabrication, and assembly, custom (SR);
	Manufacturing, fabrication, and assembly, light (SR);
	Parking of vehicles* (L108);
	Railroad facilities (L106);
	Recycling collection station (SR);
	Terminal and service facility for bus system* (L114);
	Terminal, public transportation, local*;
	Utility, major impact (SR);
	Utility, minor impact (SR); and
	Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials (L129/SR).

ARTS, ENTERTAINMENT, RECREATION, INSTITUTIONS USES

Waived Uses	Retained Uses
	Child care center;
	Church, religious institution (L132/SR);
	Clinic, office, laboratory, dental or medical (L135/SR);
	Club or lodge (SR);
	Community or senior center or recreational facility;
	Fire station;
	Library;
	Museums, other special purpose cultural institutions (SR);
	Parks, public, open space, associated buildings*;
	Police station;
	Postal facility, neighborhood;
	Recreation services, indoor;
	Recreation services, outdoor* (SR);
	School, elementary or secondary (L157);
	School, vocational or professional (SR);
	Studio, professional;
	Theater, indoor; and
	University or college.

WAIVER AND CONDITION MATRIX FOR APPLICATION # 4648
1701 WYNKOOP STREET
FROM PRV AND PUD #531 TO T-MU-30 WITH WAIVERS AND CONDITIONS

Proposed Waivers

<u>Zoning Ordinance Requirement</u>	<u>Proposed Requirement</u>
<p>Right to build, use, occupy or erect any structure with a maximum permitted building height set forth in Section 59-312(7) of the Denver Revised Municipal Code</p>	<p>(1) Sets minimum height of 35 feet in all areas except the 17th Street Corridor Area, Zero Foot Height area and Five Foot Height Area. Structures that are required for or are accessory to right-of-way, accessory uses, temporary uses, and those providing access to or shelter for users of transportation facilities shall not apply to this requirement; Maximum heights for structures shall be as specified on Map 1 except for permitted encroachments into such height limits; (2) <i>Permitted Encroachments within Area A</i> – No structures or encroachments in excess of 140 feet shall be permitted in Area A except that one structure of up to 220 feet in height shall be permitted; (3) <i>Permitted Encroachments within Area B</i> - No structures or encroachments in excess of 140 feet shall be permitted except that one structure up to 200 feet in height shall be permitted; (4) <i>Permitted Encroachments Into Zero Foot Height Area</i> – No structures or encroachments permitted except those that provide access to or shelter for users of transportation facilities, public art, accessory uses and temporary uses and outdoor retail sales; (5) <i>Permitted Encroachments Into Five Foot Height Area</i> – No structures or encroachments in excess of five feet shall be permitted except structures or encroachments required for or are accessory to right-of-way and mass transit railway system; (6) <i>Permitted Encroachments Into 17th Street Corridor Area</i> – No structure shall be built except those approved based on specific criteria and process; and (7) <i>Permitted Structures in Area E</i> – Permitted structures limited to those with no occupied floor area to be used only for pedestrian and vehicular circulation, provided that in no event shall any structure in Area E have a height in excess of 90 feet. All other provisions of Section 59-312(7) of the Denver Revised Municipal Code shall remain in full force and effect.</p>

Proposed Waivers

<u>Zoning Ordinance Requirement</u>	<u>Proposed Requirement</u>
Development Plan Review, Recommendations and Time Frames as set forth in Section 59-313(c)(4)(b) of the Denver Revised Municipal Code	<i>Design Review</i> – At the design development phase, the Department of Community Planning and Development shall evaluate the application based on specific criteria and process set forth in this application for all design review during the design development phase and any applicable standards and guidelines. All other provisions of Section 59-313(c)(4) of the Denver Revised Municipal Code shall remain in full force and effect.
Right to use, occupy, or erect any structure or structures designed, erected, altered, used, or occupied for the following uses by right and uses by special review in the T-MU-30 zone district as set forth in Section 59-303 and the requirements of Article V and Section 59-316 of the Denver Revised Municipal Code	Right to use, occupy, or erect on the surface of the Zero Foot Height Area any structure or structures designed, erected, altered, used, or occupied for the following uses by right and uses by special review in the T-MU-30 zone district as set forth in Section 59-303 and the requirements of Article V and Section 59-316 of the Denver Revised Municipal Code in regard to: Parking of vehicles, excess; Terminal and service facility for bus system; Terminal, public transportation, local; Off-street loading; and Off-street parking. The above uses within the Zero Foot Height Area shall constitute a nonconforming use until such time as substitute location is provided for such use. Nothing herein shall be construed to prohibit the uses and requirements listed from occurring below the surface of the Zero Foot Height Area.
Setbacks for structures and permitted encroachments into required setback spaces set forth in Section 59-312(3) and Section 59-312(4) of the Denver Revised Municipal Code	The minimum setbacks for structures shall be zero (0) feet; provided, however, that structures in Areas D and F as designated on Map 1 shall be set back a minimum of 45 feet from the property line along Wynkoop Street.
Permitted Signs set forth in Section 59-315(3) of the Denver Revised Municipal Code	(1) <i>General Sign Concepts</i> – shall be required as part of any required GDP; (2) <i>Comprehensive Sign Plan</i> – shall be prepared in accordance with Section 59-537(c)(1), (3), (4), (5) and (6); until such plan is approved, all provisions of Section 59-315 shall apply; (3) <i>Way-Finding Signage</i> – all way-finding signage shall be exempt from calculation of allowed signage.
Design guidelines set forth in Section 59-314(b)(3) of the Denver Revised Municipal Code	Design of development on the property shall be governed by rules and regulations adopted pursuant to Section 12-18 and developed to address specific criteria.

Proposed Waivers

<u>Zoning Ordinance Requirement</u>	<u>Proposed Requirement</u>
Chart of Temporary Permit Uses by Zone for T-MU-30 set forth in Section 59-86 of the Denver Revised Municipal Code relating to outdoor retail sales	Shall allow outdoor retail sales in all areas of the property, except that, for purposes of this subparagraph only, pedestrian and/or transit mall shall be defined as public rights-of-way, public rights-of-way extended, private streets and/or public spaces which have been specially constructed with amenities to enhance a primarily pedestrian environment and from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be allowed.
Submittal of a General Development Plan set forth in Section 59-314(a) of the Denver Revised Municipal Code	In the T-MU-30 zone district, a general development plan is required, except that Regional Transportation District Early Action Transit elements, as outlined in the 3 rd Intergovernmental Agreement Amendment and are consistent with the approved master plan, may be constructed prior to GDP approval.
Requirements related to building or yard for construction materials set forth in Section 59-81(a)(1) of the Denver Revised Municipal Code	Allows for a temporary permit to be applied for allowing the storage of construction materials less than 100 feet to a residential use within a residential structure upon notification to the residents living on zone lots within 100 feet of and abutting to the proposed site.
Requirements related to maximum gross floor area in structures set forth in Section 59-312(8) for the T-MU-30 zone district of the Denver Revised Municipal Code	Allows for stated provision except that 'any parking of vehicles, excess shall be included in the calculation of gross floor area, unless otherwise approved by the Zoning Administrator.'

Proposed Conditions

<u>Zoning Ordinance Requirement</u>	<u>Proposed Requirement</u>
Design standards and criteria set forth in Section 59-313(c)(5) of the Denver Revised Municipal Code	In addition to the design standards and criteria in Section 59-313(c)(5), shall also comply with the 12 stated design criteria and related rules and regulations for the design of structures on the property.
No comparable requirement	For each structure constructed on the property, at least 65 percent of each first floor building façade along any right-of-way, extended right-of-way, Zero Foot Height Area and 17 th Street Corridor Area shall be designed for pedestrian-active uses except where such percentage is not achievable due to requirements for transit facilities.
No comparable requirement	For buildings within 60 feet of the 17 th Street Corridor Area, Wewatta Street, 16 th Street, and 18 th Street, in excess of 70 feet in height, the bulk of such buildings shall be reduced in accordance with design guidelines to reduce the overall appearance of building mass and to meet the criteria set forth in Condition A regarding additional design criteria.
No comparable requirement	For buildings on the 17 th Street Corridor Area, Wewatta Street, 16 th Street, and 18 th Street, 80% of the facade up to the minimum height shall be built to the edge of the 17 th Street Corridor Area, the rights-of-way or the rights-of-way extended.