



TO: City Council Neighborhoods and Planning Committee
FROM: Kyle Dalton, Senior City Planner and Sarah Showalter, Senior City Planner
DATE: September 11, 2014
RE: Zoning Map Amendment #2014I-00048
Legislative Rezoning
Rezoning from C-CCN, PUD, or C-MU-10 with waivers to proposed zoned districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, or C-CCN-12

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for proposed legislative map amendment #2014I-00048 for rezoning from C-CCN, PUD, or C-MU-10 with waivers to proposed zoned districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, or C-CCN-12.

Request for Rezoning

Proposed Map Amendment:	#2014I-00048
Location:	Multiple properties in the Cherry Creek North business district area, roughly bounded by 1 st Avenue, 3 rd Avenue, University, and Steele Street
Neighborhood/Council District: RNOs within 200':	Cherry Creek and Country Club / City Council District #10 Cherry Creek East Association; Capitol Hill United Neighborhoods, Inc.; Cherry Creek North Neighborhood Association; Country Club Historic Neighborhood; Denver Neighborhood Association, Inc.; Harman Neighborhood Association, Inc.; Cherry Creek Area Business Alliance; Denver Downtown Capitol Hill Alliance (DDCHA); Cherry Creek Steering Committee; Inter-Neighborhood Cooperation (INC); Cherry Creek North Business Improvement District; Washington Park East Neighborhood Association
Area of Property:	62.54 acres
Current Zoning:	C-CCN, PUD, or C-MU-10 with waivers
Proposed Zoning:	Proposed districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, or C-CCN-12
Property Owner:	Multiple owners
Legislative sponsor:	Councilwoman Jeanne Robb

Summary of Rezoning Request

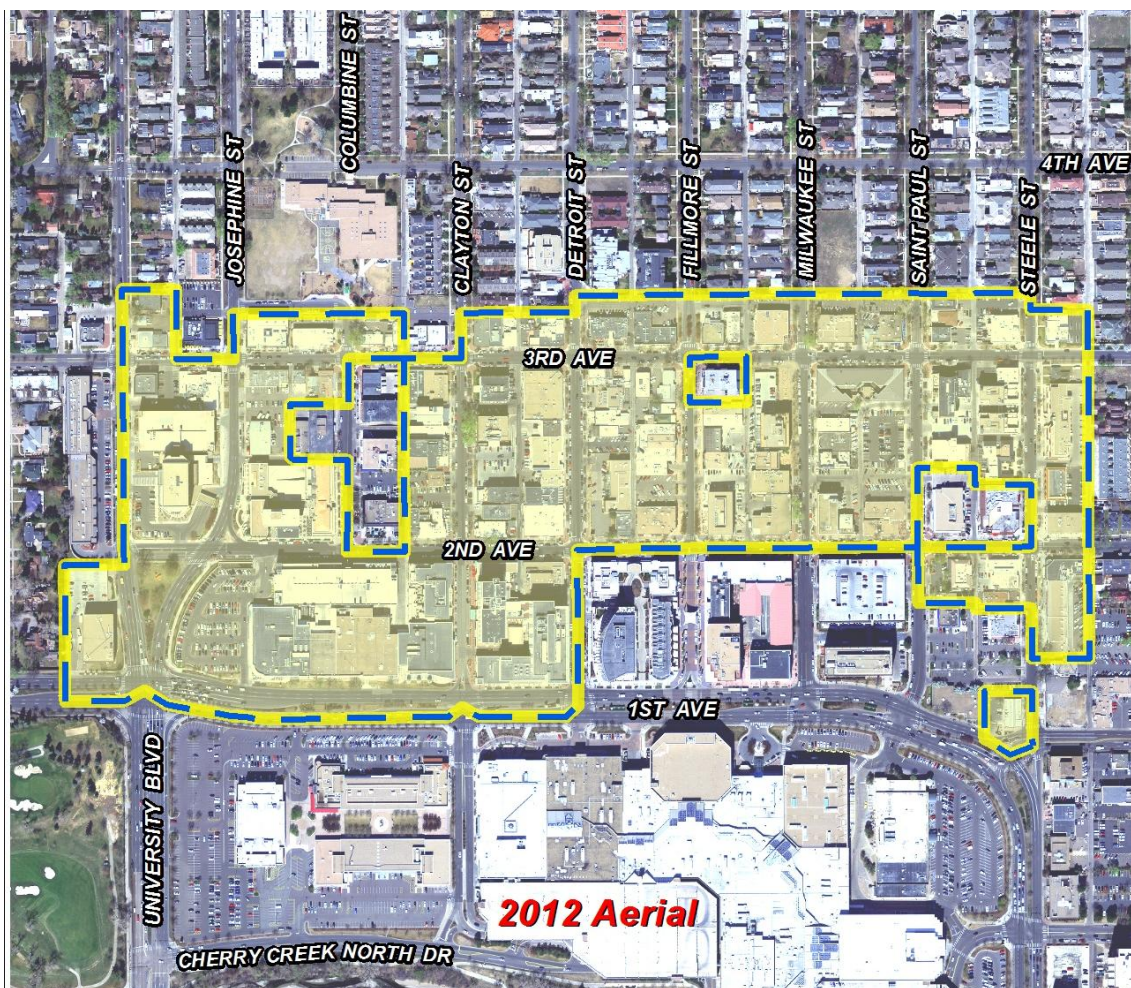
The area proposed for rezoning contains multiple properties in the Cherry Creek North business district, roughly bounded by 1st Avenue, 3rd Avenue, University Boulevard, and Steele Street. The area to be rezoned is primarily located within the Cherry Creek statistical neighborhood, and one property at the southwest corner of the business district is located in the Country Club statistical neighborhood. Multiple land uses and building types compose the 62.54 acres to be rezoned.

The Cherry Creek Area Plan, adopted by City Council in 2012, lays out the vision for the future of Cherry Creek. It calls for a prosperous mixed use district that will attract quality redevelopment and thrive as a major destination

in the Denver metro region. The plan contains land use and zoning recommendations to help achieve this vision. In its recommendations for the business district area, which is currently zoned Urban Center – Cherry Creek North (C-CCN), the plan recommends that zoning and other land use regulatory tools be updated to encourage, rather than inhibit, high quality redevelopment reinvestment. The plan states that the zoning should retain positive elements of the current zone district, such as design review and quality architecture. It also recommends reconsideration of major components of the current C-CCN zone district, including height limits, an FAR limit of 1.0 (with a 0.5 premium), and high parking requirements.

Given the plan direction summarized above, Councilwoman Robb, in partnership with CPD, initiated a public process for drafting new C-CCN zoning in the summer of 2013. Utilizing a third-party facilitator and a Technical Task Force composed of a diverse range of stakeholders, the process resulted in proposed new C-CCN zone districts, a draft map to legislatively rezone properties in the business district area to the new zone districts, and proposed amendments to the Design Standards and Guidelines for Cherry Creek North to complement the new zoning.

For more detail on the process used to draft the proposed C-CCN zone districts that will be applied to the site through this map amendment, please refer to the staff report for the Denver Zoning Code text amendment to create new C-CCN zone districts (Case #2014I-00047).



An aerial of the rezoning area from 2012



Proposed Zoning

Existing Context

The area to be rezoned contains multiple properties that are generally bounded by 1st Avenue, 3rd Avenue, University, and Steele Street in the Cherry Creek North business district. The area is composed of a mix of land use, including office, retail, and residential. Except for two parcels (which are zoned C-MU-10 with waivers and PUD), the entire rezoning area is currently zoned C-CCN.

The site contains almost the entire Cherry Creek North business district, a regional destination that is known for its quality retailers and pedestrian-friendly character. The land uses surrounding the site include the Cherry Creek Shopping Center, located to the south of 1st Avenue, retail and office buildings, as well as medium- and low-density residential uses in the neighborhoods that abut the Cherry Creek North business district.

University Boulevard, on the western edge of the rezoning area, is a major north-south arterial. 1st Avenue, on the southern edge, is a major east-west arterial. Both arterials contain frequent bus routes.

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

	Existing Zoning	Existing Land Use	Blueprint Denver
Site	C-CCN; C-MU-10 with waivers; PUD	Multiple uses including retail, office, and residential	Area of Change Pedestrian Shopping Corridor, Town Center, and Regional Center
North	Multiple including G-RH-3, G-MU-5, and PUD	Multiple uses – primarily medium and low density residential	Area of Stability Urban Residential
South	Multiple including B-3 and PUD	Multiple uses including office, retail, and residential	Area of Change Regional Center
East	Multiple including G-RH-3, C-MX-5, and PUD	Multiple uses including residential, office, and retail	Area of Change and Area of Stability Urban Residential, Town Center, and Regional Center
West	Multiple including E-SU-D and PUD	Multiple uses including retail, office and residential	Area of Change and Area of Stability Town Center and Single Family Residential

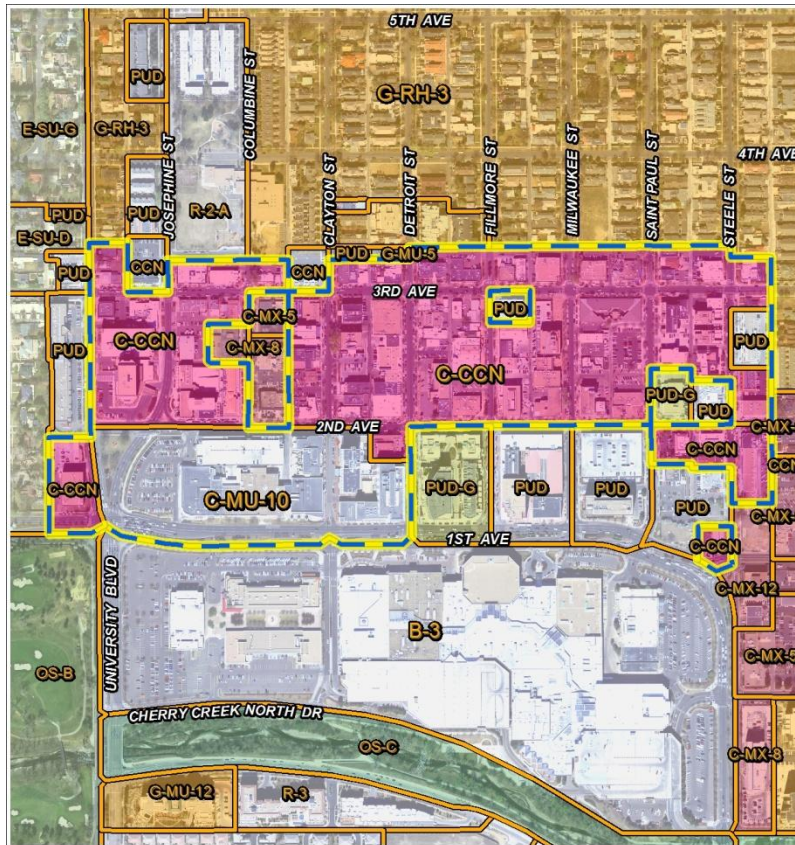
Existing Zoning

The majority of the rezoning area is currently zoned C-CCN. One parcel to be rezoned (located at 2375 through 2791 East 1st Avenue and the 100 block of Clayton Lane) is zoned C-MU-10 with waivers and another (located at 250 Steele) that is currently zoned PUD #157. As seen in the map on the following page and in the table above, a variety of zone districts surround the site, including residential, mixed use, and PUD zoning.

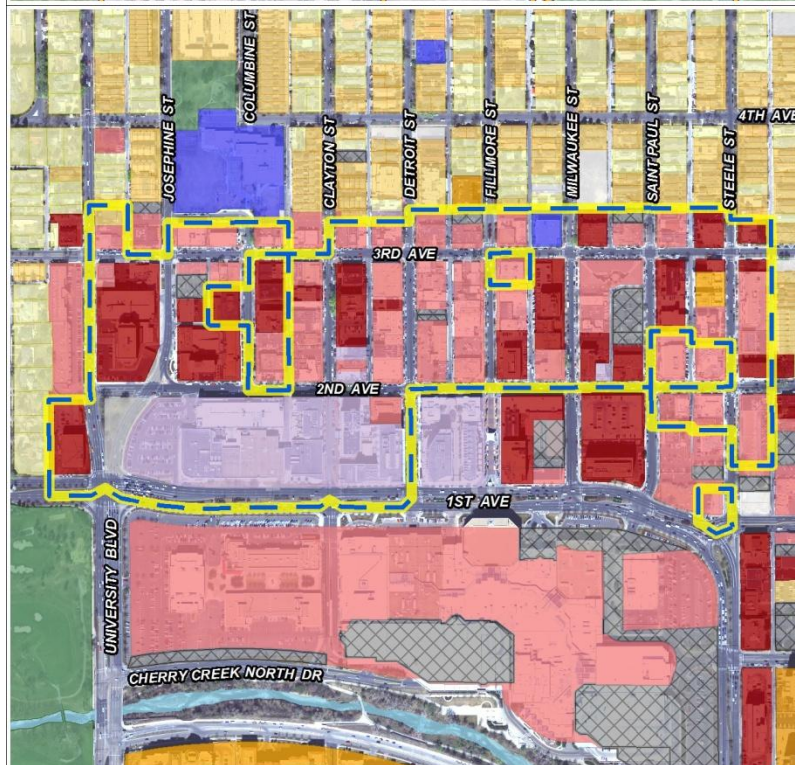
Existing Land Use

The rezoning site contains a wide range of land uses - from retail and commercial, to residential and bed and breakfast. The area surrounding the site also contains a variety of existing land uses. Despite the great variety, there are general land use patterns. To the north, the area is primarily bounded by low- and medium-density residential uses. To the south, the primary land uses are office and retail, with Cherry Creek Shopping Center located to the south of 1st Avenue. On the east, the area is primarily bounded by low- and medium-residential uses, with some mixed uses at the southeastern boundary. Finally, to the west, the rezoning area is bordered by retail and office uses, as well as single-family residential in the southwest corner.

The map of existing land uses is shown on the following page.



Existing Zoning



Existing Land Use



Existing Building Form and Scale

The rezoning area contains a wide range of building forms. The images below document the variety of building heights and form. With some exceptions, the area is generally characterized by multiple story buildings that are placed close to the street with a consistent 5' setback.



The pedestrian-friendly environment of Cherry Creek North.



A 4-story mixed-use building in Cherry Creek North.



Building scale in Cherry Creek ranges from 1-2 stories to 12 stories, with a mix of uses.

Public Review Process

The proposed legislative rezoning involved an extensive public process. In 2013 the legislative sponsor, Councilwoman Robb, worked with CPD to appoint a Technical Task Force composed of a variety of diverse stakeholders from the Cherry Creek area. With the guidance of a third-party facilitator, the Technical Task Force worked for almost 1.5 years to draft new C-CCN zone districts. The process also included Task Force input on the map amendment. For a full summary of the process, please refer to the staff report for the Denver Zoning Code text amendment to create new C-CCN zone districts (Case# 2014I-00047).

At the beginning of the C-CCN zoning process, all properties currently zoned C-CCN were notified by mail of the process and how to get involved. Similar to the citywide rezoning in 2010, the legislative rezoning area was determined to include all properties zoned C-CCN, but *not* properties with site-specific zone districts, such as waivers and/or conditions or PUD zoning, as well as properties with other DZC zone districts (such as C-MX). Several months into the project, as the content of the proposed new zoning evolved, the Task Force agreed to a process to invite owners of such properties within the business district area to request to be part of the legislative rezoning. Six total owners expressed interest. After significant outreach to adjacent Registered Neighborhood Organizations (RNOs), two properties without C-CCN were added to the legislative rezoning area (2375 East 1st Avenue and 250 Steele Street).

The following outline shows important milestones in the public outreach process for the legislative rezoning:

<i>June 2013:</i>	CPD mails all property owners in the Cherry Creek statistical neighborhood to notify them of the zoning process and to advertise how to get involved.
<i>August 2013:</i>	Planning Board Informational Item
<i>June 2014:</i>	Public Review Draft of text amendment and Public Review Map of legislative map amendment posted to website. Multiple public outreach efforts utilized, including Public Open House/Meeting, presentations to Registered Neighborhood Organizations (RNOs) in the Cherry Creek Area, and office hours by CPD staff in the district.
<i>June 2014:</i>	CPD mails all property owners in the area to be rezoned to the new C-CCN zone districts.
<i>August 6, 2014:</i>	Planning Board Informational Item
<i>August 19, 2014:</i>	Email notice to all RNOs and City Council members of scheduled Planning Board public hearing, with link to updated draft of redlined text amendment. Rezoning signs were posted in the district.
<i>August 23, 2014:</i>	CPD attends Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing
<i>September 4, 2014:</i>	Email notice to all RNOs and City Council members of scheduled Neighborhoods and Planning Committee meeting

As of the date of this staff report, CPD and the bill sponsor have received two letters of support from individuals and one email of support from the president of a registered neighborhood organization, which are attached to this report.

Criteria for Review/Staff Evaluation

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

1. Comprehensive Plan 2000
2. Blueprint Denver – An Integrated Land Use and Transportation Plan (2002)
3. Cherry Creek Area Plan (2012)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Economic Activity Strategy 4-B – *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:*
 - *Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and Rocky Mountain region.*
[...]

The proposed map amendment will enable development in area that already has existing infrastructure and it expands the range of uses allowed in the C-CCN zoning, further promoting the mixed use nature of Cherry Creek North. The proposed rezoning also includes provisions to ensure that development is appropriately-scaled and compatible with the surrounding neighborhoods. The rezoning is consistent with these plan recommendations.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver the entire rezoning area is designated as an Area of Change. The designated land uses for the area, per Blueprint Denver, are Pedestrian Shopping Corridor, Regional Center, and Town Center. NOTE: The Cherry Creek Area Plan (2012) updated the recommended land use designations so that the majority of the area is designated as a Regional Center, with a few properties along the northern border designated as Town Center (see page 12 of this report).

Future Land Use

Blueprint Denver states that Town Centers meet a large variety of shopping, entertainment, and service and employment needs. They are large enough to serve several neighborhoods, typically contain specialty retail shops, and are pedestrian-friendly places (page 43). Regional Centers contain a “balance of retail employment and residential uses” and “an atmosphere that is attractive to patrons from throughout the region” (page 43). Pedestrian Shopping Corridors have similar land uses to a town center or neighborhood center, but “the uses are often oriented in linear pattern rather than a circular pattern. Pedestrian shopping corridors have a continuous street frontage of buildings, wide sidewalks, on-street parking, and shared parking among businesses. These corridors provide pedestrian amenities and good transit service” (page 45).

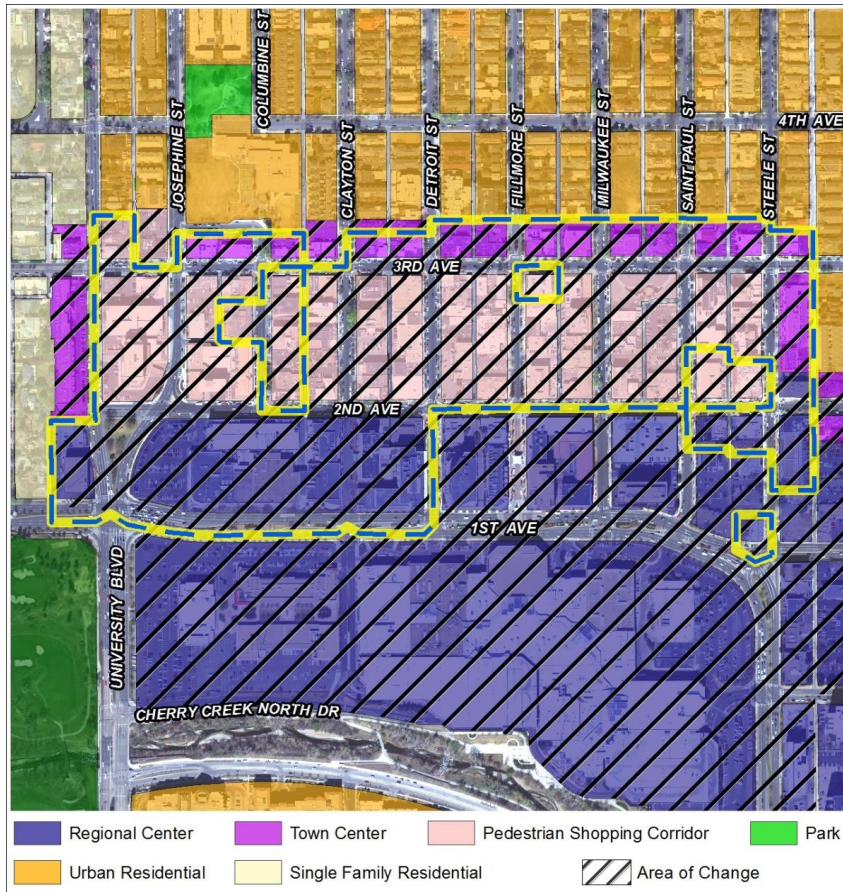
The proposed rezoning is consistent with all of the land use designations summarized above. The C-CCN zone districts will allow for the mix of retail, office, residential, and entertainment uses that are envisioned for Town Centers, Regional Centers, and Pedestrian Shopping Corridors. The proposed districts that allow for greater building heights (C-CCN-8 and C-CCN-12) will be placed in the areas designated as a Regional Center. The districts that are better tailored for a lower-scale, pedestrian-oriented Town Center (C-CCN-4 and C-CCN-5), will be placed along 3rd Avenue where the land use designation is Town Center.

All of the proposed zone districts contain building form standards that are consistent with the pedestrian-friendly character envisioned, especially for Town Centers and Pedestrian Shopping Corridors. These standards include a 70% build-to percentage requirement and 60% ground floor transparency requirement along all streets.

Area of Change / Area of Stability

The site is in an Area of Change. In general, “The purpose of Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial ” (p. 127). Blueprint Denver provides additional specific guidance for the Cherry Creek Area of Change: “The neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential, regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment” (p. 134).

The legislative rezoning is consistent with the Blueprint Denver Area of Change recommendations. Access to jobs, housing, and services should improve due to updated zoning that makes development more economically feasible and that expands the range of allowable uses. The rezoning area also has access to multiple bus transit lines, as well as the benefit of an active transportation management association (TMA), Transportation Solutions.



2002 Blueprint Denver Future Land Use Map

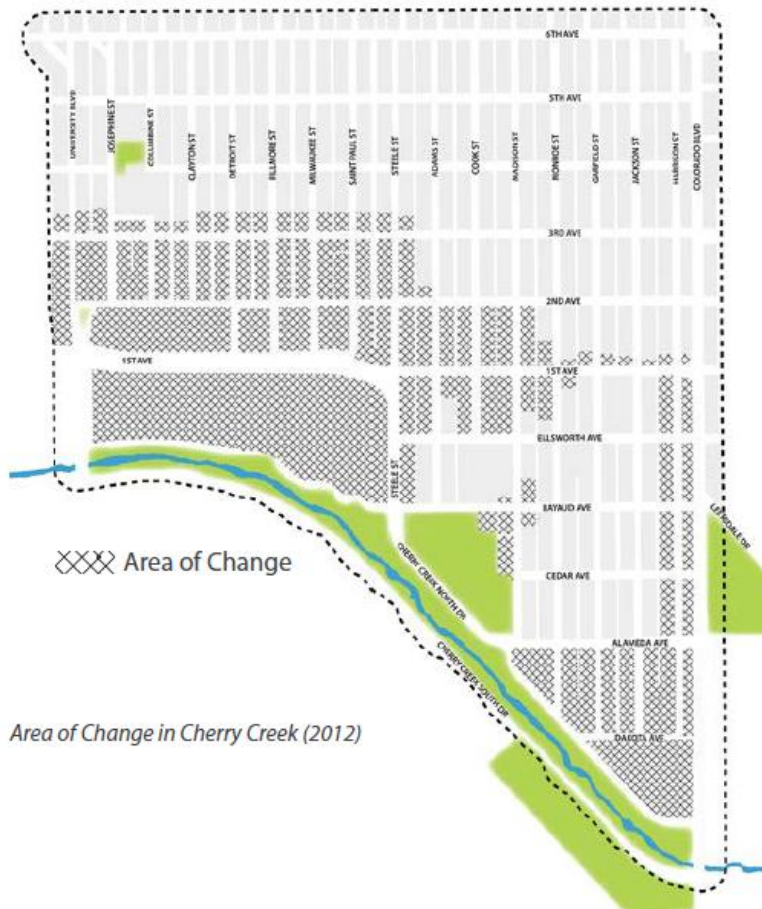
Street Classifications

Blueprint Denver classifies 1st Avenue, Josephine and University as Mixed Use Arterials. According to Blueprint, arterial streets “are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” (p. 51). Mixed Use streets “emphasize a variety of travel choices such as pedestrian, bicycle and transit use. Mixed-use streets are located in high-intensity mixed use commercial, retail, and residential areas with substantial pedestrian activity” (p. 57). Generally, the higher-intensity C-CCN zone districts (C-CCN-8 and C-CCN-12) are proposed along these Mixed Use Arterials. Both of these zone districts allow the high-intensity mixed uses imagined for these streets in Blueprint Denver.

Blueprint Denver classifies 3rd Avenue as a Main Street Collector and 2nd Avenue as a Mixed Use Collector. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” The Main Street “serves the highest intensity retail and mixed land uses” and is “designed to promote walking, bicycling, and transit within an attractive landscaped corridor.” Similarly, a Mixed Use Street is “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and is “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns.” The lower-scale C-CCN-4 and C-CCN-5 zone districts are proposed along the 3rd Avenue Main Street; the higher-scale C-CCN-8 zone district is proposed along the 2nd Avenue Mixed Use Street. Both zone districts allow the high-intensity mixed uses imagined for these streets in Blueprint Denver.

Cherry Creek Area Plan (2012)

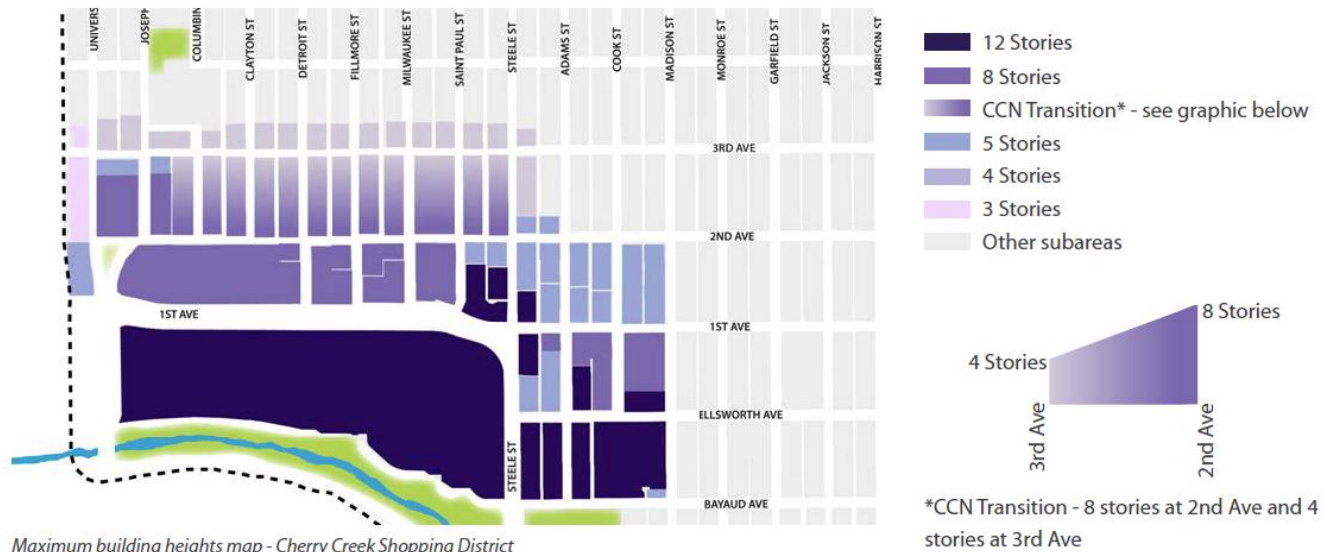
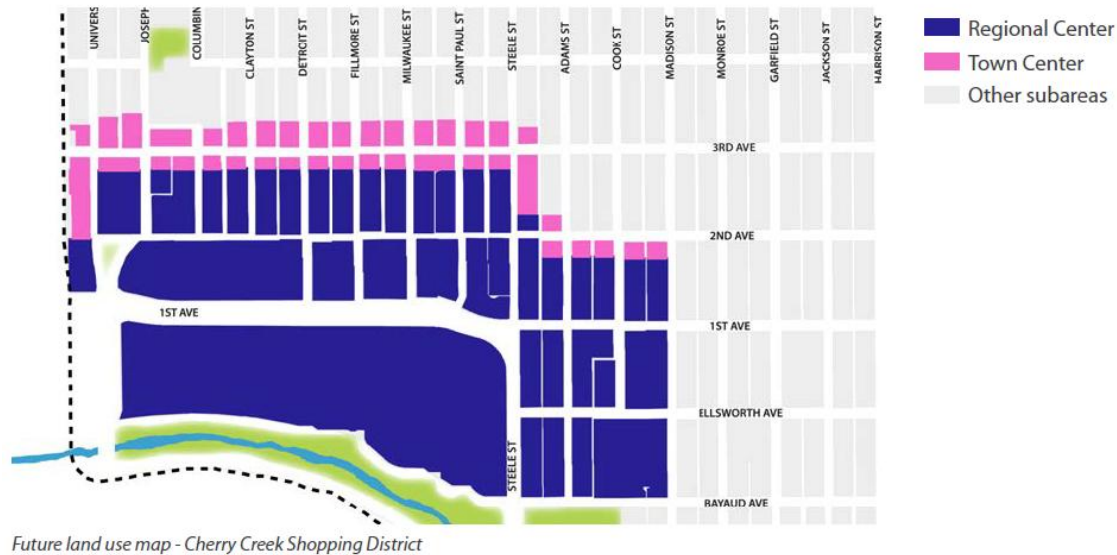
The proposed rezoning complies with several recommendations from the Cherry Creek Area Plan. First, it enables reinvestment in a designated mixed use Area of Change. As seen in the map below, the Cherry Creek Area Plan designates the entire rezoning area as an Area of Change. The text of the plan calls for encouraging “moderate scale development in mixed-use Areas of Change” (p. 32) such as the Cherry Creek North business district.



Second, the proposed map amendment is consistent with the land use recommendations from the Cherry Creek Area Plan. As seen in the map on the following page, the majority of the area to be rezoned is designated as Regional Center, with the northern edge designated as Town Center (refer to the definitions for Regional Center and Town Center from Blueprint Denver on page 9). The proposed zone districts will allow for the higher-intensity development envisioned for a Regional Center. Along the northern border, the lower-intensity zone districts (C-CCN-4 and C-CCN-5) will be consistent with the Town Center designation.

Third, the proposed map amendment will implement the recommended building heights from the Cherry Creek Area Plan (please see the building heights map on the following page). This includes a transition in height from 8 stories along 2nd Avenue (where C-CCN-8 is proposed), down to 4 stories along 3rd Avenue. The north side of 3rd Avenue is proposed to be zoned C-CCN-4. Although the south side of 3rd Avenue will be zoned to C-CCN-5, the CCN 3rd Avenue Bulk Plane will require a significant step-down in building height along the south side of 3rd Avenue. The proposed map amendment also implements the building height recommendation for 12 stories at

the major node of 1st and Steele. Building height transitions are also implemented on the east and west sides of the district, consistent with the plan's maximum recommended building heights map.



Finally, the proposed legislative map is consistent with the Plan's land use recommendations for the business district. In order to make redevelopment economically feasible, it recommends to "enact zoning and other land use regulatory tools for the C-CCN zone district to encourage rather than inhibit high quality redevelopment and reinvestment across all parcel sizes, large and small (p. 61). The Plan calls for an open, transparent public process for drafting updated zoning and says that the new zoning should fulfill the following goals (outlined on pages 61-62 of the Plan):

1. Retain and enhance Cherry Creek North's unique physical character
2. Make reinvestment economically viable in the entire district
3. Encourage small lot reinvestment
4. Transition from higher buildings along 2nd Ave to lower buildings along 3rd Ave

5. Create height transition from business district to adjacent residential
6. Retain sunlight on streets and views between buildings
7. Prevent the creation of “walled” or monolithic streets
8. Active storefronts and ground floor uses

Please see the attached Zoning Executive Summary, which is organized by the eight goals above, for more detail on how the proposed C-CCN zone districts advance each goal. Because the proposed C-CCN zoning contains regulations that advance each of the eight goals, it is consistent with these plan recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to the proposed C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, and C-CCN-12 zoned districts 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 primarily through implementation of the city’s adopted plans.

Planning Board Recommendation

On September 3, 2014, the Denver Planning Board held a properly noticed public hearing on this proposed map amendment. After considering written and oral testimony, Planning Board voted 7-0 (with four members not present) to recommend approval for the proposed legislative rezoning from C-CCN, PUD, or C-MU-10 with waivers to proposed zoned districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, or C-CCN-12 (Case #2014I-00048).

Staff Recommendation

Based on criteria for review as defined above, CPD recommends that the Neighborhoods and Planning Committee move to the full City Council the proposed legislative rezoning from C-CCN, PUD, or C-MU-10 with waivers to proposed zoned districts C-CCN-4, C-CCN-5, C-CCN-7, C-CCN-8, or C-CCN-12 (Case #2014I-00048).

Attachments

1. Zoning Executive Summary
2. Legislative rezoning proposal from Councilwoman Robb
3. Legal description
4. Public comments received



Introduction

This document summarizes the proposed new zoning for the area of Cherry Creek roughly bordered by University Boulevard, Steele Street, 3rd Avenue, and 1st Avenue. It provides a high-level review of the major zoning components for the proposed Cherry Creek North (CCN) zone districts. This document reflects the agreements reached by the Cherry Creek District Zoning Technical Task Force. The Technical Task Force, an all-volunteer group of diverse stakeholders including residents, property owners, architects and design professionals, developed the draft zoning for several months from 2013 through 2014. To learn more about the process for writing the new zoning please visit www.DenverGov.org/CherryCreek.

This document organizes the zoning topics into the eight goals from the Cherry Creek Area Plan for revising land use regulations in the CCN Business Improvement District.

Goal 1 - Retain and enhance Cherry Creek North's unique physical character.

■ Open Space Incentives

The proposed zoning will offer building form options that create an incentive to provide street-level open space, such as plazas and courtyards, which are part of what makes Cherry Creek a unique, pedestrian-oriented district. For more information, see the open space incentives section in Goal 8 on pages 10-11.

■ 5-foot Street Setback

One of the unique characteristics of Cherry Creek North is its quality streetscape. To maintain space along the sidewalk, the proposed zoning will retain the existing 5-foot minimum setback along all streets.

■ Design Standards and Guidelines (DSG) for Cherry Creek North and Design Advisory Board

The proposed zoning will continue to work together with the DSG, which were significantly updated in 2011 and work very well to achieve high quality design. The Cherry Creek North Design Advisory Board will continue to review projects for consistency with the DSG. Amendments to the DSG are proposed in combination with the new zoning as a complete package. The following amendments will contribute to the unique character of Cherry Creek.

■ Datum

The DSG will be amended to require buildings to create a datum line at the first or second story. The datum, which could be achieved through a variety of tools including a shift in building mass or a change in materials, will encourage pedestrian-oriented design and contribute to the goal of preventing blank, monolithic facades.

■ Alley-facing entrances

Today the DSG require entrances to be oriented towards the street, which discourages alley-facing entries. The proposed amendment would require only one entrance to orient to the street, while also encouraging additional entrance(s) to orient toward the alley.



*An example of a **datum** expressed through change in materials and upper story setbacks.*



Goal 2 - Make reinvestment economically viable in the entire district.

■ Required Minimum Parking Ratios

The current zoning's off-street parking ratios are the highest in the city, and higher than market demand, inhibiting economic reinvestment. The proposed zoning would reduce the required off-street parking ratios for some permitted uses as follows. Projects can provide more parking than what is required.

- Office: 2 parking spaces per 1,000 square feet gross floor area
- Retail sales, services, and restaurants: 2.5 parking spaces per 1,000 square feet gross floor area
- Residential uses: see below

■ Encourage Residential Development through Reduced Parking Requirement

The current Cherry Creek North zoning (C-CCN) requires two parking spaces per dwelling unit, which is the highest parking ratio in the city. The proposed zoning encourages residential development by reducing the parking requirement to 1 parking space per dwelling unit.

■ Maximum Building Height

The current C-CCN zoning has a maximum building height of 55 feet throughout the district. The proposed zoning will have multiple height-based zone districts, most of which will make reinvestment economically viable by increasing the maximum building height where appropriate and where recommended by the adopted Cherry Creek Area Plan. Maximum building heights are proposed to range from 57 feet (4 stories) where adjacent to nearby residential neighborhoods, up to 150 feet (12 stories) where appropriate near 1st Avenue. Maximum building height will be further reduced in some areas due to the 3rd Avenue solar access bulk plane (see Goal 6 on page 7) and protected district height transitions (see Goal 5 on page 6). For more information on the transition in maximum building heights between 2nd Avenue and 3rd Avenue, see Goal 4 on page 6.

■ Maximum Floor Area Ratio (FAR) Removed

Studies have shown that the FAR limits in the current C-CCN zoning make redevelopment infeasible. The proposed zoning follows the Denver Zoning Code's form-based approach and will have no maximum FAR.

■ Allow Lodging Accommodations

The current zoning allows bed and breakfasts but no other lodging uses. The proposed zoning will allow all lodging accommodations uses, including hotels. As is the case for all permitted uses, hotels will be required to follow the building form standards, which will limit the size of buildings and thereby reduce impacts near the adjacent residential areas.

Floor Area Ratio (FAR)

FAR is the ratio of the gross floor area of a building to the area of the zone lot on which the building is located. For example, a 10,000 SF lot with an FAR of 1:1 could have a building up to 10,000 SF in size. FAR was a common standard in the Former Chapter 59 zoning code, but because it results in unpredictable building forms, it has been eliminated from most zone districts in the Denver Zoning Code.

Goal 3 - Encourage small lot reinvestment.

■ Small Lots 9,375 Square Feet and Less

In order to encourage reinvestment for small lots in Cherry Creek, the proposed zoning will provide the following benefits for lots 9,375 square feet or less:

- **Parking Reduction**

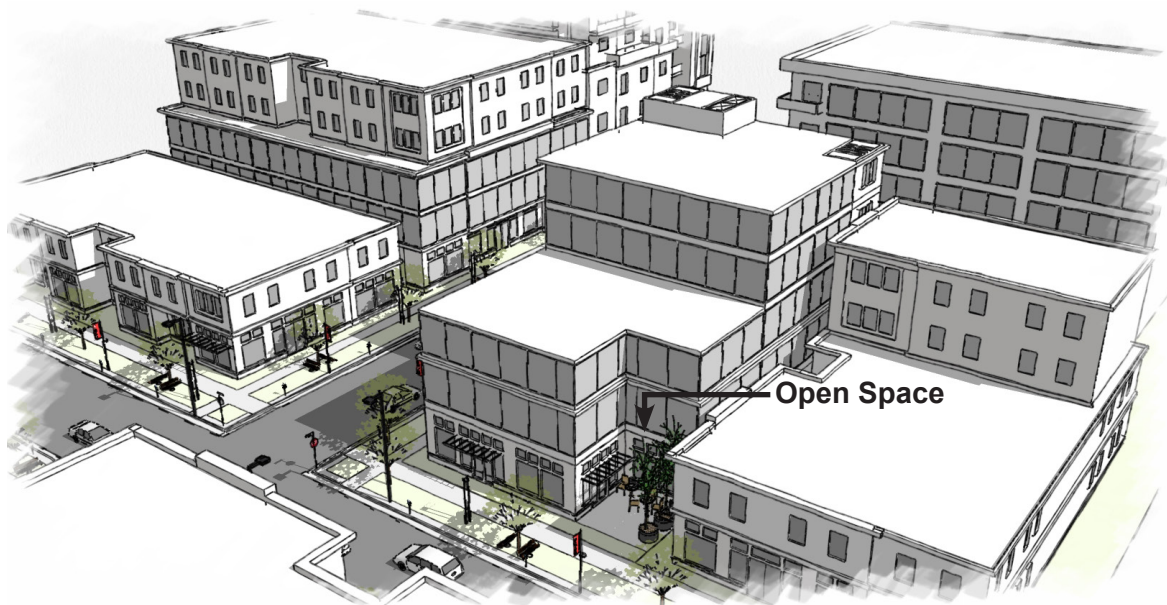
The current zoning code encourages small lot reinvestment by reducing the off-street parking requirements for a range of smaller lot sizes. The proposed zoning will simplify parking requirement reductions for small lots. Lots 9,375 square feet and less will qualify for a 67% reduction in the minimum off-street parking requirement.

- **Exemption from Upper Story Mass Reduction**

To encourage reinvestment in small lots, lots up to 9,375 square feet in size will be exempt from the upper story mass reduction under the proposed zoning, as described in Goal 7 on page 8.

- **Open Space Incentive**

Lots up to 9,375 SF in size located on the south side of 3rd Avenue, within the area affected by the 3rd Avenue solar access bulk plane, will have the option to select a building form that requires 15% of the lot area to remain open (i.e., a maximum building coverage of 85%). In exchange for providing 15% of the lot as open space, the building can encroach into the 3rd Avenue solar access bulk plane — the maximum building height would be increased to 3 stories for the first 57 feet south of 3rd Ave and to 5 stories for 57-150 feet south of 3rd Ave. The taller allowable building heights provide more developable area as a way to incentivize the provision of open space. The 15% open space area must contain a contiguous space at least 15 feet wide by 15 feet deep. The remaining open space could be achieved through a variety of configurations as a way to promote unique and varied public spaces. All of the open space area must be publicly accessible, adjacent to the street, and open to the sky.



Small Lot (up to 9,375 SF) Open Space Incentive: this image illustrates development on the south side of 3rd Avenue that has provided street-facing open space in exchange for building heights that encroach into the 3rd Avenue Solar Bulk Plane.

■ Small Lots 6,250 Square Feet and Less on the South Side of 3rd Avenue

In addition to the benefits above, lots 6,250 square feet or less in size on the south side of 3rd Avenue will also benefit from the following building form options, which encroach into the 3rd Avenue solar access bulk plane in order to encourage small lot reinvestment.

■ Lots with 50 feet or less of frontage on 3rd Avenue

Zone lots with 50 feet or less of frontage on 3rd Avenue (typically oriented north-south) may elect to use the Open Space Incentive building form described on the previous page. Alternately, a “base” building form option is available, which allows the building to be a maximum of 3 stories across the entire zone lot with no required open space, as illustrated below.



Base Building Form for Small Lots up to 6,250 SF with no more than 50' of frontage on the south side of 3rd Avenue: the building in the center of this image illustrates the base building form for small lots (up to 6,250 SF) with up to 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots, the building is allowed to exceed the solar access bulk plane with its 3rd story.

■ Lots with more than 50 feet of frontage on 3rd Avenue

Zone lots with more than 50 feet of frontage on 3rd Avenue (typically oriented east-west) may elect to use one of the two following building forms. First, a “base” building form option is available that generally follows the 3rd Avenue solar access bulk plane, except that for up to 50 feet of frontage along 3rd, the building can also have a third story that extends up to the 5-foot setback line. For the rest of the 3rd Avenue frontage (over 50 feet), the third story must comply with the 3rd Avenue Solar Access Bulk Plane. This is illustrated in the first image on the following page.

The second available building form option creates an open space incentive. The entire building may be up to 3 stories in height, exceeding the solar access bulk plane, if at least 20% of the lot (including setbacks) is provided as open space. The open space area beyond the required setbacks must be adjacent to 3rd Avenue. This is illustrated in the second image on the following page.



Base Building Form for Small Lots up to 6,250 SF with more than 50' of frontage on the south side of 3rd Avenue: the corner building in this image illustrates the base building form for small lots (up to 6,250 SF) with more than 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots, the building is allowed to exceed the solar access bulk plane with its 3rd story for up to 50' of the 3rd Avenue frontage. The rest of the building must follow the solar access bulk plane (shown as 2 stories in this illustration).



Open Space Incentive Building Form for Small Lots up to 6,250 SF with more than 50' of frontage on the south side of 3rd Avenue: the corner building in this image illustrates the open space building form for small lots (up to 6,250 SF) with more than 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots and incentivize open space, the building is allowed to exceed the solar access bulk plane with its 3rd story, if 3rd-Avenue-facing open space is provided for 20% of the zone lot (including setbacks).



Goal 4 - Transition from higher buildings along 2nd to lower buildings along 3rd.

■ Maximum Building Height

Under the proposed zoning, maximum building heights follow the recommended maximum building heights map of the Cherry Creek Area Plan. Maximum building heights transition from 2nd Avenue to 3rd Avenue throughout the core of the business district, east of Josephine Street. For the first 150 feet north of 2nd Avenue, the proposed maximum building height is 8 stories, or 110 feet. For the next 150 feet north in the middle of each block, the proposed maximum building height is 7 stories, or 96 feet. For the final 200 feet south of 3rd Avenue, the proposed maximum building height is 5 stories, or 70 feet. However, the maximum building height is also subject to the 3rd Avenue solar access bulk plane, as described below.

■ 3rd Avenue Solar Access Bulk Plane

Additional transition to 3rd Avenue is achieved through a proposed bulk plane on the south side of the street for solar access, which will further reduce building heights immediately south of 3rd Avenue. For more information, see Goal 6 on page 7.

Goal 5 - Create height transition from the business district to adjacent residential.

■ Maximum Building Height

Generally, the Cherry Creek Area Plan recommended maximum heights of 3 or 4 stories where adjacent to the surrounding residential neighborhoods to the west, north, and east. The proposed zoning districts implement this plan recommendation. On the north side of 3rd Avenue, the maximum building height transitions down to a maximum of 4 stories, or 57 feet.

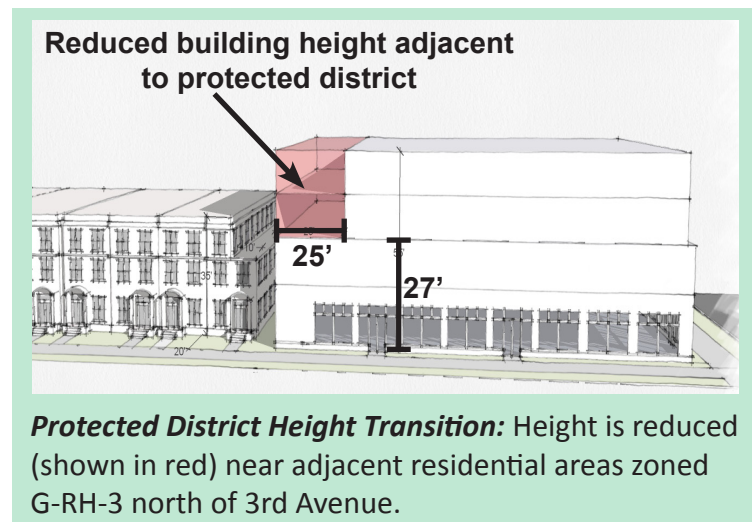
■ Protected District Height Transitions

In accordance with the Cherry Creek Area Plan recommendations, the proposed zoning includes protected district upper story setbacks to transition height from the business district to the adjacent residential. Where abutting properties zoned G-RH-3 north of 3rd Avenue, the proposed zoning has a minimum required upper story setback of 25 feet above 27 feet in height. Where properties on the east side of Steele Street are across the alley from properties zoned G-RH-3 on Adams Street, the proposed zoning has a minimum required upper story setback of 20 feet above 27 feet in height.

This is consistent with protected district height transitions in other Denver Zoning Code zone districts.

■ Limitation on Rooftop Patios

Outdoor patios for restaurants above the ground story are not allowed within 50 feet of adjacent residential protected zone districts.



Goal 6 - Retain sunlight on streets and views between buildings.

■ 3rd Avenue Solar Access Bulk Plane

In order to maintain sunlight on the north side of 3rd Avenue and to help preserve the character of this pedestrian-friendly shopping corridor, the proposed zoning establishes a bulk plane on the south side of 3rd Avenue. The major components of the bulk plane are summarized below.

■ Sunlight on sidewalk

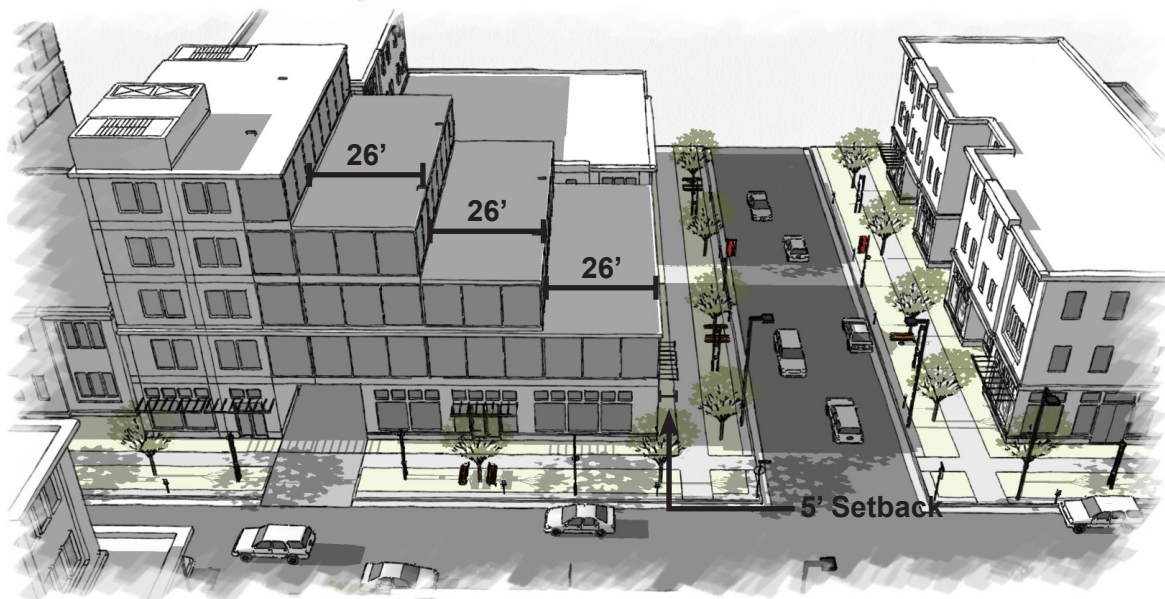
The angle of the 3rd Avenue solar access bulk plane ensures that the entire sidewalk on the north side of the street, including the amenity zone, is in sunlight at the time of the winter solstice: 12:00 noon on December 21st.

■ Impact on building form

The bulk plane rises from the property line along 3rd Avenue with a slope of 1:2. An example of how a building could comply with the bulk plane is shown below, with a stepback every 26 feet, starting at the second story, up to a maximum height of 5 stories.

Small Lot Incentives

In order to incentivize reinvestment in small lots and to provide architectural variety, there are alternate building forms for small lots on the south side of 3rd Avenue that allow encroachment into the 3rd Avenue solar access bulk plane. There are also alternate building forms for small lots that allow encroachment into the solar access bulk plane in exchange for providing open space. See more in Goal 3 on pages 3-5.



3rd Avenue Solar Access Bulk Plane: the bulk plane ensures that the sidewalk and amenity zone on the north side of 3rd Avenue are in sunlight for the whole year. This image shows the shadow at 12:00 noon on December 21st.

■ Upper Story Mass Reduction

The proposed zoning requires an upper story mass reduction. This tool helps to break up the mass of taller buildings, creating openness and providing more sky exposure and sunlight at the pedestrian-level. See Upper Story Mass Reduction under Goal 7 on page 8.

Goal 7 - Prevent “walled” or monolithic streets.

■ Upper Story Mass Reduction

The upper story mass reduction requires buildings over two stories to break up their upper story mass. This tool ensures articulation and variety in building form, promotes breaks between buildings, and helps to prevent the sense of a street canyon. Because the mass reduction begins above the second story, it also reinforces the importance of the pedestrian-scale for the first two stories, or 31 vertical feet, of the building’s facade.

■ Mass reduction requirements

The proposed zoning allows a maximum building coverage equal to 75% of the zone lot area, applicable above two stories (31 feet). This means that buildings taller than two stories must reduce their upper story mass by an amount equal to 25% of the zone lot. The mass reduction must be adjacent to one or more rights-of-way, including alleys.

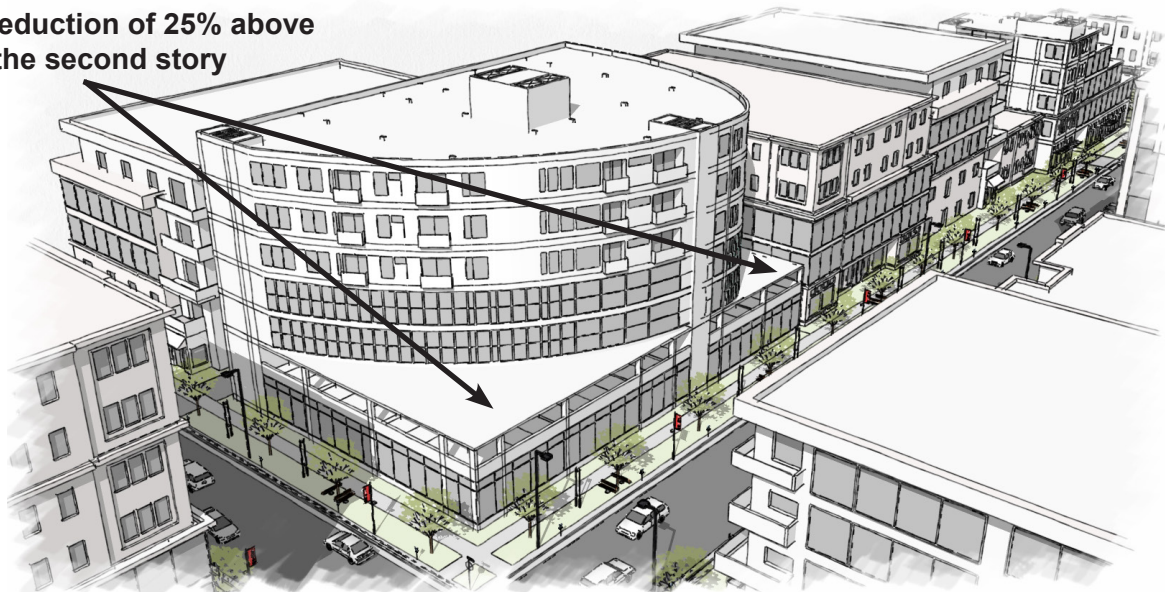
■ Flexibility and architectural variety

Because there is flexibility in where the mass reduction is placed, the upper story mass reduction promotes variety in building form and allows for architectural creativity. The image below illustrates one way the upper story mass reduction could be achieved for a building seven stories in height.

Small Lot Reinvestment Incentives

As a way to promote reinvestment on small lots, the proposed zoning would not require the upper story mass reduction on small lots (those 9,375 SF or less in size). See more under Goal 3 on page 3.

**Mass reduction of 25% above
the second story**



Upper Story Mass Reduction: the curved building at the corner illustrates one option for fulfilling the mass reduction above the second story.



■ Design Standards and Guidelines (DSG)

The DSG contain standards to prevent the creation of blank, monolithic building facades. Section 2.2.2 Mass and Scale contains a variety of standards and guidelines that ensure articulated, pedestrian-scaled building facades with architectural variation and modulation. In addition, the proposed DSG amendments include requiring a second-story datum line, which will help to prevent blank, unarticulated facades. See Goal 1 on page 1 for more detail.

■ Alley-facing facades

Proposed amendments to the DSG include language to ensure high-quality, articulated facades along alleys, not just streets.

Goal 8 - Active storefronts and ground floor uses.

■ All Streets are Primary Streets

The proposed zoning designates all streets, both named and numbered, as primary streets. This means the tools that help to activate the street and create a pedestrian-friendly ground floor — including the 5-foot setback, ground floor transparency, and required build-to — apply to all streets.

■ Pedestrian Access

The current zoning does not address building entrances. In order to encourage activation of the ground story, the proposed zoning requires each building to have at least one pedestrian entrance that faces the street. This tool reinforces the Design Standards and Guidelines (DSG), which require building entrances to be oriented to the street and encourage multiple street-oriented entries at the ground level.

■ Alley activation

The proposed zoning package includes amending the DSG to encourage alley-oriented entrances, in addition to street-oriented entrances. This will help to fully activate the ground floor on all sides of the building and to create lively, pedestrian-friendly alleys.

■ Ground Floor Transparency

The current zoning does not address ground floor transparency. Transparency, or windows, at the ground floor create pedestrian interest and help to activate the sidewalk. The proposed zoning requires at least 60% of any facade facing a street to be transparent. This requirement complements the existing requirement for ground floor transparency in the DSG.

■ Required Build-To

Ground floor uses placed close to the sidewalk promote an active streetscape environment. The current zoning employs a complicated system of front setback areas to ensure buildings are built near the street, but it does not require that buildings extend along the street frontage to create an active streetscape environment. The proposed zoning requires buildings to be located within 5-15 feet of the property line for at least 70% of the lot frontage along all streets.

■ Outdoor seating alternative

Outdoor seating brings life and vibrancy to the ground story of buildings. The proposed zoning will encourage outdoor seating by allowing buildings to be setback up to 20 feet from the property line within the required build-to area in order to accommodate outdoor seating areas.



■ Active Ground Floor Uses

Like the current zoning, the proposed zoning will continue to enable a variety of active, pedestrian-friendly uses at the ground floor, including shops and restaurants. Residential uses, as well as limited auto services, will not be allowed at the ground level where facing a street. Fully enclosed auto sales will be allowed at the ground level.

■ Active Uses for Parking Garages

The DSG seek to wrap parking garages with active uses at the street level, but this is not a requirement in the current zoning. The proposed zoning will require the street-facing portions of parking garages to have active uses at the ground floor. This will ensure that structured parking does not detract from the vibrant, pedestrian-friendly streets of Cherry Creek.

■ No Surface Parking as Primary Use

Surface parking lots detract from the quality of the street environment and minimize pedestrian activity. The current zoning allows surface parking as a primary use. The proposed zoning will not allow surface parking lots as the primary use on a property, though they will continue to be allowed as an accessory use in order to serve businesses, offices, and residences on the same property.

■ No Surface Parking between the Building and Street

Continuing a current zoning requirement, where surface parking lots are allowed in order to serve an on-site use, the proposed zoning will not allow them to be located between the building and the street.

■ Outdoor Accessory Sales

In order to add to the range of active, pedestrian-friendly uses allowed at the ground level, the proposed zoning will permit accessory outdoor sales (such as flower stands or the outdoor display of merchandise) to occur year round, rather than as a temporary use only, as allowed in the current zoning. In combination with this tool, the DSG will be amended to provide standards and guidelines that ensure the quality design of outdoor sales areas.

■ Open Space Incentives

The proposed zoning will encourage public spaces on private property that activate the street and enhance the pedestrian experience. There are several proposed incentives for open space — open space incentives for small lots (those 9,375 square feet and less), and an open space incentive for large lots (those over 9,375 square feet). These incentives replace the current zoning's FAR premiums for open space, since FAR is not regulated in the proposed zoning.

■ Small lot open space incentives

Small lots on the south side of 3rd Avenue have building form options that provide incentives for creating publicly accessible open space open to the sky and adjacent to the street. The building forms vary depending on the size and orientation of the lot. Learn more about small lot open space incentives under Goal 3 on pages 3 through 5.

3rd Avenue Solar Access Bulk Plane

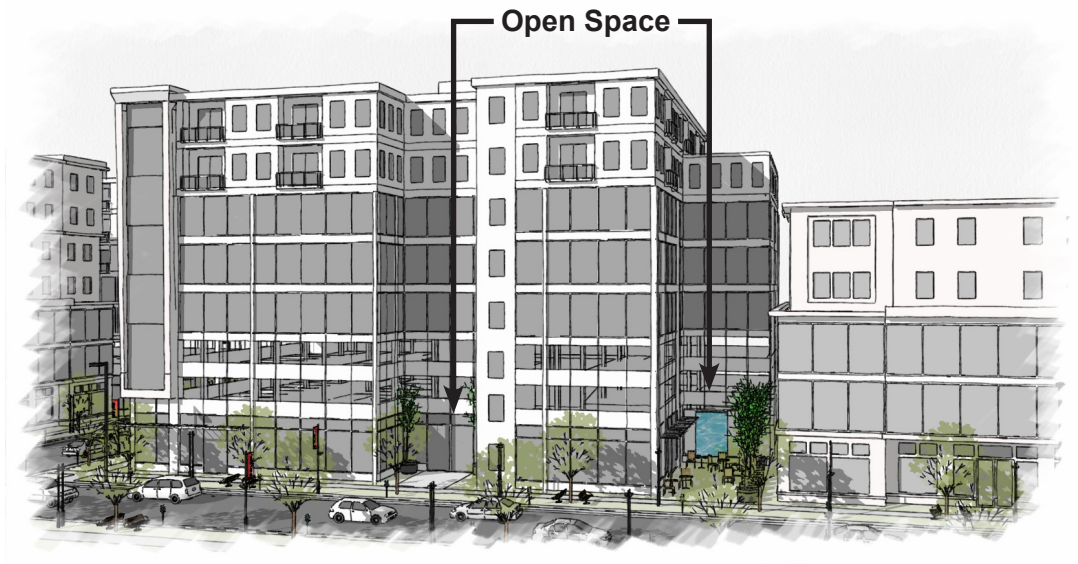
Small lots that provide open space would be able to encroach into the 3rd Avenue solar access bulk plane. Learn more about the solar access bulk plane under Goal 6 on page 7.

- **Large lot open space incentive**

Large lots will have the option to select a building form that requires 15% of the lot area to remain open (i.e., a maximum building coverage of 85%). In exchange for providing 15% of the lot as open space, the development would be exempt from the upper story mass reduction. This exemption allows more developable area as a way to incentivize open space. The 15% open space area must contain a contiguous space at least 15 feet wide by 30 feet deep; the remaining open space could be achieved through a variety of configurations — such as large setbacks along the street — in order to encourage unique and varied public spaces. All of the open space area must be publicly accessible, adjacent to the street, and open to the sky. The DSG address the design quality of open space areas.

Upper Story Mass Reduction

Large lots that provide open space would be exempted from the upper story mass reduction. Learn more about the upper story mass reduction under Goal 7 on page 8.



Large Lot Open Space Incentive: *In exchange for providing street-level, publicly accessible open space that is open to the sky, the building is exempt from the upper story mass reduction.*

CITY COUNCIL

City and County of Denver

City and County Building
1437 Bannock Street, Room 493
Denver, Colorado 80202



Phone: 720-337-7710
Fax: 720-337-7717
jeanne.robbs@ci.denver.co.us
www.denvergov.org

Jeanne Robb
Councilwoman, District Ten

August 14, 2014

Brad Buchanan, Executive Director
Community Planning & Development
201 W. Colfax
Denver, CO 80202

Dear Executive Director Buchanan,

I am writing to request that CPD initiate the new Cherry Creek North – Urban Center (C-CCN) District zoning language amendment legislative process and the corresponding map amendment that would apply the zoning to all properties currently zoned C-CCN as well as 2 other properties:

- 1) 250 Steele
- 2) the site located between First and Second Avenues between University Boulevard and Detroit Street.

The process for creating this new zoning language began formally in June of 2013 after the appointment of a 16 member Zoning Technical Task Force. Meetings throughout the summer of 2013 included both the Technical Task Force and members of the Cherry Creek Steering Committee. From September of 2013 until July 30 of 2014 the Task Force met regularly to analyze and decide on a whole host of issues including uses, heights, setbacks, solar bulk planes, and parking. On each issue the Task Force was able to reach consensus.

The task force agreed that the zoning language would be applied to all properties currently zoned C-CCN. Further, the task force requested that property owners in the area who are not currently zoned C-CCN work with the adjacent RNO's and try to reach an agreement on "opting-in to the new zoning." The Task Force agreed to hear from the RNOs but did not offer a recommendation as to which properties should opt-in. Since neighborhood agreement did support the two properties named above, I am requesting that they be included in the map amendment.

I am grateful for the hard work of the CPD staff and the Zoning Task Force. This work has ensured that these zoning proposals conform to the recommendations of the 2012 Cherry Creek Plan with full consideration of the Urban Form Study and the Kenneth Ho Development/Reinvestment Study. As a result, I believe there is substantial community support for these zoning changes.

Respectfully,

A handwritten signature in blue ink that reads "Jeanne Robb".
Jeanne Robb

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from ~~C-CCN~~ to C-CCN-4:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

Block 33, Lot 1, and the South 75 feet of Lot 2
Block 34, Lots 1 and 10
Block 35, Lot 1
Block 36, Lots 1 and 10
Block 37, Lots 1 and 10, and the South ½ of Lots 2 and 9
Block 38, Lots 1 and 10, and the South ½ of Lots 2 and 9
Block 39, Lots 1 and 10, and the South ½ of Lots 2 and 9
Block 40, Lots 1 and 10, and the South ½ of Lots 2 and 9
Block 41, Lot 1
Block 56, Lot 2, and the North ½ of Lot 5

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from ~~PUD #157~~ to C-CCN-4:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

Block 56, Lots 3 and 4, and the South ½ of Lot 5

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from ~~C-CCN~~ to C-CCN-5:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

Block 56, Lot 1
Block 57, Lots 4 through 7
Block 58, Lots 4 through 7
Block 59, Lot 4, and Lots 6 through 7
Block 60, Lots 4 through 7
Block 61, Lots 4 through 7
Block 62, Lots 6 and 7
Block 63, Lots 5 and 6
Block 64, Lots 5 and 6
Block 72, the North 33-1/3 feet of Lot 2, all of Lots 3 and 4, and the North ½ of Lot 5
Block 73, Lots 1 through 3

COUNTRY CLUB ANNEX – AMENDED (BLOCKS 3 AND 4)

Block 4, the South 19 feet of Lot 54, and all of Lots 55 through 66

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-7:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

Block 57, Lots 3 and 8, and the North $\frac{1}{2}$ of Lot 9
Block 58, Lots 3 and 8, and the North $\frac{1}{2}$ of Lots 2 and 9
Block 59, Lots 3 and 8, and the North $\frac{1}{2}$ of Lots 2 and 9
Block 60, Lots 3 and 8, and the North $\frac{1}{2}$ of Lots 2 and 9
Block 61, Lots 3 and 8, and the North $\frac{1}{2}$ of Lots 2 and 9
Block 62, Lot 8, and the North $\frac{1}{2}$ of Lot 9
Block 63, the South $\frac{1}{3}$ of Lot 8, and the North $\frac{1}{2}$ of Lot 9

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-CCN to C-CCN-8:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

Block 58, Lots 1 and 10, and the South $\frac{1}{2}$ of Lots 2 and 9
Block 59, Lots 1 and 10, and the South $\frac{1}{2}$ of Lots 2 and 9
Block 60, Lots 1 and 10, and the South $\frac{1}{2}$ of Lots 2 and 9
Block 61, Lots 1 and 10, and the South $\frac{1}{2}$ of Lots 2 and 9
Block 62, Lot 10, and the South $\frac{1}{2}$ of Lot 9
Block 63, Lots 1 through 4 and Lot 10, and the South $\frac{1}{2}$ of Lot 9
Block 64, Lots 1 through 4 and Lots 7 through 10
Block 68, Lot 4, and the North 10 feet of Lot 5

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from C-MU-10 to C-CCN-8:

HARMAN'S SUBDIVISION TO THE CITY OF DENVER

All of Blocks 65 through 67
Block 68, Lots 1 through 3, the South 90 feet of Lot 5, and all of Lots 6 and A1/2 and B1/2

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

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from ~~C-MU-10~~ to C-CCN-12:

COLODEN MOOR SUBDIVISION TO THE CITY OF DENVER

That portion of Block C, COLODEN MOOR, described as follows:

Beginning at the point of intersection of the east and south line of Block C (Northwest corner of the intersection of East 1st Avenue and Steel Street): thence North along the East line of Block C, 110 feet; thence West at a right angle 110 feet; thence South at a right angle to a point on the South line of Block C; thence Easterly along the South line of Block C to the point of beginning.

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

From: rvogelmd@gmail.com
To: [Dalton, Kyle A. - Community Planning and Development](#)
Cc: [Wayne New](#); [Roger Armstrong](#); [Shayne Brady](#)
Subject: Support for New Cherry Creek North Zoning
Date: Monday, August 25, 2014 4:25:52 PM

Hi Kyle,

The Cherry Creek North Neighborhood Association (CCNNA) Board of Directors has voted to support the proposed Cherry Creek North Zoning Plan. Please contact me if you have any questions.

Robert A. Vogel, MD
President, CCNNA

Sent from Windows Mail

AmCap

INCORPORATED

August 22, 2014

Julie Underdahl, Chair
Denver Planning Board
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

Re: Cherry Creek North Zoning Text and Map Amendments

Dear Ms. Underdahl and Planning Board Members,

AmCap Clayton, LLC and A/U-N (SRCo) LLC (together, "AmCap") are the owners of all the retail properties and most of the parking within the property located between First Avenue, Second Avenue, University Boulevard and Detroit Streets in Cherry Creek. On behalf of AmCap, I am writing to support the proposed Cherry Creek North zoning text and map amendments as proposed by Councilwoman Jeanne Robb. As a property owner in the Cherry Creek North district, AmCap believes the proposed form-based zoning is an appropriate change from the existing and antiquated Cherry Creek North (CCN) zoning that limits FAR to a maximum of 1.5. The new CCN zoning designations with various height limitations correctly balance the scale of new development in relation to existing development and surrounding residential neighborhoods.

As you are aware, Cherry Creek North is a desirable place for shopping, dining, working and living. As portions of the district redevelop over time, the new CCN zoning designation will help to curb the single property rezonings that have prevailed in the district over the last decade. Most importantly, it will grant predictability in the redevelopment process to surrounding residents, businesses and developers alike.


AmCap applied to the Cherry Creek Zoning Technical Task Force to have its property included in the rezoning with a C-CCN-8 designation. After extensive neighborhood outreach as required by the Technical Task Force, we have received the support of the surrounding Registered Neighborhood Organizations for this designation, and thus support the C-CCN-8 designation applied to our property.

I urge you to support the proposed zoning amendments and the extensive public process that occurred to create this new vision for Cherry Creek.

[Title]

Page 2

Sincerely,

A handwritten signature in blue ink that reads "Michael Kaiser". The signature is written in a cursive style with a large, stylized 'M'.

Michael Kaiser

Vice President

AmCap Inc. (on behalf of AmCap Clayton, LLC and A/U-N (SRCo) LLC)

Cc: Councilwoman Jeanne Robb



August 28, 2014

Planning Board
City of Denver
Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Dear Planning Board Members:

I represented the Cherry Creek North Neighborhood Association (CCNNA) as a member of the C-CCN Rezoning Technical Task Force during the nine month process that updated the C-CCN District Zoning for the CCN Business Improvement District. I am a member of the CCNNA Board and the Cherry Creek Steering Committee.

The rezoning process was well designed and led by the City Senior Planners, Sarah Showalter and Kyle Dalton, and facilitated in a most efficient manner by Michael Hughes. The 15 members of the Technical Task Force represented Cherry Creek community residents, design professionals, and land owners and allowed community input on key zoning issues. The numerous hours discussing and debating the many aspects of the new zoning were carried out in a cooperative and professional manner, reaching agreements and consensus on key zoning requirements and guidelines that would have the greatest impact on development and the residential areas.

One of the key differences that made this process successful was the expanded use of analytical studies projecting the development growth in the BID, associated parking and traffic, traffic mitigation recommendations, and use parking ratio effects on building design. The use of data to aid decision-making allowed the task force members and the community to focus on and visualize quantitatively and objectively BID development changes that would result from the new zoning code. This especially allowed residents to understand better future projected growth changes, reducing some resident fear and anxiety and also emphasizing the need to manage change.

Along with my fellow members of the CCNNA Board I support the revised C-CCN District Zoning and encourage the Planning Board's support. At the same time we also encourage the Planning Board to support the ongoing analysis on the future effects of BID growth in a proactive preventive management manner. The Board should also encourage the BID, Planning, Public Works, and residential areas to work together to address the anticipated traffic and parking issues that may arise from future BID growth. Managing these growth issues effectively will provide greater customer satisfaction, will aid economic growth, and will maintain the residential quality of life we all enjoy.

Sincerely,

Wayne New