



**TO:** Denver City Council  
**FROM:** Jason Morrison, AICP, Senior City Planner  
**DATE:** January 14<sup>th</sup>, 2021  
**RE:** Official Zoning Map Amendment #2018I-00182

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00182.

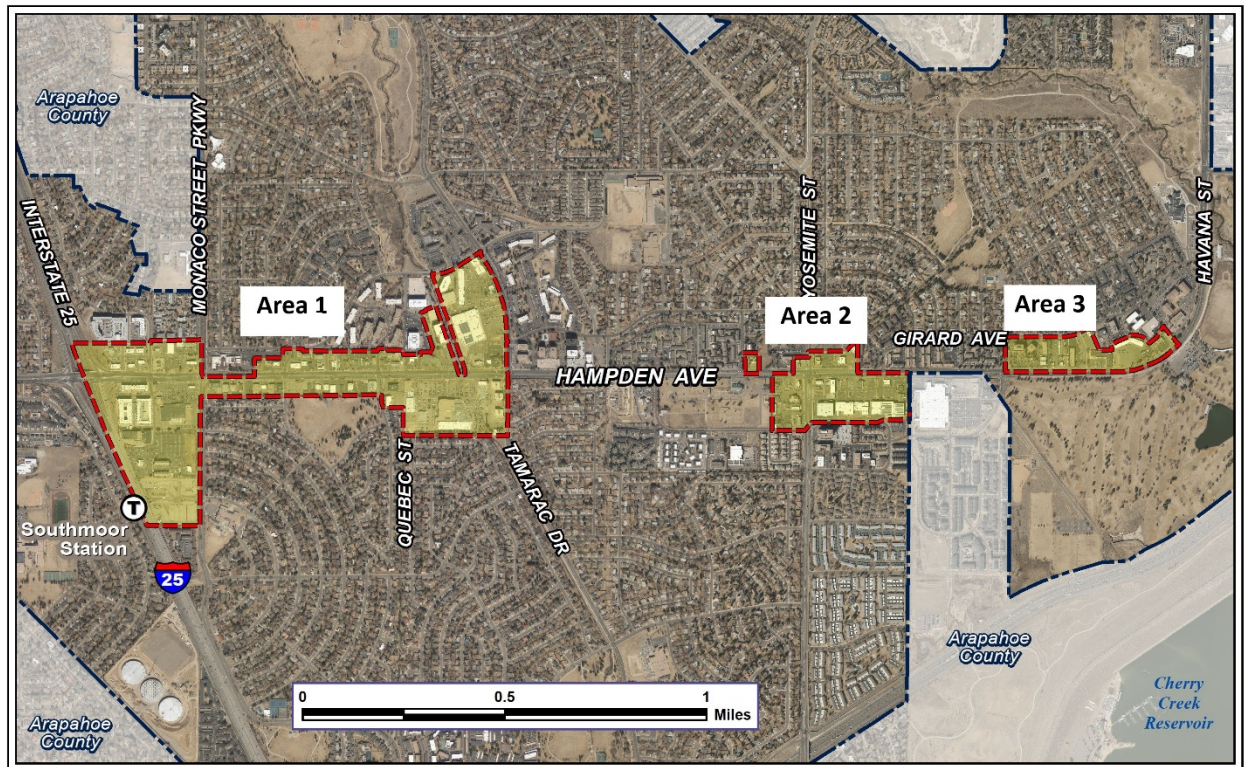
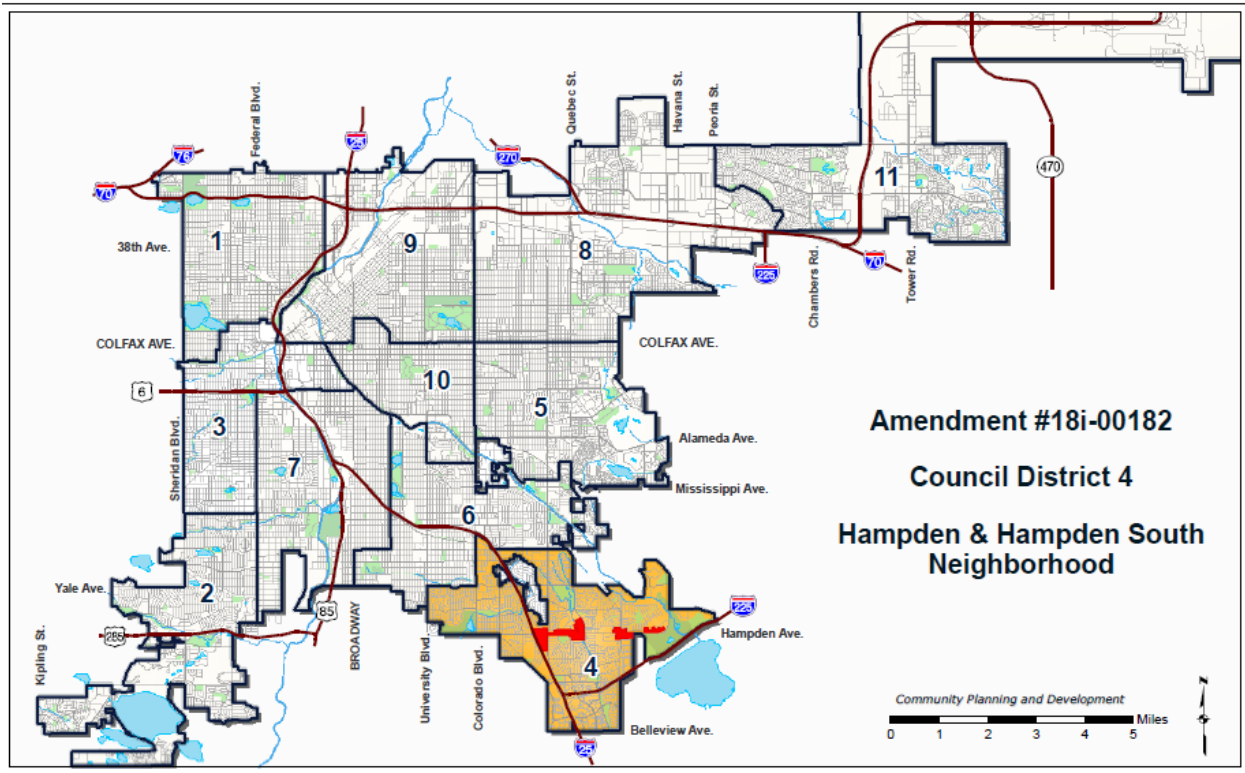
### **Request for Rezoning**

Address: Multiple properties along Hampden Avenue  
Neighborhood/Council District: Hampden and Hampden South Neighborhoods / Council District 4  
RNOs: Inter neighborhood Cooperation (INC)  
Area of Property: 7,162,291 square feet or 164.42 acres  
Current Zoning: S-MX-5 UO-1 UO-2, B-A-3 with waivers, R-MU-30, S-MX-3, S-MX-5, B-1, B-3 with waivers, B-3, S-MX-2, P-1 with waivers, B-2, PUD 173, PUD 198, and S-CC-3X  
Proposed Zoning: S-MX-5A UO-1 UO-2, S-MX-3A, S-MX-5A  
Property Owner(s): Multiple, see legislative proposal attachment  
Application Sponsor: Councilmember Kendra Black

### **Summary of Rezoning Request**

- The proposed rezoning includes many of the properties in Former Chapter 59 and commercial zone districts along East Hampden Avenue in the Hampden and Hampden South neighborhoods. This includes approximately 164 acres north and south of East Hampden Avenue from Interstate 25 to Havana Street.
- The properties included in the rezoning are mostly commercial, office, and retail uses with some multi-unit residential.
- Councilmember Black is requesting to rezone these properties to S-MX-3A and S-MX-5A, which will lead to improved design outcomes with decreased setbacks and greater build-to requirements.

### Existing Context



The subject properties are located along East Hampden Avenue in the Hampden and Hampden South neighborhoods between Interstate 25 and Havana Street. The East Hampden Avenue corridor is characterized by mostly commercial uses and transitions to both multi-unit and single-unit residential uses north and south of the commercial corridor. The block patterns are generally curvilinear without alley access. The E, F, and H light rail lines serve the Southmoor RTD Transit Station at Interstate 25 and East Hampden Avenue. Additionally, Bus Routes 105 and 35 service along Hampden Avenue with 15-minute and one-hour headways, respectively.

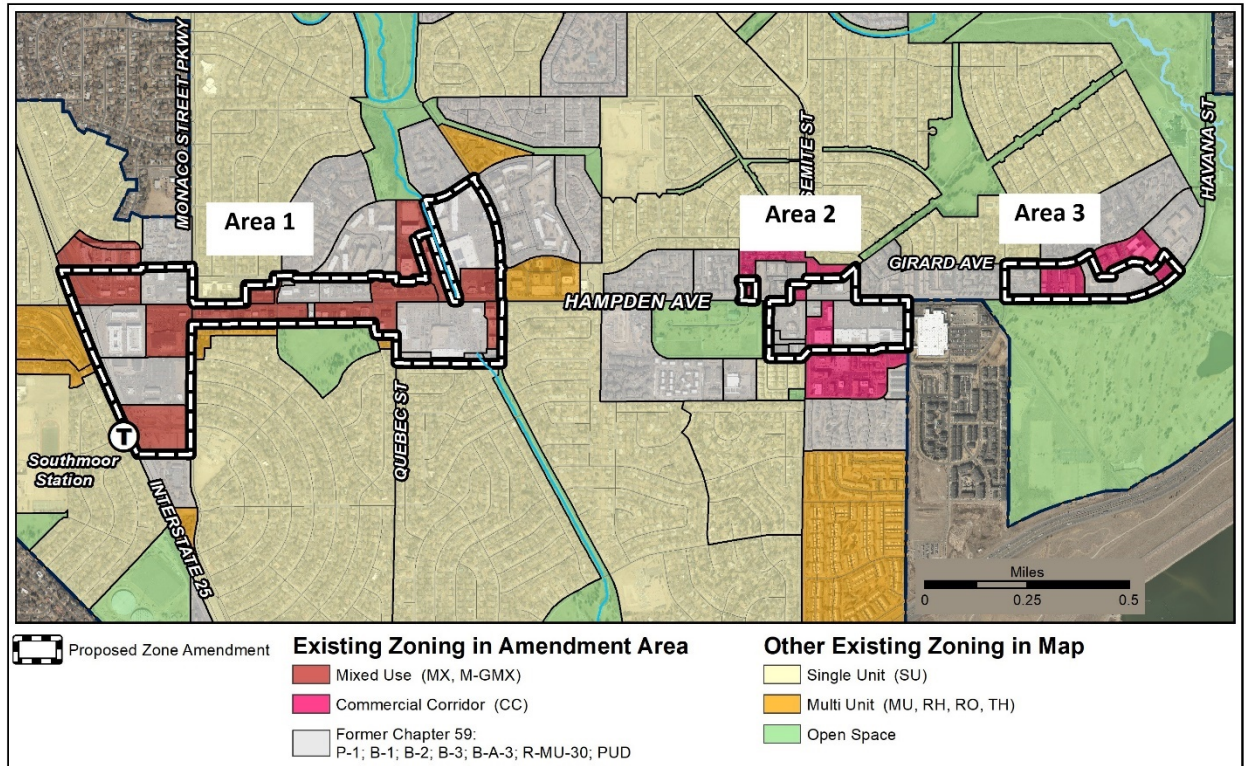
A table summarizing the existing context proximate to the subject sites is attached at the end of this report (see Attachment 2 Existing Context Table – Subject Properties and Attachment 3 Existing Context Table – Surrounding Properties).

### **1. Large Development Review**

This rezoning application was reviewed by the Development Review Committee (DRC) to determine if the proposal would be subject to the Large Development Plan (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code (DZC) and require the creation of a Large Development Framework (LDF).

After review, it was determined that the project would not be subject to LDR review because there is no specific development concept for this legislative map amendment proposal, no adopted plan recommends use of the LDR process for this proposal, and no infrastructure network or system improvements are anticipated at this time.

## 2. Existing Zoning



### Area 1:

- S-MX-5, UO-1, UO-2: This is a mixed-use district in the Suburban neighborhood context that is “intended to promote safe, active, pedestrian-scaled, diverse areas” while contributing positively to surrounding residential neighborhoods (DZC 3.2.4.1). The S-MX-5 district allows the Shopfront building form and the Drive Thru Services and Drive Thru Restaurant building forms on certain lots. A maximum of 5 stories or 70 feet is permitted for the Shopfront building form and 3 stories or 45 feet for the Drive Thru building forms.
- R-MU-30: R-MU-30 is a high-density residential district in the Former Chapter 59 zoning code typically found in the center of the city or near activity centers such as near light rail stations. The properties in the R-MU-30 district area also in a Planning Building Group (PBG). The PBG has a gross floor area of 60,200 square feet and a floor area ratio of 1:1.
- B-3: B-3 is a shopping center district in the Former Chapter 59 zoning code which accommodates uses that satisfy household and personal needs of the surrounding residential areas. It has standards comparable to the residential neighborhoods it serves. The area zoned B-3 along South Monaco Street Parkway is in a Planned Building Group that allows for a floor area ratio of .2896:1, a maximum height of 43 feet, 908 parking spaces, and landscaping. The B-3 area along East Hampden Boulevard between South Oneida Street and South Poplar Street is also a part of the PBG which includes specific parking and landscaping for the structures on site. The third B-2 site in area one

is in the Tiffany Plaza PBG, near the southwest section East Hampden Boulevard and South Tamarac Drive, which includes 215,183 square feet of gross floor area, 1,084 parking spaces, and 1-story buildings.

- S-MX-3: S-MX-3 is a mixed-use district in the Suburban neighborhood context that is “intended to promote safe, active, pedestrian-scaled, diverse areas” while contributing positively to surrounding residential neighborhoods (DZC 3.2.4.1). The S-MX-3 district allows the Shopfront, Drive Thru Services, and Drive Thru Restaurant building forms. However, the Drive Thru building forms would not be permitted on this site because it’s located within a ¼ mile of a transit station.
- B-A-3 with Waivers: This district is an Arterial General Business District in the Former Chapter 59 zoning code designed to accommodate uses oriented toward the automobile and residents of surrounding neighborhoods. Upon rezoning, the property owner waived the right to establish a truck rental service or motor bike rental service as accessory to a gas filling station and all trailer rental service, construct a structure above 35 feet, and all signs shall be in accordance with City and County of Denver Ordinances and not revolve, flash, or scintillate.
- S-MX-2: S-MX-2 is a mixed-use district in the Suburban neighborhood context that is “intended to promote safe, active, pedestrian-scaled, diverse areas” while contributing positively to surrounding residential neighborhoods (DZC 3.2.4.1). The S-MX-2 zone district allows the Drive Thru Services, Drive Thru Restaurant, General, and Shopfront building forms. A maximum 2 stories or 30 feet is permitted for all permitted primary building forms.
- B-1: The B-1 district is a limited office district in the Former Chapter 59 zoning code that provides for services related to dental and medical care for the surrounding residential areas. The first B-1 zoned site is located near East Girard Avenue and South Oneida Street, and it is part of the PBG along East Hampden Avenue between South Oneida Street and South Poplar Street which includes specific parking and landscaping for the structures on the site. The second property within the B-1 district with a PBG is on South Tamarac Drive and allows for 16,820 square feet of gross floor area for two buildings with 35 parking spaces.
- B-3 with Waivers: This district is a shopping center district which accommodates uses that satisfy household and personal needs of the surrounding residential areas. It has standards comparable to the residential neighborhoods it serves. Upon rezoning to B-3, the applicant waived the right to establish uses permitted in the B-3 district except for bank, beauty shop, barber shop, child care center, church, clinic, computer data processing center, dwelling unit, health studio, hearing aid store, laboratory, library, office, optician, savings and loan association, school, and telephone exchange.
- P-1 with Waivers: P-1 is a district in the Former Chapter 59 zoning code that allows off-street parking, and it requires buffers between the parking use and any residential neighborhood. The waivers include waiving the right to construct any structure or structures and to have noise levels in excess of 112 decibels.
- UO-1: The UO-1 overlay is a use overlay district that allows for adult business uses. All adult business uses must comply with spacing requirements in DZC Section 9.4.4.6.

Area 2:

- S-CC-3x: The S-CC-3x district “applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3” (DZC 3.2.3.2.B.). This district allows the Drive Thru Services, Drive Thru Restaurant, and General building forms which do not include build-to requirements and allow parking between the building and the street. A maximum of 3 stories or 45 feet in height is permitted for all of the primary building forms. For more information on the S-CC-3x district see Article 3 of the Denver Zoning Code.
- B-2: B-2 is a Neighborhood Business District in the Former Chapter 59 zoning code that is typically small in size and completely surrounded by residential districts. It provides retail and personal services that satisfy the daily needs of the neighboring residential areas. The PBG located at the southwest corner of East Hampden Avenue and South Yosemite Street allows 24,792 square feet of gross floor area with 338 spaces of associated parking. A second PBG is located at the northeast corner of East Hampden Avenue and South Yosemite Street shows development for two of the four parcels. There is a total gross floor area of 10,775 square feet with 83 parking spaces for the two parcels that have been developed.
- B-3: This district is a shopping center district in the Former Chapter 59 zoning code and typically larger than the neighborhood business district. The parcel within in the B-3 district is part of a PBG that allows a total floor area of 1,824 square feet, a maximum height of 15 feet, and 12 parking spaces.
- PUD 173: This PUD allows uses permitted in the B-2 district with the addition of an eight-bay self-service car wash. PUD 173 allows the car wash to be a maximum height of 1 story or 18 feet.
- PUD 198: This PUD allows for uses permitted in the B-2 district and a self-service gas station with a food mart and car wash. The maximum height is one story or 19 feet.

Area 3:

- S-CC-3x: The S-CC-3x district “applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3” (DZC 3.2.3.2.B.). This district allows the Drive Thru Services, Drive Thru Restaurant, and General building forms which do not include build-to requirements and allow parking between the building and the street. A maximum of 3 stories or 45 feet in height is permitted for all the primary building forms. For more information on the S-CC-3x district see Article 3 of the Denver Zoning Code.
- B-3: B-3 is a shopping center district in the Former Chapter 59 zoning code and typically larger than the neighborhood business district. A PBG covers a portion of the B-3 area and allows for a gross floor area of 40,296 square feet with a floor area ratio of 1:4.2 and 201 parking spaces.
- B-3 with Waivers: This district is a shopping center district in the Former Chapter 59 zoning code and typically larger than the neighborhood business district. The rezoning applicant waived the right to use the site for any use except for the following: eating place, floral shop, collection and distribution station for laundry or dry cleaner, hobby supply store, office, barber shop, or beauty shop.

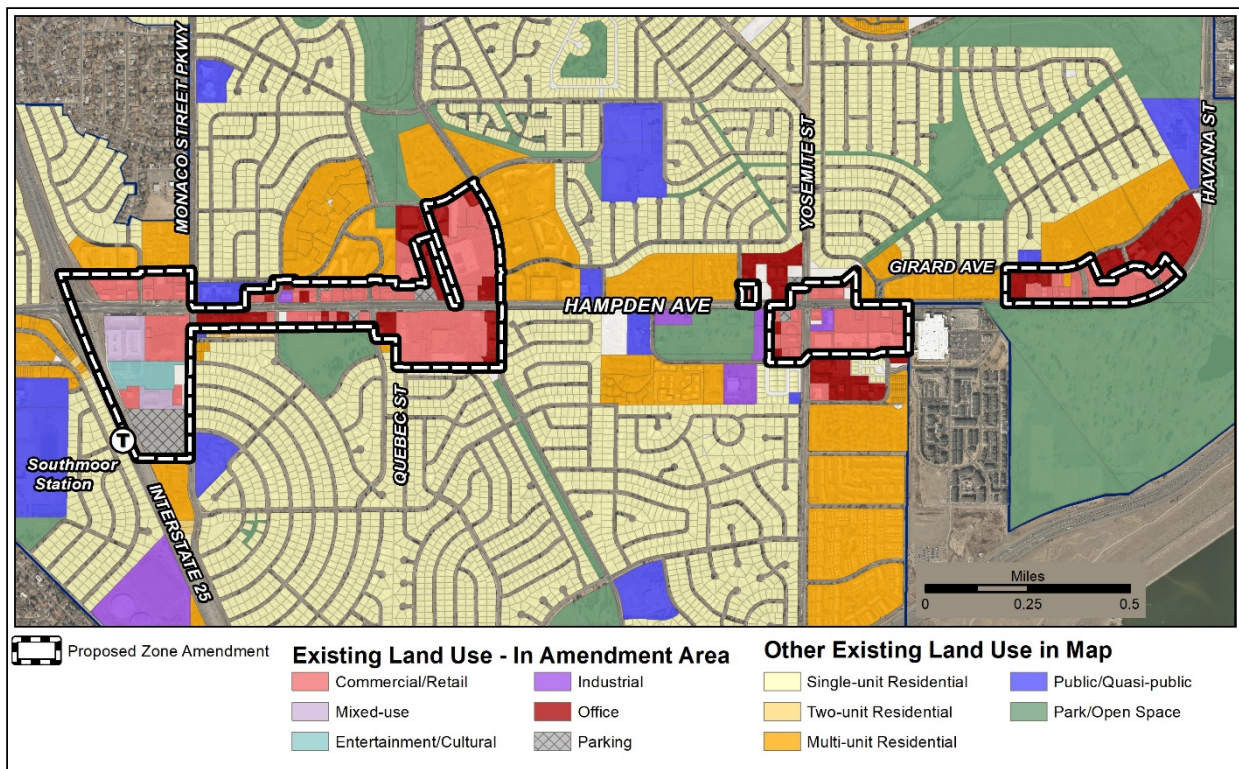
### 3. View Planes

The *Southmoor Park View Plane* is applicable to the western-most properties included in the rezoning. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject sites) from Southmoor Park (east of the applicable sites) and “no part of any structure within the view plane may exceed an elevation of 5,548 feet above mean sea level plus two feet for each 100 feet that said part of structure is horizontally distant from the reference point” (DRMC Sec. 10-62.5.b). Therefore, the sites within this view plane are subject to maximum height restrictions ranging from 12 feet to 42 feet. However, this view plane does allow for exceptions in allowable height. Any district zoned for business may be built to a height of 42 feet above the natural grade (DRMC Sec. 10-52-5.d.1). Additionally, any current structure that does not comply with the view plane height restrictions may be replaced with its current height and use. The proposed zone districts within the view plane are S-MX-3A and S-MX-5A and have a maximum height of 45 feet and 70 feet, respectively and allow for business uses. The height restrictions in the *Southmoor Park View Plane* could impact potential development along this portion of the Hamden corridor.

### 4. Parkway

Monaco Street Parkway is a designated parkway with a 25-foot building setback on both sides of the street. No fences, surface parking, or structures are allowed within the parkway setback.

### 5. Existing Land Use Map



**6. Existing Building Form and Scale** (Images obtained from Google Maps)



View facing north on East Hampden Avenue between South Monaco Parkway and South Oneida Street (rezoning to S-MX-3A).



View facing south on East Hampden Avenue between South Yosemite Street and South Boston Street (rezoning to S-MX-5A).





View facing north from East Hampden Avenue between South Dayton Street and South Florence Street (rezoning to S-MX-5A).



View facing south from East Ithaca Place directly south of Area 1 in the subject rezoning.



View facing west on South Dayton Street directly adjacent to Area 2 in the subject rezoning.



View facing south on East Hampden Avenue directly south of Area 3 in the subject rezoning.

## Proposed Zoning

Both proposed zone districts, S-MX-3A and S-MX-5A, are mixed-use districts allowing the General and Shopfront building forms. The minimum primary street setback is 0', and parking is not permitted between the primary street and the building. S-MX-3A and S-MX-5A require a build-to percentage of 60% for the General building form and 75% for the Shopfront building form within a range 0'-20' for the General form and 0'-5' for the Shopfront form. A variety of uses are permitted including residential and commercial. For additional detail of the requested zone district, see DZC Article 3.

Additionally, where applicable, the UO-1 and UO-2 zone districts will be retained as part of this legislative rezoning. The UO-1 overlay is a use overlay district that allows for adult business uses. All adult business uses must comply with DZC spacing requirements in DZC Section 9.4.4.6. The UO-2 overlay district is designated as the Billboard Use Overlay District and allows for "outdoor general advertising devise" signs, also known as "billboards." These advertising devices must comply with the sign standards and limitations in Division 10, DZC Section 10.10.21 and include limitations on minimum separation and distance requirements.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized in an attached table (see Attachments 4, 5, and 6 Primary Building Form Standards in Existing and Proposed Zone Districts Tables for Areas 1, 2, and 3, respectively).

## Summary of City Agency Referral Comments

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Comments

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approved – See Comments Below

1. EQ concurs with the request and is not aware of environmental concerns on this site that should be considered for this rezoning.
2. General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
3. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

4. The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must always be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays.
5. Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

**Denver Parks and Recreation:** Approved – No Comments

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

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

**Development Services - Fire Protection:** Approved – No Response

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

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

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>5/18/2020</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>11/3/2020</b>

Denver Planning Board voted unanimously to recommend approval:	<b>11/18/2020</b>
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	<b>11/27/2020</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>12/8/2020</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>12/28/2020</b>
City Council Public Hearing:	<b>1/19/2021</b>

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received no other public comment letters.

## Criteria for Review / Staff Evaluation

### 1. Consistency with Adopted Plans

City Council may approve a legislative map amendment if the proposed rezoning complies with the specified criteria found in Denver Zoning Code Section 12.4.10.7, “the proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City’s plan.”

#### **DZC Section 12.4.10.7**

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

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

#### **Comprehensive Plan 2040**

The proposed legislative rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* goals and strategies. The following goals apply from the Equitable, Affordable and Inclusive vision element:

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

- Equitable, Affordable and Inclusive Goal 7, Strategy B – *Prioritize infrastructure improvements that allow for residents of all abilities to access and live in any neighborhood (p.30).*

The proposed map amendment will further the *Comprehensive Plan 2040's* Equitable, Affordable and Inclusive Goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The S-MX-3A and S-MX-5A zone districts allow for a variety of uses including public services, cultural, commercial, and residential uses. The list of permitted uses will provide basic services and amenities to the residents in the surrounding neighborhoods. In addition, the design standards in the proposed districts will promote greater walkability and accessibility to the uses established along the East Hampden Avenue corridor. The rezoning is, therefore, consistent with the above strategy in the Equitable, Affordable and Inclusive vision element.

The following goals and strategies apply from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well-connected, vibrant, mixed-use centers and corridors (p.34)*
- Strong and Authentic Neighborhoods Goal 1, Strategy C – *Ensure neighborhoods are safe, accessible and well-connected for all modes (p.34)*
- *Strong and Authentic Neighborhoods Goal 2, Strategy C – Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm (p. 34).*
- *Strong and Authentic Neighborhoods Goal 2, Strategy D – Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life (p. 34).*

This proposed rezoning to S-MX-3A and S-MX-5A is consistent with the abovementioned Strong and Authentic Neighborhoods goals to create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm. The proposed zone districts design standards for transparency, active use, reduced visibility of parking and building entrance locations enable the creation of an active and human-scaled experience at the street level. The application is consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the proposed legislative rezoning meets the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p.54).*
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium- capacity transit corridors (p. 54).*

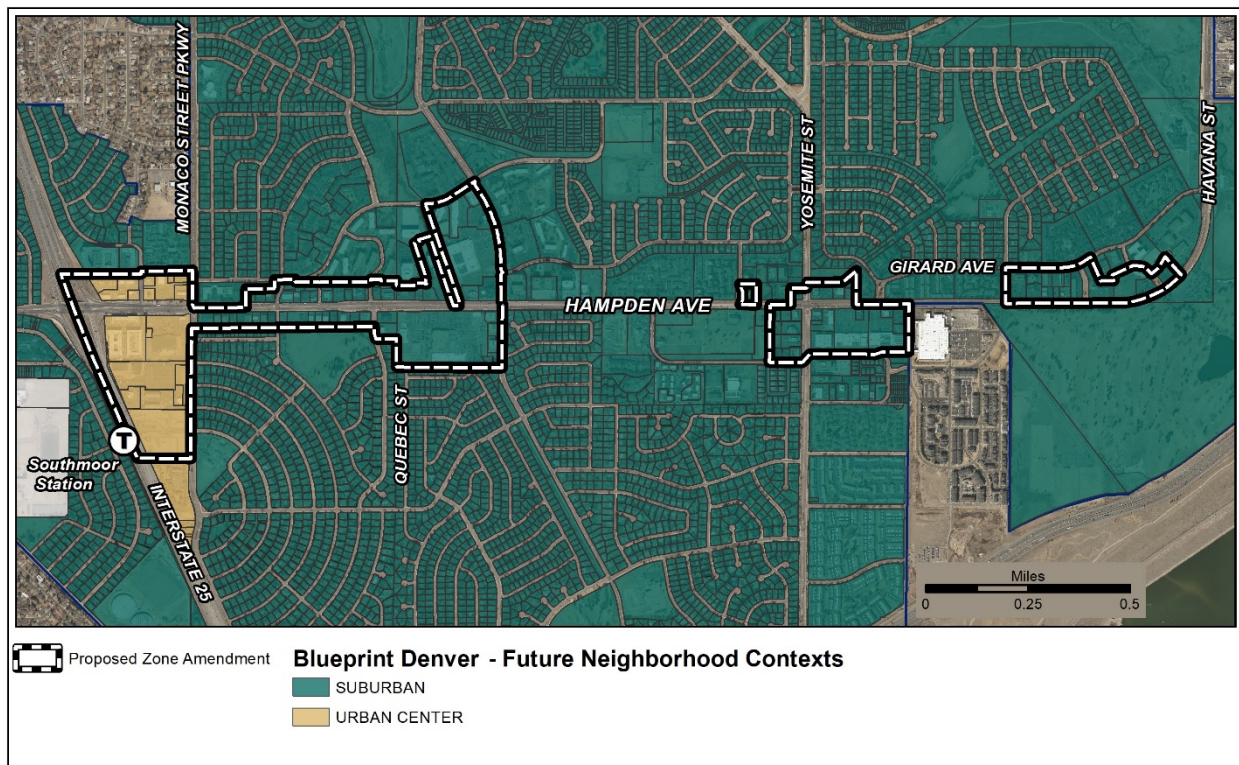
Moreover, the proposed legislative rezoning will promote high quality mixed-use development at infill locations where infrastructure is already in place. Portions of the requested rezoning areas currently have Former Chapter 59 zone districts and by rezoning out of Former Chapter 59 to the S-MX-3A and S-MX-5A zone districts, the city is enabling mixed-use development with better design standards and a variety of uses which allow for residents to “live, work and play” in the same area, which reduces resource consumption. Additionally, the proposed legislative rezoning to S-MX-3A and S-MX-5A is

consistent with *Comprehensive Plan 2040*'s strategy of focusing growth near transit stations and along high and medium-capacity transit corridors. The subject area contains the Southmoor RTD Station Area, as well as Hampden Avenue from Interstate 25 west to Galena Street which is designated as a transit priority street-speed and reliability corridor. These transit priority areas "benefit from investments, such as transit-priority signals, which make transit faster and more reliable in mixed traffic lanes" (*Blueprint Denver*, p. 176). The S-MX-3A and S-MX-5A zone districts feature transit-supportive uses and more pedestrian-friendly design standards, promoting infill, growth and activation in and around the Southmoor RTD Station Area and the East Hampden Avenue corridor.

### ***Blueprint Denver***

*Blueprint Denver* is Denver's citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. The area of the proposed rezoning is predominantly identified as a Community Corridor in the Suburban Context, which are described as pedestrian-oriented, transit-supported community destinations where the plan recommends focusing growth over the next 20 years. The proposed rezoning will promote development that supports the complete neighborhood and transportation network vision in *Blueprint Denver*, including neighborhood context, place, street type and growth guidance.

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



The proposed legislative rezoning area is predominantly within the Suburban neighborhood context. *Blueprint Denver* describes the Suburban neighborhood context as areas that, "represent(s) the most

varied development in Denver’s neighborhoods. Homes in this context are largely single unit but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity. The aspiration of the suburban context in Denver is different than traditional suburban development of the past. Especially compared to other parts of the metro area, Denver’s suburban areas are still more urban in nature and suburban places should reflect that” (p. 189).

The request to rezone the subject areas to the S-MX-3A and S-MX-5A districts will implement the aspirational vision of the suburban context in that the proposed districts are more urban in nature and the design standards support a vibrant, walkable area. The proposed rezoning is consistent with the overall intent of the neighborhood contexts map and the plan.

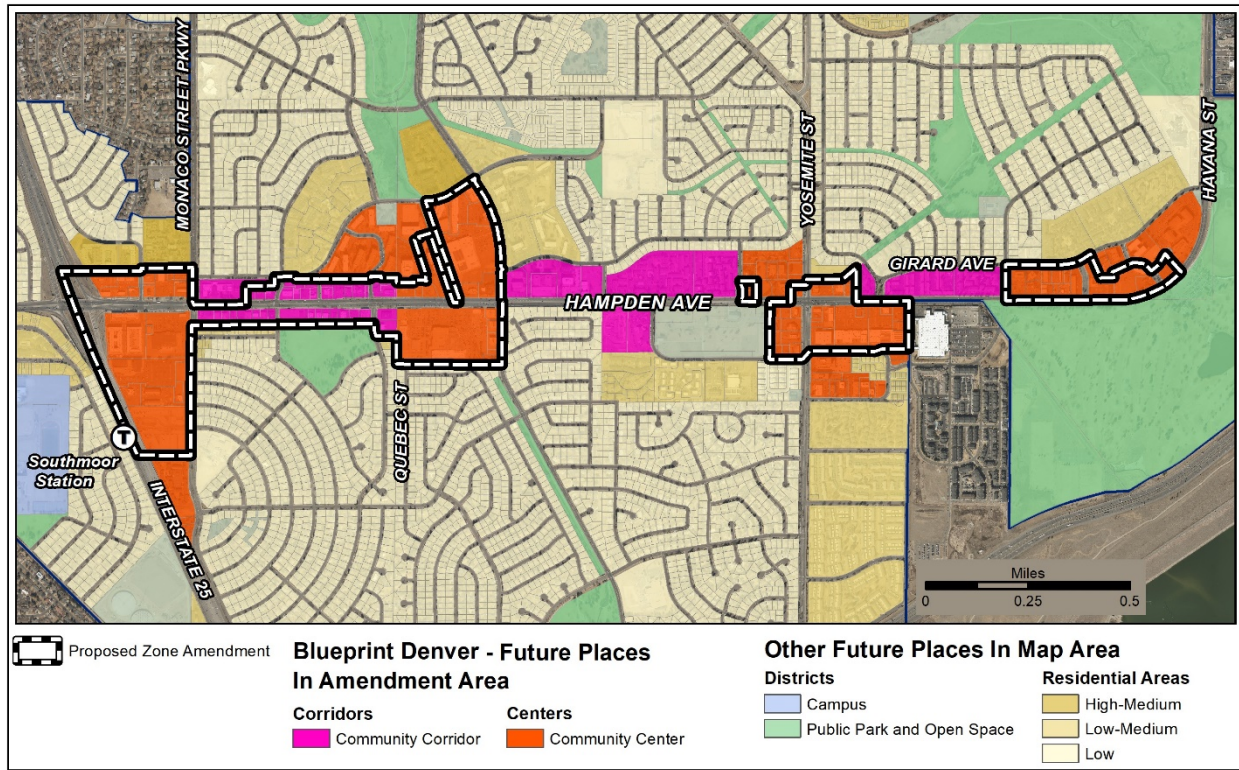
Additionally, it should be noted that the westernmost portion of the proposed legislative rezoning area is shown in *Blueprint Denver* to be within the Urban Center neighborhood context primarily due to its proximity to the Southmoor light-rail station adjacent to Interstate 25. *Blueprint Denver* describes the Urban Center neighborhood context as “dense and vibrant areas that support residents and visitors. This context contains high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high-capacity transit and have access to ample amenities and entertainment options” (p. 251).

The request of this legislative rezoning is to rezone the entirety of the area into the suburban context. *Blueprint Denver* offers the following guidance for such request stating, “when a new zone district is proposed for a site, the neighborhood contexts map and description should be used to guide which zone districts are appropriate. The mapping of neighborhood context is at the citywide scale, so the boundaries of the contexts may be interpreted with limited flexibility if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the neighborhood contexts map” (p. 66).

The request to rezone the Southmoor station area to a Suburban neighborhood context where the context is mapped as Urban Center is consistent with the intent of the plan as the district still allows for a broad mix of uses and allowable building forms that contribute to a high level of street activation. The proposed S-MX-3A and S-MX-5A districts will implement a vibrant, walkable area as envisioned with the Urban Center future context. The proposed rezoning is consistent with the overall intent of the neighborhood contexts map and *Blueprint Denver*.



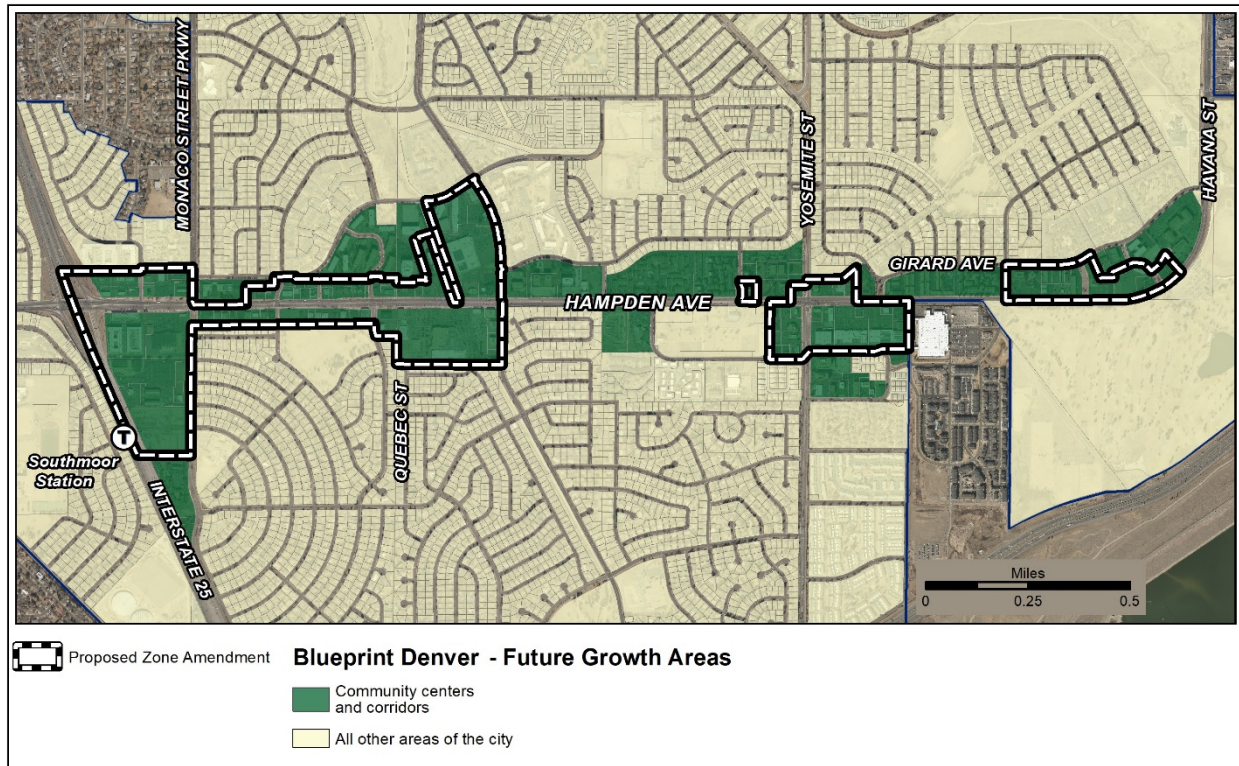
**Blueprint Denver Future Places**



The proposed rezoning area is designated as a mixture of Community Center and Community Corridor in the Suburban Context, and the western portion between Interstate 25 and South Monaco Street (Southmoor Station area adjacent to Interstate 25) as a Community Center within the Urban Center context. *Blueprint Denver* describes the Urban Center context as a having development that “typically contains a substantial mix of uses, which good street activation and connectivity. Residents living in this context are well served by high-capacity transit and access to ample amenities and entertainment options” (p. 252). *Blueprint Denver* describes a Suburban Community Center as, “[having] an active street level presence and provide a mix of uses...heights are generally up to 5 stories” (p.194). Community Corridors are described where “buildings have a distinctly linear orientation but may provide an opportunity for infill in large setbacks that area result of historic suburban development. Heights are generally up to 5 stories” (p.196).

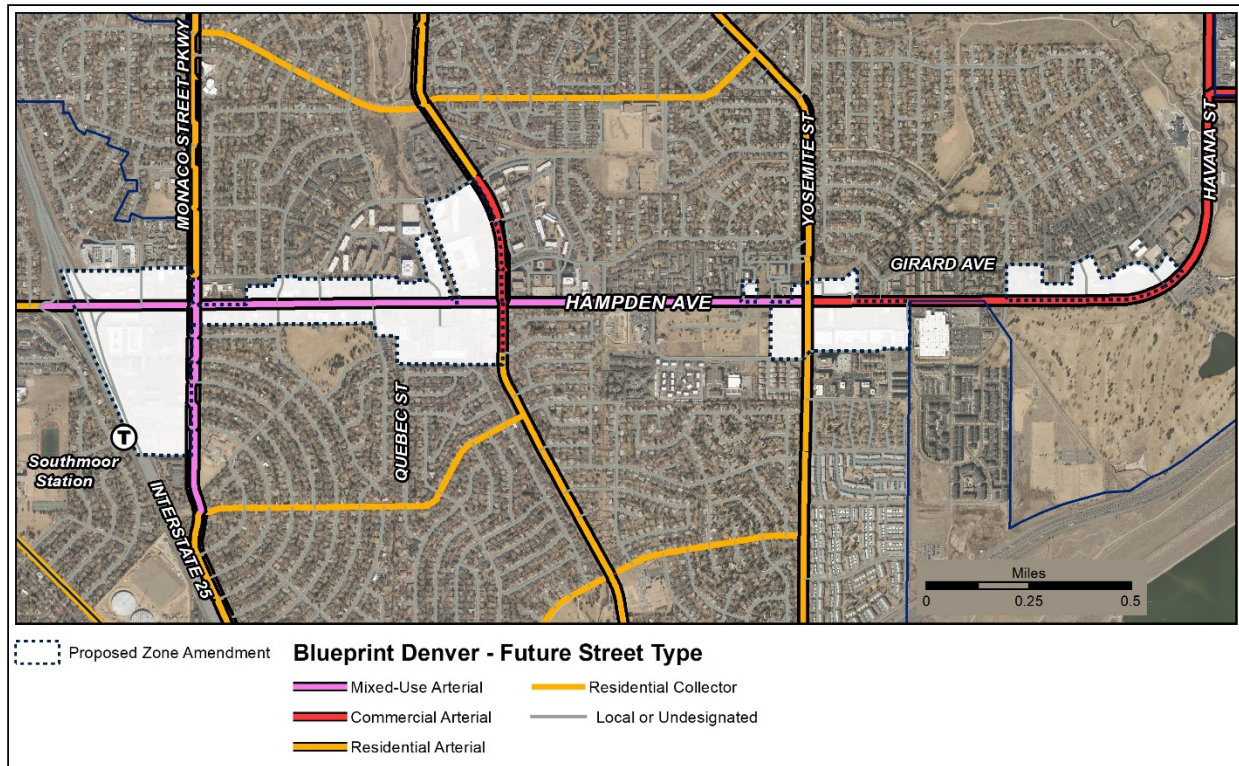
The proposed S-MX-3A and S-MX-5A districts are consistent with the height guidance as well as the Community Center and Corridor Future Places description because they allow for a variety of office, commercial and residential uses with design standards that require buildings to be placed closer to the street thus enabling an active street level presence.

### Growth Strategy



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are part of the "Community Centers and Corridors" growth area. These areas anticipate 20% of new employment growth and 25% of new housing growth in the city by 2040 (p. 51). Community Centers and Corridors are "where underutilized infill redevelopment sites can be repurposed" (p. 48-49). The proposed map amendment to S-MX-3A and S-MX-5A will focus pedestrian-oriented, mixed-use growth to an area where it has been determined to be most appropriate. Therefore, the requested zone districts are consistent with the *Blueprint Denver* Growth Strategy.

### Future Street Types



In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). East Hampden Avenue (from Interstate 25 moving east to Yosemite Street) and South Monaco Street are classified as Mixed-Use Arterials. Arterial streets are designed for the highest amount of through movement and the lowest degree of property access. Streets designated as “mixed-use” provide a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p. 159).

East Hampden Avenue (from Yosemite moving east to Havana Street), Tamarac Drive, and Havana Street are designated as Commercial Arterials. According to *Blueprint Denver*, “commercial streets typically contain commercial uses including shopping centers, auto services and offices. Buildings are often set back with on-site parking” (p. 159).

Yosemite Street is designated as a Residential Arterial, which contemplates “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context” (p. 160).

The proposed S-MX-3A and S-MX-5A zone districts are consistent with the Future Street Types designation as they allow for a variety of commercial and some residential uses and the sites are generally served by arterial and collector streets.

### **Other Applicable *Blueprint Denver* Policy Recommendations and Strategies**

*Blueprint Denver* provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code.

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

The proposed legislative rezoning encompasses properties with former Chapter 59 zoning that will be rezoned to S-MX-3A or S-MX-5A, which are standard zone districts in the Denver Zone Code and are consistent with *Blueprint Denver*.

*Blueprint Denver* encourages legislative rezonings as a vehicle to implement the Plan’s goals.

- Land Use & Built Form General, Policy 11, Strategy A – “Prioritize larger-scale, legislative rezonings over site-by-site rezonings to implement plan recommendations and to achieve citywide goals, including equity goals” (p. 79).

This legislative rezoning will implement *Blueprint Denver’s* design goals for Suburban areas on a larger-scale consistent with this strategy.

Additionally, *Blueprint Denver* encourages better design outcomes for suburban and urban edge contexts:

- Land Use & Built Form Design Quality & Preservation, Policy 5 – “Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places” (p. 103).

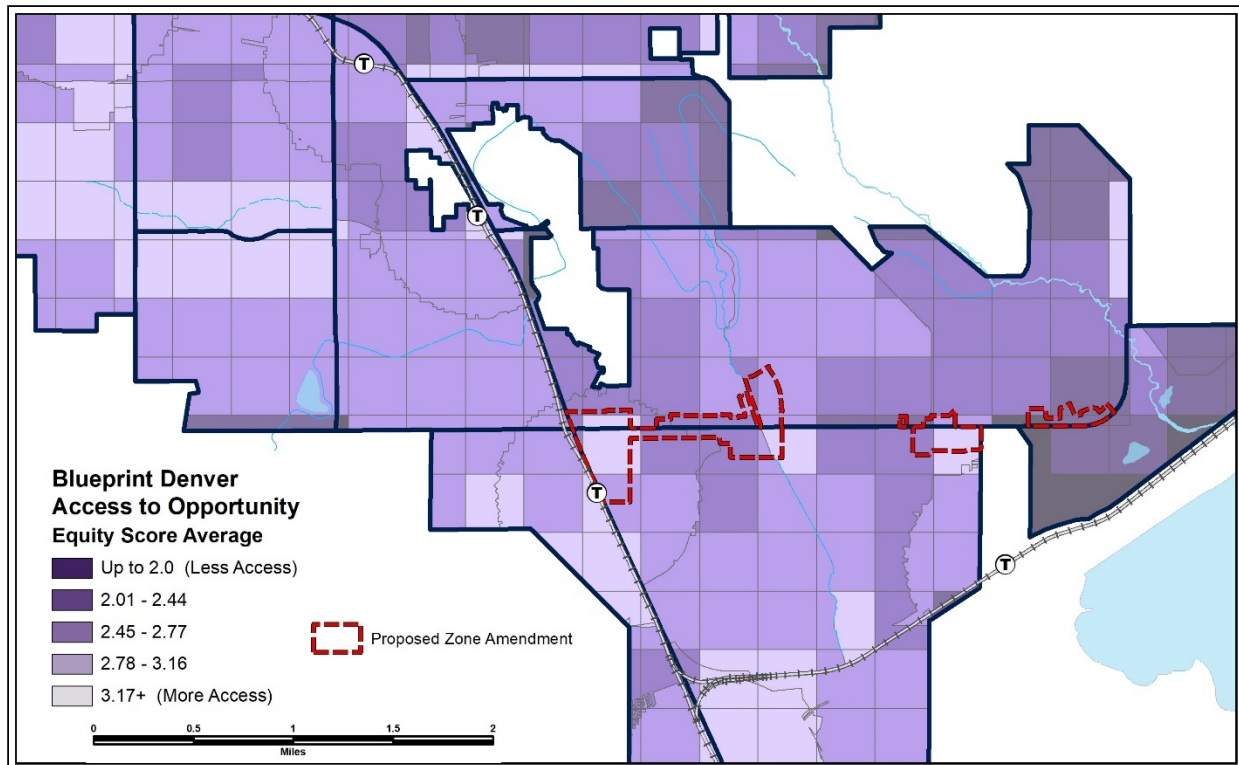
The proposed zone districts, S-MX-3A and S-MX-5A, have setbacks and build-to requirements that require buildings to be closer to the street and do not allow parking between the primary street and the building. This will help create pedestrian-friendly places along East Hampden Avenue and within the Suburban neighborhood context.

### **Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit Denver residents and visitors. Each equity concept has associated measurements to help inform considerations for large-scale city-led map amendments along with other implementation actions.

#### **Access to Opportunity**

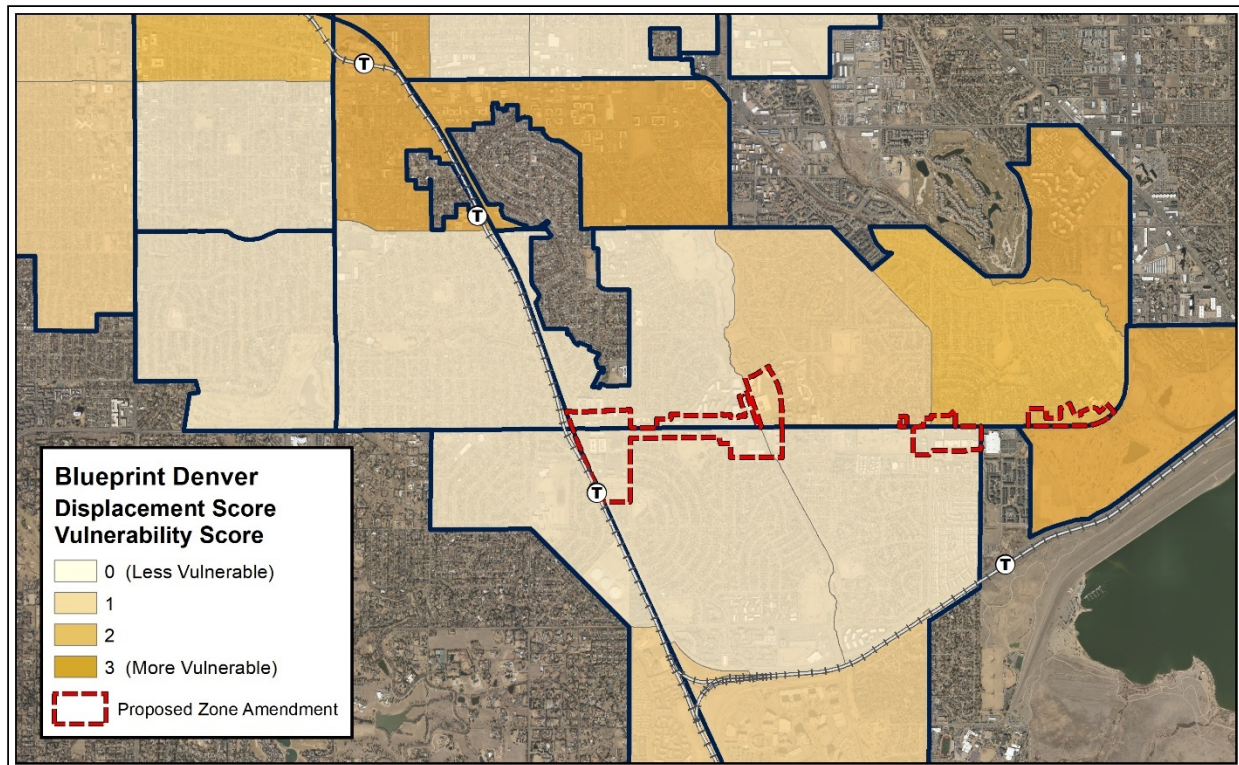
The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city.



Overall, the subject sites have an average score for the Access to Opportunity concept ranging from two to four out of a total of five possible points. The proposed S-MX-3A and S-MX-5A zone districts are mixed-use, pedestrian-oriented districts that help improve the area's walkability through enhanced building siting standards. Therefore, the proposed rezoning will not only encourage walkability in the area, but it will increase and strengthen equitable access to several goods and services along East Hampden Avenue. It's important to note that although this legislative rezoning may not create direct impacts that result in an improvement of these indicators, enhancement of built form standards will promote better health outcomes and facilitate improved redevelopment outcomes.

#### Vulnerability to Displacement

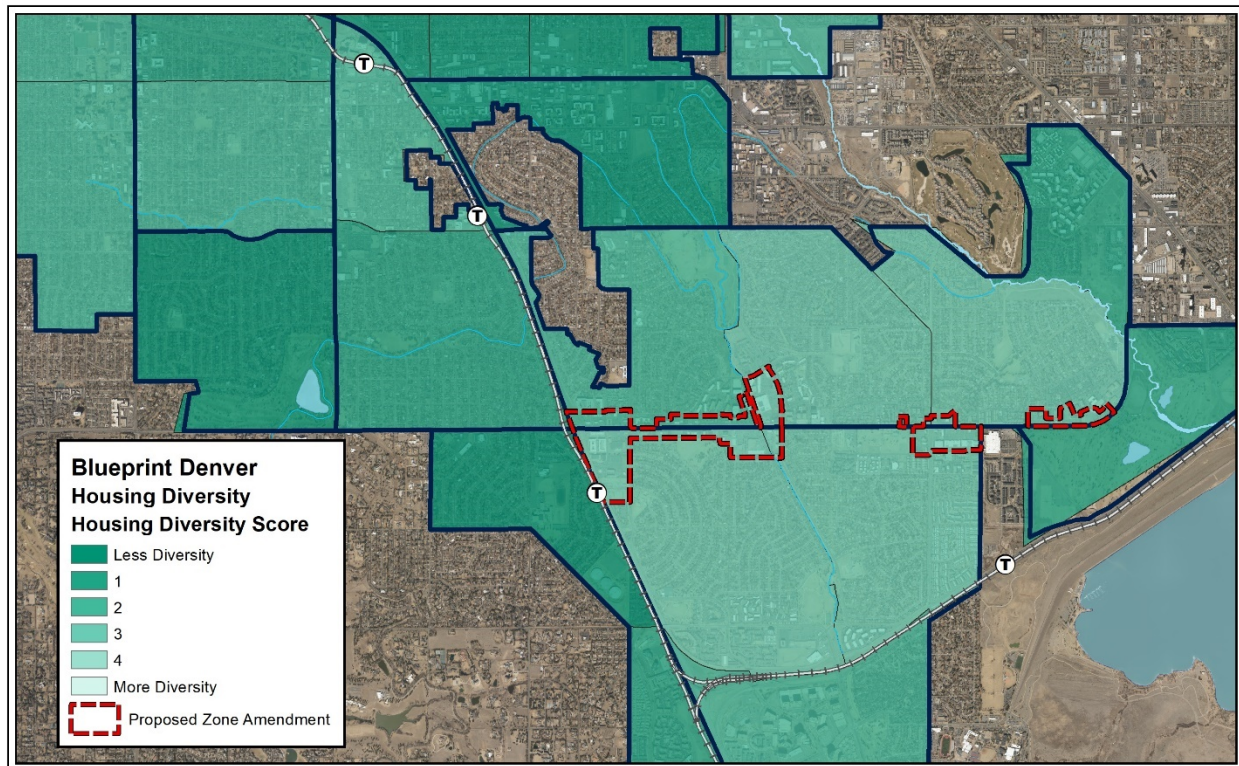
The basis for measuring vulnerability to displacement is the vulnerability to displacement index developed by the Denver Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. This concept is used to stabilize "residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents" (p. 30).



Most of the properties included in the legislative rezoning application score a zero or a one out of a total of three possible points, making the area not vulnerable or slightly vulnerable to involuntary displacement. Only two of the census tracts scored a two out of three making those areas “somewhat vulnerable to displacement”. These areas are the segment of the rezoning north of East Hampden Ave, between South Dayton Street and just west of South Galena Street. This area is more vulnerable to displacement because it has a larger percentage of residents with less than a college degree, as well as a lower median household income compared to Denver as a whole. Rezoning the subject properties to S-MX-3A and S-MX-5A is not anticipated to increase a resident’s vulnerability to involuntary displacement along the East Hampden Avenue corridor because it is targeted at rezoning existing commercial properties to allow for better design outcomes and pedestrian accessibility. Generally, the proposed rezoning will not increase height entitlement for these properties and as such, is not anticipated to significantly increase property values. Therefore, the rezoning will maintain the existing metrics, especially for the most vulnerable parts of the corridor as mentioned above. Staff finds that this rezoning application will not have a negative impact on this measurement and that no housing or business will be displaced as a result.

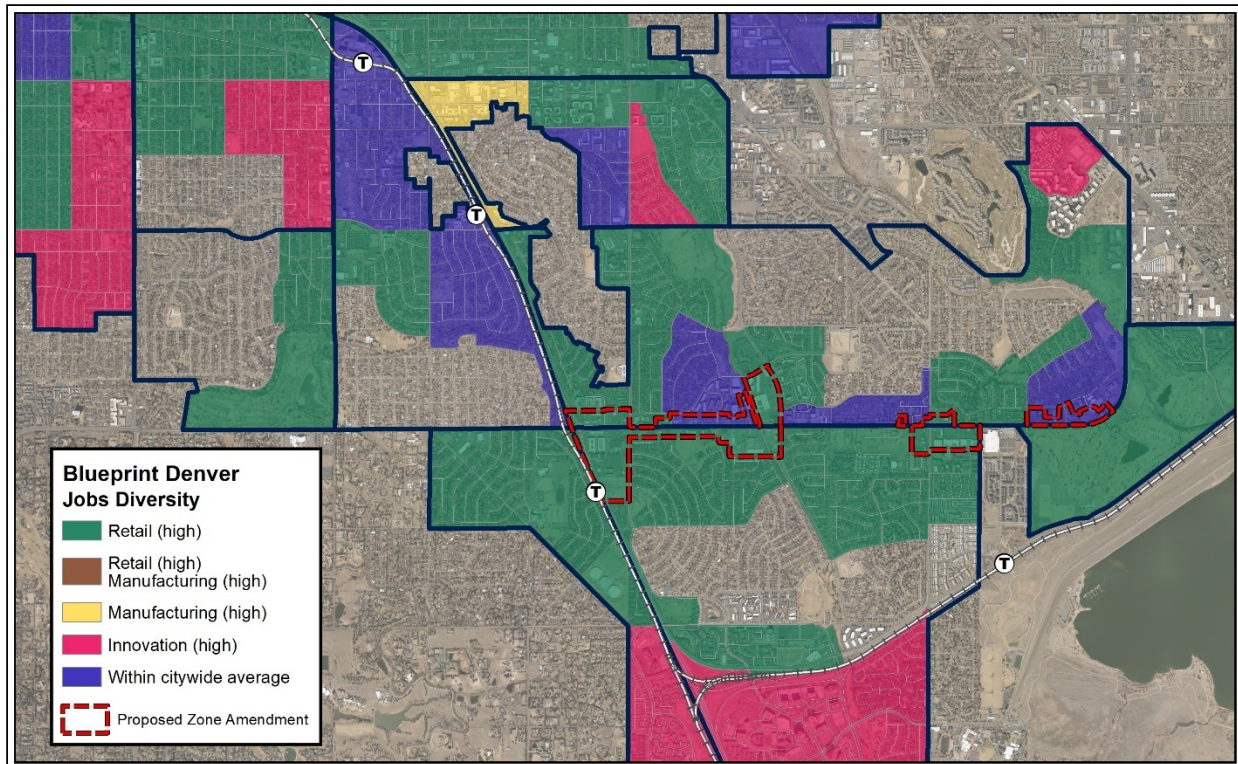
#### Expanding Housing and Jobs Diversity

As a *Blueprint Denver* Equity Concept, housing diversity refers to an area being able to offer residents a variety of housing options to accommodate households of different ages, sizes and incomes. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units.



On a scale from zero to five (with five being the most diverse), most census tracts included in the legislative rezoning scored a three which equates to “somewhat diverse”. The proposed rezoning to S-MX-3A and S-MX-5A is targeted for existing commercial properties along East Hampden Avenue, and it should not change the existing metrics because it is meant to improve design outcomes and pedestrian infrastructure along the East Hampden Avenue corridor. However, the metrics associated with housing diversity could improve if redevelopment were to occur and include residential development. Multi-unit residential uses are permitted in the S-MX-3A and S-MX-5A districts and could improve the diversity of renters-to-owners, for example. Staff finds that this rezoning application will not have a negative impact on housing diversity.

Expanding Jobs Diversity



Access to a range of quality jobs enables people of different incomes and education levels to find employment and wealth building opportunities. To measure jobs diversity, the city looks at the number of jobs available and how the variety of these jobs compares to the variety of jobs citywide.

Generally, the subject properties along East Hampden Avenue are dissimilar to the city's overall job mix as there is more of an emphasis here on retail (shown in green). One exception would be the northwest corner of East Hampden Avenue and South Yosemite Street, as well as the properties located north of East Hampden Avenue and east of South Dayton Street. These areas have a job mix that is similar to the city's overall job mix (purple on map). While it is expected that some areas of the city will have more jobs than others or more prevalent job types, such as retail, patterns of predominant job types suggest that these areas may benefit from other job types so that residents in that area have additional options if there is a slowdown in retail sales. The S-MX-3A and S-MX-5A allow for a variety of commercial uses such as office, which could promote more innovation jobs and strengthen the overall job mix of the area. Staff finds that, on balance, this rezoning application will have a positive impact on the area's jobs diversity.



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

*The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts (DZC 12.4.10.7.B).*

The proposed map amendment would rezone all properties within the defined area currently zoned S-MX-3, S-MX-5, and Former Chapter 59 to either S-MX-3A or S-MX-5A and would thus result in uniform regulations across the area with regards to the individual zone district. No waivers or conditions are requested.

## **3. Public Health, Safety and General Welfare**

*The proposed legislative rezoning furthers the public health, safety and general welfare of the City (DZC 12.4.10.7.C).*

The City of Denver has adopted multiple plans in the interest of public health, safety and the general welfare including *Comprehensive Plan 2040* and *Blueprint Denver*. As described in detail above, the legislative rezoning furthers the goals, policies and strategies in these City plans, and through implementation furthers the health, safety and welfare of the City. Moreover, bringing the properties with Former Chapter 59 zoning into the Denver Zoning Code furthers the general welfare of the city and implements *Blueprint Denver's* goals to "Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC" (p. 73). The proposed zone districts will apply current, form-based zoning code standards, ensuring quality development appropriate for the surrounding neighborhoods.

In addition to furthering the public health and safety by implementing the City's adopted plans, the proposed rezoning furthers the general public health, safety and welfare of Denver residents, land owners and businesses by implementing zone districts that contain enhanced design standards that reinforce the desired character of the East Hampden Avenue corridor and encourage better built form outcomes fostering a more pedestrian-oriented character.

### **Attachments**

1. Application
2. Existing Context Table – Subject Properties
3. Existing Context Table – Surrounding Properties
4. Primary Building Form Standards in Existing and Proposed Zone Districts Table – Area 1
5. Primary Building Form Standards in Existing and Proposed Zone Districts Table – Area 2
6. Primary Building Form Standards in Existing and Proposed Zone Districts Table – Area 3