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**TO:** City Council Neighborhoods and Planning Committee  
**FROM:** Ryan Winterberg-Lipp, AICP, Senior City Planner  
**DATE:** February 11 2016  
**RE:** Official Zoning Map Amendment Application #2015I-00136  
601 S. Bannock St., 801 S. Broadway, and 99 W. Kentucky Ave.  
Rezoning from T-MU-30 with waivers and conditions UO-1 and I-B UO-2 to C-MX-16 UO-1 and C-MX-16 UO-2

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00136 for a rezoning from T-MU-30 with waivers and conditions (“W/C”) UO-1 and I-B UO-2 to C-MX-16 UO-1 and C-MX-16 UO-2.

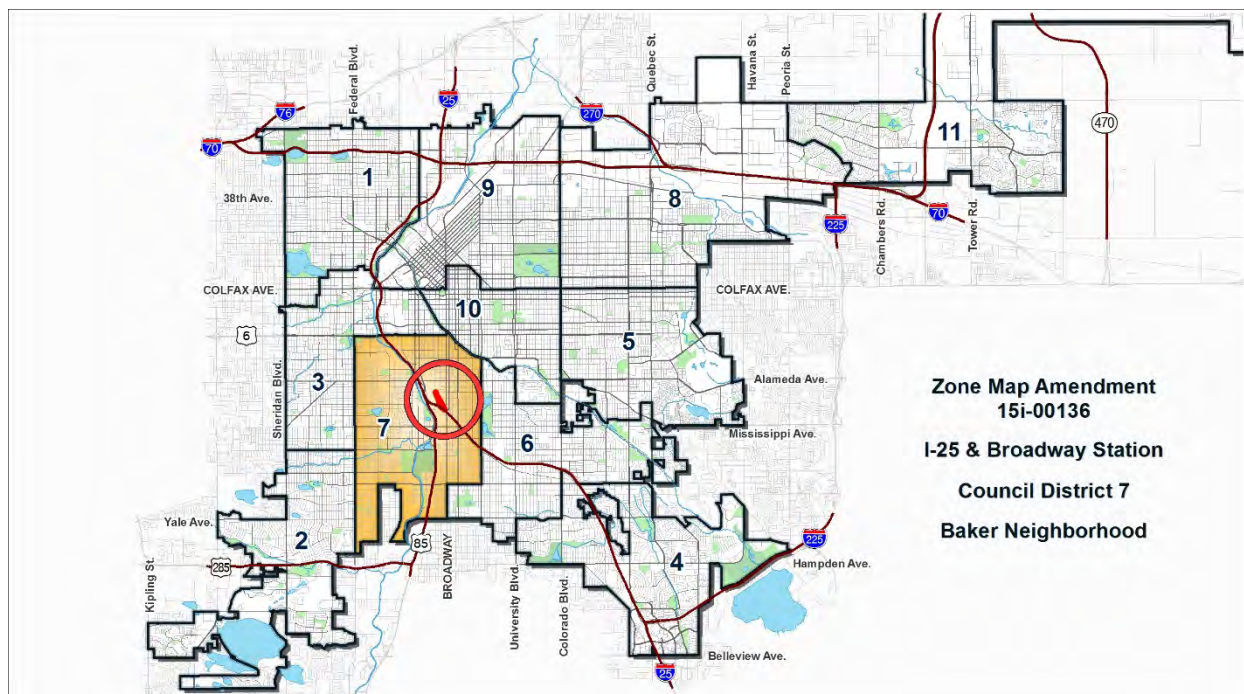
### Request for Rezoning

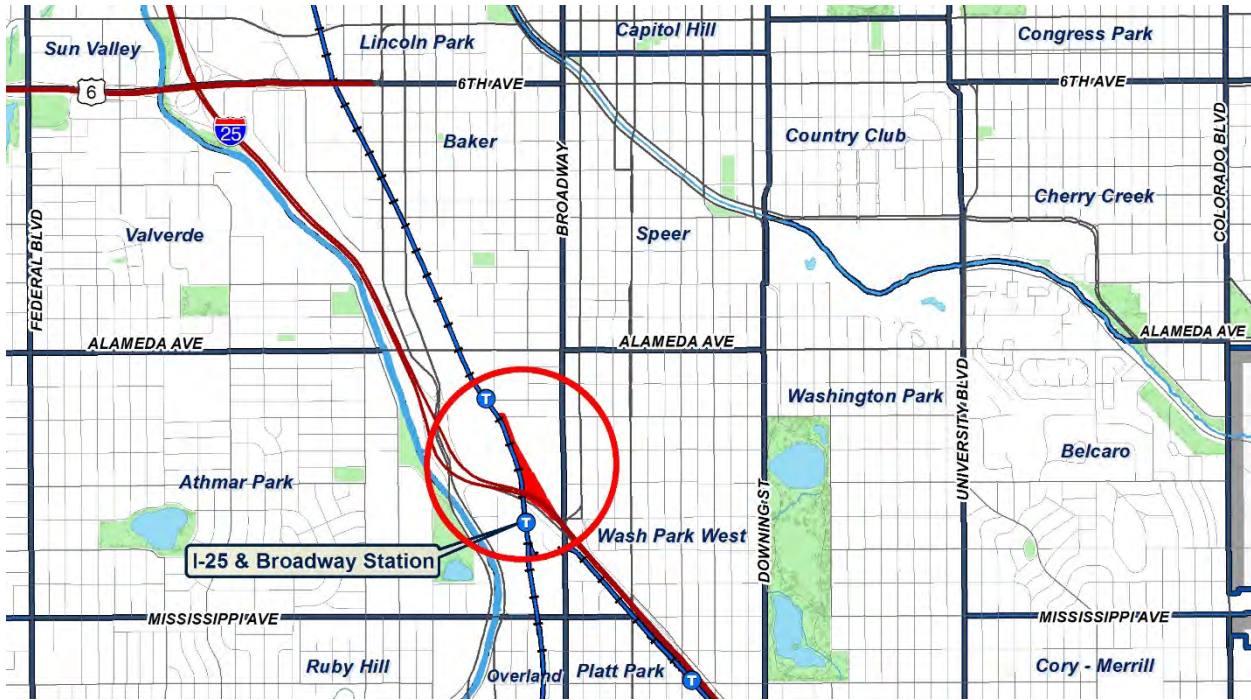
Application:	#2015I-00136
Address:	601 S. Bannock St., 801 S. Broadway, and 99 W. Kentucky Ave.
Neighborhood/Council District:	Baker / Council District 7
RNOs:	Baker Broadway Merchants Association; Baker Historic Neighborhood Association; Broadway Partnership; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation; West Washington Park Neighborhood Association
Area of Property:	4.52 acres
Current Zoning:	T-MU-30 W/C UO-1 and I-B UO-2
Proposed Zoning:	C-MX-16 UO-1 and C-MX-16 UO-2
Property Owner(s):	Regional Transportation District (RTD)
Owner Representative:	D4 Urban – Dan Cohen

### Summary of Rezoning Request

- The subject property is located in the Baker Statistical Neighborhood, generally located at the intersection of Interstate 25 and the Consolidated Main Line (CML). The site is currently owned by RTD and is occupied by surface parking and detention. The site was formerly occupied by a railroad spur.
- The site is currently zoned T-MU-30 with waivers and conditions with the UO-1 Adult Use Overlay and I-B (General Industrial) with the UO-2 Billboard Use Overlay.

- The property owners are requesting a rezoning to C-MX-16 UO-1 and C-MX-16 UO-2 in order to change the mix of uses allowed across the site and facilitate redevelopment. The rezoning request proposes to maintain the UO-1 Adult Use Overlay and UO-2 Billboard Use Overlay in areas where they currently apply. The request does not propose to expand the Use Overlays. Though a rezoning request does not approve a specific development or permit a specific use, the property owners' intent through this rezoning is to allow mixed-use development.
- The requested C-MX-16 zone district is in the Urban Center context, allowing **Mixed** uses, generally up to **16** stories in height; however the Washington Park View Plane will ultimately regulate maximum building height at the site. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).





**Existing Context**

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	T-MU-30 W/C UO-1 and I-B UO-2	Surface parking and detention	Improved and unimproved surface parking areas	Immediate vicinity is suburban and auto- oriented in nature with superblocks. However, block sizes and shapes are consistently oblong to the east of S Broadway.
North	C-MX-16 UO-2 and C-MX-16 UO-1, UO-2	Commercial, retail, office, surface parking	Generally large, one-story commercial, retail, and office structures with surface parking in an auto-oriented configuration	
South	T-MU-30 W/C UO-1	Surface parking, light rail platform, commercial, and vacant	Canopy for the light rail platform, improved surface parking, and one, small one-story commercial structure	Commercial and retail lots are generally large, and alleys are not present.
East	C-MX-8 UO-2 and C-MX-8 UO- 1, UO-2	Commercial, warehouse, retail, surface parking	One and two-story commercial buildings generally oriented	The street pattern is interrupted by

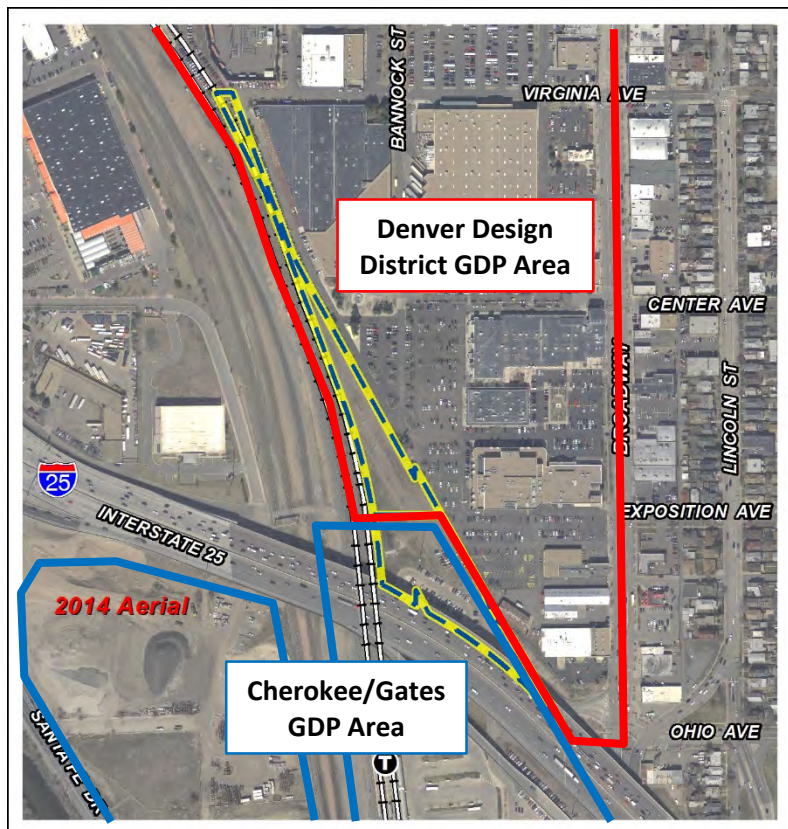
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			towards S Broadway with surface parking	Interstate 25 and the Consolidated Main Line. There is little street grid presence in the immediate area.
West	I-B UO-2 and S-MX-12 UO-2	Consolidated Main Line, commercial, retail, warehouse	Consolidated Main line separates one-story, auto-oriented commercial, retail, and warehouse buildings with surface parking	

The site is located generally at the intersection of I-25 and the CML and cannot be accessed by any rights-of-way. The immediately surrounding area is a suburban, “big box,” auto-oriented retail, commercial, and office area with scattered smaller warehouse and retail sites. Building heights are low scale, and there is substantial surface parking. Despite the low-scale, auto-oriented immediate context, the boundaries of the rezoning site are less than 1000 feet from two light rail stations—Alameda Station and the I-25 and Broadway Station. The C, D, E, F, and H lines serve these stations, and several express and local routes offer some of the best transit accessibility in the RTD system. Large vacant properties offer a substantial redevelopment opportunity adjacent to these light rail stations.

### 1. General Development Plans

Two General Development Plans (GDPs) currently apply to the subject site. The *Denver Design District GDP* (2005) applies to the northern portion of the site, and the *Cherokee Redevelopment of the Former Gates Rubber Factory (Cherokee/Gates) GDP* (2009) applies to the southern portion of the site.

The *Denver Design District GDP* is intended to transform the auto-oriented commercial context into a pedestrian-friendly, mixed-use, transit-oriented development. The GDP area is bounded by Alameda Ave., S. Broadway, and the CML and is approximately 80 acres. Goals and strategies include the creation of high-quality streetscapes and open spaces; integrating higher density with proper controls to respect adjacent Areas of Stability;



balancing automobile uses with the needs of pedestrians and other modes of transit; and combining mixed uses to create safe, vital communities with a sense of 24-hour activity. Maximum building heights across the GDP area range from six to fourteen stories with the greatest recommended height interior to the site and adjacent to the CML. The GDP also contemplates the reintroduction of the street grid with an emphasis on reknitting the site to existing surrounding neighborhoods and the I-25 and Broadway Station through multimodal connections.

The *Cherokee/Gates GDP* is intended to guide the redevelopment of the former Gates Rubber Factory site at the I-25 and Broadway Station into a transit-oriented development with a density and mix of uses necessary to create a thriving urban environment. The GDP area is approximately 69 acres and is generally located south of Interstate 25, west of S. Broadway, along W. Mississippi Ave., and along the South Platte River. The GDP contemplates new multimodal street connections, pedestrian and bicycle bridges and trails, open space, and a range of mixed uses create a new urban district. Similarly, the *Cherokee/Gates GDP* also proposes a connection to the Alameda Station through the site.

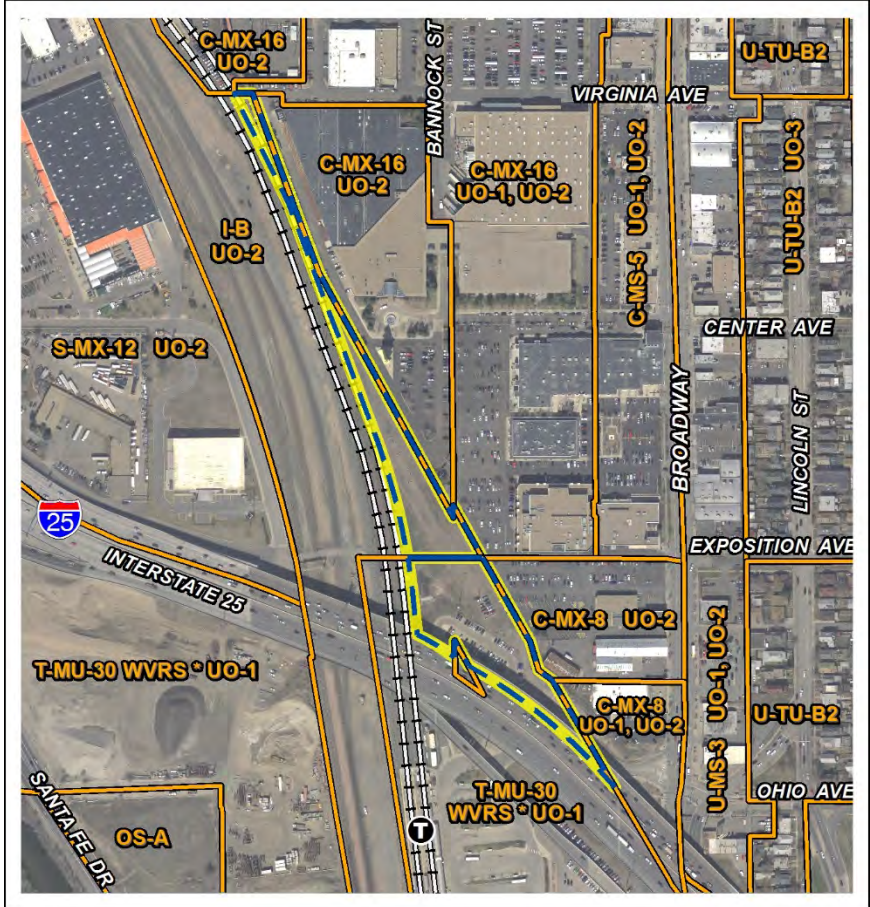
However, both the portion of the subject site within the *Cherokee/Gates GDP* and the larger GDP area were not redeveloped under the *Cherokee/Gates GDP*, and a new property owner is exploring the best approach to facilitate redevelopment of the property. Accordingly, it is anticipated that the *Cherokee/Gates GDP* will be repealed, and it will no longer apply to the subject property. As such, per the City Attorney's Office, the *Cherokee/Gates GDP* will not be used to guide redevelopment of the site, and it will not be used for further consistency analysis of the proposed rezoning.

## **2. Existing Zoning**

The site is currently split between two zone districts: T-MU-30 W/C UO-1 and I-B UO-2. T-MU-30 is a Former Chapter 59 zone district intended for areas near transit stations where a mix of uses in a pedestrian-friendly environment is desired. The district controls building massing through a maximum gross floor area of 5:1. Maximum height in the T-MU-30 zone district is 220 feet, further regulated by the maximum gross floor area. However, the T-MU-30 zoning standards do not include build-to requirements, transparency requirements, pedestrian entrance requirements, active street level use requirements, or standards regulating the location of surface parking. The waivers and conditions currently applied to the existing zoning waive the reduction of Off-Street Parking Spaces; specify a different process for the Special Plan for Shared Parking; and specify different required parking ratios. Conditions include the requirement for an Infrastructure Master Plan along with the GDP; and allow the Transportation Expansion (T-REX) project and I-25 improvements to proceed prior to the approval of the GDP.

The UO-1 Adult Use Overlay permits adult uses with distance requirements from protected uses and zone districts and spacing requirements from other adult uses. No adult uses exist on the subject site.

The I-B zone district is a General Industrial neighborhood context zone district that permits office, business, and industrial uses. Residential uses are only permitted on lots where an existing residential structure existed prior to July 1, 2004. The I-B zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-B zone district does not specify a maximum building height except that when a site is within 175' of a Protected District, the maximum permitted building height is 75' (the subject site is not within 175' of a Protected District, so this height limit does not apply). Building forms within the I-B zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.



The UO-2 Billboard Use Overlay permits “outdoor general advertising device” signs, also known as “billboards,” within the applicable area. Additional standards and limitations regarding minimum separation and distance requirements apply. Currently, no billboards exist on the subject site.

### 3. View Planes

The Washington Park View Plane applies to the subject property. It originates in Washington Park and is intended to protect and preserve panoramic views of the mountains. The View Plane specifies maximum heights for all structures. The maximum heights increase with distance from the Washington Park origin point. The Washington Park View Plane allows structures, including permitted height exceptions, with maximum heights no greater than an estimated 122-146 feet across the subject site. Accordingly, while the requested C-MX-16 zone district permits structures up to 200', the View Plane will ultimately regulate building height.

#### 4. Urban Design Standards and Guidelines

Two Urban Design Standards and Guidelines apply to the subject site, coterminous with the boundaries of the two General Development Plans described above. The *Denver Design District GDP Urban Design Standards and Guidelines* (2008) apply to the northern portion of the subject site, and the *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines* (2005) apply to the southern portion of the site.

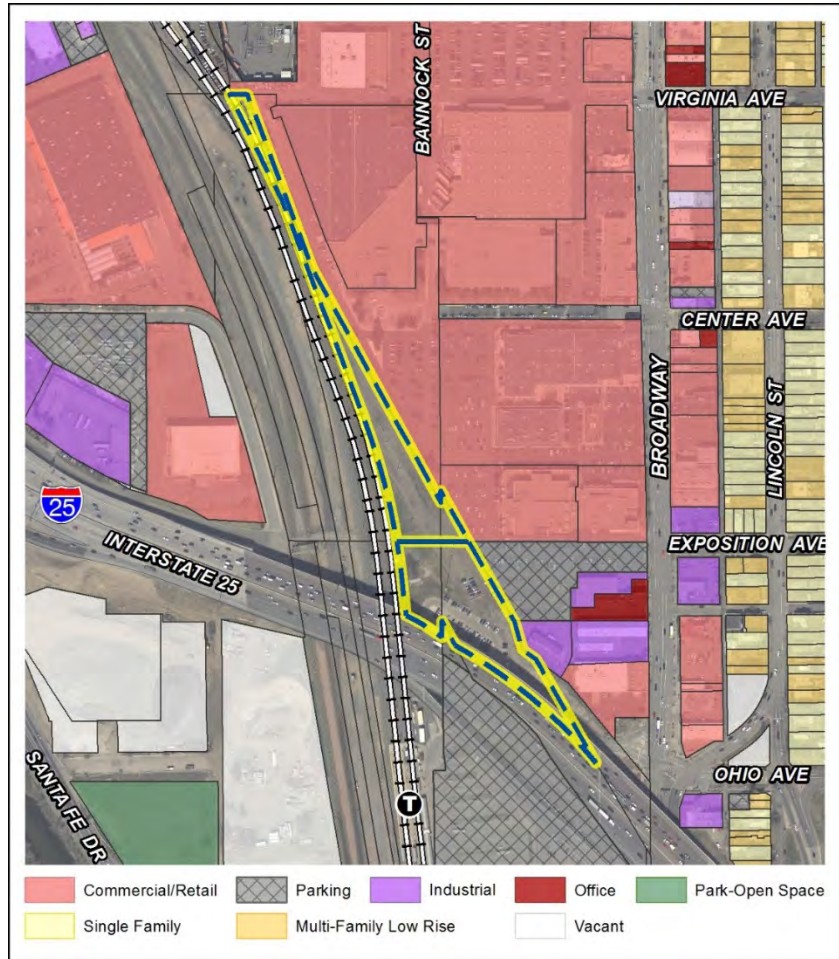
The *Denver Design District GDP Urban Design Standards and Guidelines* are intended to create high-quality, transit-oriented development that integrates with the surrounding community and restores the urban fabric to an area that has historically been commercial and auto-oriented in nature. The portion of the subject site where applicable is located in Sub-Area 5, Office District. This area is proposed as the commercial core of the area, containing high-intensity office use along with a mix of other uses. A gateway at the southern tip of Sub-Area 5 connects the site to the I-25 and Broadway Station to the south, and a proposed bicycle and pedestrian trail is also contemplated through this area along the CML. A UDSG-specific overlay treatment also applies to the subject site to ensure a cohesive streetscape and encourage pedestrian activities through both public realm, use, and building design recommendations. Design review under the *UDSG* is conducted by CPD staff with City Council and RNO notification after the submission of Schematic Design for public review. The *Denver Design District GDP Urban Design Standards and Guidelines* will apply to the subject site where applicable regardless of the rezoning. To ensure consistent application of the *UDSG* across the redevelopment site, a concurrent amendment to the *Denver Design District GDP Urban Design Standards and Guidelines* is proposed to expand the area of applicability to the entire subject site.

The *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines* are intended to create a mixed-use, transit-oriented community that maximizes transit benefits and connects to established neighborhoods. The *UDSG* regulate site elements, including vehicular circulation and pedestrian-oriented use areas; building design elements including, building mass and form, material, entries, and fenestration; and parks and plazas to include expanded streetscapes. The *UDSG* also use a Sub-Area approach, but the portion of the subject site within the area of applicability is not located within any Sub-Area. As such, the *UDSG* do not make specific public realm, site, or building design recommendations for the subject site; however, vehicular, pedestrian, and bicycle connections through the applicable area are contemplated to connect to the Denver Design District to the north. Design review under the *UDSG* is conducted by CPD staff with City Council and RNO notification after the submission of Schematic Design for public review.

However, both the subject site and the larger *UDSG* area were not redeveloped under the *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines*, and a new property owner is proposing amended *UDSG* for a distinct redevelopment concept for the area to the south of Interstate 25. Accordingly, it is anticipated that the *Cherokee Redevelopment of the Former Gates Rubber Factory Urban Design Standards and Guidelines* will be substantially amended, and they will no longer apply to the subject property. As such, the *UDSG* will not be used to guide redevelopment of the site.

### 5. Existing Land Use Map

As seen in the Existing Land Use Map at right, the area to the north and east includes commercial, retail, and office uses with scattered smaller warehousing and retail uses. Similar large retail and commercial properties are located to the west of the CML. Large surface parking lots and the light rail station are located to the south of the site beyond Interstate 25. Smaller commercial and retail parcels oriented towards S. Broadway line the east side of the street with single-family and duplex uses moving away from the commercial corridor into West Washington Park.



### 6. Existing Building Form and Scale



Subject site looking northwest





Subject site looking north



Subject site looking south



One-story warehouse to the east of the site



One story retail/office structure to the east of the site

### 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:

**Asset Management:** Approved – No Comments

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

**Denver Fire Department:** Approved – No Comments

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

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

**Public Works – City Surveyor:** Approved – No Comments.

**Environmental Health:** Approved – Notes: DEH concurs with the proposed zoning change. The Denver Department of Environmental Health (DEH) has information indicating the presence of a Superfund site at the property and surrounding area. Under oversight of the U.S. Environmental Protection Agency, the majority of the site was cleaned up and conditions are protective of human health and the environment. Contaminated soils in residential yards were excavated and disposed off site where necessary and institutional controls have been implemented for the remaining few residential properties where access was not granted.

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, DEH 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.

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

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

#### Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on December 2, 2015.
- The property was legally posted for a period of 15 days announcing the February 3, 2016, Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members. **The Denver Planning Board voted unanimously in favor (9-0) to recommend approval of the map amendment to City Council.**
- Written notification of the February 17, 2016 Neighborhoods and Planning Committee meeting (PLAN) was sent to all affected registered neighborhood organizations and City Council members on February 2, 2016. Following the Neighborhoods and Planning Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.
- The RNOs identified on page 1 were notified of this application. At the time of this staff report, two letters of support from RNOs were received:
  - Baker Historic Neighborhood Association letter of support for the rezoning dated October 15, 2015
  - Platt Park People's Association Board of Directors letter of support dated October 22, 2015

- At the time of this staff report, no further public comment had been received.

### Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

#### **DZC Section 12.4.10.7**

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

#### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

### 1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Baker Neighborhood Plan (2003)*
- *Alameda Station Area Plan (2009)*
- *Denver Design District General Development Plan (2009)*

#### **Denver Comprehensive Plan 2000**

*Denver's Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city. The C-MX-16 UO-1 and C-MX-16 UO-2 map amendment proposal is consistent with these "Vision[s] of Success" through the enabling of compact, mixed-use, pedestrian-oriented development at an appropriate location:

**Compact development** ■ Compact urban centers will meet the needs of 21st-century living while reinforcing the valued characteristics of Denver's neighborhoods. Development and redevelopment of urban centers presents opportunities to concentrate population and land uses within a limited geographic space. Compact development will improve neighborhood cohesion, reduce urban sprawl and connect residents more directly to services and amenities within their immediate living environment. (pg 55)

**Density and diversity** ■ Exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance. (pg 96)

The proposal is consistent with many *Denver Comprehensive Plan 2000* 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. Creating more density at transit nodes. (pg 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (pg 41)
- 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. (pg 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (pg 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (pg 78)
- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (pg 99)

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already provided and where transit-oriented development investment is taking place with close proximity to two light rail stations, consistent with Comprehensive Plan 2000. The C-MX-16 zone district broadens the variety of uses, to include residential uses, as compared to the existing T-MU-30 W/C and I-B zoning and allows increased density appropriate for this transit-oriented development infill development. The rezoning is consistent with these Plan recommendations.

### **Blueprint Denver**

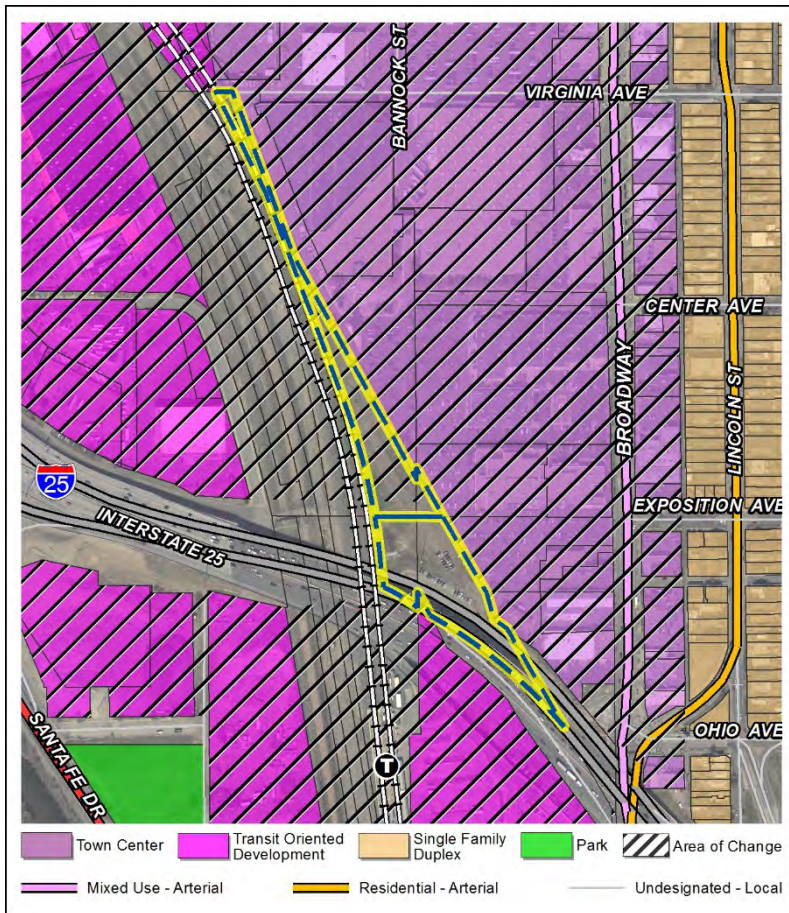
According to the 2002 Plan Map adopted in *Blueprint Denver*, this site does not have a concept land use recommendation and is partially located within an Area of Change.

### **Future Land Use**

According to *Blueprint Denver*, the site is omitted from the Concept Land Use Map, most likely due to its former use as a rail spur where redevelopment was not contemplated. However, the adjacent Concept Land Use at the Denver Design District area offers a suggestion of the appropriate mix and intensity of land uses to inform the subject site. As shown on the 2002 *Blueprint Denver* Concept Land Use Map, the Denver Design District is designated with a concept land use of Town Center. Town Centers meet a variety of shopping, entertainment, service, and employment needs and are large enough to serve several neighborhoods. These areas usually contain shopping and commercial uses that total at least 150,000 square feet and often have specialty shops. *Blueprint Denver* also notes that, unlike many shopping centers and malls, town centers should be pedestrian-friendly places that are focal points of nearby neighborhoods (pg 43).

While the subject site is not designated with a recommended concept land use, the proposed map amendment supports the *Blueprint Denver* Town Center concept land use designation in the surrounding area by allowing for a mix of uses at intensities sufficient enough to serve several neighborhoods. The General building form within the C-MX zone districts includes build-to, transparency, entrance, and Street Level active use standards and prohibits the location of surface parking between the building and the primary and side streets, implementing the design recommendations stated in *Blueprint Denver* for a pedestrian-friendly town center. The current FAR-based T-MU-30 W/C UO-1 and industrially-oriented I-B UO-2 do not fulfill these *Blueprint Denver* recommendations.

**2002 Blueprint Denver Future Land Use Map**



**Area of Change / Area of Stability**

The subject site is partially within an Area of Change, generally aligning with the Denver Design District GDP boundary. In general, “the goal for 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 provide Denver with the opportunity to focus growth in a way that benefits the City as a whole (pg 127).

The portion of the subject site located within an Area of Stability generally follows the Interstate 25 corridor, likely indicating that the interstate itself, as a major, stable transportation corridor, was

not contemplated for redevelopment by *Blueprint Denver*. It is not inferred that this portion of the site is inappropriate for redevelopment due to its proximity to I-25 or this *Blueprint Denver* Area of Stability designation.

Overall, the rezoning application is consistent with the *Blueprint Denver* Area of Change recommendations by allowing for high-intensity, mixed-use redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services. The redevelopment of the

entirety of the subject site will be critical in achieving this *Blueprint Denver* vision for appropriate growth.

### **Street Classifications**

While the subject site does not have any frontage on public rights-of-way, and therefore does not abut a street classified by *Blueprint Denver*, streets in the vicinity offer a suggestion of the appropriate land use mix and intensity for the subject site. *Blueprint Denver* classifies South Broadway as a Mixed Use Arterial. Arterial Streets are “designed to provide a high degree of mobility and generally serve longer vehicle trips to, from and within urban areas” (pg 51). According to *Blueprint Denver*, Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (pg 57).

The C-MX-16 UO-1 and C-MX-16 UO-2 zone districts proposed for the subject site are appropriate zone districts for this mixed-use, higher-capacity street classification through the allowance of higher intensity, mixed-use development coupled with the pedestrian-oriented design standards contemplated in *Blueprint Denver*. Particularly, the existing I-B UO-2 zone district does not accomplish these recommendations.

Interstate 25 is classified as an Undesignated Arterial. As I-25 is elevated and does not have a ground-level presence at the subject site, this classification is of little guidance.

### **Small Area Plan: Baker Neighborhood Plan**

The *Baker Neighborhood Plan* was adopted by City Council in 2003 and applies to the subject property. The Plan sets forth a goal to “create a community that accommodates a wide variety of functions, enhances the quality of life for residents, and the vitality of businesses” and contains framework goals for the entire neighborhood, subarea goals, and design guidelines to promote better urban design (pg 14). The proposed rezoning conforms with Framework Plan goals including:

- Land Use: Create and maintain an appropriate balance of land uses that preserves the stability of the residential, business and industrial sectors, while allowing for flexibility over time (pg 24).
- Land Use: Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other (pg 24).
- Land Use: Develop vacant land in a manner that is compatible with surrounding land uses in terms of use, operations, character, and density (pg 25).
- Land Use: Encourage a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood, as appropriate to the subarea (pg 25).
- Urban Form: Create spatial definition of the street with buildings and landscaping to pedestrian activity and a comprehensive urban framework (pg 26).

The rezoning request to C-MX-16 UO-1 and C-MX-16 UO-2 is consistent with these goals though the allowance of compatible, mixed-use redevelopment at an appropriate location and thereby preserve

stable areas within the neighborhood. The proposed rezoning will provide for neighborhood amenities and support a pedestrian-friendly urban form, while the current zoning does little to compel a rich pedestrian environment.

In addition, the subject site is within the Retail Centers Sub-Area. Sub-Areas are characterized by their land use functions, locations, and district urban form. The Plan states that, “retail centers are destination business areas, including retail and offices. The subarea may contain some moderate-density housing, but is predominantly commercial. The area may eventually redevelop to a more intense use, but that is not anticipated within the planning horizon of this plan [20 years]. Nevertheless, new development should be located to maintain options for future intensification” (72). While the majority of the Retail Center Sub-Area does include larger-format, auto-oriented retail uses, the subject site provides an opportunity for the future intensification contemplated by the Plan. The current zoning does not support this outcome.

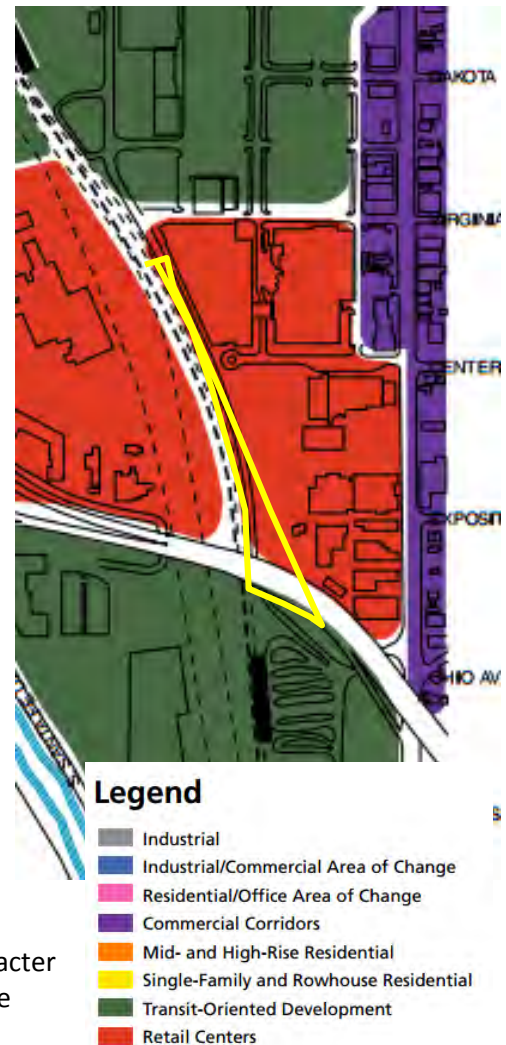
Additionally, Goals and Strategies for this Sub-Area include:

- Urban Form: Design retail centers to address the urban context (pg 72).
- Urban Form: Construct retail center sites in a manner that establishes a pattern and character for the long-term evolution to more intense and dense uses over time (pg 72).
- Urban Form: Use new development to reinforce the character and quality of public streets through buildings that provide orientation and access toward the street (pg 73).
- Locate parking to the interior of building sites and screen it from the public rights of way. Structured parking is expected to have active ground-floor uses (pg 73).

The proposed rezoning to C-MX-16 UO-1 and C-MX-16 UO-2 fulfills these Urban Form Goals and Strategies through pedestrian-oriented building form, siting, and street level active use standards. The current T-MU-30 W/C UO-1 and I-B UO-2 zone districts do not induce similar outcomes in the built environment.

#### **Small Area Plan: Alameda Station Area Plan**

The *Alameda Station Area Plan* was adopted by City Council in 2009 and overlaps with the boundaries of the *Baker Neighborhood Plan* on the subject site. The subject site is included within the Core Station Area, defined as “sites closest to the station that are likely to see the most change and redevelopment within the planning time frame” (pg 2). The format of the Plan includes both Plan Objectives based on



Transit Oriented Design (TOD) principles and plan recommendations that apply throughout the planning area.

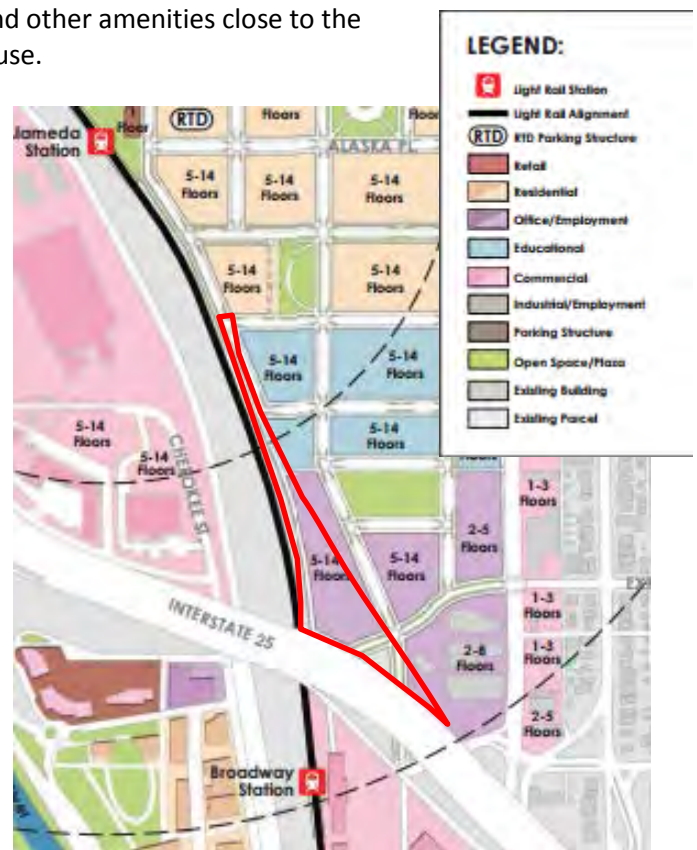
The proposed rezoning is consistent with many Plan objectives including (pg 8-10):

- Place-making: Redefine the station's nature as a destination place; Enhance the pedestrian experience [...] crossing physical barriers of [...] I-25; Create Distinct Entry points to the Core Station Area; and Create a consistent predictable form within the station area.
- Rich Mix of Choices: Provide new opportunities for housing; Establish area as an employment center with a diversity of business types; Support main street environment with buildings and pedestrian entrances oriented towards the street.
- Location Efficiency: Orient density closest to the Alameda Station and Broadway Station; Place, homes, jobs, shopping, entertainment, parks and other amenities close to the station to promote walking, biking, and transit use.

In addition, the *Alameda Station Area Plan* contains Land Use, Building Height, and Urban Design recommendations to advance the vision of TOD. The majority of the subject site is designated as Office/Employment land use concept where the Plan recommends increasing the amount of offices in the station area to create an employment center and diversify business types (pg 12). Accordingly, the proposed C-MX-16 zone district is consistent with this land use recommendation by allowing an appropriate intensity of commercial, business, and office uses along with a mix of other uses.

The subject site is also recommended for a maximum building height of 14 stories. Without a 14-story zone district option, the proposed C-MX-16 UO-1 and C-MX-16 UO-2 zone districts fulfill this maximum building height recommendation. Additionally, the Washington Park View Plane will ultimately regulate the permitted maximum structure height as discussed previously, likely falling below the 14-story recommendation.

The Alameda Station Area Plan also recommends Ground Floor Commercial Uses along the future Bannock street, adjacent to the subject site. Ground Floor Commercial Uses are "an essential component of an active and vital station area because they contribute to the land use mixture and offer services for residents, visitors, and workers" (pg 15). Key urban design recommendations for the subject site along the future Bannock frontage also include Active Edges, "building frontages with direct sidewalk entries and a high degree of transparency," and Build-To Lines, areas where "ground floor building facades must be built to the property line" to establish a continuous street wall (pg 16). The proposed C-MX building form standards include Street Level active use requirements, pedestrian



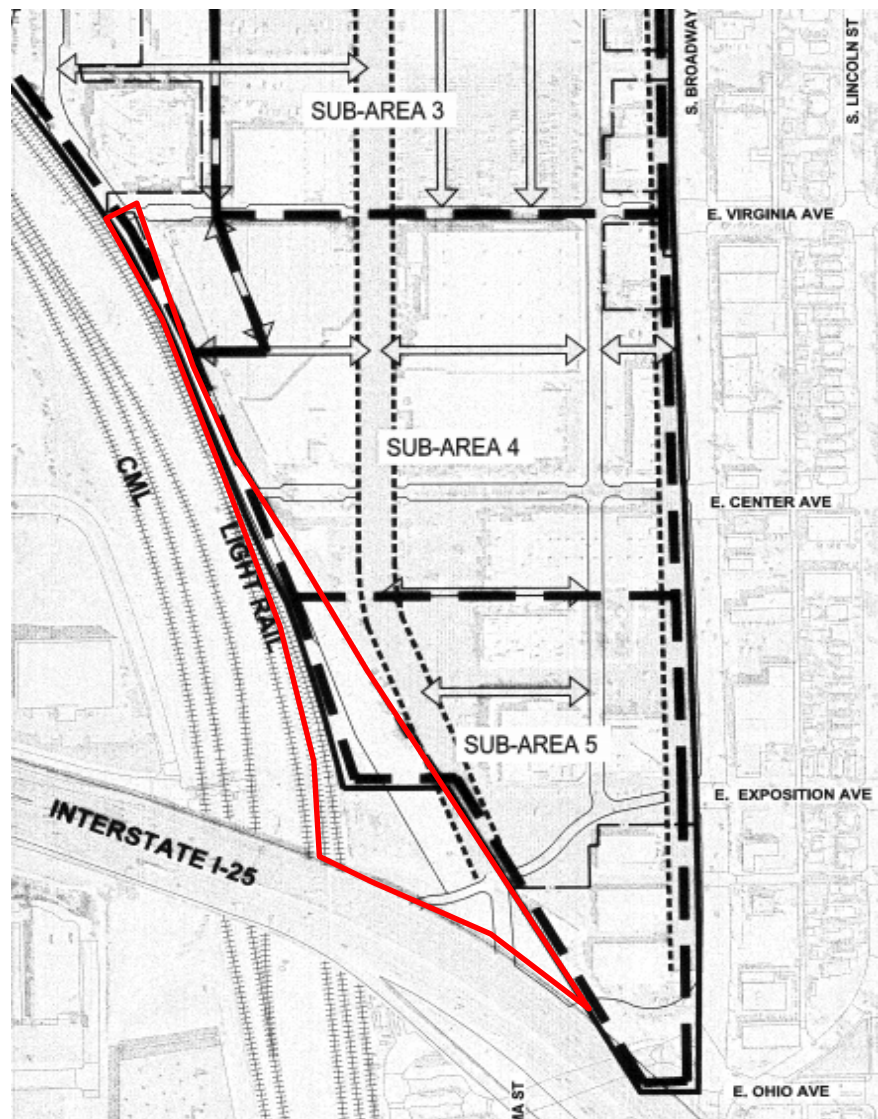


entrance requirements, transparency requirements, and build-to standards to implement these recommendations, while the current zone district standards do not compel these outcomes. The requested C-MX-16 UO-1 and C-MX-16 UO-2 zone districts are consistent with the recommendations of the *Alameda Station Area Plan*.

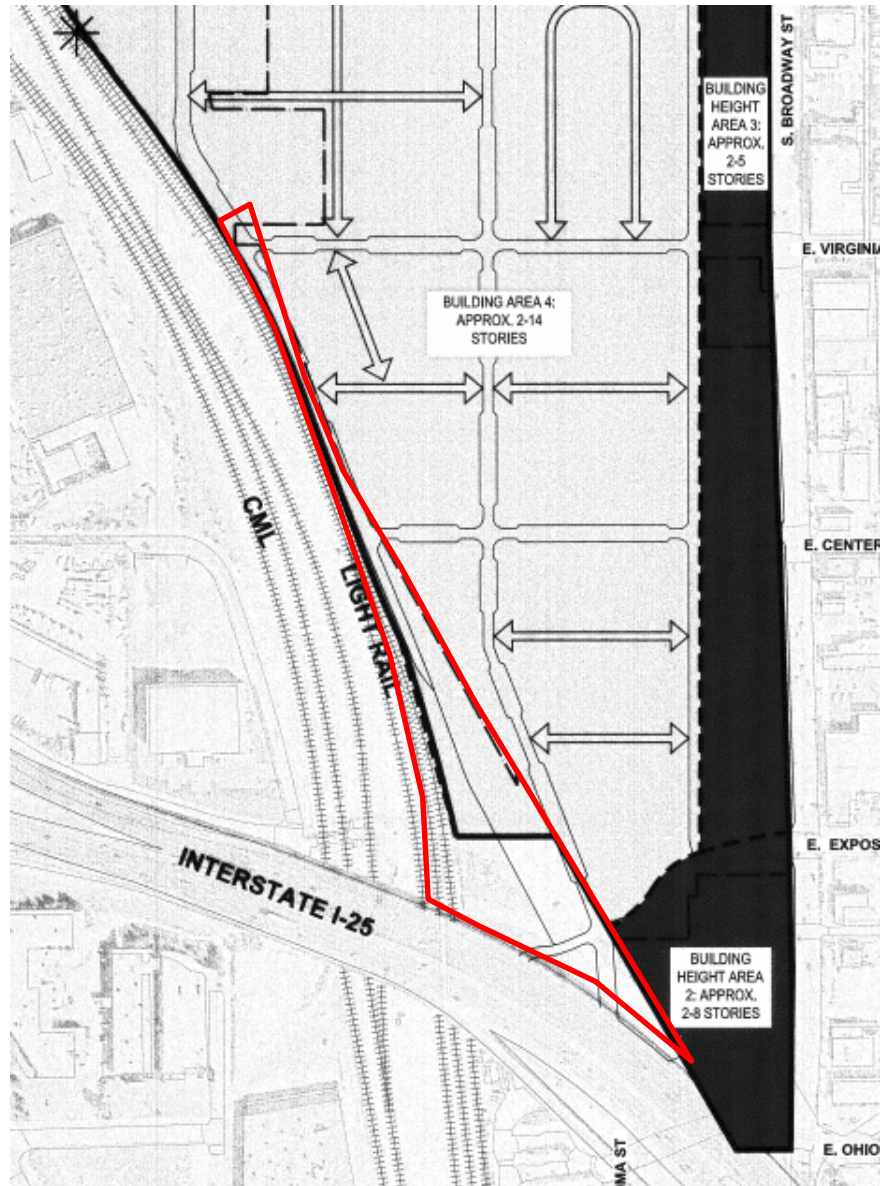
**General Development Plan: Denver Design District General Development Plan (2009)**

The subject property is also within the *Denver Design District General Development Plan* area (GDP). General Development Plans provide guidance to subsequent zoning of properties within the GDP area. The overall land use concept for the GDP is to transform an auto-oriented commercial development into a pedestrian-friendly, mixed-use, transit-oriented development.

The majority of the portion of the subject site within the GDP is located within Sub-Area 5: Office District. This subarea is described as the commercial core of the project, containing high-intensity office use along with the potential for a mix of other uses. A narrow portion of the subject site is located within Sub-Area 4: Design District, imagined as a mixed-use center for design and art with other complementary uses, including education, residential, and office. The requested C-MX-16 UO-1 and C-MX-16 UO-2 zone districts are consistent with these land use concepts through an appropriately intensity and mix of uses. Regarding maximum building heights, the



portion of the subject site within the GDP is located within Building Area 4, recommending building heights of 2-14 stories. The rezoning request is consistent with this maximum building height recommendation, and as discussed earlier, the Washington Park View Plane will ultimately regulate maximum building heights to approximately 122-146 feet across the subject site, likely below the 14-story maximum building height recommendation.



## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-16 UO-1 and C-MX-16 UO-2 will result in the uniform application of zone district building form, use, and design regulations. Additionally, the rezoning request will result in the uniform application of zoning standards across the Denver Design District area.

### **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 land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, *Baker Neighborhood Plan*, *Alameda Station Area Plan*, and *Denver Design District GDP*.

### **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

Several changed or changing conditions apply to the site and surrounding area. As discussed above, several adopted plan recommendations state that redevelopment of the area is desired, and the adopted plans recognize that the character of the area is evolving into a transit-oriented area. Individual redevelopment projects occurring in the Denver Design District area and anticipated at the former Cherokee/Gates site are also signaling an evolution in the surrounding environs, the long-term progression from auto-oriented development to pedestrian-oriented development envisioned by the Baker Neighborhood Plan.

At the site scale, the subject property has undergone a change in conditions when it transitioned from a railroad spur into a developable site. Additionally, another change in conditions will occur when the anticipated purchase from RTD is complete in the spring of 2016, and the parcel is available for private redevelopment. Currently used as surface parking and detention to serve the two adjacent light rail stations, the change in ownership represents a substantial changed condition that allows for the pedestrian and transit-oriented development and multimodal connections envisioned by multiple adopted plans.

As stated in the application, the current T-MU-30 W/C UO-1 and I-B UO-2 zoning does not reflect the City's vision as articulated by several adopted plans.

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

#### Neighborhood Context Description

The proposed C-MX-16 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the

greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location through the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-16 will lead to development that is consistent with the neighborhood context description.

#### Zone District Purpose and Intent

According to DZC 7.2.3.1.A, the general purpose of the C-MX zone districts is to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. C-MX districts are intended for broad application at the neighborhood scale. The rezoning to C-MX-16 is consistent with the zone district general purpose, and resulting development will be consistent with the general purpose statement through the application of the C-MX-16 zone district standards.

C-MX-16 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired. The subject site's most contextual street connection, S. Broadway, is classified as an arterial. Additionally, adopted plans identify this site as appropriate for 14-story development, and the C-MX-16 zone district fulfills this requirement coupled with the Washington Park View Plane. The street classifications and desired building heights in this area are consistent with this intent statement.

#### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 601 S. Bannock St., 801 S. Broadway, and 99 W. Kentucky Ave. (#2015I-00136) to the C-MX-16 UO-1 and C-MX-16 UO-2 zone districts meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

#### **Attachments**

1. Application
2. RNO letters of support

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

# REZONING GUIDE

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

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
<i>David A. Genova</i> on behalf of Regional Transportation District	1600 Blake St. Denver, CO 80202 303-299-2343 kate.iverson@rtd-denver.com	100	<i>[Signature]</i>	<i>11/6/15</i>	B	YES
					B	
					B	
					B	
					B	

Last updated: February 4, 2015

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Written Authorization to Represent Property Owner

I, David A. Genova, by the authority delegated to me in the Bylaws of the Regional Transportation District, Article VII, Section 12(a), attached as Exhibit A, and on behalf of the Regional Transportation District, owner of the property legally described in Exhibit B (the "Property"), also known as the "Sliver Parcel", hereby authorize D4 Urban to represent the Regional Transportation District as it relates the application for rezoning of the Property.



David A. Genova  
Interim General Manager and CEO  
Regional Transportation District





**PROPERTY DESCRIPTION**

**January 21, 2016**

**Page 1 of 2**

A tract of land lying in the West 1/2 of Section 15, Township 4 South, Range 68 West of the 6th P.M., City and County of Denver, State of Colorado, being a portion of Parcel No's. TK 5152-00-005 REV.4, TK 5155-00-041 REV.1, and TK 5155-00-006 REV.3 described in Reception No. 9400092231, recorded on June 3, 1994 in the City and County of Denver Clerk and Recorder's Office, being more particularly described as follows:

**COMMENCING** at the Northwest Corner of said Section 15 (a found Stone with Cross in Range Box), **WHENCE** the West Quarter Corner of said Section 15 (a found 3 1/4" Aluminum Cap Stamped "CHICHESTER LAND CORNER T4S R67W S16 S15 1987 RLS 7735") bears S00°38'52"E, a distance of 2641.10 feet (Basis of Bearing - assumed); **THENCE** S45°10'41"E a distance of 1866.17 feet to the Northwest Sixteenth Corner of said Section 15 (a found 3/4" Rebar with 3 1/4" Aluminum Cap Stamped "PLS 13155"); **THENCE** N89°43'37"E, coincident with the southerly Right-of-Way line of vacated W. Virginia Avenue, a distance of 42.58 feet to the **POINT OF BEGINNING**;

**THENCE** N89°43'37"E, coincident with said southerly Right-of-Way line, a distance of 55.72 feet to the westerly line of a parcel of land described in Reception No. 2006172936, recorded on October 27, 2006 in said Clerk and Recorder's Office;

**THENCE** coincident with the westerly and easterly lines of said parcel of land the following three courses:

1. S20°26'09"E a distance of 538.88;
2. S28°44'57"E a distance of 801.88 feet to a point on the easterly line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, **WHENCE** the Southeast Corner of said West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15 bears S00°49'32"E, a distance of 112.50 feet;
3. N00°49'32"W, coincident with said easterly line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 33.67 feet to the most northerly corner of said parcel TK 5155-00-041 REV.1 ;

**THENCE** S30°03'10"E, coincident with the northeasterly line of said parcel TK 5155-00-041 REV.1, a distance of 430.05 feet;

**THENCE** S12°52'28"E, coincident with the westerly line of a parcel of land described at Book 2060, Page 89, recorded on November 28, 1979, a distance of 74.95 feet;

**THENCE** S53°37'16"E, coincident with the southwesterly line of said Book 2060, Page 89, a distance of 55.36 feet;

**THENCE** S30°03'10"E, coincident with said northeasterly line of parcel TK 5155-00-041 REV.1 and non-tangent with the following described curve, a distance of 367.15 feet;

**THENCE** along the arc of a curve to the left, having a central angle of 18°00'16", a radius of 1735.06 feet, a chord bearing of N50°01'36"W a distance of 542.98 feet, and an arc distance of 545.22 feet to the northeasterly line of a parcel of land described in Book 8011, Page 551, recorded March 15, 1957 in said Clerk and Recorder's Office;

**THENCE** N28°45'41"W, coincident with said northeasterly line and non-tangent with the last described curve, a distance of 81.52 feet to the westerly line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 15, **WHENCE** the Northwesterly Corner of said East 1/2 bears N00°45'55"W, a distance of 229.50 feet;

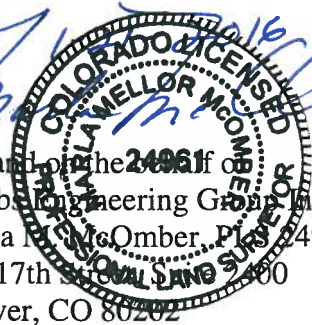

**PROPERTY DESCRIPTION (CONTINUED)**

**January 21, 2016**

**Page 2 of 2**

THENCE S00°45'55"E, coincident with said westerly line and non-tangent with the following described curve, a distance of 48.99 feet;  
THENCE along the arc of a curve to the left, having a central angle of 04°10'54", a radius of 1735.06 feet, a chord bearing of N62°35'38"W a distance of 126.60 feet, and an arc distance of 126.63 feet;  
THENCE N06°25'20"W, non-tangent with the last described curve and tangent with the following described curve, a distance of 129.75 feet;  
THENCE along the arc of a curve to the left, having a central angle of 14°11'30", a radius of 1883.65 feet, a chord bearing of N13°31'06"W a distance of 465.38 feet, and an arc distance of 466.57 feet;  
THENCE N20°36'51"W, tangent with the last and following described curves, a distance of 695.58 feet;  
THENCE along the arc of a curve to the left, having a central angle of 12°00'11", a radius of 1647.14 feet, a chord bearing of N26°36'57"W a distance of 344.44 feet, and an arc distance of 345.07 feet to the **POINT OF BEGINNING**.

Containing 197,194 square feet, (4.527 Acres), more or less.



For and on behalf of  
Jacobson Engineering Group, Inc.  
Marla McOmber, PLS 24961  
707 17th St, Suite 200  
Denver, CO 80202

Don  
65.00

RECORDED OFFICE OF COUNTY CLERK  
ARTE E. TAYLOR DENVER COUNTY 65.00 100 LBS

**CORRECTION QUITCLAIM DEED**

Doc  
Fee

THIS DEED, made this 20th day of May, 1994, between **HURLINGTON NORTHERN RAILROAD COMPANY** (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, and **REGIONAL TRANSPORTATION DISTRICT**, a political subdivision of the State of Colorado, of 1600 Blake Street, Denver, Colorado, Grantee.

**WITNESSETH:** That the said Grantor, for Nine Hundred and Sixty-four Thousand and No/100 Dollars (\$964,000.00) and other good and valuable consideration, to the said Grantor in hand paid by the said Grantee, the receipt whereof is hereby confessed and acknowledged, hath remised, released, sold, conveyed and quitclaimed, and by these presents doth remise, release, sell, convey and quitclaim, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto the said Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand, if any, which the said Grantor hath in and to the following described premises located in Denver County, Colorado, and being more particularly described on Exhibits "A-1, A-2, A-3, and A-4" attached hereto and by this reference made a part hereof:

THIS DEED is given to replace, supersede and correct an error in the legal description in Exhibit "A-1" in that certain Quitclaim Deed dated October 26, 1993 from **HURLINGTON NORTHERN RAILROAD COMPANY**, to **REGIONAL TRANSPORTATION DISTRICT**, filed for record in the Office of the County Recorder in and for the County of Denver, Colorado, on November 8, 1993 as document number 9306155214.

**SUBJECT** to a reservation for easements on the premises held by anyone which are of record, or in Grantor's possession as provided below, which may exist for the installation, construction and situation of facilities necessary to or beneficial to, said easements with reasonable right of entry, with the understanding that said rights of ingress and egress will not unreasonable interfere with the Grantees use of the premises contemplated herein conveyed for the repair, reconstruction and replacement thereof, without limitation as a result of any further enumeration herein.

THIS DEED is not subject to any easement in the Grantor's possession that is not of record, unless written notice thereof was provided to Grantee from Grantor, and Grantee thereafter accepted such easements (s), all pursuant to paragraph 1., Easements, of the Offer to Purchase Agreement of October 20, 1993.

**TO HAVE AND TO HOLD** the same unto the said Grantee, its successors and assigns, forever.

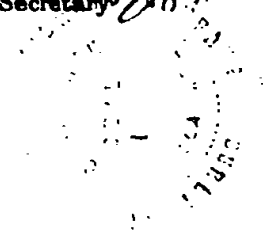
**IN WITNESS WHEREOF**, the said Grantor has caused this instrument to be signed by its Director, Title Services & Field Support, attested by its Assistant Secretary, and its corporate seal to be affixed on the day and year first above written.

**BURLINGTON NORTHERN  
RAILROAD COMPANY**

BY *D. P. Schneider*  
D. P. Schneider, Director  
Title Services & Field Support

**ATTEST:**

BY *Victoria H. Vasquez*  
Victoria H. Vasquez  
Assistant Secretary



**BN 10714 Denver, CO**

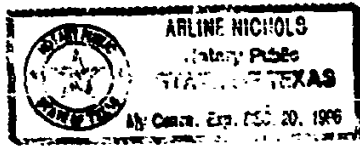
STATE OF TEXAS            )  
                                  ) ss.  
COUNTY OF TARRANT    )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of May, 1994, by D. P. Schneider as Director, Title Services & Field Support, and Victoria H. Vasquez as Assistant Secretary of Burlington Northern Railroad Company, a corporation.

WITNESS my hand and official seal.

My Commission Expires December 20, 1996.

Arline Nichols  
Notary Public



BN 10714 - Denver, CO

**EXHIBIT "A-1"**  
**To Correction Quitclaim Deed from Burlington Northern Railroad Company**  
**to Regional Transportation District dated May 24, 1994**  
**Pages 1 through 3**

PARCEL NO. TK 5152-00-005 REV. 4

BURLINGTON NORTHERN RAILROAD

FOR

RTD PROJ. NO. 12-RR-106

M.A.C. SOUTH REVENUE LINE

**DESCRIPTION**

A parcel of land No. TK 5152-00-005 REV. 4, Regional Transportation District Project No. 12-RR-106, containing 4.474 acre, more or less, being a part of that land owned by the Burlington Northern Railroad lying easterly of that land owned by the Atchison, Topeka & Santa Fe Railroad and lying in the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 15, and in the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 15, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, said parcel being more particularly described as follows:

Commencing at the northeast corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15; thence S 89°54'28" W along the north line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 556.31 feet to the Point of Beginning;

Thence the following two courses along the northeasterly boundary of said Burlington Northern lands:

S 20°57'40" E, a distance of 534.00 feet;

S 28°08'30" E, a distance of 806.00 feet to the east line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, whence the southeast corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15 lies 112.50 feet southerly;

Thence S 00°42'15" E along the east line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 112.50 feet to the southeast corner of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15;

Thence S 89°59'05" W along the south line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 271.57 feet to a point 15.00 feet northeasterly by perpendicular measurement from the centerline of a railroad track;

DEW

PARCEL TK 5152-00-005 REV. 4 PAGE 2

Thence the following three courses, 15.00 feet northeasterly by perpendicular measurement from said centerline of a railroad track:

N 9°25'51" W, a distance of 265.89 feet to a point of curve;

Along a curve to the left having a radius of 2232.52 feet and a central angle of 5°39'25", an arc distance of 220.42 feet to a point of tangent;

N 15°05'16" W, a distance of 389.70 feet;

Thence N 20°59'45" W, a distance of 172.40 feet;

Thence N 23°26'36" W, a distance of 73.90 feet to a point of curve not tangent to the previously described course, whence the radius bears S 65°17'44" W, a distance of 1493.50 feet;

Thence along a curve to the left having a radius of 1493.50 feet and a central angle of 6°17'46", an arc distance of 164.12 feet to a point of non-tangent;

Thence N 32°15'39" W, a distance of 56.15 feet to a point 15.0 northeasterly by perpendicular measurement from the centerline of a railroad track, also a point of curve not tangent to the previously described course, whence the radius point bears S 56°14'21" W, a distance of 1824.57 feet;

Thence along a curve to the left having a radius of 1824.57 feet and a central angle of 1°46'46", an arc distance of 56.66 feet to the north line of the Southwest 1/4 of the northwest 1/4 of said Section 15;

Thence N 89°55'29" E along said north line, a distance of 22.45 feet to the northwest corner of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 15;

Thence N 89°54'28" E along the north line of the West 1/2 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 98.34 feet to the Point of Beginning.

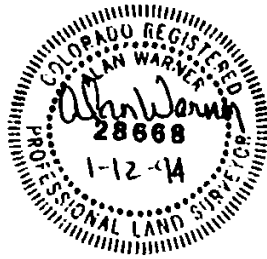
The above described parcel contains 194,904 square feet, 4.474 Acres more or less.

PARCEL TK 5152-00-005 REV. 4 PAGE 3

Basis of bearing: N 41°33'21" W between monument called CP27, a CDOT type 2 reference marker, and a monument called CP26, a CDOT type 2 reference marker in monument box, as shown on "Survey Control Plan" for the R.T.D. South Revenue Line dated 3-19-93. This bearing is a project bearing loosely related to the Colorado State Plane grid north (NAD27).

I hereby certify that the previously described legal description has been prepared under my direct supervision.

1-12-94  
Date



Alan Warner, P.L.S.  
for and on behalf of  
Frasier & Halbe Engineering Co.

DEW



**EXHIBIT "A-2"**  
**To Correction Quitclaim Deed from Burlington Northern Railroad Company**  
**to Regional Transportation District dated May 31, 1994**  
**Pages 1 through 3**

**PARCEL NO. TK 5155-00-041 REV. 1**

**BURLINGTON NORTHERN RAILROAD**

**FOR**

**RTD PROJ. NO. 12-RR-106**

**M.A.C. SOUTH REVENUE LINE**

**DESCRIPTION**

A parcel of land No. TK 5155-00-041 REV. 1, Regional Transportation District Project No. 12-RR-106, containing 3.422 acres, more or less, being all that land owned by the Burlington Northern Railroad in the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 15 and the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 15, all in Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, said parcel being more particularly described as follows:

Commencing at the southeast corner of the Northeast 1/4 of the Southwest 1/4 of said Section 15;

Thence N 89°58'27" W along the south line of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 50.00 feet;

Thence N 00°44'44" W parallel with and 50.00 feet west by perpendicular measurement of the east line of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 392.20 feet to the point of beginning;

Thence N 29°54'50" W along the northwesterly line of that land owned by the Burlington Northern Railroad, a distance of 1242.87 feet to the west line of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 15;

Thence S 00°42'09" E along the west line of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 15, a distance of 145.91 feet to the northwest corner of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 15;

Thence S 00°41'16" E along the west line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 229.50 feet to the north corner of that tract of land conveyed to the Colorado Department of Highways in Book 8011 at Page 551, City and County of Denver Records;

Thence S 28°29'19" E along said tract, a distance of 183.04 feet to the southeast corner of said tract, also being a northern corner of that tract of land owned by the Regional Transportation District;

BEW

Thence the following eight courses, along the northeasterly boundary of said Regional Transportation District tract:

S 28°51'30" E, a distance of 12.82 feet to a point of curve not tangent to the previously described course, whence the radius point bears N 59°48'22" E, a distance of 5927.20 feet, and the chord bears S 30°13'23" E, a distance of 6.04 feet;

Along a curve to the left having a central angle of 00°03'30" and a radius of 5927.20 feet, an arc distance of 6.04 feet;

S 50°18'21" E, not tangent to the previously described course, a distance of 96.94 feet to a point of curve not tangent to the previously described course, whence the radius point bears S 39°57'28" W, a distance of 1050.01 feet, and the chord bears S 45°46'20" E, a distance of 156.36 feet;

Along a curve to the right having a central angle of 08°32'24" and a radius of 1050.01 feet, an arc distance of 156.50 feet;

S 28°47'03" E, not tangent to the previously described course, a distance of 28.20 feet to a point of curve not tangent to the previously described course, whence the radius point bears N 60°17'57" E, a distance of 440.40 feet, and the chord bears S 32°56'17" E, a distance of 49.74 feet;

Along a curve to the left having a central angle of 06°28'29" and a radius of 440.40 feet, an arc distance of 49.77 feet;

S 36°10'35" E, not tangent to the previously described course, a distance of 348.50 feet to a point of curve not tangent to the previously described course, whence the radius point bears N 53°49'25" E, a distance of 1863.48 feet, and the chord bears S 35°20'10" E, a distance of 140.44 feet;

Along a curve to the left having a central angle of 04°19'09" and a radius of 1863.48 feet, an arc distance of 140.48 feet to the west line of South Broadway;

Thence N 00°44'44" W along the west line of South Broadway, being parallel with and 50.00 feet west by perpendicular measurement of the east line of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 104.34 feet to the point of beginning.

PARCEL TK S155-00-041 REV. 1 PAGE 3

The above described parcel contains 149,057 square feet, 3.422 acres, more or less.

Basis of bearing: N 41°33'21" W between monument called CP27, a CDOT type 2 reference marker, and a monument called CP26, a CDOT type 2 reference marker in monument box, as shown on "Survey Control Plan" for the R.T.D. South Revenue Line dated 3-19-93. This bearing is a project bearing loosely related to the Colorado State Plane grid north (NAD27).

I hereby certify that the previously described legal description has been prepared under my direct supervision.

7-14-93  
Date



Alan Warner, P.L.S.  
for and on behalf of  
Frasier & Halbe Engineering Co.

**EXHIBIT "A-3"**  
**To Correction Quitclaim Deed from Burlington Northern Railroad Company**  
**to Regional Transportation District dated May 24, 1994**  
**Pages 1 and 2**

**PARCEL NO. TK 5155-00-006 REV. 3**

**BURLINGTON NORTHERN RAILROAD**

**FOR**

**RTD PROJ. NO. 12-RR-106**

**M.A.C. SOUTH REVENUE LINE**

**DESCRIPTION**

A parcel of land No. TK 5155-00-006 REV. 3, Regional Transportation District Project No. 12-RR-106, containing 4.899 acres, more or less, being a portion of that land owned by the Burlington Northern Railroad lying easterly of that land owned by the Atchison, Topoka & Santa Fe Railroad and lying in the Northeast 1/4 of the Southwest 1/4 of Section 15, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, said parcel being more particularly described as follows:

Beginning at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 15;

Thence N 89°58'27" W, along the south line of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 67.68 feet to a point 15.0 feet northeasterly by perpendicular measurement from the centerline of a railroad track;

Thence N 09°25'51" W, parallel to and 15.0 feet northeasterly by perpendicular measurement from the centerline of said railroad track, a distance of 1341.31 feet to the north line of the Northeast 1/4 of the Southwest 1/4 of said Section 15;

Thence N 89°59'05" E along said north line, a distance of 271.57 feet to the northeast corner of the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 15;

Thence S 00°41'16" E along the east line of the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 15, a distance of 326.94 feet to the northwesterly corner of that tract of land owned by the Regional Transportation District;

**PARCEL TK 5155-00-006 REV. 3 PAGE 2**

**Thence the following six courses along the western boundary of said R.T.D. tract:**

**S 00°41'16" E continuing along said east line, a distance of 306.25 feet;**

**S 06°46'07" E, a distance of 42.69 feet;**

**S 89°18'44" W, a distance of 34.52 feet;**

**S 00°41'16" E, parallel with and 30.00 feet west of the east line of the Northwest 1/4 of the North east 1/4 of the Southwest 1/4 of said Section 15, a distance of 335.00 feet;**

**S 89°58'27" E, a distance of 30.00 feet to the east line of the Northwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 15;**

**S 00°41'16" E, along said east line, a distance of 72.20 feet a southwestern corner of said R.T.D. tract;**

**Thence S 00°41'16" E, continuing along said east line, a distance of 240.16 feet to the point of beginning;**

**The above described parcel contains 213,413 square feet, 4.899 Acres more or less.**

**Basis of bearing: N 41°33'21" W between monument called CP27, a CDOT type 2 reference marker and a monument called CP26, a CDOT type 2 reference marker in monument box, as shown on "Survey Control Plan" for the R.T.D. South Revenue Line dated 5-19-93. This bearing is a project bearing loosely related to the Colorado State Plane grid north (NAD27).**

**I hereby certify that the previously described legal description has been prepared under my direct supervision.**

9-01-93  
Date



Alan Warner, P.L.S.  
for and on behalf of  
Frasier & Halbe Engineering Co.

BEW

**EXHIBIT "A-4"**  
**To Correction Quitclaim Deed from Burlington Northern Railroad Company**  
**to Regional Transportation District dated May 27, 1994**  
**Pages 1 and 2**

**PARCEL NO. TK 5153-00-041 REV. 3**

**BURLINGTON NORTHERN RAILROAD**

**FOR**

**RTD PROJ. NO. 12-RR-106**

**M.A.C. SOUTH REVENUE LINE**

**DESCRIPTION**

A parcel of land No. 1K 5153-00-041 REV. 3, Regional Transportation District Project No. 12-RR-106, containing 0.013 acre, more or less, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 15, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, Colorado, said parcel being more particularly described as follows:

Beginning at the southwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 15;

Thence S 89°55'29" W along the south line of the Northwest 1/4 of the Northwest 1/4 of Section 15, also being the south line of West Virginia Avenue, a distance of 93.20 feet to the west line of the First Addition to the Byers Subdivision also being 125.00 feet northeasterly by perpendicular measurement of the centerline of a railroad track;

Thence N 22°53'53" W along said west line and parallel with said centerline, a distance of 216.40 feet the point of beginning;

Thence N 22°53'53" W continuing on said line, a distance of 52.16 feet to a point of curve not tangent to the previously described course, whence the radius point bears S 43°21'45" W, a distance of 1716.55 feet;

Thence along a curve to the left having a radius of 1716.55 feet and a central angle of 01°45'15", an arc distance of 52.16 feet;

Thence S 35°15'02" E not tangent to the previously described course, a distance of 102.32 feet to the point of beginning.

The above described parcel contains 578 square feet, 0.013 acres, more or less.

PARCEL TK 5153-00-041 REV. 3 PAGE 2

Basis of bearing: N 41°33'21" W between monument called CP27, a CDOT type 2 reference marker, and a monument called CP26, a CDOT type 2 reference marker in monument box, as shown on "Survey Control Plan" for the R.T.D. South Revenue Line dated 3-19-93. This bearing is a project bearing loosely related to the Colorado State Plane grid north (NAD27).

I hereby certify that the previously described legal description has been prepared under my direct supervision.

10-21-93  
Date



Alan Warner, P.L.S. 28668  
for and on behalf of  
Frasier & Halbe Engineering Co.

BEW

## Denver Property Assessment and Taxation System (3.2.3)

[New Search](#)
**601 S BANNOCK ST**

Owner	Schedule Number	Legal Description	Property Type	Tax District
REGIONAL TRANSPORTATION 1600 BLAKE ST DENVER , CO 80202- 1324	0515200053000 <b>PIN</b> 162473690	T4 R68 S15 NW/4 DIF RCP #93-00155214 EXHIBIT A-1 *	INDUSTRIAL, MISC IMPS	DENV

[Summary](#)
[Assessment](#)
[Assessment Protest](#)
[Taxes](#)
[Comparables](#)
[Neighborhood Sales](#)
[Chain of Title](#)
**Property Summary**
**Property Map**
**Assessment**

Actual Value Year: 2015  
 Actual Value: \$2,061,000  
[More](#)

**Property**

Year Built: 0  
 Square Footage: 0  
[More](#)

**Comparables**

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	PIN
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No comparables available for this property.

[More](#)



## Denver Property Assessment and Taxation System (3.2.3)

[New Search](#)
**801 S BROADWAY ST**

Owner	Schedule Number	Legal Description	Property Type	Tax District
REGIONAL TRANSPORTATION 1600 BLAKE ST DENVER , CO 80202- 1324	0515500065000 <b>PIN</b> 163007727	T4 R68 S15 SW/4 DIF RCP #93-00155214 EXHIBIT A-2 EXC DIF RCP #92-0031774 & EXC DIF RCP # 2001-124391 RCD 7/31/01 *	INDUSTRIAL, MISC IMPS	DENV

[Summary](#)
[Assessment](#)
[Assessment Protest](#)
[Taxes](#)
[Comparables](#)
[Neighborhood Sales](#)
[Chain of Title](#)
**Property Summary**
**Property Map**
**Assessment**

Actual Value Year: 2015  
 Actual Value: \$2,329,900  
[More](#)

**Property**

Year Built: 0  
 Square Footage: 0  
[More](#)

**Comparables**

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	PIN
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No comparables available for this property.

[More](#)

## Denver Property Assessment and Taxation System (3.2.3)

[New Search](#)
**99 W KENTUCKY AVE**

Owner	Schedule Number	Legal Description	Property Type	Tax District
REGIONAL TRANSPORTATION 1600 BLAKE ST DENVER , CO 80202- 1324	0515500049000 <b>PIN</b> 162324899	T4 R68 S15 SW/4 BEG SE COR SW/4 OF NE/4 OF SW/4 TH W 67.68FT N 9DEG25MIN51SEC W 1341.31FT E 271.57FT S 633.19 SELY 42.69FT W 34.52FT S 335FT	VACANT LAND	DENV

[Summary](#)
[Assessment](#)
[Assessment Protest](#)
[Taxes](#)
[Comparables](#)
[Neighborhood Sales](#)
[Chain of Title](#)
**Property Summary**
**Property Map**
**Assessment**

Actual Value Year: 2015  
 Actual Value: \$3,217,500  
[More](#)

**Property**

Year Built: 0  
 Square Footage: 0  
[More](#)

**Comparables**

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	PIN
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No comparables available for this property.

[More](#)

**BYLAWS  
OF THE  
REGIONAL TRANSPORTATION DISTRICT**

**ADOPTED JANUARY 15, 1970  
AMENDED THROUGH JULY, 2004  
AMENDED THROUGH FEBRUARY, 2005  
AMENDED THROUGH FEBRUARY, 2007  
AMENDED THROUGH FEBRUARY, 2008  
AMENDED THROUGH FEBRUARY, 2010  
AMENDED THROUGH AUGUST, 2012**

**TABLE OF CONTENTS**

	<u>Page</u>
PREAMBLE.....	4
ARTICLE I – DEFINITIONS .....	5
ARTICLE II – BOARD OF DIRECTORS.....	5
ARTICLE III – OFFICE .....	5
ARTICLE IV – MEETINGS.....	6
Section 1. Regular Meetings .....	6
Section 2. Special Meetings.....	6
Section 3. Annual Board Advance Planning Meeting.....	6
Section 4. Public Meetings.....	7
Section 5. Notice of Meetings .....	7
Section 6. Recesses and Adjournments .....	8
Section 7. Waiver of Notice .....	9
ARTICLE V – CONDUCT OF BUSINESS .....	9
Section 1. Quorum .....	9
Section 2. Voting Requirements .....	9
Section 3. Regular Board Meeting Agenda .....	10
Section 4. Order of Business.....	10
Section 5. Resolutions and Actions – Vote Recorded .....	12
Section 6. Records .....	13
ARTICLE VI – COMMITTEES OF THE BOARD .....	14
Section 1. Standing Committees .....	14
Section 2. Other Committees .....	18
ARTICLE VII – OFFICERS AND PERSONNEL.....	18
Section 1. Qualifications.....	18
Section 2. Process for Announcing Intentions to Run for Board Office .....	18
Section 3. Terms of Office.....	19
Section 4. Election of Officers.....	19
Section 5. The Chair .....	19
Section 6. The First Vice-Chair/Second Vice-Chair .....	20
Section 7. The Secretary .....	21
Section 8. The Treasurer .....	22

Section 9. Vacancies ..... 22  
Section 10. Removal of Officers ..... 22  
Section 11. Additional Duties ..... 23  
Section 12. The General Manager ..... 23  
Section 13. Oath of Office..... 25  
Section 14. Indemnification ..... 26  
Section 15. Compensation of Directors..... 27

ARTICLE VIII – BUSINESS ADMINISTRATION ..... 27  
Section 1. Fiscal Year ..... 27  
Section 2. Budget Process ..... 27  
Section 3. Preliminary Budget ..... 28  
Section 4. Hearing on Budget..... 28  
Section 5. Adoption of Annual Budget ..... 29  
Section 6. Quasi-Annual Budget ..... 29  
Section 7. Amendment of Annual Budget ..... 29  
Section 8. Appropriating Resolution ..... 30  
Section 9. Failure to Make Appropriation ..... 31  
Section 10. No Contract to Exceed Appropriation ..... 31  
Section 11. Contingencies ..... 32  
Section 12. Annual Audit ..... 32  
Section 13. Legal Counsel ..... 33  
Section 14. Consultant/Contractor Selection and Tenure ..... 33

ARTICLE IX – OFFICIAL NEWSPAPERS ..... 33  
Section 1. Official Newspapers ..... 33  
Section 2. Additional Newspapers ..... 34

ARTICLE X – CORPORATE SEAL ..... 34

ARTICLE XI – POTENTIAL CONFLICT OF INTEREST ..... 34  
Section 1. Refrain from Participation ..... 35  
Section 2. Official Interest Only..... 35

ARTICLE XII – POWERS OF THE DISTRICT ..... 35

ARTICLE XIII – PARLIAMENTARY AUTHORITY ..... 37

ARTICLE XIV – PRIVATIZATION AND EMPLOYEE LAYOFFS ..... 37

ARTICLE XV – MODIFICATION OF BYLAWS ..... 37

## PREAMBLE

THE REGIONAL TRANSPORTATION DISTRICT was created pursuant to the authority conferred by Title 32, Article 9, C.R.S., 1973 (Senate Bill 309, Sessions Law of Colorado, 47<sup>th</sup> General Assembly, First, Regular Session, 1969), and is a governmental subdivision of the State of Colorado, with those powers specifically granted and those reasonably implied therefrom and necessary or proper to carry out the objects and purposes of the District.

The authority to adopt bylaws is expressly conferred by Section 114, Paragraph 1 (b) of the Act. Some rules governing the internal affairs of the Board of Directors are contained in the Act, while others, by delegation, are to be established by the Board. For convenience of reference, those, which are contained in the Act, together with those, which are adopted by virtue of the delegated authority, are combined in these bylaws. No omission, nor anything contained in these bylaws shall be construed as an alternation or deviation from any grant of power, duty, or responsibility or a limitation or restriction imposed upon the Board by virtue of the provisions of Title 32, Article 9, C.R.S., 1973, as it now exists or may hereafter be amended.

**ARTICLE I**

**DEFINITIONS**

The terms "district," "board," "director," "publication," "mass transportation system," and other terms defined in Section 103 of the Regional Transportation District Act, whenever used in these bylaws, or any amendment, shall have the same meaning as in said Section 103 unless the context clearly indicates a different meaning.

**ARTICLE II**

**BOARD OF DIRECTORS**

All powers, privileges, and duties vested in or imposed upon the District bylaws shall be exercised and performed by and through the Board, whether set forth specifically or implied in these bylaws. The Board may delegate to officers and employees of the District any or all executive, administrative, and ministerial powers.

Section 9. **VACANCIES**. Any vacancy occurring in a Board-elected office shall be filled for the un-expired term in the same manner as is provided for the selection of full term officers.

Section 10. **REMOVAL OF OFFICERS**. Any officer elected to an office by the Board may be removed from office by the Board upon the affirmative vote of ten (10) Directors. Such action shall be initiated by a motion made at a regular meeting, but the vote shall not be called for until the next regular meeting or at a special meeting called for the purpose of considering such motion. The Secretary shall cause to be delivered or shall mail a copy of the resolution to the affected Director at least seven (7) days prior to the meeting at which the motion is to be voted upon. The vote shall be by secret ballot and the Chair shall appoint two Board members other than officer being voted upon to count the votes and report on the results.

Section 11. **ADDITIONAL DUTIES**. The officers of the Board shall perform such other duties and functions as may from time to time be required by the Board, or by the bylaws and rules and regulations of the District.

Section 12. **THE GENERAL MANAGER**. The Board shall appoint a General Manager who shall serve for such term and upon such conditions,



including salary, as the Board of Directors, from time to time, may establish by resolution. The Board shall enter into an employment contract with such General Manager which shall specify the terms and conditions of his or her employment. The General Manager shall have the following powers, duties and responsibilities:

- a) The active, general management of the business of the District, consistent with the purposes and the general policies of the District as expressed in the resolutions and actions of the Board of Directors, and the law under which the District is organized;
- b) Maintenance of financial records and books of account, and preparation of a monthly financial statement;
- c) The hiring, discharge, and general superintendence and direction of all employees of the District, consistent with the purposes and the general policies of the District as expressed in the resolutions and actions of the Board of Directors to the end that qualified individuals are employed when and as needed and that their respective duties are properly performed, provided, however, that the hiring and discharge of employees by the General Manager shall not be based on race, creed, color, national origin, ancestry, religion, marital status, sexual orientation, being a disadvantaged person, or eligibility for veteran's

## Re-Mapping the RTD Sliver at Denver Design District

Portions of 801 S. Broadway, 99 W. Kentucky, and 601 S. Bannock

Current Zoning: T-MU-30 w/c UO-1 and I-B UO-2

Requested Zoning: C-MX-16

### Denver Zoning Code Review Criteria

#### 1. Consistency with Adopted Plans

The request to rezone the RTD sliver to C-MX-16 is consistent with the vision of the adopted plans that address this area. The following is a summary of the relevant plans and a brief description of how this rezoning is consistent with their goals:

#### Denver Comprehensive Plan 2000

- The Guiding Principles of the Comprehensive Plan include the topics of Economic Opportunity and Security and Environmental Stewardship.
  - Economic Opportunity and Security This re-zoning will consolidate land in an area of the Denver Design District that is appropriate and ready for commercial mixed use development. This will provide opportunity for office development that will support economic growth in the city at a multi modal transportation hub and adjacent to thriving neighborhoods. This kind of growth in this location will create and support jobs in multiple sectors.
  - Environmental Stewardship The Comprehensive Plan includes sprawl, traffic congestion, and air quality as some of the most significant environmental challenges facing Denver. Promoting density in urban infill locations near existing infrastructure, residential neighborhoods, and transit nodes supports the reduction of sprawl and the use of cars, which in turn improved traffic congestion and air quality. This rezoning would promote that kind of development. In addition, the rezoning of this land will enable redevelopment, which will in turn support the construction of open space improvements that will include better pedestrian and bicycle connections between neighborhoods and transit stations (e.g. the Rail Line Park).
- There are several objectives and strategies in the Comprehensive Plan that support the rezoning of the RTD sliver to C-MX-16. There are as follows:

- Environment Objective 2: Stewardship of Resources, Strategy 2-F: conservation of land by promoting infill development where services and infrastructure are already in place; mixed-use communities; density at transit nodes.
- Environment Objective 4: The Environment and the Community, Strategy 4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.
- Land Use Objective 3: Residential Neighborhoods and Business Centers, 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.
- Land Use Objective 4: Land Use and Transportation, Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.
- Mobility Objective 2: Regional Transportation System, Strategy 2-D: Create more convenient connections between different modes of transportation, as in pedestrian to transit, bus to light rail, or bike to transit.
- Mobility Objective 3: Accommodating New Development, Strategy 3-B: Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area. And Strategy 3-C: Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.
- Mobility Objective 4: Changing Travel Behavior, Strategy Continue to promote mixed-use development, which enables people to live near work, retail and services.
- Mobility Objective 5: Public Transit, Strategy 5-D: Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible.
- Legacies Objective 3: Compact Urban Development, Strategy 3-A: Identify areas in which increased density and new uses are desirable and can be accommodated.

- Legacies Objective 11: “Green” Connections, Strategy 11-C: Encourage metrowide cooperation to further develop regional trail systems, bicycle and pedestrian amenities, and transit access to parks, recreation and open space.
- Economic Activity Objective 4: Business Centers, 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. As significant redevelopment tracts become available, and as needs of declining neighborhoods are addressed, engage in a master planning process to attract the highest-quality uses and the best development techniques. Reinvest in the city’s historical industrial crescent to keep it viable for a wide range of business and employment opportunities.

### **Blueprint Denver (2002)**

- Area of Change: the parcel to be rezoned from industrial use to urban center mixed use is in an area where the plan sees a need to channel growth and development. The change in zoning will encourage that beneficial change.
- Town Center: the future land use for the entire Denver Design District is identified in the plan as Town Center. The RTD sliver is immediately adjacent to this use and the natural classification for it would be the same. Town Centers are defined as pedestrian-friendly focal points for nearby neighborhoods with commercial and retail uses often greater than 150,000 sq.ft. They meet a large variety of shopping, entertainment, service, and employment needs. The vision for the subject property is to incorporate it into the surrounding Design District and create a “Town Center” type development.
- Street classifications: South Broadway, which is the closest dedicated street to the parcel in question, has a future use classification as Mixed-Use Arterial. The three streets that will connect the RTD sliver to Broadway – West Virginia Avenue, East Center Avenue, and East Exposition Avenue – are all classified as Unassigned Local. These street classifications are consistent with the rezoning.

### **Baker Neighborhood Plan (2003)**

- The Baker neighborhood is bounded by Broadway to the east and the South Platte River to the west. The southern boundary (Mississippi) includes the I-25 & Broadway Station and the northern boundary is 6th Street. The plan addresses transportation and circulation issues and cites the TOD and light rail connections as strengths.
- The following goals from the plan are relevant to the rezoning:

1. Create and maintain an appropriate balance of land uses that preserves the stability of the residential, business, and industrial sectors, while allowing for flexibility over time.
  2. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other.
  3. Develop vacant land in a manner that is compatible with surrounding land uses to be convenient to and compatible with each other.
  4. Develop vacant land in a manner that is compatible with surrounding land uses in terms of use, operations, character, and density.
  5. Encourage a mix of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity, and needs of the neighborhood, as appropriate to the subarea.
- The rezoning meets Goal 1 because changing the industrial use of the subject parcel will not impact the stability of the industrial sector, whereas making that land mixed-use will improve the balance of land use and create more stability for residential and business sectors by enabling a large corporate office mixed-use development with open space and improved pedestrian and bicycle connectivity.
  - The rezoning and redevelopment of the RTD sliver parcel will improve connectivity in the Denver Design District, which will meet the idea of convenience and compatibility set in Goal 2.
  - The RTD parcel is effectively vacant, with only surface parking use and that mostly on a dirt surface. The adjacent land use to the east will be dense mixed-use development. It would be most appropriate for the subject parcel to be developed in a compatible nature to this area. In accordance with Goals 3 and 4.
  - The anticipated use of the subject parcel – mixed-use office and retail, park and plaza, and regional bike trail – are in keeping with the vision of Goal 5.
  - The Baker Plan shows the subject parcel as being in a Retail Center Sub-Area and not in an Industrial or Industrial/Commercial Area of Change, so it is clear that the vision has been to change the current land use of the property. Rezoning to urban center mixed use fits with the sub-area goal to “establish a pattern and character for the long-term evolution to more intense and dense uses over time.” The new zoning classification will help meet the goal of improving the “character and quality of public streets through building orientation and access.” The new zone district has the same goal as the sub area plan when it comes to encouraging screened parking interior to sites and screened at the ground floor.

## **Alameda Station Area Plan (2009)**

- The main goal of the Station Area Plan is to create a “vibrant, economically healthy, growing, and vital station area.” The rezoning of the RTD parcel from industrial to mixed-use land use will better achieve that goal.
- By rezoning the entire subject property to C-MX-16 the owner can integrate the parcel into the master plan for the district, which supports the Alameda Station Area Plan’s vision of a “destination” with a “consistent and predictable form” and a “rich mix of choices.”
- In particular, it is envisioned that this parcel would become a mixed-use office building for a major employer, which supports the Land Use and Urban Design Recommendation for an Office/Employment Destination (#2).
- The rezoning of the subject property to urban center mixed use will enable future uses that are compatible with Land Use and Urban Design Recommendations 10 Ground Floor Commercial and 11 Active Edges Concept. The vision for the property is a mixed-use commercial building with pedestrian-oriented street frontages on Bannock and a plaza on the extension of Center Street. The property will be developed to the standards and guidelines established in the GDP and so will achieve the Land Use and Urban Design Recommendations 12 Design of Active Edges, 13 Build-To Lines Concept, and 14 Design of Build-to Lines.
- Land Use and Urban Design Recommendations 15 Building Height Concept calls for a minimum of 5 stories in the subject property area. This would not be possible with the current industrial zoning. It would be achievable with the T-MU-30 zoning, but the additional height allowed by that category does not benefit this parcel, because the Washington Park Viewplane Ordinance sets a lower height limit. The requested zoning designation, C-MX-16, fits the minimum and maximum recommendations perfectly.

## **Broadway Station Area Plan**

- The Broadway Station Area Plan is currently under review with an anticipated approval date in 2016.
- The in-progress draft plans indicate that the recommendations for the area covered by the subject property will be Mixed-Use Office and have a maximum height of 16 stories. Both of those criteria support the rezoning of the RTD sliver parcel to C-MX-16.

## *2. Uniformity of District Regulations*

The requested zone district for the RTD parcel is C-MX-16. This is the zoning designation for the core of the Denver Design District and supports the vision of the master plan. The goal for the subject property is to incorporate it into the surrounding district as a commercial mixed-use building with pedestrian-

oriented street frontage that will activate Bannock Street. This remapping from industrial use to urban center mixed use will allow the development of the entire area from Broadway to the CML to be more uniform and consistent.

The rezoning from T-MU-30 to C-MX-16 will increase uniformity as well. The transit mixed use category from the previous zoning code would also allow dense commercial mixed-use development with strong pedestrian-orientation to primary streets, it will be more uniform to have one zone district for the property north of I-25 along the rail line. The additional height allowed by the T-MU-30 zoning is unavailable at this location because of the Washington Park View Plane restriction, and so the C-MX-16 zoning is more appropriate.

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

The rezoning of the RTD sliver parcel will bring the property into conformance more directly with the city approved plans for the Denver Design District, as described above. Since the plans for the district are based on goals that include strengthening public health, safety, and welfare; by association this rezoning will also achieve those aspirations. In particular the rezoning will provide the following benefits to the community:

- The redevelopment of underutilized land within the subject parcel will create density in an appropriate location, contributing to a dynamic urban center.
- The new zoning category will allow for the development of a significant mixed-use commercial project that will locate a significant number of jobs in the city.
- The additional population attracted by the new mixed-use development will energize the streets of the Design District with a daytime population using the shops, restaurants, and cafes.
- Rezoning of the RTD sliver will catalyze development in the area, by joining contiguous parcels into the same zone district and making it possible to create a vibrant mixed-use district with active pedestrian-oriented streets and a dedicated bicycle route.
- Converting an industrial-use property to a mixed-use development is very appropriate in a transit-oriented area. The site is less than a half mile from two light rail stops. Providing mixed-use development here will encourage more transit use. The redevelopment of this parcel will also allow the extension of Rail Line Park, which is designed to connect the two transit stops and to extend the regional trail system in the city. Better biking and walking facilities will promote healthful living among Denver residents.

#### *4. Justifying Circumstances*

The rezoning of the RTD sliver parcel is appropriate at this time for the following reasons:

1. D4 Urban, representative of the ownership of the Denver Design District, has an option to purchase the land from RTD and is in the process of preparing for development in that area consistent with their GDP. It is very likely that the sliver Parcel was not rezoned as part of the rezoning associated with the GDP as it was owned by RTD and contemplated to be used by RTD for transit related functions going forward. As D4 now controls the site through a long-term purchase option agreement and intends to marry the property with other land within the GDP, it is necessary to change the zoning to an urban mixed-use category in order to achieve the vision of the DDD GDP.
2. The uses surrounding the subject property are changing. Denizen, and new multi-family development adjacent to Alameda Station, has demonstrated the viability of development along the rail line in this part of Denver. The change in ownership on the former Gates rubber factory site and the current work to revise the Broadway Station Area Plan indicates the potential for development to occur south of the subject parcel. The commercial uses immediately adjacent to the property within the Denver Design District are transforming, with an increase in collaborative office space. All of these trends indicate that an industrial use is not appropriate here.
3. The future plans for this area are to create a vibrant, pedestrian and bicycle friendly street network serving dense urban commercial and residential development consistent with the GDP. The current industrial zoning is not conducive to that outcome. The transit mixed use designation on the southern portion of the property would support this type of development, but it is a remnant of the former zoning code, and the proposed new code designation is more consistent with the zoning of the surrounding Denver Design District GDP area.

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

The proposed zoning is consistent with the plans for the Denver Design District to become a dense, vibrant Urban Center. The RTD sliver is logically included in this center, because of the physical boundaries of the CML and I-25 that separate it from the areas to the west and south. In terms of the greater context to the east, the adopted plans reviewed above address the appropriateness of locating an urban center here. This is a transit oriented development served by two light rail stations and a major bus transfer facility. It is adjacent to residential neighborhoods and is currently an employment center – and will become an even more dense employment center in the future. The specific request for C-MX-16 is to match the zoning along the majority of the eastern parcel boundary. The intent of the GDP is to place taller buildings along the rail line and step down toward Broadway and the adjacent residential areas.



The general purpose of the C-MX zone districts includes six criteria. Each of these criterion is defined below with a comment as to how the rezoning of the RTD sliver fits the purpose of the zone district.

A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.

- The rezoning of the RTD sliver from an industrial use to an urban center mixed use makes it possible to have a pedestrian oriented street front for the future development of this area, which will tie it into the surrounding Denver Design District.

B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

- The RTD sliver is an essential component of the Rail Line Park connecting the Alameda Station and Broadway Station light rail stops to the city's bike network. The addition of this land makes it possible to have a larger public gathering area along the western edge of the property, where people can gain views of the mountains and enjoy the sun. By making this a C-MX zone, the form of the built development around this open space will be more pedestrian friendly and urban.

C. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

- While the parcel in question is not a transition between commercial and residential areas, it is part of a master plan that places commercial density along the highway and the rail line and steps down from that to Broadway and the residential areas to the east. The appropriate location of density helps to create more vibrant mixed-use districts and supports employment and housing at transit stops.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

- The master plan for the Denver Design District creates a diverse, dynamic neighborhood, which is enabled by the C-MX zoning classification. The rezoning of the RTD sliver from industrial to urban center mixed use will bring that neighborhood its natural edges – I-25 to the south and the CML to the west.

E. In the Urban Center Neighborhood Context, the Mixed Use Zone Districts require the same level of pedestrian enhancements as the Main Street Zone Districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use Zone Districts and the

Main Street Zone Districts is Main Street districts mandate shopfront buildings at the street edge.

- The goal for the RTD parcel is to develop a mixed-use commercial building there. The C-MX zone district will allow the kind of pedestrian-oriented building form along the extension of South Bannock Street that is necessary to achieve the kind of neighborhood envisioned in the GDP and the other adopted city plans.

F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.

- The form of development anticipated on the subject property is in keeping with a shallow set back and location of the building façade at the build-to line for the majority of the perimeter. This would not be possible with the current zoning.

The specific intent for C-MX-16 is for “areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired.” The subject area is part of the Denver Design District, which is bordered by arterials and adjacent to I-25. It is an area that has been identified, through the GDP process, as a location for density and height, and so C-MX-16 has been selected as the most appropriate district for rezoning the RTD sliver.



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## Officers

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Jolon Clark  
Councilman District 7  
Phone: 720-337-7777

October 15, 2015

Dear Councilman Clark:

At its regularly-scheduled general membership meeting on 13 Oct. 2015, Baker Historic Neighborhood Association (BHNA) voted 27-0-2 to support the proposed rezoning to C-MX-16 of a "sliver parcel" of land between the Denver Design District and RTD light rail, south of Alameda Station. Given that a formal application for this rezoning has not yet been submitted, BHNA's support is based on the attached map.

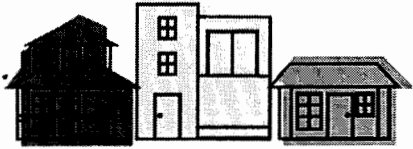
Dan Cohen of D4 Urban LLC, who we understand has an option to purchase the parcel, took care to personally present the details of this proposal to me, BHNA President, as well as two members of the BHNA Zoning Committee. The BHNA Zoning Committee then reviewed the proposal at its 23 September 2015 meeting and voted to recommend that BHNA support the proposal. The committee attached two reservations to its support, and those reservations were adequately addressed. Specifically, it was confirmed that that West Washington Park Neighborhood Association had chosen not to take a position on the proposal, and the committee requested and reviewed a more detailed explanation of the choice of C-MX-16 adjacent to C-MX-8 at the southern end of the parcel.

BHNA maintains a strong interest in the future development of a "linear park," described in the Baker Neighborhood Plan and elsewhere as a connection between Alameda Station and Broadway Station. BHNA hopes that rezoning of this parcel, and its prospective purchase by D4 Urban LLC, will facilitate construction of this connection.

Sincerely,

Luchia A. Brown  
BHNA President

**A Better Community Through Cooperation**



**P L A T T P A R K**  
**P E O P L E ' S A S S O C I A T I O N**  
3PA.ORG

October 22, 2015

Via Email

[jon.clark@denvergov.org](mailto:jon.clark@denvergov.org)

Jolon Clark

Councilman District 7

**Re: Proposed Rezoning Request**

Dear Councilman Clark:

The Platt Park People's Association (3PA) Board of Directors has voted to support the proposed rezoning to C-MX-16 of a "sliver parcel" of land between the Denver Design District and RTD light rail, south of Alameda Station. Given that a formal application for this rezoning has not yet been submitted, 3PA's support is based on the attached map.

Dan Cohen of D4 Urban LLC personally presented the details of this proposal to Charles Knight, a member of our Committee for Responsible Development (CFRD). The CFRD then reviewed the proposal via email and voted to recommend that 3PA support the proposal. The committee had questions regarding the proposal and specific differences in zoning which were adequately addressed by Mr. Cohen via email.

Our support is based on the recommendation of the CFRD and based on our understanding that the West Washington Park Neighborhood Association, which is most immediately affected by the rezoning, has chosen not to take a position on the proposal and that the Baker Historic Neighborhood Association, which is nearer to the site than Platt Park, supports the proposed rezoning.

3PA maintains a strong interest in the future development of that site with a walkable and bikeable connection to Broadway Station. 3PA hopes that rezoning of this parcel, and its prospective purchase by D4 Urban LLC, will facilitate construction of this connection and improve access to the D4 site from Broadway Station and ultimately the Platt Park neighborhood.

Sincerely,

Nick Weidner

President, Platt Park People's Association

Cc: CFRD

Dan Cohen, D4 Urban LLC