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TO: Denver Planning Board
FROM: Edson Ibañez, Senior City Planner
DATE: July 10, 2024
RE: Official Zoning Map Amendment Application #2023I-00174

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00174.

Request for Rezoning

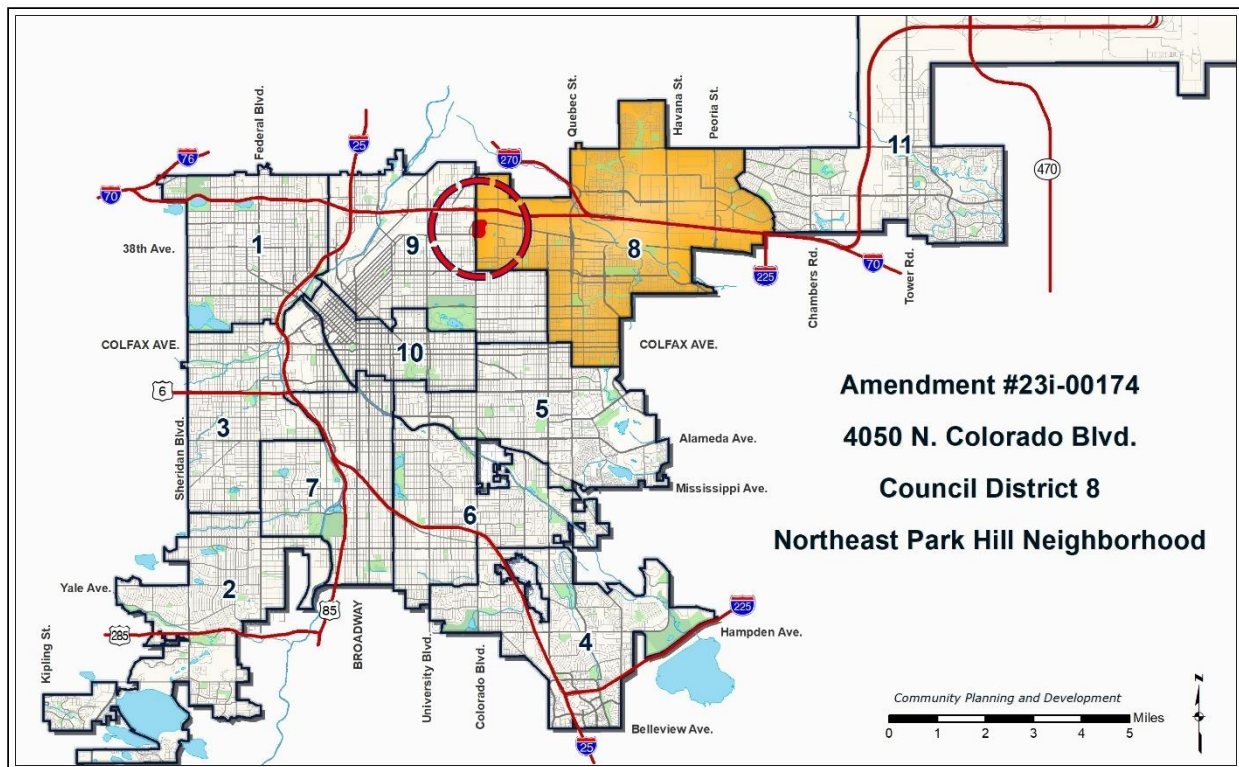
Address: 4050 N. Colorado Blvd and associated properties
Neighborhood/Council District: Northeast Park Hill / Council District 8
RNOs: United Community Action Network, Elyria Swansea Neighborhood Association, Inter-Neighborhood Cooperation (INC), Denver North Business Association, Greater Park Hill Community Inc, Clayton United, Opportunity Corridor Coalition of United Residents, Northeast Park Hill Coalition, East Denver Residents Council, Strong Denver, and East Denver United Neighbors
Area of Property: 14.58 acres
Current Zoning: B-3 with Waivers and Conditions
Proposed Zoning: C-MX-5 and C-MX-8
Property Owner(s): PHVW TOD LLC; Park Hill KSF, LLC; PHVW LLP; HZ Props RE LTD; J&B Colorado Holdings LP; State of Colorado Department of Transportation; City and County of Denver; Regional Transportation District
Applicant: PHVW TOD LLC (owner of 54% of the zone lots subject to the map amendment)
Owner Representative: Shopworks Architecture (Alisha Hammett)

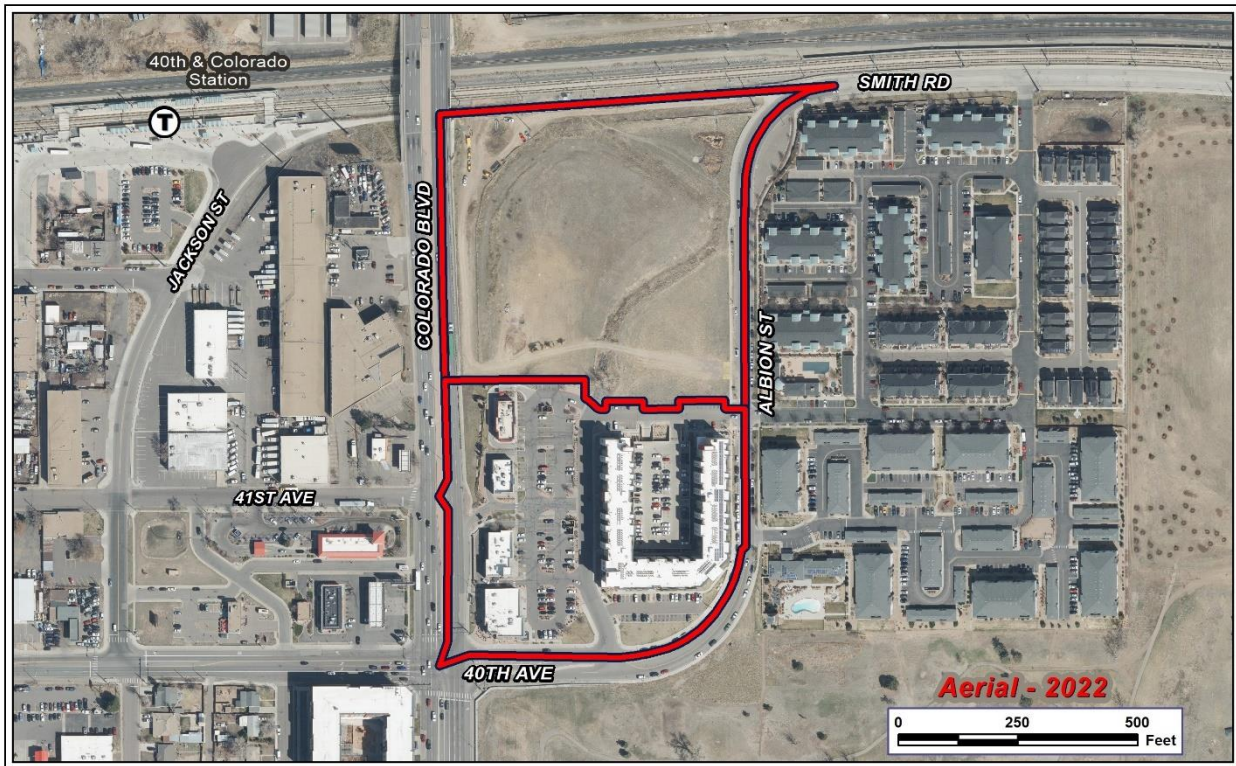
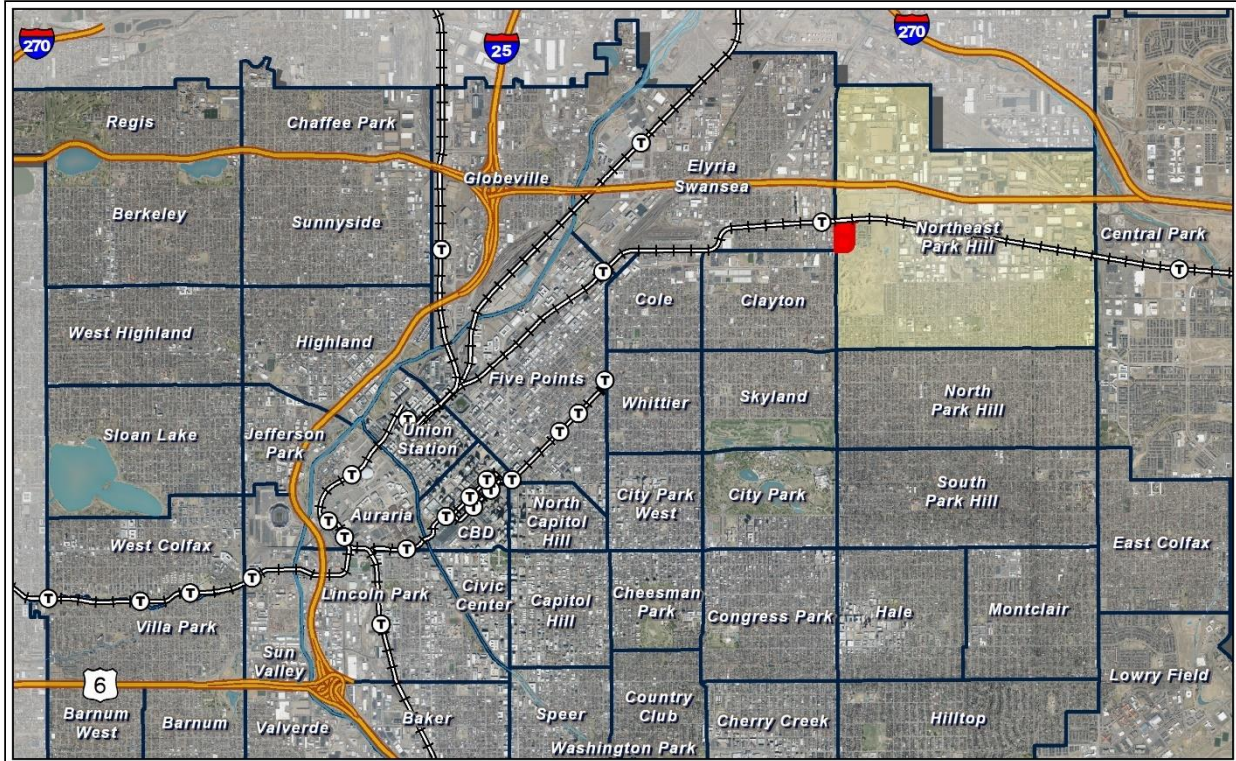
Summary of Rezoning Request

- The property is located on the east side of Colorado Blvd, South of Interstate 70 and in the Northeast Park Hill neighborhood.
- The current zoning is B-3 with waivers and conditions. B-3 is a Former Chapter 59 zone Shopping Center District intended to provide the retailing of most commodities and the furnishing of certain personal services, satisfying all household and personal needs of the residents of surrounding residential communities.
- This application has been accepted by Denver Community Planning and Development's Affordable Housing Review Team. The dedicated Affordable Housing Review Team was created to prioritize affordable housing projects that meet specific criteria to and help guide those projects through the review process.

- The site is subject to a recently approved Large Development Framework that includes a concept plan describing the proposed land uses, and open space and circulation networks. This rezoning will facilitate development of the concept.
- The rezoning is proposed for the entire area that is currently in the B-3 with waivers and conditions district and subject to a Planned Building Group. The applicant is intending to develop housing on the northern portion of the site, including approximately 350 units of affordable housing condominiums in partnership with the Elevation Community Land Trust (up to 80% AMI), 60-70 units of affordable senior housing units (30%-60% AMI),.
- The proposed C-MX-5 (Urban Center, Mixed Use, with a maximum height of 5 stories) and C-MX-8 (Urban Center, Mixed Use, with a maximum height of 8 stories) are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets.

Existing Context



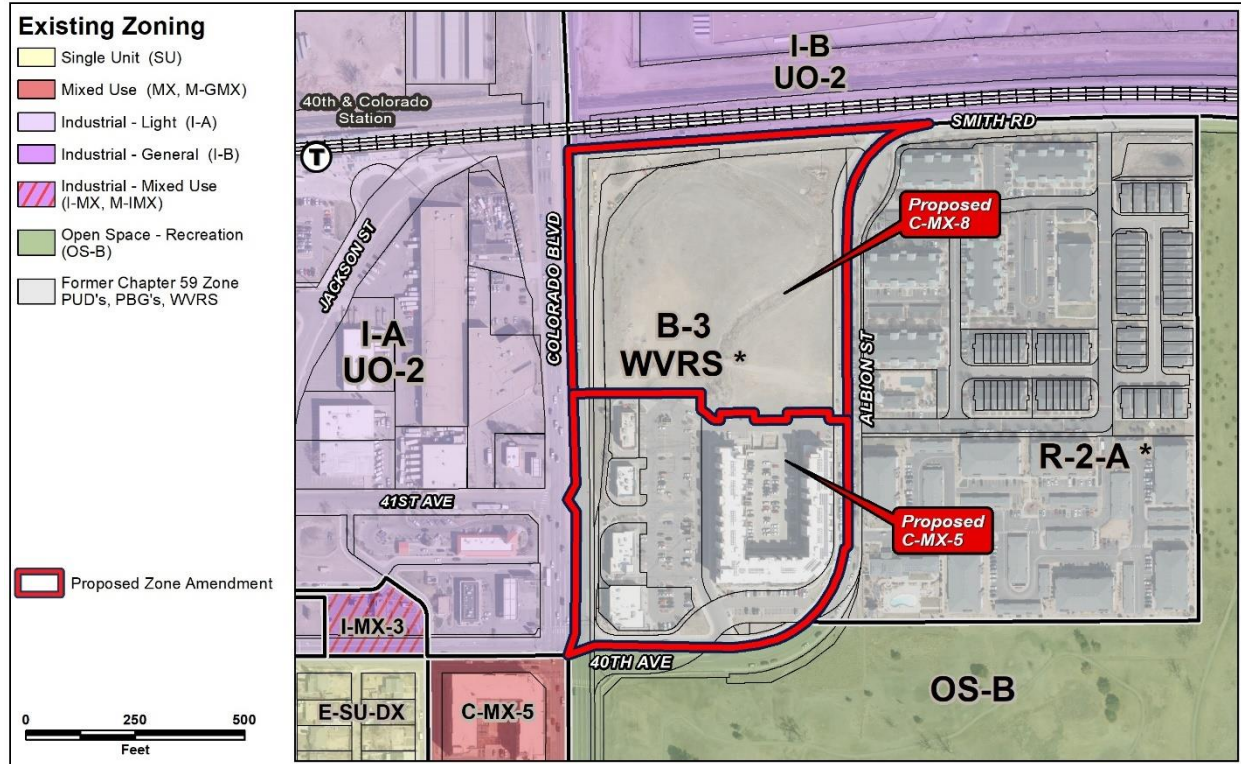


The subject property is in the Northeast Park Hill neighborhood. The subject site is within the Park Hill Village West Subdivision, east of North Colorado Boulevard, south of the commuter rail line (A-Line), north of East 40th Avenue, and North Albion Street to the east. The subject site is within walking distance of the 40th and Colorado RTD light rail station and bus routes along Colorado Blvd, which is envisioned to have bus rapid transit (BRT) in the future. This rezoning application is for the entire Park Hill Village West Development along with three parcels wedged between the Park Hill Village West Planned Building Group (PBG) and public ROW, all of which is currently zoned under Former Chapter 59 B-3 with waivers and conditions.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	B-3 with waivers and conditions	Vacant, Multi-Family Residential, and Commercial/Retail	Vacant land, 4-story apartment buildings and 1-story drive-thru restaurants and retail buildings	There is generally a pattern of rectangular blocks and orthogonal street south of 38 th Ave. North of 38 th Ave is mostly large industrial and commercial sites with curvilinear streets and irregular block patterns. To the east of the site are large multi-unit residential buildings with irregular block patterns with access off of Albion Street and Smith Road.
North	I-B UO-2	None	RTD Light Rail Line (A-Line)	
South	OS-B	Private Open Space	Park Hill Golf Course 1-story club house and vacant golf course	
East	R-2-A with conditions	Multi-Family Residential	3-story apartment buildings with curb cut access off of Albion Street	
West	I-A UO-2	Commercial/Retail and Industrial	1-story commercial retail buildings with curb cut access off of Colorado Blvd.	

1. Existing Zoning



The current zoning is B-3 with waivers and conditions. B-3 is a Former Chapter 59 zone. It is characteristically large, usually is surrounded by residential districts, and is located a convenient driving distance from the residential districts it is designed to serve. The district allows moderate-intensity commercial and residential uses. The existing waivers waive certain uses such as adult uses and shooting ranges, and the existing conditions include landscaping, lighting, construction materials, and open space requirements. A copy of the existing waivers and conditions are attached to this report.

2. Existing Planned Building Group

The Park Hill Village West Planned Building Group (PBG) was approved in 2007 with multiple amendments since the approval. The plan provides a regulatory framework that includes elevations, landscape plans, and site plan. The plan mentions the waivers which are specified in Ordinance Number 655-1986. The applicant, who owns the norther portion of the PBG intends to remove the Planned Building Group, which currently requires all signatures from all property owners per FC59 section 59-623. They intend to develop the northern portion of the site with a new Site Development Plan.

3. Parkway

Colorado Blvd. is a designated parkway from the south city limits at Hampden Ave. to Dartmouth and then from Interstate-25 to 44th Ave (Denver Revised Municipal Code Section 49-16). Any proposed structure on the subject property will be required to have a 20-foot setback from the property line.

4. Large Development Review

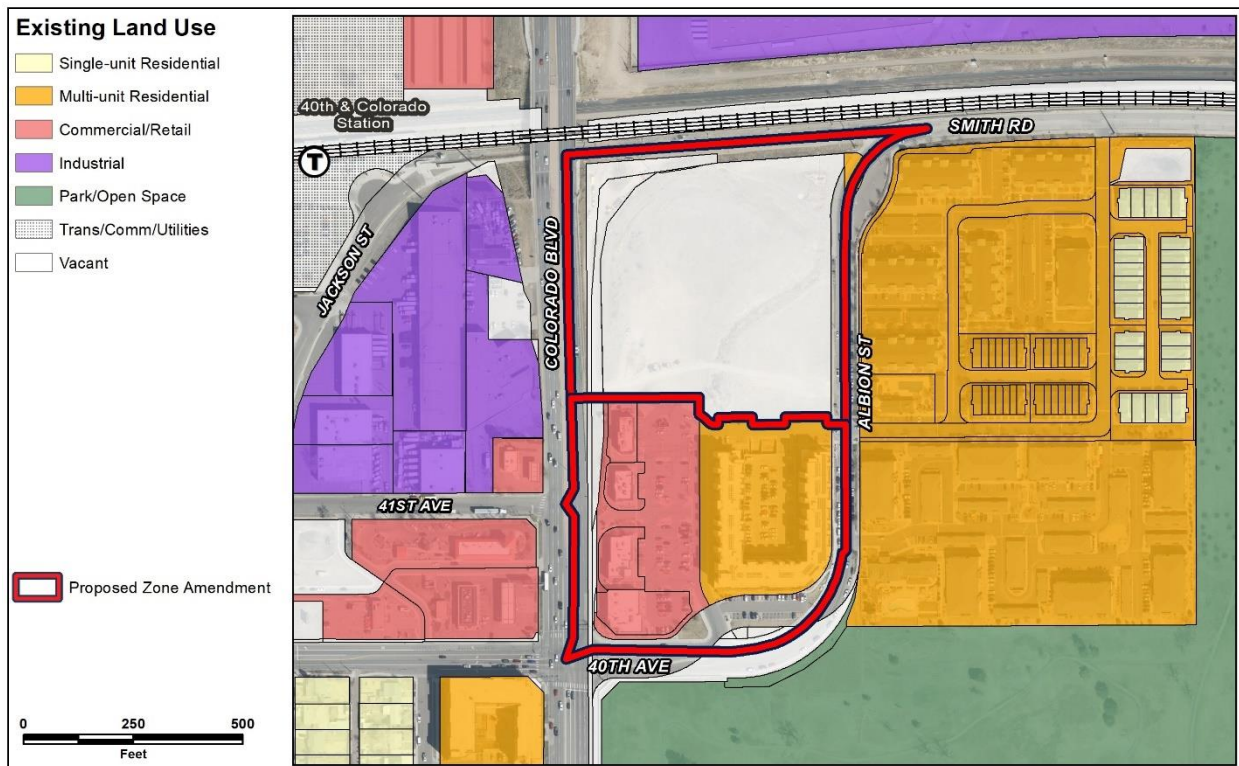
In 2023, this application was reviewed by the Development Review Committee (DRC) to determine if the proposal would be subject to the Large Development Review (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code (DZC) and require the creation of a Large Development Framework (LDF). After review, it was determined that the project would be subject to LDR. Factors that determined the LDR process would be required included:

- Gross land area of the project
- Need for a coordinated master framework
- Need for an Infrastructure Master Plan (IMP)
- Rezoning
- Transit Oriented Development
- Transportation and Mobility
- Affordable housing

The process resulted in a signed LDF in the February of 2024 which documents the initial proposal, community feedback, coordinated assessment of the development, and establishment of broad project requirements.

Concurrent with the rezoning application, the applicant and the City have been working through an Infrastructure Master Plan (IMP) to determine necessary infrastructure, environmental, and open space requirements.

5. Existing Land Use Map



6. Existing Building Form and Scale



Google Image: View of the subject site looking northeast from 40th Avenue and N Colorado Boulevard



Google Image: View of the subject site looking north from 40th Avenue.



Google Image: View of the subject site looking southwest from N Albion Street.



Google Image: View of the property to the east of the subject site looking east from N Albion Street.



Google Image: View of the property to the south of the subject site looking south from 40th Avenue.



Google Image: View of the property to the southwest of the subject site looking southwest from 40th Avenue and Colorado Blvd.

Proposed Zoning

The applicant is requesting to rezone to C-MX-5 and C-MX-8, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 5 stories maximum height and Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum height and. C-MX-5 applies to areas served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired (see DZC 7.2.2.2.B). C-MX-8 applies to areas served primarily by arterial streets where a building scale of 2 to 8 stories is desired (see DZC 7.2.2.2.C). The Mixed-Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and

activate the public street edge. (DZC 7.2.2.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC). The applicant is requesting C-MX-8 in the northern portion of the subject site and C-MX-5 to the southern portion. The subject site is adjacent to a protect district to the east which limits the maximum height of 75 feet. Section 13.1.3.4.B of the Denver Zoning Code states the “height of a Structure or any portion thereof, developed with or without height incentives, that is within 175 feet of a Protected District shall not exceed the maximum height.”

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	B-3 (Existing)	C-MX-5 (Proposed)	C-MX-8 (Proposed)
Primary Building Forms Allowed	N/A	Town House, Drive Thru Services, Drive Thru Restaurant, General, Shopfront	Town House, Drive Thru Services, Drive Thru Restaurant, General, Shopfront
Height in Stories / Feet (max) *	Building floor area cannot exceed the site area.	5 stories/70' – Town House Form 5 stories/70' – General/Shopfront Form	5 stories/70' – Town House Form 8 stories/110' – General/Shopfront Form
Primary Street Build-To Percentage (min)	N/A	70% General 75% Shopfront/Townhouse	70% General 75% Shopfront/Townhouse
Primary Street Build-To Ranges (min/max)	N/A	10'/15'- Town House Form 0'/10' – General/Shopfront Form	10'/15'- Town House Form 0'/10' – General/Shopfront Form
Primary Street Setbacks (min)	5'	10' – Town House Form 0' – General/Shopfront Form	10' – Town House Form 0' – General/Shopfront Form
Side Street Setbacks (min)	5'	7.5' – Town House Form 0' – General/Shopfront Form	7.5' – Town House Form 0' – General/Shopfront Form

*The C-MX-5 district allows incentive heights up to 7 Stories and 95 feet with the provision of enhanced affordable housing.

*The C-MX-8 district allows incentive heights up to 12 Stories and 150 feet with the provision of enhanced affordable housing.

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response

Asset Management: Approved – No Comment

Denver Public Schools: Approved – No Response

GIS: Approved – No Response

Environmental Health: Approve Rezoning Only - Will require additional information at Site Plan Review

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Parks and Recreation: Approved – No Comment

Public Works – ROW – Surveyor: Approved

Public Works – Wastewater: Approved – No Response

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

- 1) Area of rezoning encompasses all of the existing B-3 with waivers property in the subject PBG, surrounding sliver parcels, and adjacent ROWs (up to centerline in most cases).
- 2) In regards to statements on the rezoning application: The existing uses on site have not been documented, but are likely conforming to the DZC. Existing structures are likely compliant and subject to DZC 12.6. The level of conformance and compliance will be determined with a formal zoning permit application to replace the existing PBG intended to be withdrawn.
- 3) The property is currently in the middle of an IMP. At a minimum, a ZLAM, documents to withdraw the PBG and re-permit existing structures, and SDP formal applications will be needed to approve and future development. Related applications are not able to be approved until the Rezoning is approved as they are tied to the proposed zone districts.

Development Services - Fire: Approve Rezoning Only - Will require additional information at Site Plan Review.

Development Services - Zoning: Approved – No Response

Office of Economic Development: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	5/7/2024
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	7/2/2024
Planning Board Public Hearing:	7/17/2024
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	7/26/2024 (tentative)
Land Use, Transportation, and Infrastructure Committee of the City Council meeting:	8/6/2024 (tentative)
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	8/26/2024 (tentative)
City Council Public Hearing:	9/16/2024 (tentative)

Registered Neighborhood Organizations (RNOs)

- As of the date of this staff report, CPD has received no comments.

Other Public Comment

- To date, CPD has received two comments of opposition which are attached to the staff report. The letters stated concerns with increased traffic, lack of grocery stores, height, open space, and the need for additional retail and commercial uses to serve the existing residents.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)
- Elyria Swansea Neighborhood Plan (2015)
- Park Hill Neighborhood Plan (2000)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would facilitate the provision of additional housing options and affordable housing within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments. (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families. (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy D – Increase the development of senior-friendly and family friendly housing, including units with multiple bedrooms in multifamily developments. (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit. (p. 28).

The proposed rezoning could also contribute to an increased mix of services and amenities that are neighborhood serving while supporting affordable housing. The request is, therefore, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).

- Strong and Authentic Neighborhoods Goal 3, Strategy E – Support the stewardship and reuse of existing buildings, including city properties. (p.34)

Finally, the proposed rezoning would encourage affordable housing near transit and is consistent with the following strategies in the Environmentally Resilient vision elements:

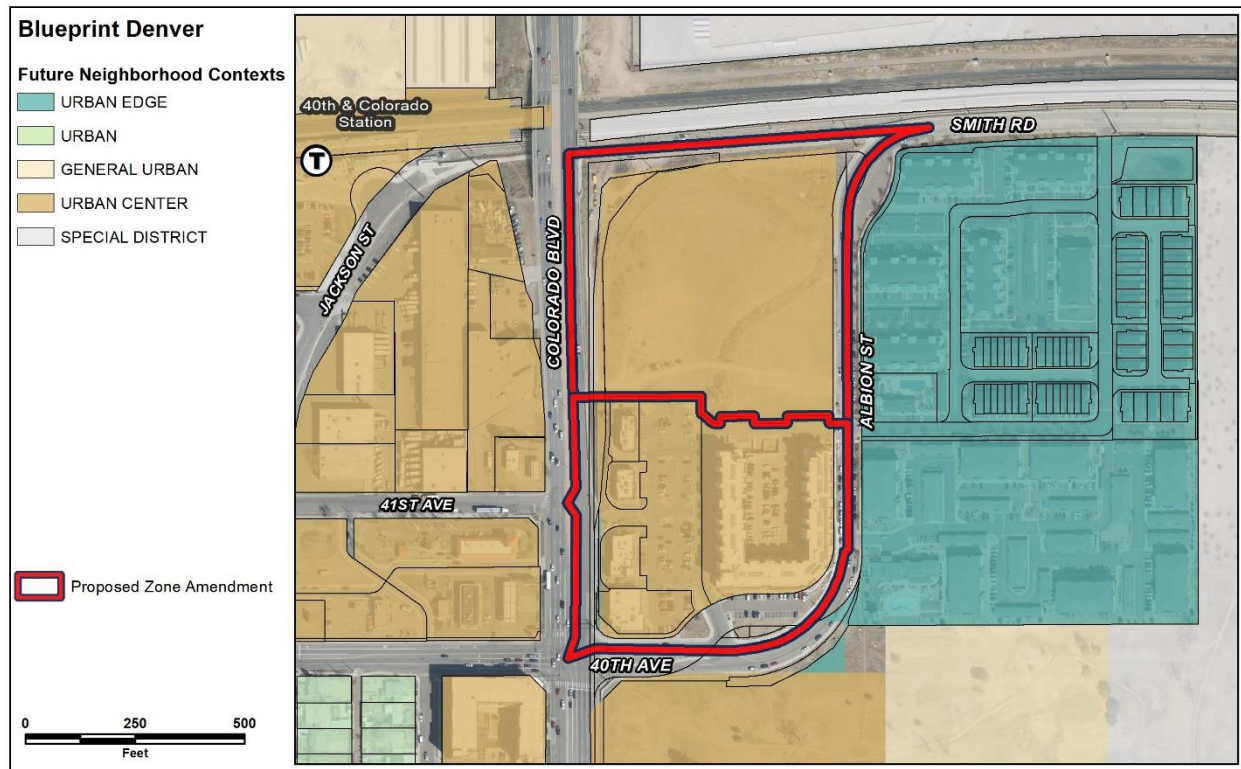
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).

The rezoning is consistent with the *Comprehensive Plan 2040* policies that encourage infill development where services and infrastructure are already in place and where the infill development is in character with the existing neighborhood and promotes affordable housing.

Blueprint Denver (2019)

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

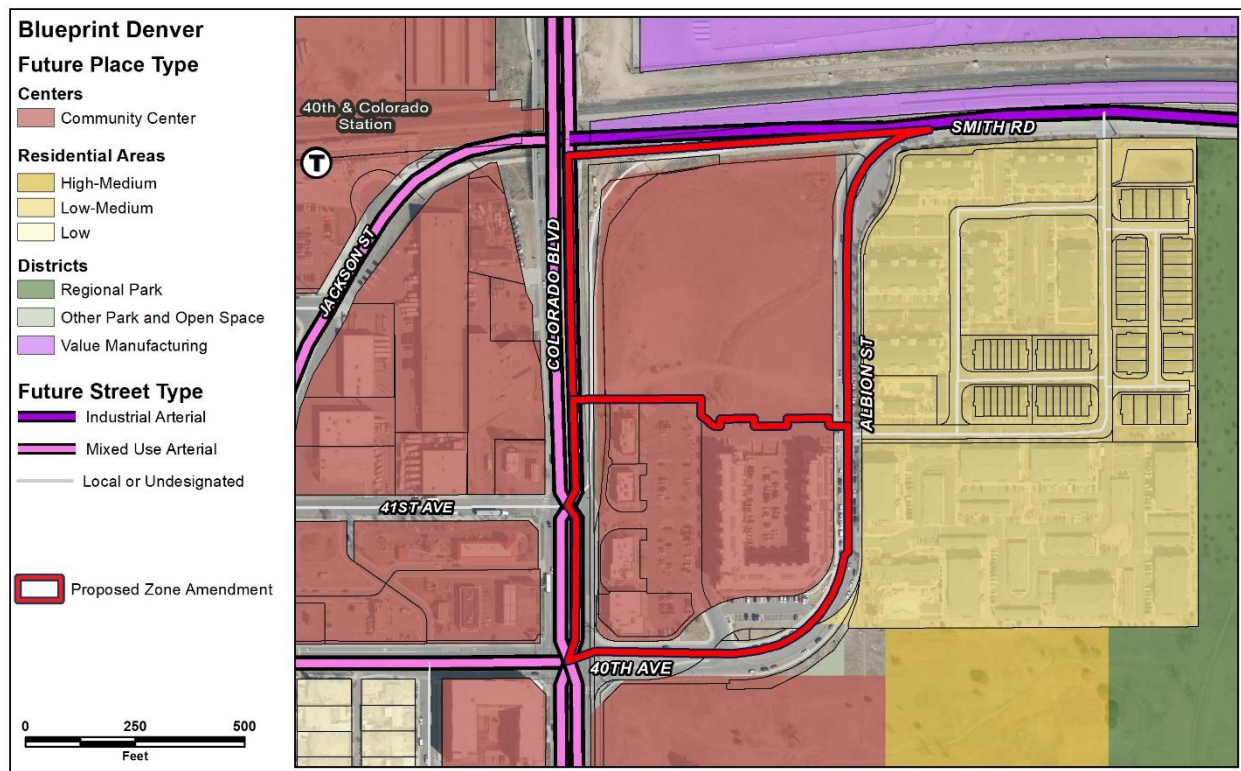
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is

shown on the context map as within the Urban Center Neighborhood Context, which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Center Neighborhood Context as follows: “Urban center neighborhoods are dense and vibrant areas that support residents and visitors. This context contains high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high-capacity transit and have access to ample amenities and entertainment options” (p. 251). The proposed rezoning is appropriate and consistent with the Urban Center context plan direction.

Blueprint Denver Future Places



Future Places

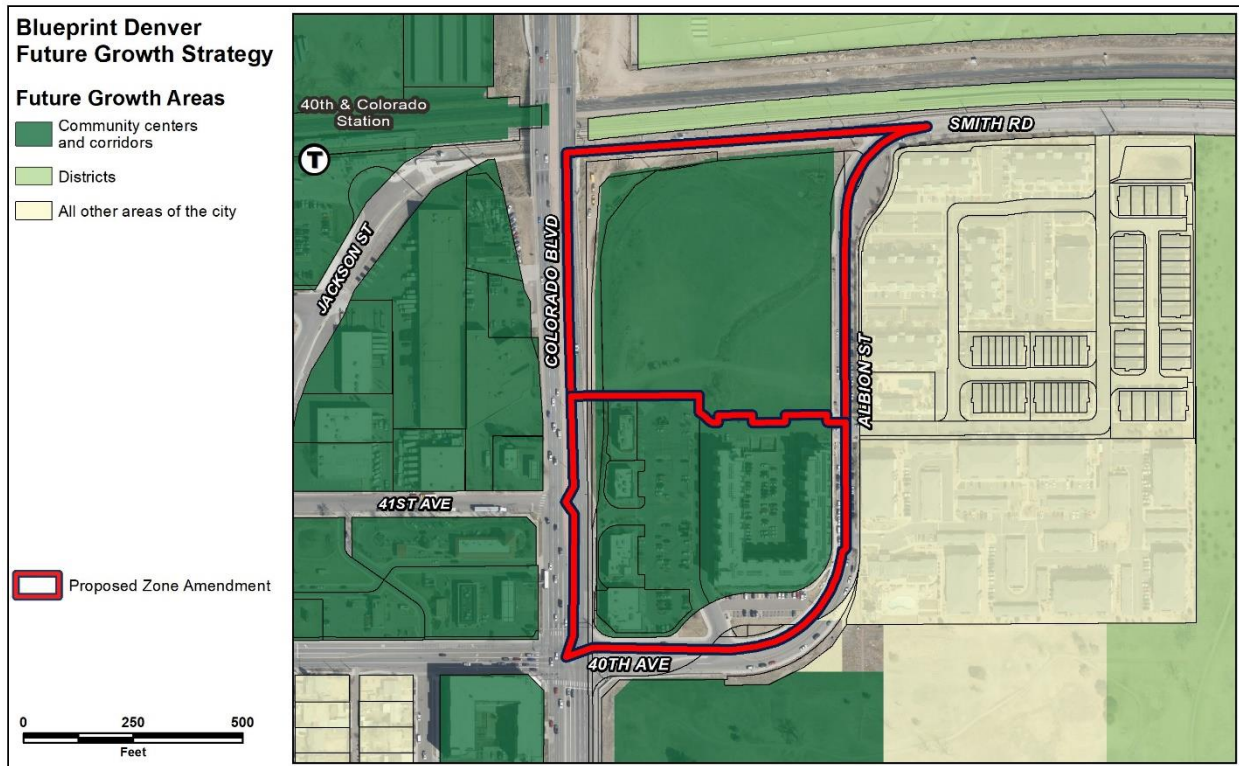
The subject property is categorized as Community Center Future Place. *Blueprint Denver* states that a Community Center Future Place “provides a mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages and distinct streetscape elements that define the public realm” (p.256). Consistent with this guidance, the proposed C-MX-8 and C-MX-5 districts provide for a mix of uses and building form standards that create an active street level presence.

In regard to height, *Blueprint Denver* states that Community Centers in the Urban Center neighborhood context are generally up to 12 stories. It further explains “The building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. Factors to consider when applying Blueprint Denver building height guidance may include: Guidance from a current small area plan, Surrounding context, including existing and planned building height, Transitions, including transitions from higher intensity to lower intensity areas, Adjacency to transit, especially mobility hubs, Achieving plan goals for community benefits, and Furthering urban design goals” (p. 66). The small area plan provides a height recommendation of 8 and 5 stories. The proposed C-MX districts will further design goals than the current zone district. The multi-unit residential buildings to the east of the subject site are zoned as a protected district. This limits development to 75 feet (5 stories) within 175 feet of the protected district. This will allow for transition to the east of the subject site consistent with the height recommendation in the small area plan. The subject property is near the 40th and Colorado Light Rail Station. Consistent with this height guidance, the proposed zone districts will allow additional housing opportunities in close proximity the station while also providing for an appropriate transition to the adjacent residential area. This request is consistent with the surrounding context and appropriate for Community Center in this location.

Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Colorado Boulevard as a Mixed-Use Arterial Future Street Type, which “Varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p. 159). 40th Avenue is classified as a Mixed Use Collector and Albion Street is classified as a residential collector. Because C-MX-8 and C-MX-5 enables a wide range of residential, quasi-public uses, and commercial uses, the proposed district is consistent with the plan direction for this location and is appropriate along the existing mixed-use arterial street. Section 7.2.2.2.C. of the DZC also indicates that “C-MX-8 applies to areas or intersections served primarily by arterial streets” and Section 7.2.2.2.B. of the DZC also indicates that “C-MX-5 applies to areas or intersections served primarily by collector or arterial streets.” The proposed rezoning is appropriate and consistent with the Urban Center context plan direction, as it will allow for redevelopment of an appropriately scaled mixed use node along a mixed use arterial street and embedded in a moderate residential area.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the "Community centers and corridors" growth area. These areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed zone districts are consistent with the "Community centers and corridors" growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area.

Additional *Blueprint Denver* Recommendations

The proposed rezoning also helps further the following *Blueprint Denver* policy related to the continued use of the primary uses:

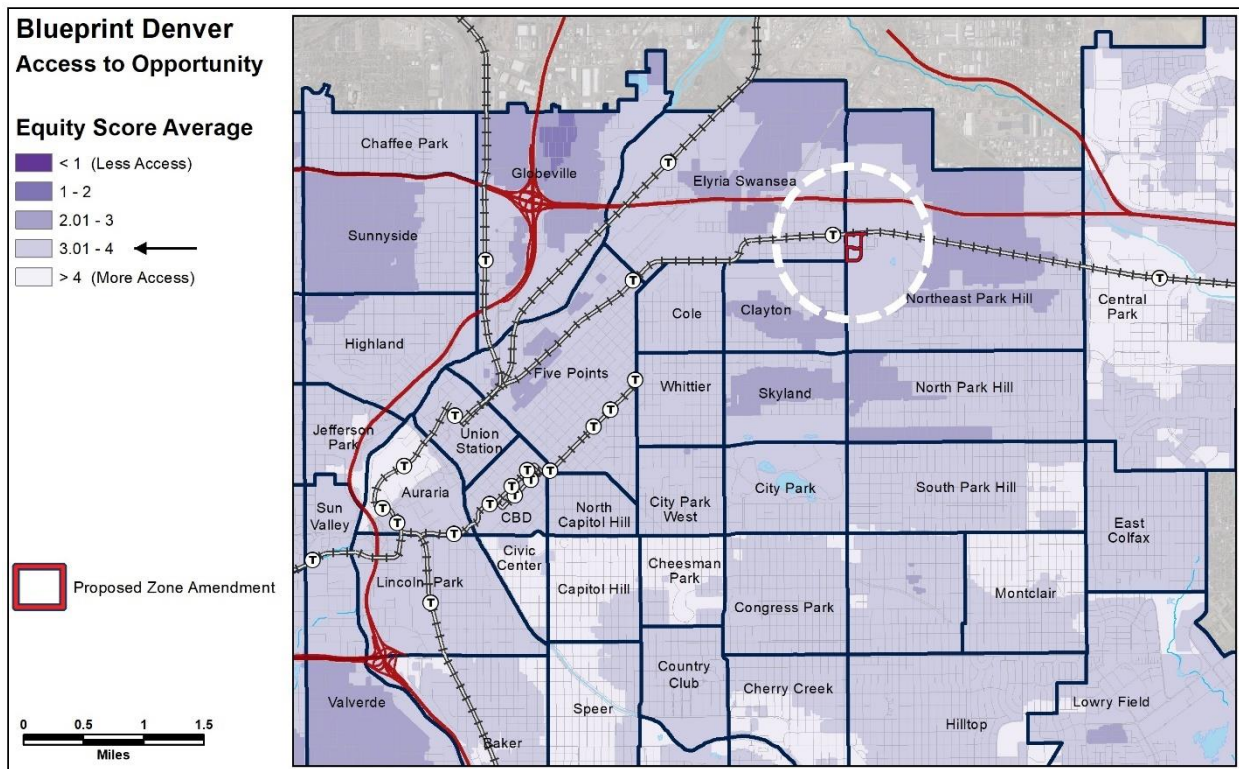
- Land Use & Built Form: Housing Policy 6: Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities (p.85)
- Land Use & Built Form: General Policy 3: Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code (p.73).

Based on these policies, the proposed rezoning is consistent with *Blueprint Denver*.

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that help inform implementation actions through large rezonings along with other implementation actions. Given the size of the subject site an equity analysis is included in this staff report. The applicant's equity response is attached in this staff report.

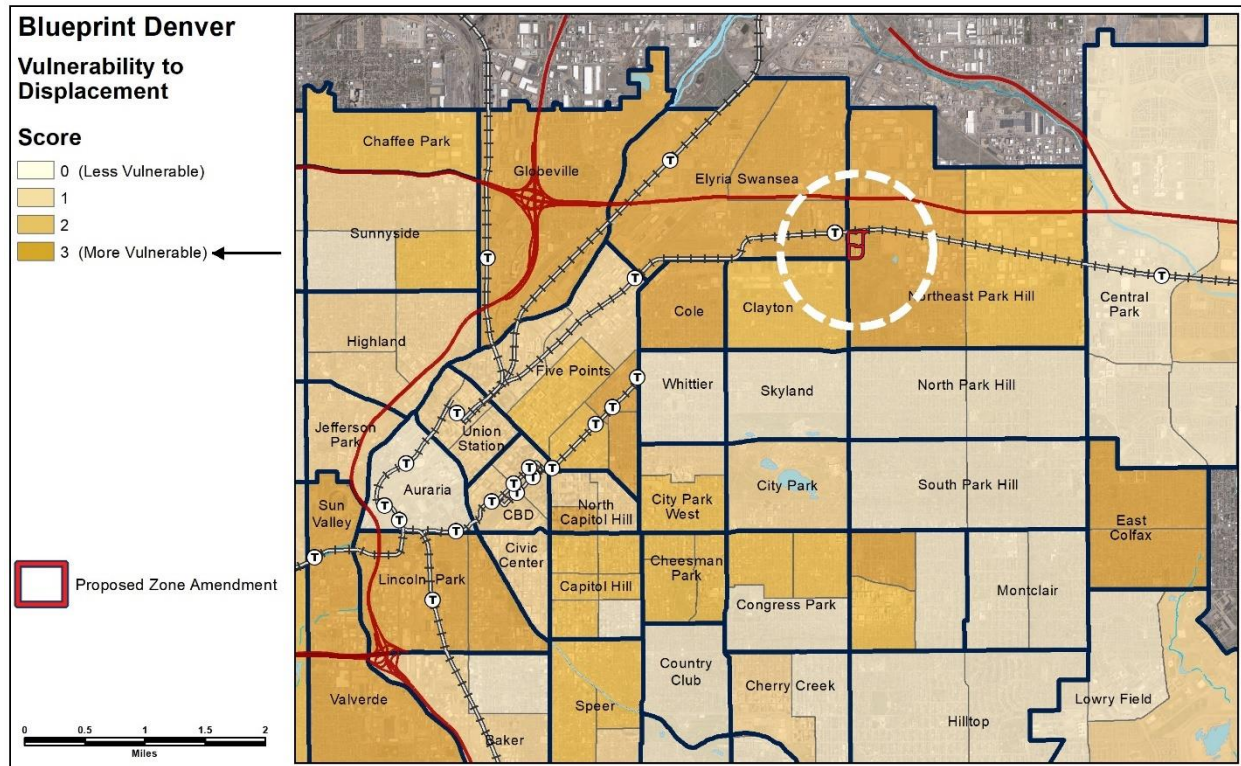
I. Access to Opportunity



The subject property is in an area with a moderate to high access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. These scores are related to access to fresh foods and increased child obesity.

The proposed district will allow for a mix of uses, thereby increasing the opportunity for access to retail, housing and services in an area that is well-served by transit. As part of the Equity Response, a set of considerations the applicant provides in response to the Equity Analysis, the applicant noted their intentions a new neighborhood park will be delivered as part of this development. The applicant mentioned they anticipate improving health outcomes with the future development, due to the publicly accessible outdoor spaces, available transit and affordable housing for individuals and families.

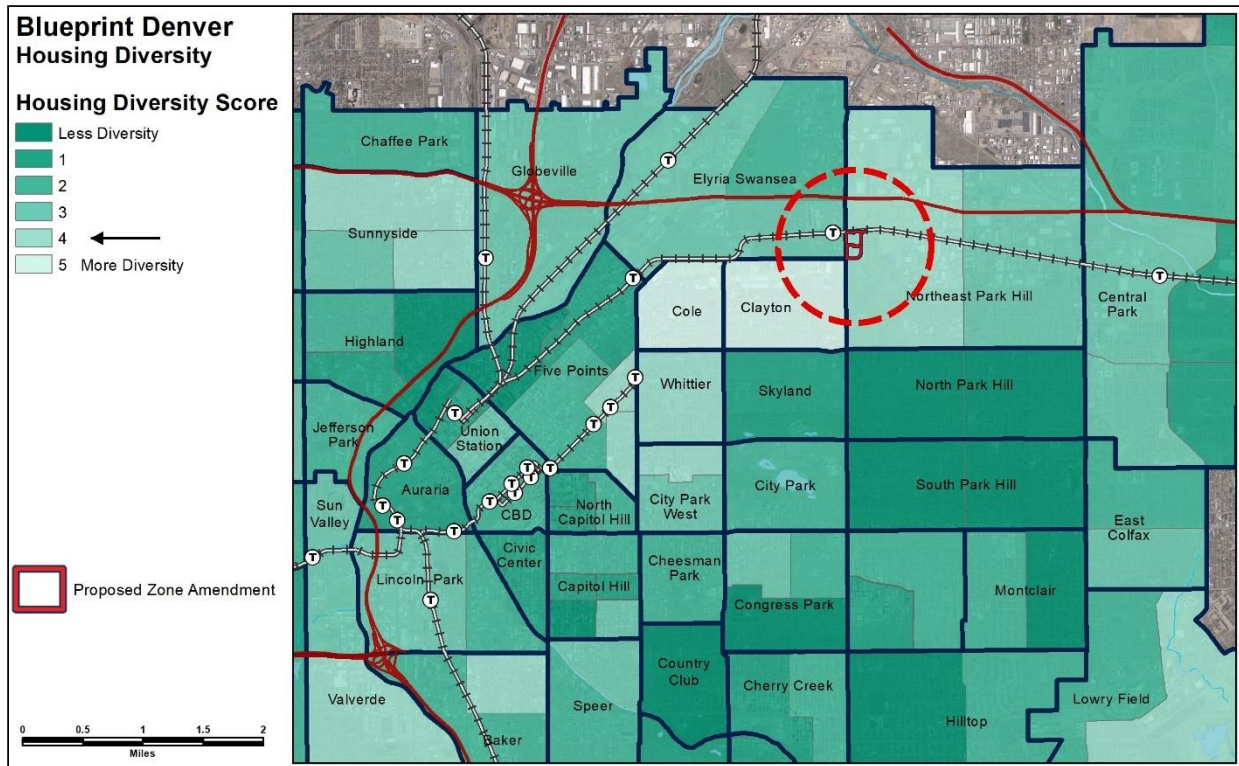
II. Vulnerability to Involuntary Displacement



The subject property is in an area that has high vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in all three categories. In areas with vulnerability to involuntary displacement, it is important to increase pathways to affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

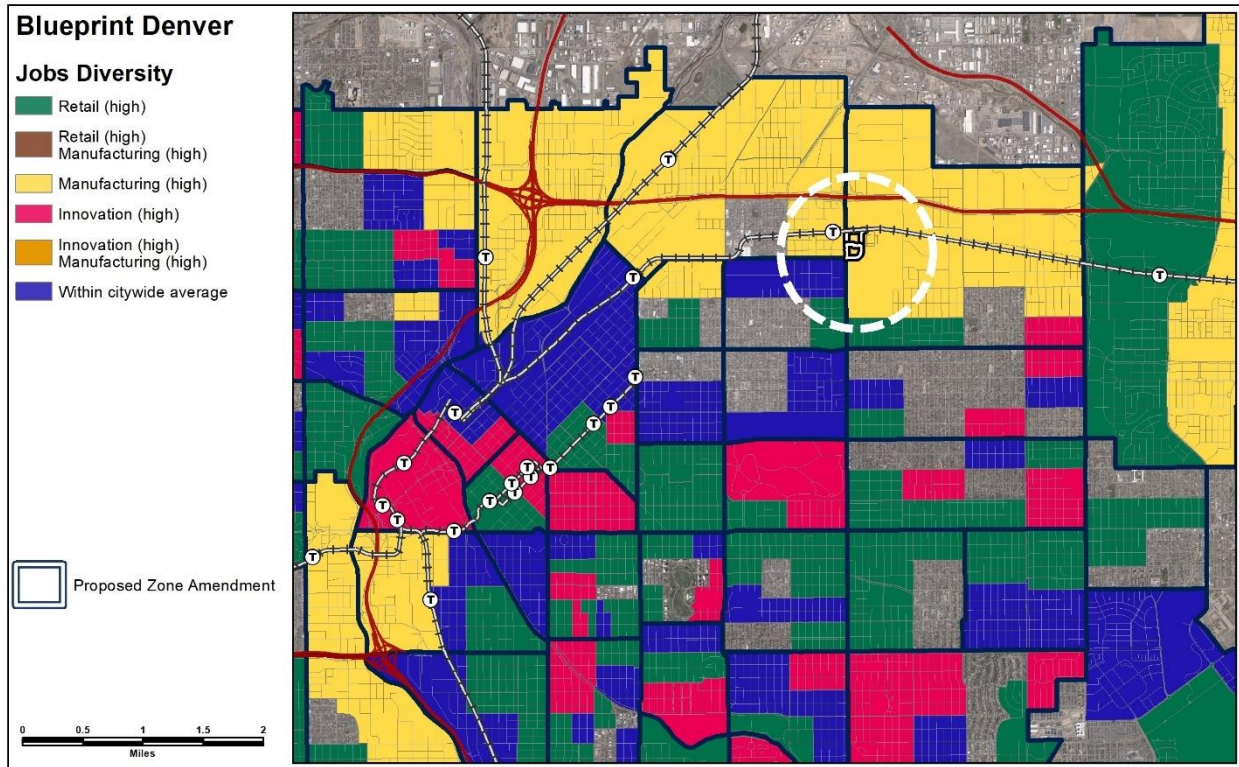
The proposed district will allow for a mix of uses, including multi-unit residential, which will increase housing opportunities in the area. As part of the Equity Response, the applicant noted they intend to participate in Denver's Affordable Housing Prioritization Policy, providing more than 90 units out of the 300 affordable housing units for Denver residents most vulnerable to involuntary displacement in the Northeast Park Hill Community who have been displaced the opportunity to stay or return in their neighborhood. The development will serve 20%-80% Area Median Income (AMI).

III. Expanding Housing and Jobs Diversity



The subject property is in an area that has a moderate housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of owners to renters and housing cost. In areas with any level of housing diversity it is important to increase the number of affordable housing units alongside natural growth in market-rate housing and provide programs for individuals to access these units.

The proposed district will allow for a mix of uses, including multi-unit residential, which will increase housing opportunities in the area. As part of the Equity Response, the applicant noted they intend to deliver a spectrum of housing options. The housing options include 300 units of affordable housing serving 20%-80% of the AMI for individual and families. Participating in Denver's Prioritization Policy, providing more than 90 units for Denver residents at risk of involuntary displacement. Additionally, affordable senior housing that will be for-sale attainable condos in partnership with Elevation Community Land Trust (up to 80% AMI), and market rate housing.

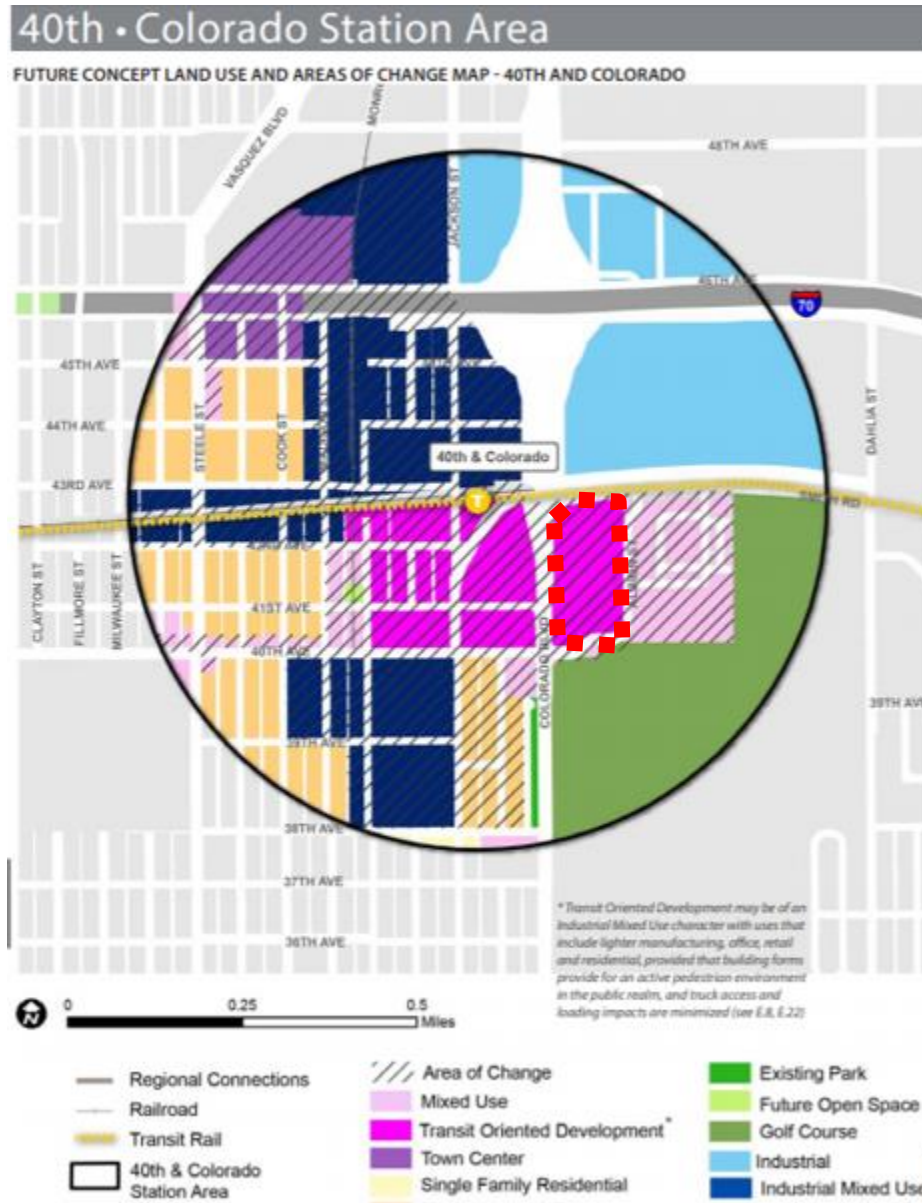


The map above shows the mix of jobs in areas of the city (dominant industry depicted by color). With a greater emphasis on manufacturing jobs in the Northeast Park Hill neighborhood. Northeast Park Hill has 33.5% Retail jobs, 12.7 % innovation Jobs and 53.8% Manufacturing Jobs. Manufacturing jobs is significantly higher than city wide average of 10 %. The total number of jobs are 764 with 4.95 jobs per acre.

The proposed district could enable residents with different incomes and education levels to live in a neighborhood with greater access to a variety of jobs and lead to wealth-building opportunities, particularly because the Northeast Park Hill neighborhood has higher scores regarding access to centers and corridors. The proposed zone district also allows for a mix of uses, including office and retails, that provides the opportunity to contribute to diversifying jobs in the area.

Elyria Swansea Neighborhoods Plan (2015)

Adopted in 2015, this plan sets forth priorities for strengthening and preserving residential neighborhoods and connecting them to redeveloping mixed use areas near transit stations. While the site is located within the Northeast Park Hill Neighborhood, the 40th and Colorado Station Area was included in the *Elyria & Swansea Neighborhoods Plan*.



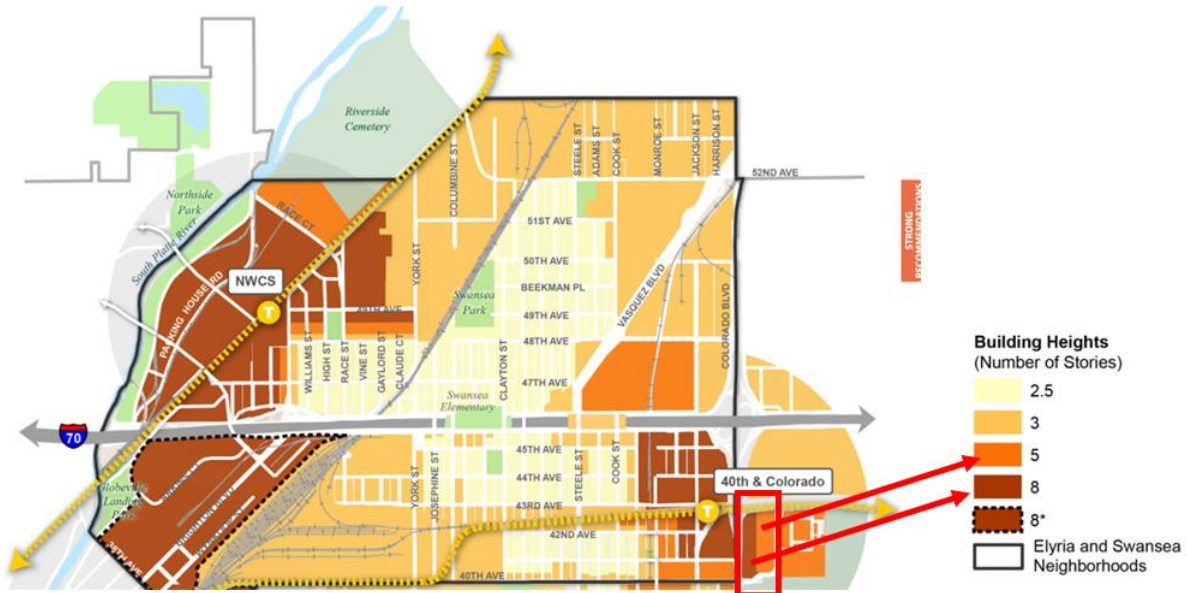
This site is in a recommended node of Transit Oriented Development in the southeast corner of the plan area. The Plan recommends that Transit Oriented Development take the form of “investment in higher-density housing, services and employment opportunities near rail stations” serving a diverse population and providing for convenient pedestrian travel (p 29). Such areas should promote urban character by

minimizing setbacks, orienting building entrances to the street and providing “open and inviting building facades.” (p 30). The plan goes further by explaining:

- *Encourage investment in higher density housing, services, and employment opportunities near rail stations to provide for a diverse population with safe and convenient pedestrian access to rail transit (p.29).*
- *Encourage transit-oriented development, including industrial mixed-use development, and workforce and mixed-income housing near the station (p.111).*
- *Work with the development team selected by the Urban Land Conservancy to design and build a successful recreational space that could be accessible to the public as part of the 7-acre transit-oriented development area between Colorado Blvd. and Albion St (p.113).*

The plan’s Future Building Height Map provides height recommendation for the subject site with a recommendation of 8 stories adjacent to N. Colorado Blvd and stepping down to 5 stories towards Albion and Smith Road. The proposed rezoning is concentrating the height at 8 stories along the northern most portion of the site immediately adjacent to the commuter rail line and stepping down to 5 stories towards the existing businesses to the south (p.31). The adjacent existing townhomes to the east are within a protected zone district, therefore upper story setbacks resulting in mass reductions along the building face adjacent to Albion will align with the existing built environment and the plan guidance regarding height transitions. The proposed C-MX-8 and C-MX-5 zoning is consistent with these plan recommendations and site characteristics.

FUTURE MAXIMUM BUILDING HEIGHTS MAP



Park Hill Neighborhood Plan (2000)

The request meets the following goal and recommendation from the *Park Hill Neighborhood Plan*:

- **Land Use and Zoning 3:** “Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, income, household types, sizes, cultural and ethnic backgrounds.”

Staff determines the proposed zone districts are consistent with the *Park Hill Neighborhood Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 and C-MX-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans, specifically *Comprehensive Plan 2040* and *Blueprint Denver*. Mixed use zone districts enable a mix of uses, allowing people to live, work, and play, reducing automobile trips and achieving improved public health outcomes. The C-MX-8 and C-MX-5 zone district building form standards will facilitate improved site and building design that promotes pedestrian interest and activity, which is linked to improved built environments and improved safety.

The specific intent of the Denver Zoning Code includes “promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods” (DZC 1.1.2). The C-MX-8 and C-MX-5 zone districts reenforce the plan guidance that N

Colorado Blvd should be an area of transformation towards a more livable, pedestrian-oriented, and transit-rich corridor.

4. Justifying Circumstances

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

As discussed above, the property was not rezoned with the adoption of the Denver Zoning Code in 2010 and retained Former Chapter 59 zoning. Rezoning the property into a Denver Zoning Code zone district is in the public interest to ensure more consistent and higher quality development outcomes, justifying the proposed rezoning. Since the approval of the existing zone district, the City has adopted the *Comprehensive Plan 2040, Blueprint Denver*, and the *Elyria and Swansea Neighborhoods Plan*. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

5. Consistency with Neighborhoods Context Description, Zone District Purpose and Intent Statements

The requested zone district is within the Urban Center Neighborhood Context which generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC 7.1.1). Within this context, the Mixed-Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC 7.2.2.1). The C-MX-8 and C-MX-5 zone district applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 and 2 to 8 stories is desired (DZC 7.2.2.2.B and 7.2.2.2.C).

The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for mixed use development at a maximum height of 8 stories in the northern portion and 5 stories in the southern portion of the subject site. The protected district to the east of the subject site will allow for transition for development to be consistent with the surrounding context.

Attachments

1. Rezoning application + Equity Response
2. Existing waivers and conditions
3. Public Comments