



**TO:** Denver City Council  
**FROM:** Libby Kaiser, Senior City Planner  
**DATE:** December 10, 2020  
**RE:** Official Zoning Map Amendment Application #2020I-00055

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00055.

### Request for Rezoning

Address: 3225 Denargo Street  
Neighborhood/Council District and CM: Five Points / Council District 9, CM CdeBaca  
RNOs: Inter-Neighborhood Cooperation (INC), Ballpark Collective, RiNo Art District, UCAN, Northeast Denver Friends & Neighbors (NEDFANS), Elyria Swansea/Globeville Business Association, Center City Denver Residents Organization, Rio Norte, Denver Arts and Culture Initiative, Reclaim the East Side, United Neighbors of Northeast Denver Residents (UNNDR)  
Area of Property: 64,852 square feet or 1.49 acres  
Current Zoning: I-B, UO-2  
Proposed Zoning: C-MX-16, DO-7  
Property Owner(s): Gary Cucarola & Big Hat Land Company  
Owner Representative: Eric McDaniel

### Summary of Rezoning Request

- The property is in the Five Points statistical neighborhood on Denargo Street, west of Wewatta Way.
- The property, owned by Gary Cucarola & Big Hat Land Company, is occupied by a vegetable packaging and processing facility.
- The property is currently zoned I-B, UO-2 which is a general industrial district that includes a billboard use overlay. The zone district allows general industrial uses and unlimited height, subject to a Floor Area Ratio of 2.0.
- The applicant is requesting this rezoning to enable mixed-use development. Concurrent with this rezoning, the applicant is proposing to record an agreement that would ensure the development of affordable housing units on the subject site.
- The proposed zone district, C-MX-16, DO-7, can be summarized as follows:
  - The C-MX-16 zone district stands for Urban Center, Mixed Use, with a maximum height of 16 stories, or 200 feet. The C-MX zone districts 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.

- The River North Design Overlay (DO-7) is intended to promote high-quality, human-scale design, vibrant pedestrian-oriented streets, and active transportation. These design standards mandate a higher design quality and street level activation than the C-MX base zone district and the overlay would apply to the entire subject site.
- Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Articles 7 and 9 of the Denver Zoning Code (DZC).

## Existing Context



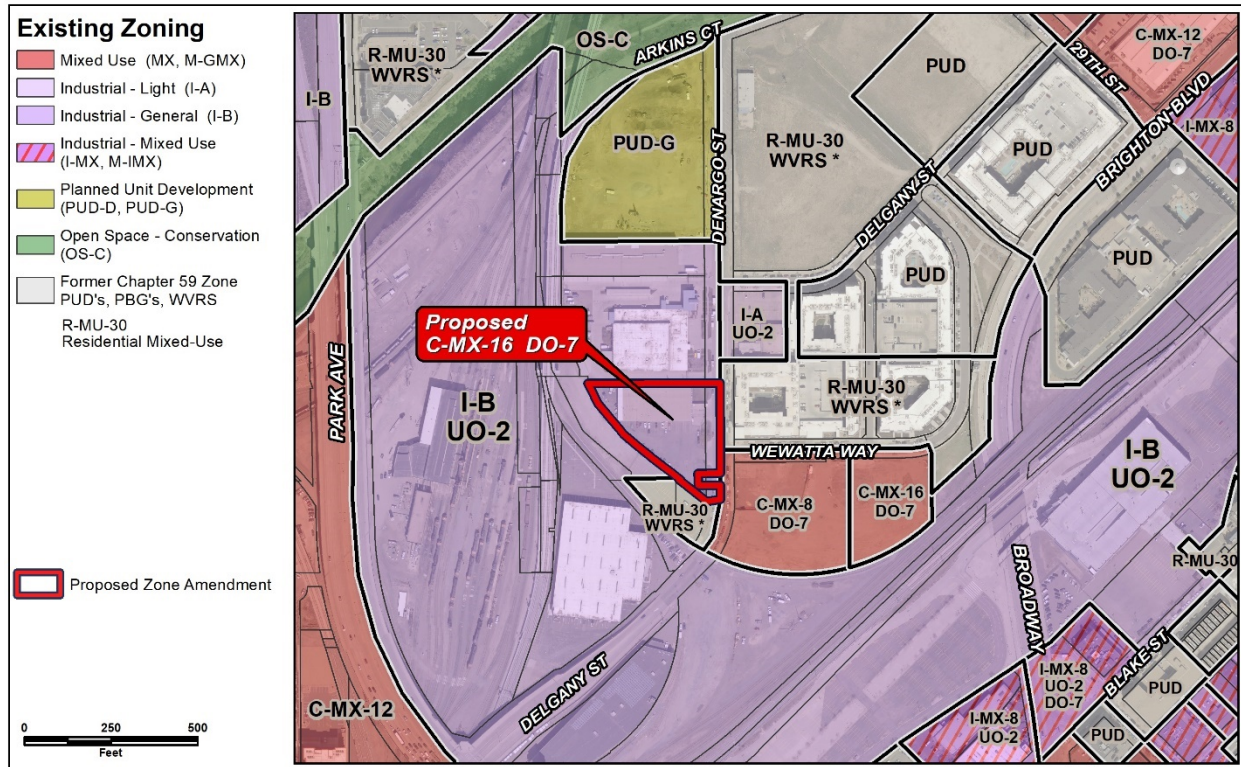
The subject property is located within the Five Points Neighborhood in an area commonly referred to as River North, or RiNo. Over the past several years, the area has been transitioning from industrial uses to a dense mix of residential and commercial uses. Many new uses have repurposed formerly industrial buildings while new buildings are typically of the General and Shopfront forms, with minimal setbacks and structured parking. Older buildings are often single-story, while newer development ranges from 4 to 7 stories, though taller buildings are planned in the immediate vicinity. Due to the area's industrial history, as well as natural and built barriers, the street network is less orthogonal than that of typical urban center zone districts, but detached sidewalks with tree lawns and street parking are becoming more prevalent. The site is approximately 4,000 feet from Denver Union Station and just over one mile from the 38<sup>th</sup> and Blake light rail station. Bus routes within walking distance of the site include 120X, 8, LX, 38, FF, and LD at Park Avenue and Delgany Street and route 48 along Broadway / Brighton Boulevard. Bike facilities in the vicinity include shared-use paths on Park Avenue and Broadway, a protected bike lane on Brighton Boulevard, and a multi-use trail along the South Platte River. The

Burlington Northern Santa Fe railroad is located immediately west of the site. Nearby destinations include Coors Field, The Denver Central Market and The Source food halls, and Larimer Street.

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	I-B, UO-2	Food processing	1-story warehouse with loading docks and large surface parking lot	The Denargo Market area is cut off by railroads on the west and southeast sides and the South Platte River to the north. Major street connections are provided to Park Avenue and Broadway / Brighton Boulevard. The block pattern is irregular. Vehicle parking is provided in structures for new residential buildings and in surface lots for industrial uses.
North	I-B, UO-2	Mini-storage and food processing	2-story mini-storage office building and two large 1-story warehouses	
South	R-MU-30 w/ Waivers	Surface parking lot	N/A	
East	R-MU-30 with waivers and conditions and C-MX-8, DO-7	Multi-unit residential	5-story apartment building and 8-story apartment building	
West	I-B, UO-2	Railroad junction and Park Avenue overpass	N/A	

## 1. Existing Zoning



The existing zoning on the subject property is I-B, UO-2 which is a general industrial district that includes a billboard use overlay. The I-B “district is intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A zone district. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B zone district in order to promote and continue a stable employment base for the city” (DZC 9.1.2.1.C). The zone district allows general industrial uses and unlimited height, except in areas within 175 feet of a protected district, of which there are none in proximity to this site. However, the district does limit Floor Area Ratio to 2.0 for the allowed General and Industrial building forms. The district doesn’t specify a build-to standard but does establish a 20-foot minimum setback from a Primary Street and a 10’ setback from a Side Street. Surface parking is allowed between the building and the Primary and Side Streets. The district doesn’t specify transparency or pedestrian access standards. A Multi-Unit Dwelling would require 1.25 parking spaces per unit.

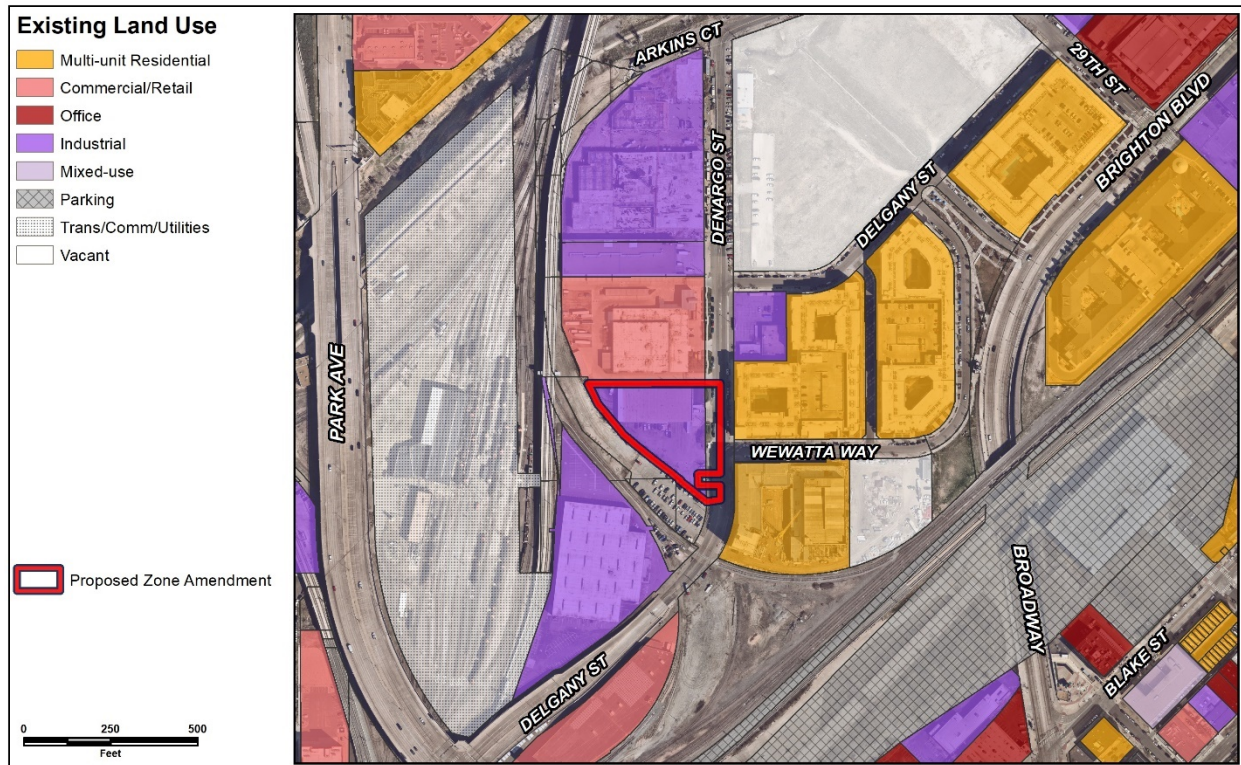
The UO-2 Billboard Use Overlay District allows “outdoor general advertising device” signs defined in Article 13. For additional details of the zone districts, see DZC Sections 9.1.3.3 and 9.4.5.11.

## 2. Affordable Housing Agreement/Development Agreement

Concurrent with the rezoning, the applicant is also facilitating a voluntary affordable housing agreement that would apply to the entire site, to be signed and recorded by the property owner, valid for at least 99 years. Current terms of this agreement include providing 15% of all residential units constructed to

be income-restricted units with 67% of the units reserved for households earning 80% or less of area median income and 33% reserved for households earning 60% or less of area median income. A minimum of 20% of the income-restricted units would have two bedrooms. Based on the applicant's current projection of 326 total housing units, the voluntary affordable housing agreement could result in 49 income-restricted units. In contrast, if the project was subject only to the Linkage Fee Ordinance, it could fund 5 income-restricted units (based on an estimated 323,000 gross square feet, including approximately 5,800 square feet of a commercial use).

### 3. Existing Land Use Map



#### 4. Existing Building Form and Scale



Site - Aerial view, looking north (Source: Google Earth)



Site - Looking west from Denargo Street



**North** - Looking west from Denargo Street



**South** - Looking west from Denargo Street



**West - Looking west from the site**



**East - Looking southeast from Denargo Street**



## **Proposed Zoning**

### C-MX-16 Zone District

The requested C-MX-16 zone district is “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” (Section 7.2.2.1). The district allows a variety of residential, civic, commercial, and industrial uses. The maximum height is 200 feet with allowable encroachments. The minimum Primary Street setback is 0’, except for the Town House building form which has a 10’ minimum Primary Street setback. The minimum build-to is 70% with 40% transparency on a Primary Street and 25% transparency on a Side Street. Surface parking is not allowed between the building and the Primary and Side Streets. Multi-unit dwellings require 0.75 parking spaces per unit. For additional details regarding building form standards in the C-MX-16 zone district, see DZC Section 7.3.3.4.

### DO-7 (River North Design Overlay)

The River North (RiNo) Design Overlay addresses a variety of urban design objectives. Per DZC Section 9.4.5.11, the purpose of the overlay district is to promote high-quality, human-scale design, vibrant pedestrian-oriented streets, and active transportation. Specifically, the overlay addresses build-to requirements, residential setbacks, parking location and access, and building design such as mass reduction and transparency. The DO-7 sets forth the following requirements in addition to any base DZC zone district:

- A 16-foot minimum street level height.
- 50% transparency along primary streets (compared to 40% in the C-MX zone districts) and 40% transparency along side streets (compared to 25% in the C-MX zone districts).
- For lots over 18,750 square feet in area or wider than 150 feet, 70% of all street level building frontages on Primary Streets must be occupied by street level nonresidential active uses. DZC Section 9.4.5.11.F.3 of the DO-7 overlay district defines street level nonresidential active uses by prohibiting several uses including all types of residential, Light Automobile Services, Mini-Storage Facilities, and Light Wholesale Trade or Storage.
- A limitation on visible parking above street level for structures over 5 stories or 70 feet in height.
- Incremental mass reduction for stories 3-16, where buildings that are 16 stories in height must provide a 30% mass reduction.

Where standards in the DO-7 overlay zone district differ from standards in the C-MX-16 zone district, the DO-7 zone district standards shall apply.

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

Design Standards	I-B, UO-2 (Existing)	C-MX-16 (Proposed)	DO-7 (Proposed)
Primary Building Forms Allowed	General; Industrial	Town House; General; Shopfront	Underlying Zone District
Height in Stories / Feet (max)	NA	16/200'	Underlying Zone District
Primary Street Build-To Percentage (min)	NA	Townhouse; General: 70% Shopfront: 75%	70%
Primary Street Build-To Range (max)	NA	Non-residential: 0' - 10'* Residential: 0' - 15'*	Non-residential: 0' - 15' Residential: 7' - 20'
Primary Street Setback (min)	20'	0' to 10'*	Non-residential: 0' Residential: 7'
Side Street Build-To Percentage (min)	NA	Townhouse; General: NA Shopfront: 25%	Underlying Zone District
Street Level Height (min)	NA	NA	16'
Transparency, Primary Street	NA	Townhouse: NA General: 40% Shopfront – Non-residential: 60%; Residential: 40%	50%
Street Level nonresidential active uses (min % of Primary Street/Key Street frontage meeting Build-To requirement)	NA	NA	70%/100%

\*Standard varies between building forms

### Summary of City Agency Referral Comments

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

**Assessor:** Approved – No response.

**Asset Management:** Approved – No comments.

**Denver Public Schools:** Approved – No response.

**Department of Public Health and Environment:** Approved – No comments.

**Denver Parks and Recreation:** Approved – No comments.

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

**Development Services - Transportation:** Approved – No response.

**Development Services – Wastewater:** Approved – see comments below:

- Approve rezoning only; will require additional information at Site Plan Review.
- DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.
- Please note, there are existing public sanitary and storm infrastructure running through the site. The City does not permit buildings/structures/etc. to be constructed or placed on top of public infrastructure.

**Development Services – Project Coordination:** Approved – No response.

**Development Services – Fire Prevention:** Approved – No comments.

### **Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	8/2/20
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:	10/5/20
Planning Board voted unanimously at the public hearing to recommend the rezoning to City Council	10/21/20
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:	10/13/20

Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	10/27/20
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:	11/23/20
City Council Public Hearing:	12/14/20

- **Registered Neighborhood Organizations (RNOs)**
  - Three RNOs, including Ballpark Collective, Elyria-Swansea-Globeville Business Association, and UCAN, have submitted comment letters in support of the rezoning stating it will improve the quality of the neighborhood and add affordable housing. One RNO, Reclaim the East Side submitted letters opposing the rezoning stating it will contribute to economic and housing displacement.
- **Other Public Comment**
  - CityLive, The Greenway Foundation, YIMBY, and the RiNO Arts District also submitted letters of support while the GES Coalition, the Elyria-Swansea Neighborhood Association, and several residents submitted letters of opposition.

## 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 2040 (2019)*
- *Blueprint Denver (2019)*
- *River North Plan (2003)*
- *Housing an Inclusive Denver (2018)*

### ***Denver Comprehensive Plan 2040***

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

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, while also enabling additional affordable housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities* (p. 28).
- Equitable, Affordable and Inclusive Goal 2 Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed C-MX-16 zoning would allow for a broader variety of uses including housing, retail services, and employment while the DO-7 overlay will require enhanced building forms at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

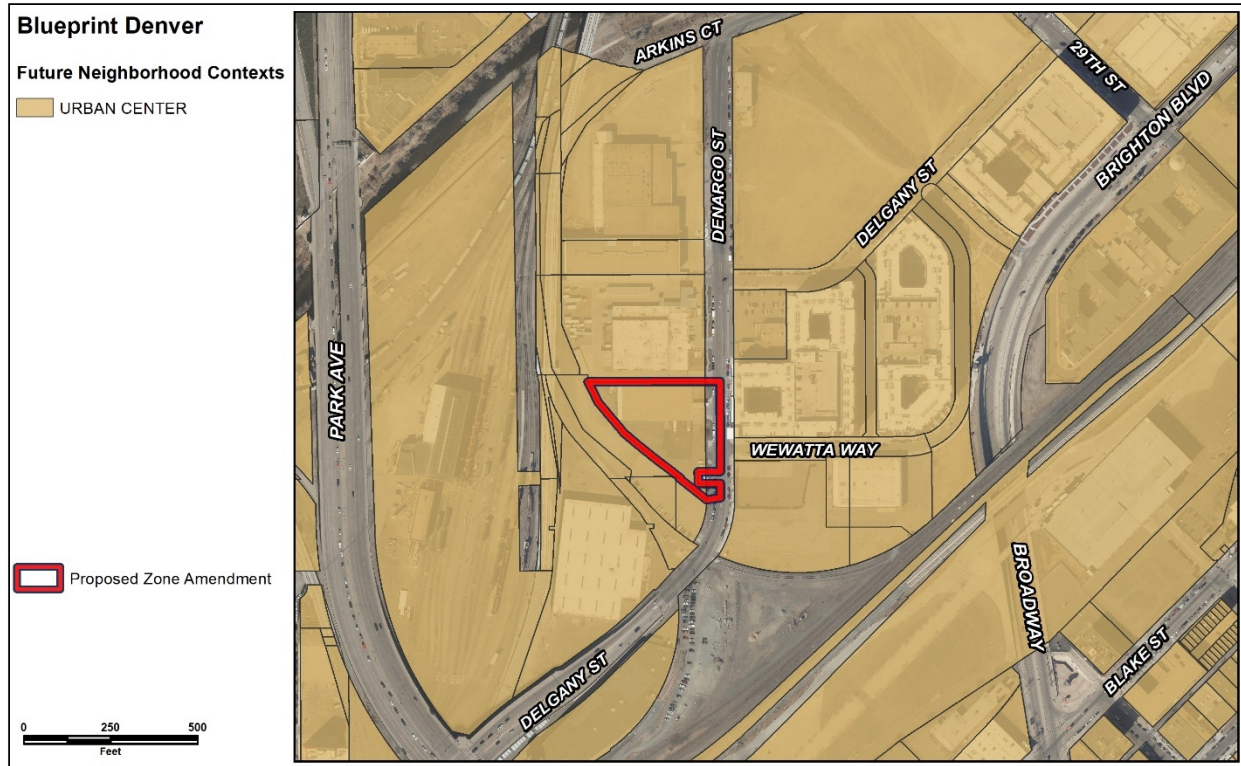
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

The requested map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested C-MX-16 zone district broadens the variety of uses allowing residents to live, work and play in the area; therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

### ***Blueprint Denver***

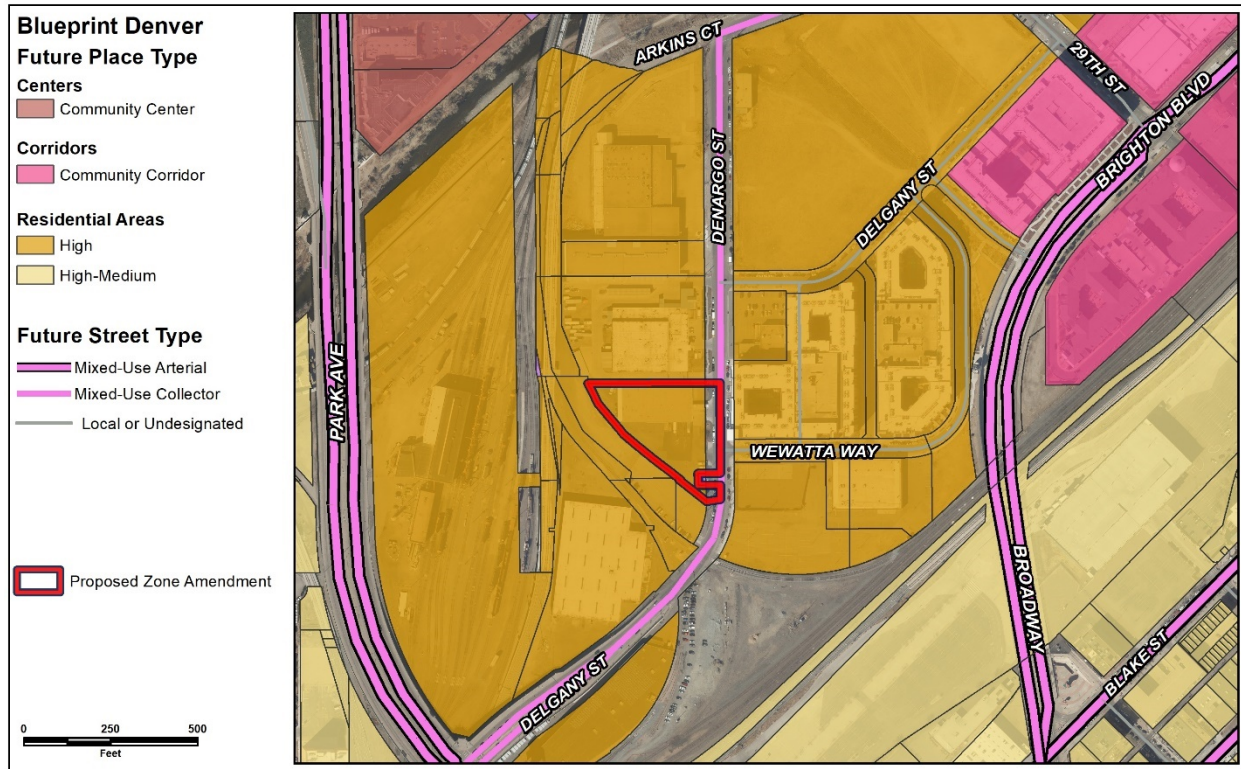
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a High Residential Area place within the Urban Center Neighborhood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

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



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban Center Neighborhood Context. “This context contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed C-MX-16 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban Center context is appropriate and consistent with the plan.

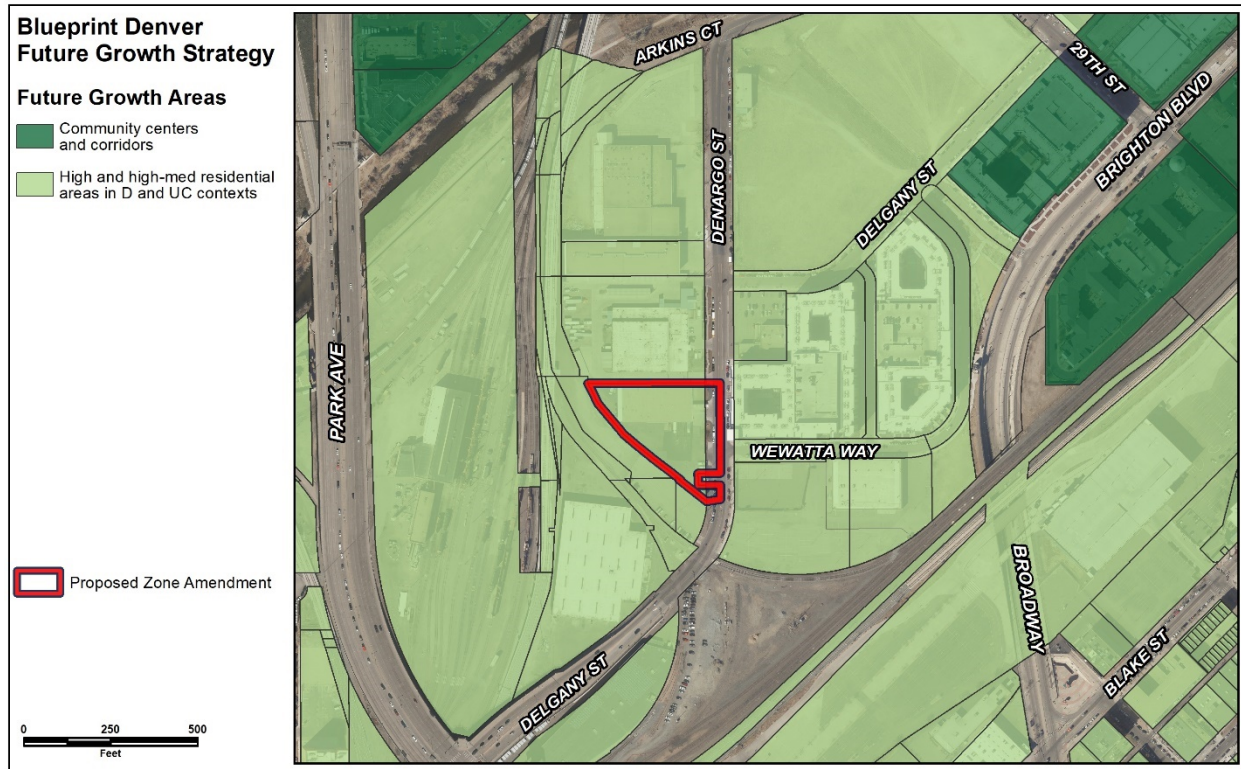
**Blueprint Denver Future Place & Street Type**



The Future Places map designates the subject property as a High Residential Area. *Blueprint Denver* describes the aspirational characteristics of High Residential Areas in the Urban Center context as having a “high mix of uses throughout including many large-scale multi-unit residential uses. Commercial uses are prevalent. Buildings are the tallest of the residential places of this context. There is high lot coverage and shallow setbacks” (p. 260). Consistent with this guidance, the proposed C-MX-16 district combined with the design overlay provides for a mix of uses and stringent building form standards that create an active street level presence. Given the High Residential height guidance in *Blueprint Denver*, the requested 16-story district height is consistent with the surrounding context and appropriate for High Residential in this location.

Furthermore, *Blueprint Denver* classifies Denargo Street as a Mixed-Use Collector. According to the plan, this street type supports a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p. 159). Park Avenue, Broadway and Brighton Boulevard are defined as Mixed-Use Arterials. The requested C-MX-16 district is intended to be served primarily by arterials and the proximity of such streets within ¼ mile of the subject property is sufficient to be consistent with these street type classifications.

## **Blueprint Denver Growth Strategy**



*Blueprint Denver* designates the subject property as part of a High Residential Area in an Urban Center neighborhood context. High and High-Medium Residential Areas in Downtown and Urban Center neighborhood contexts are anticipated to see 15% of new housing growth and 5% of new employment growth by 2040 (p. 50-51). Focusing growth in these areas helps provide a variety of housing, jobs and entertainment options within walking distance to all Denverites and is a key element of building complete neighborhoods throughout Denver (p. 49). The proposed map amendment to C-MX-16 will allow for continued residential and employment growth in a High Residential Area where it has been determined to be most appropriate. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

### **Blueprint Denver Strategies**

The proposed rezoning, with the inclusion of a design overlay, is also consistent with policies and strategies related to creating exceptional design outcomes in high-profile areas throughout Denver. “Mixed-use buildings should engage the street level and support pedestrian activity. The bulk and scale should be respectful of the surrounding character” (p. 102).

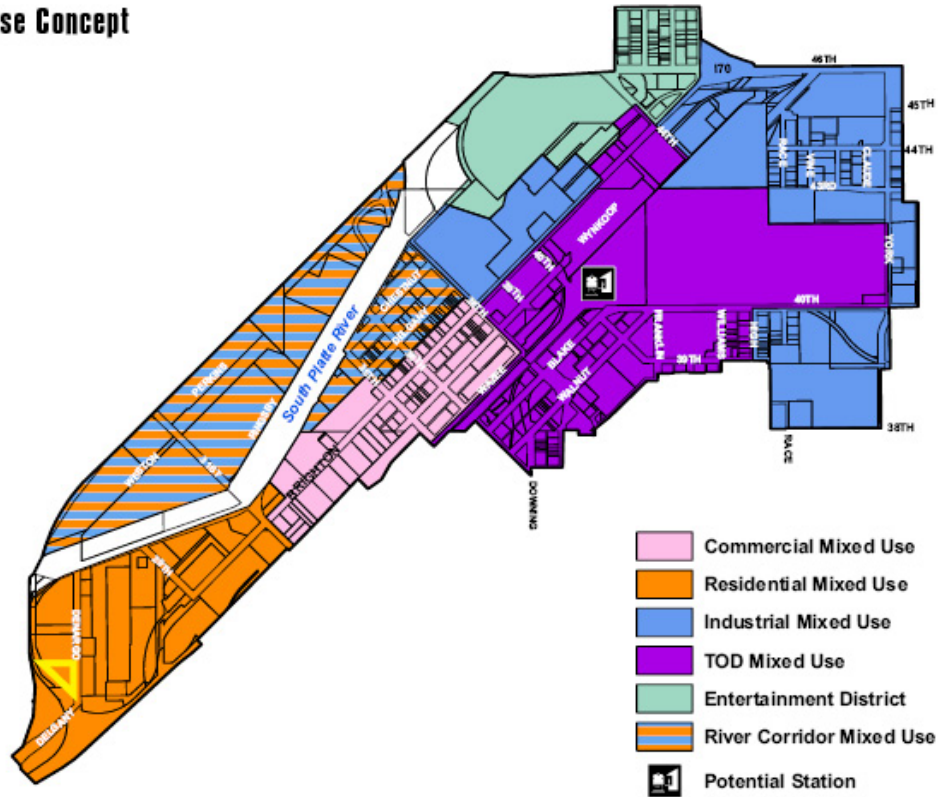
- Land Use & Built Form: Design Quality & Preservation Policy 3, Strategy D – *Use design overlays in limited areas to direct new development towards a desired design character unique to the area that cannot be achieved through other tools. Design overlays are most effective where a design vision has been articulated through a planning process* (p. 102).



### Small Area Plan: *River North Plan (2003)*

The *River North Plan* was adopted by City Council in 2003 and applies to the subject property. It designates the area as Residential Mixed-Use and includes specific recommendations for the Denargo Market area, including to “facilitate the redevelopment of the Denargo Market area into an exciting mixed-use community” (p. 59).

#### Land Use Concept



The plan recommends “Residential Mixed-Use zoning, Commercial Mixed-Use zoning, or a combination of both” for the Residential Mixed-Use areas (p. 84). The plan recommends the Denargo Market area are “create a compact, mixed-use, pedestrian friendly development” and “ensure that urban design reinforces the pedestrian-oriented and transit-supportive character of the area and creates friendly and useable public spaces” (p. 76). The plan does not include specific building height recommendations, but suggests there should be “appropriate massing, scale, building heights and building size for new development with height limits along the South Platte River” (p. 76). This site is not located along the river where such height limits would apply.

The proposed C-MX-16 zone district would be consistent with the recommendations of the River North Plan by allowing residential, office, and retail uses in a pedestrian-friendly form. The allowed 16-story maximum height is appropriate for an urban development near downtown. The design

and build-to requirements of the C-MX-16 zone district, in conjunction with the River North design overlay, would ensure an urban form compatible with a new, pedestrian-oriented development.

### ***Housing an Inclusive Denver***

*Housing an Inclusive Denver* is not adopted as a supplement to the *Comprehensive Plan*, but the plan was adopted by City Council. *Housing an Inclusive Denver* provides guidance and strategies to create and preserve strong and opportunity-rich neighborhoods with diverse housing options that are accessible and affordable to all Denver residents (p. 6). Core goals of the plan include creating affordable housing in vulnerable areas and in areas of opportunity; preserving affordability and housing quality; promoting equitable and accessible housing; and stabilizing residents at risk of involuntary displacement (p. 7). To that end, the plan includes several recommendations, including “promote development of new affordable, mixed-income and mixed-use rental housing” (p. 83). As described above, the proposed development would include a housing commitment requiring 10% of all units to be affordable at 60% and 80% AMI for 99 years. Given this commitment, the proposed rezoning would facilitate additional affordable housing opportunities consistent with the goals and strategies of *Housing an Inclusive Denver*.

The requested zone district meets the consistency with adopted plans code criterion without additional support from *Housing an Inclusive Denver* and the inclusion of a voluntary affordable housing agreement. However, these items further strengthen an already fully consistent application.

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

The proposed rezoning to C-MX-16, DO-7 will result in the uniform application of zone district building form, use and design regulations.

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

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city’s adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities and foster the creation of a walkable, urban area within proximity to downtown.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4, “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: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan...”

Recent physical changes near the subject site include several new apartment buildings in the Denargo Market area, reconstruction of Brighton Boulevard, the addition of bicycle and pedestrian connections

through the area, and new neighborhood park. The character of River North, and Denargo Market in particular, is rapidly changing and the rezoning request is justified to recognize the changing conditions.

In addition, the City has adopted the *Comprehensive Plan 2040, Blueprint Denver*, and *Housing an Inclusive Denver* since the approval of the existing I-B, UO-2 zone district. As stated throughout this report, the proposed rezoning meets the intent of these plans. The application also is justified by DZC Section 12.4.10.8.A.5, which says “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.” This application proposes applying the supplemental zoning regulations of the DO-7. As further detailed below, application of the DO-7 to this site is consistent with the intent and purpose of the Design Overlay district, supplementing the otherwise generally applicable zone district standards with additional design limits appropriate to the River North area.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.” This rezoning request is to bring the subject Property’s zoning into conformance with existing and proposed zoning in the surrounding neighborhood, i.e. mostly a mix of C-MX districts.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-16 district “applies to areas or intersections primarily served primarily by major arterial streets where a building scale of 3 to 16 stories is desired” (DZC Section 7.2.2.2.E). The site is located on a collector street but is in an area served by nearby arterial streets. The nearest arterial streets are two blocks east (Broadway/Brighton Boulevard) and two blocks south (Park Avenue West). Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

The River North Design Overlay (DO-7) has many purposes including “implement adopted plans; promote creative, high-quality, design in the general area covered by the adopted 38th and Blake Station Area Height Amendments and the RiNo Business Improvement District; provide flexibility to support the diverse design traditions of RiNo; activate the South Platte River frontage to promote the river as a neighborhood asset; maintain human scale and access to daylight as heights and densities increase throughout the district; promote vibrant pedestrian street frontages with active uses and street-fronting building entries; provide transitions between residential frontages and mixed-use streets; ensure that buildings are designed to adapt to new uses as the district changes and evolves; promote active transportation options, such as walking and biking; minimize potential conflict points between pedestrians and motor vehicles; minimize the visibility of surface and structured parking areas for vehicles; and encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity.” (DZC Section 9.4.5.11.B). The site, with its proximity to

the South Platte River and adjacency to the newly constructed Brighton Boulevard warrants special attention to detail with regards to activation, building entries and other human-scaled elements. The site is located within the area of the RiNo Business Improvement District. Thus, the proposed map amendment is consistent with the purpose statements of the design overlay district.

### **Attachments**

1. Application
2. Public and RNO comment letters