

**TO:** Denver City Council  
**FROM:** Jeff Hirt, Senior City Planner  
**DATE:** March 7, 2019  
**RE:** Official Zoning Map Amendment Application #2018I-00127  
3600 block of Downing Street, bounded by Downing St., 37th Ave., Marion St., and 36th Ave., and including vacated portions of Lawrence St. & including vacated portions of Lawrence St. south of 36th Ave.  
Rezoning from B-4 with waivers and conditions, UO-1, UO-2; U-SU-A1; and C-MX-3, UO-1, UO-2 to C-MX-5, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7; and C-MS-5, UO-1, UO-2

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2017I-00162 for a rezoning from B-4 with waivers and conditions, UO-1, UO-2; U-SU-A1; and C-MX-3, UO-1, UO-2 to C-MX-5, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7, C-MX-3, IO-1, DO-7; and C-MS-5, UO-1, UO-2.

### Request for Rezoning

Application: #2018I-00127  
Addresses: 3618, 3620, 3630, 3632, 3648, 3650, 3660 Downing Street; 1217, 1219 East 36<sup>th</sup> Avenue; 3659 Marion Street  
Neighborhood/Council District: Cole/Council District 9  
RNOs: Inter-Neighborhood Cooperation, RiNo Art District, UCAN, Five Points Business District, Cole Neighborhood Association, Opportunity Corridor Coalition of United Residents, Denver Arts and Culture Initiative, Center City Residents Organization, Curtis Park Neighbors, The Points Historical Redevelopment Corporation, Rio Norte  
Area of Properties: +/- 112,361 SF (2.6 acres)  
Current Zoning: B-4 with waivers and conditions, UO-1, UO-2; U-SU-A1; C-MX-3, UO-1, UO-2  
Proposed Zoning: C-MX-5, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7; C-MX-3, IO-1, DO-7; C-MS-5, UO-1, UO-2  
Property Owner(s): Trihouse, LLC  
Applicant: Albus Brooks, Council District 9

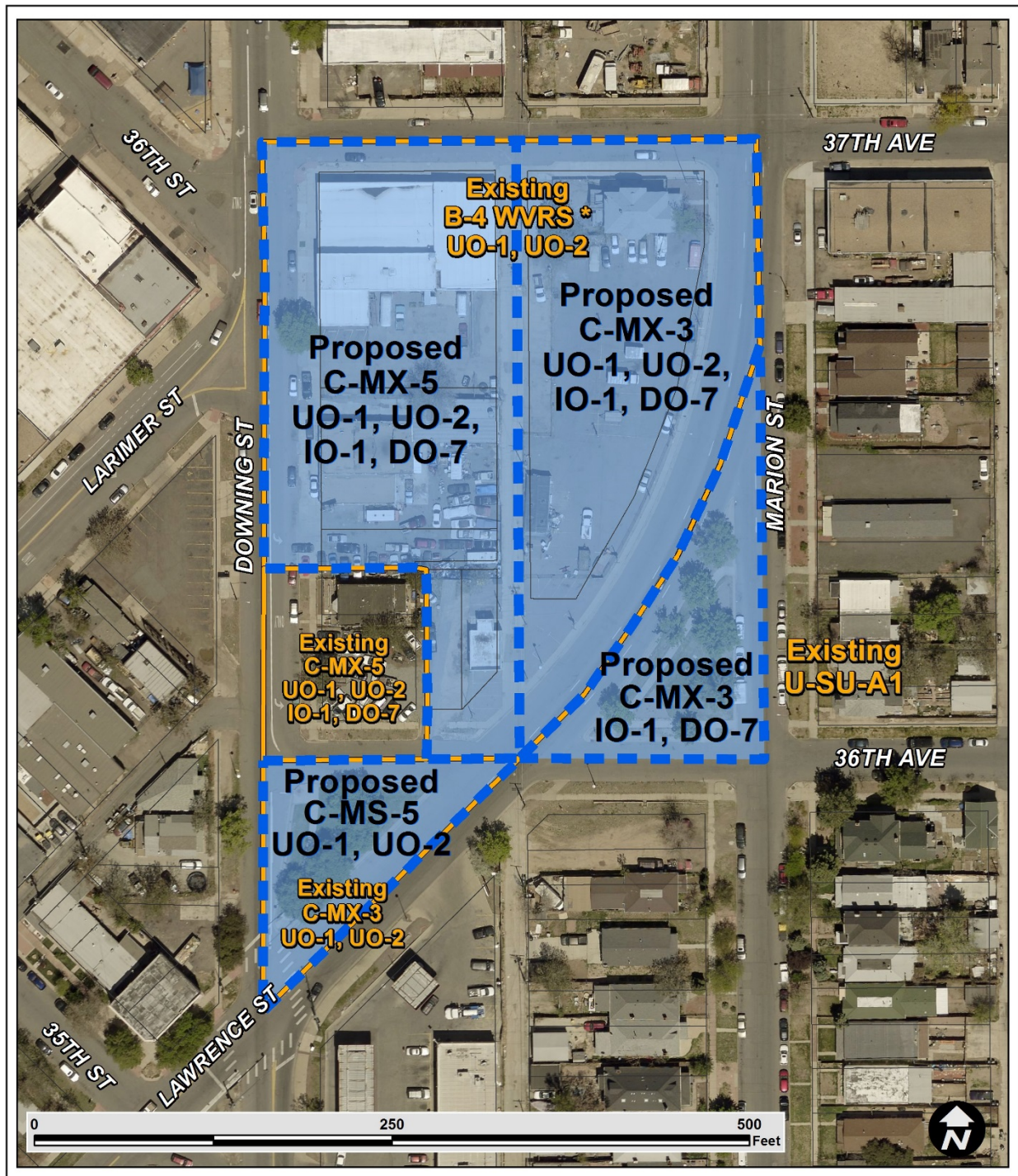
### Summary of Rezoning Request

- The subject site includes eight parcels that are two blocks from the 38<sup>th</sup> and Blake commuter rail station. It also includes the Lawrence Street right-of-way as it crosses Downing Street and traverses the site where the original diagonal Denver street grid meets the east-west/north-south street grid.
- The 38<sup>th</sup> and Blake Station Area Plan (2009) recommends “squaring off” the 3500 and 3600 blocks of Downing Street by vacating Lawrence Street on the subject site. The rezoning request

boundaries reflect both the current and planned reconfiguration of the 3500 and 3600 blocks of Downing Street.

- The Lawrence Street areas on the subject site were recently transferred from public right-of-way to private ownership as part of the planned Lawrence Street reconfiguration in this area. The Colorado Department of Transportation (CDOT) previously owned the Lawrence Street right-of-way and adjacent small green spaces and offered these areas for sale, and the applicant team acquired the land in 2018 to “square off” the 3500-3600 blocks of Downing Street and redevelop the 3600 block of Downing for a mixed use project.
- The subject site has five one- and two-story nonresidential buildings and one residential building all built in the 1880s or early 1900s. The buildings are not city-designated Historic Structures.
- The requested zone districts can be summarized as follows (see map below illustrating proposed zone districts):
  - The C-MX zone districts are mixed use zone districts that allow a wide range of residential and commercial uses with minimum build to and transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-5 zone district allows 5 stories and 70 feet in building height, while the C-MX-3 zone district allows 3 stories and 45 feet in building height.
  - The C-MS-5 zone district is a main street zone district that allows a wide range of residential and commercial uses with a maximum building height of 5 stories and 70 feet. C-MS-5 is typically applied linearly along entire block faces of arterial streets, which the adjacent Downing Street is.
  - The River North Design Overlay (DO-7) is intended to promote high quality design, a human scale that promotes vibrant pedestrian-oriented streets, and multi-modal transportation options. 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 portions of the subject site north of 36<sup>th</sup> Avenue.
  - The city adopted the 38<sup>th</sup> and Blake Incentive Overlay (IO-1) in 2018 to implement the 38th and Blake Station Area Height Amendments (2016) by requiring affordable housing and other community benefits for development that exceeds defined base building heights. The IO-1 overlay would apply to portions of the subject site north of 36<sup>th</sup> Avenue.
  - UO-1 is the Adult Use Overlay District that permits some adult business uses with limitations. UO-2 is the Billboard Use Overlay District that permits “outdoor general advertising devices” with limitations. The proposed rezoning would carry forward the current boundaries of the UO-1 and UO-2 overlay districts.





### Existing Context

The subject site encompasses the 3600 block of Downing Street and a portion of the 3500 block of Downing Street. Lawrence Street traverses the site as the original diagonal Denver street grid meets the east-west/north-south street grid at Downing Street. West of the alley dividing each block are primarily nonresidential uses fronting Downing Street, which is common along this corridor as one of Denver’s original streetcar corridors. East of the alley are mostly single unit residential buildings with some nonresidential buildings on the east side of Marion Street.

The subject site also includes two green space areas totaling approximately 11,000 square feet (10% of the rezoning area). These areas were previously owned by CDOT as part of the Lawrence Street right-of-way. These two green spaces were also transferred to private property ownership and have C-MX-3/UO-1/UO-2 and U-SU-A1 zoning.

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale
Site	B-4 with waivers and conditions, UO-1, UO-2; C-MX-3, UO-1, UO-2; U-SU-A1	Commercial/Retail, Industrial, Single Unit Residential, Vacant	<p><u>3600 Block of Downing:</u> Five 1- and 2-story commercial buildings built in the 1880s and early 1900s surrounded by surface parking, with some oriented to Downing Street and others adjacent to the alley that splits this block. One 2.5-story residential structure and accessory structure oriented to Marion Street built in 1884. Lawrence Street traverses this block and an approximately 5,000 SF area currently functions as green space that was previously owned by CDOT and is now in private property ownership.</p> <p><u>3500 Block of Downing:</u> The portion of the 3500 block of Downing proposed for the rezoning currently contains a portion of Lawrence Street and a 6,000 square foot green space area that currently functions as green space. This green space was also previously owned by CDOT and is now in private property ownership where Lawrence Street traverses the site and where the original diagonal Denver grid meets the east-west/north-south street grid.</p> <p>See the Lawrence Street Reconfiguration section below for discussion of status of Lawrence Street on the subject site.</p>
North	C-MX-8, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7	Single Unit Residential, Two Unit Residential, Commercial/Retail	Mix of 1- and 2-story commercial and residential buildings built in the 1920s with alley access. The 38 <sup>th</sup> and Blake commuter rail station is located 2 blocks north of the subject site.
South	C-MS-3, UO-1, UO-2; U-SU-A1	Commercial/Retail, Single Unit Residential, Public	A one-story convenience store building with an accessory car wash building and two gas station canopies is oriented to Downing Street. The eastern ½ of the block facing Marion Street is a mix of 1- to 1.5-story single unit residential buildings and a 1-story school.

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale
East	U-MX-3, UO-1, UO-2; U-SU-A1	Industrial, Single Unit Residential, Two Unit Residential, Public	Mostly 1- and 1.5-story single unit residential buildings with commercial buildings at the corner of Marion Street and 37 <sup>th</sup> Avenue. East of the subject site on the 3500 block of Marion Street are 1- and 1.5-story single unit residential buildings.
West	C-MX-8, UO-1, IO-1, DO-7; I-MX-3, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7	Vacant, Industrial, Single Unit Residential, Multi-Unit Residential, Commercial/Retail,	Mix of 1- and 2-story commercial buildings.

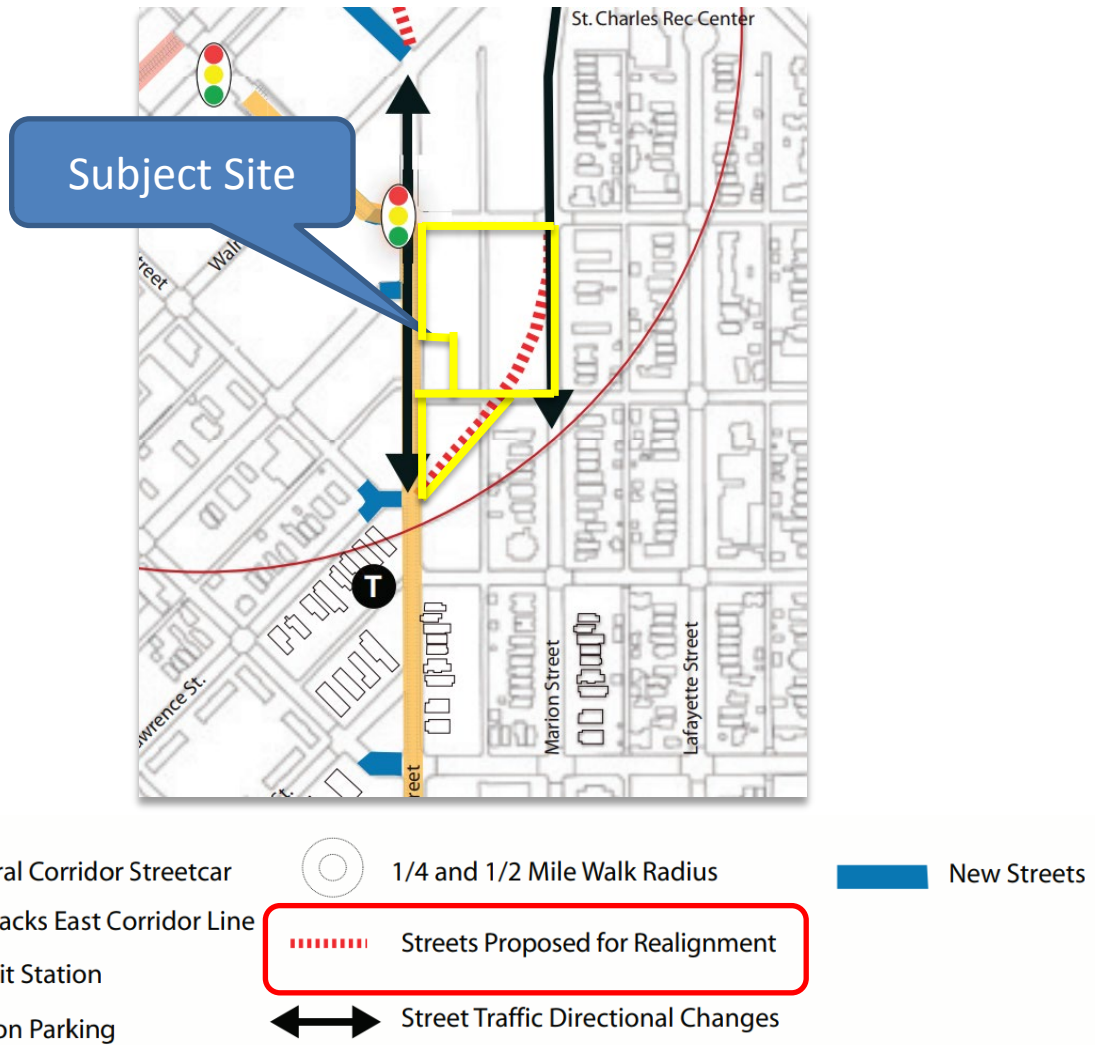
**Existing Block, Lot, and Street Pattern**

The original diagonal Denver street grid meets the east-west/north-south urban Denver street grid at Downing Street. Both street grids are interrupted by commuter and freight rail tracks north and west of the subject site. Alleys are present on all surrounding blocks.

Lawrence Street Reconfiguration

Lawrence Street traverses Downing Street and through the subject site and connects across the two street grids. The 38<sup>th</sup> and Blake Station Area Plan (2009) recommends vacation of this portion of Lawrence Street (see map from plan below). These portions of Lawrence Street transferred from Colorado Department of Transportation CDOT ownership to private ownership in 2018. The applicant team is working with, and providing funding for, the Department of Public Works to implement the reconfiguration of Lawrence Street in accordance with the 38<sup>th</sup> and Blake Station Area Plan. This realignment must address traffic engineering issues on surrounding blocks including on Downing and Marion Streets and 36<sup>th</sup> and 37<sup>th</sup> Avenues. The rezoning request boundaries reflect the current private ownership and future construction plans that would “square off” both the 3500 and 3600 blocks of Downing Street to match the north-south street grid east of the subject site.

**Image from 38<sup>th</sup> and Blake Station Area Plan**



*Figure 4.12 – Proposed Street and Directional Changes*





The conditions require affordable housing units for any residential uses on the subject site. No nonresidential uses would be subject to the affordable housing requirements. The specific requirements include:

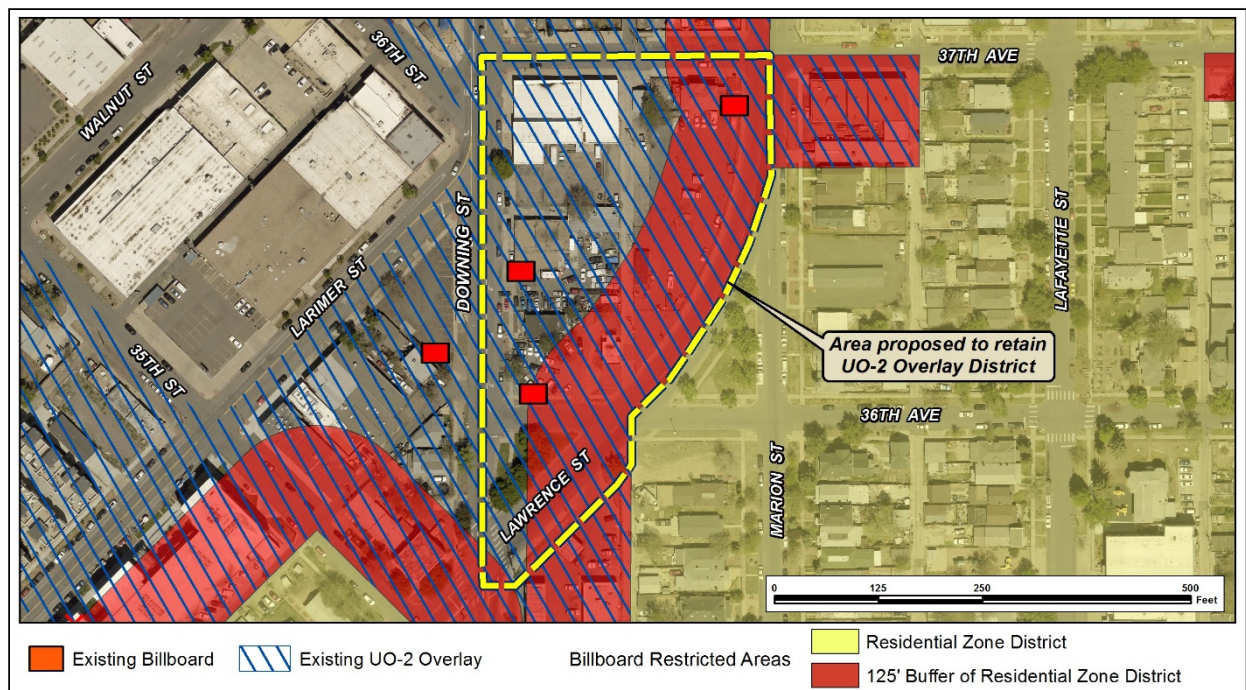
- That 10% of for-sale units have a maximum purchase price of \$140,000 (with annual cost adjustments from 2002, the time the city approved the condition);
- That 10% of for-rent units be available only to tenants earning no more than 80% median family income, and with maximum rents specified; and
- That an affordable housing plan is required for any residential project that must be approved by the Director of the Community Planning and Development Agency (which no longer exists) prior to zoning permit.

Such conditions were common in the months preceding adoption of Denver’s Inclusionary Housing Ordinance in 2002, which was largely replaced in 2016 by a dedicated affordable housing fund program administered by the Office of Economic Development.

The B-4 zone district is also subject to Denver Zoning Code protected district standards when within 175 feet of any U-SU-A1 zone district, which applies on this site. Per Former Chapter 59 Section 96 (a), no buildings may be above 75 feet in height within 175 feet of any protected district. Denver Revised Municipal Code (DRMC) Section 59-2 (c) establishes U-SU-A1 as a protected district regulating building heights in the B-4 zone district.

#### UO-1 and UO-2 Use Overlay Districts

UO-1 is the Adult Use Overlay District that permits some adult business uses with limitations. See DZC Section 9.4.4.6. UO-2 is the Billboard Use Overlay District that permits “outdoor general advertising devices” with limitations.



There are three existing billboards on the site. Most of the eastern and southern halves of the site are restricted from the placement of future billboards due to the proximity of residential zone districts to the east and south. Additional standards and limitations regarding minimum separation and distance requirements also apply. See DZC Section 9.4.4.7.

#### C-MX-3 Zone District

C-MX-3 is a mixed use zone district that permits a maximum height of 3 stories and 45 feet. It also requires a minimum build-to of 70% with 40% transparency on Primary Streets. The minimum primary street setback is 0 feet. A wide range of residential and commercial land uses are allowed. For additional details regarding building form standards in the C-MX-3 zone district, see DZC Section 7.3.3.4.

#### IO-1 (38th and Blake Incentive Overlay)

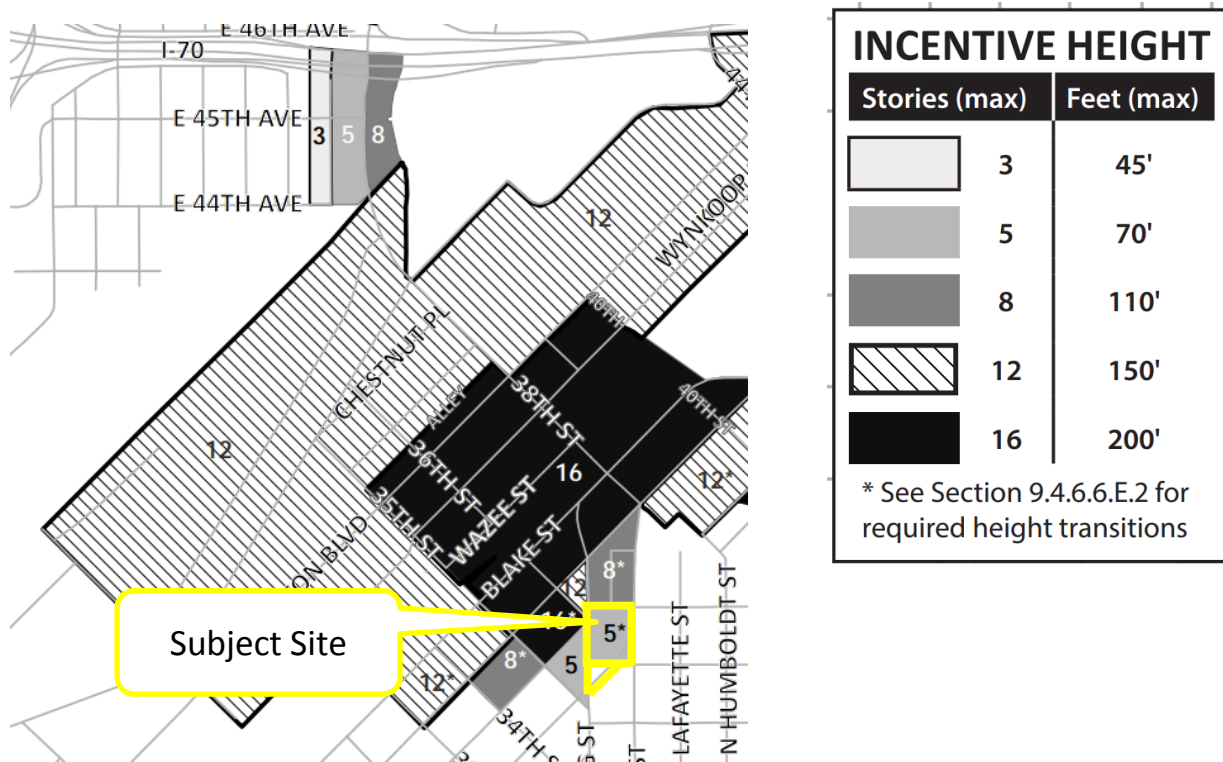
The 38<sup>th</sup> and Blake Station Area Incentive Overlay district was established in 2018. The purpose of the overlay district is to implement the 38<sup>th</sup> and Blake Station Area Height Amendments (2016) by requiring affordable housing and other community benefits for development that exceeds defined base building heights. DZC Section 9.4.6.6 establishes that no overlay-based affordable housing or community benefit requirements apply to buildings that do not exceed the maximum building height set forth in the base zone district. The overlay district establishes a map-based maximum incentive height framework (see map below). The maximum incentive height may only be 75 feet within 175 feet of a Protected District.

The IO-1 map in the DZC sets forth a maximum incentive building height of 5 stories for the 3600 block of Downing Street and the west side of the 3600 block of Marion Street through height transitions. Therefore, if the rezoning is approved, then the IO-1 overlay district would not provide any building height incentive for the portion of the 3600 block of Downing Street that would be zoned C-MX-5. If the portion of the 3600 block of Marion Street is approved for the requested C-MX-3 zoning, then the IO-1 overlay district would allow up to 5 stories in most of this area provided all IO-1 requirements are met. To promote compatibility with the lower-scale district across Marion Street, the maximum height would remain 3 stories and 45 feet in the first 35 feet from the Marion Street zone lot line.

The IO-1 map does not apply to areas south of 36<sup>th</sup> Avenue.

See Section 9.4.6 for more details on the IO-1 zone district. The IO-1 overlay district currently only applies to the area of the subject site zoned C-MX-5.

Map of IO-1 Incentive Height Areas



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 design, a human scale that promotes vibrant pedestrian-oriented streets, and multi-modal transportation options. 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); and
- 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.

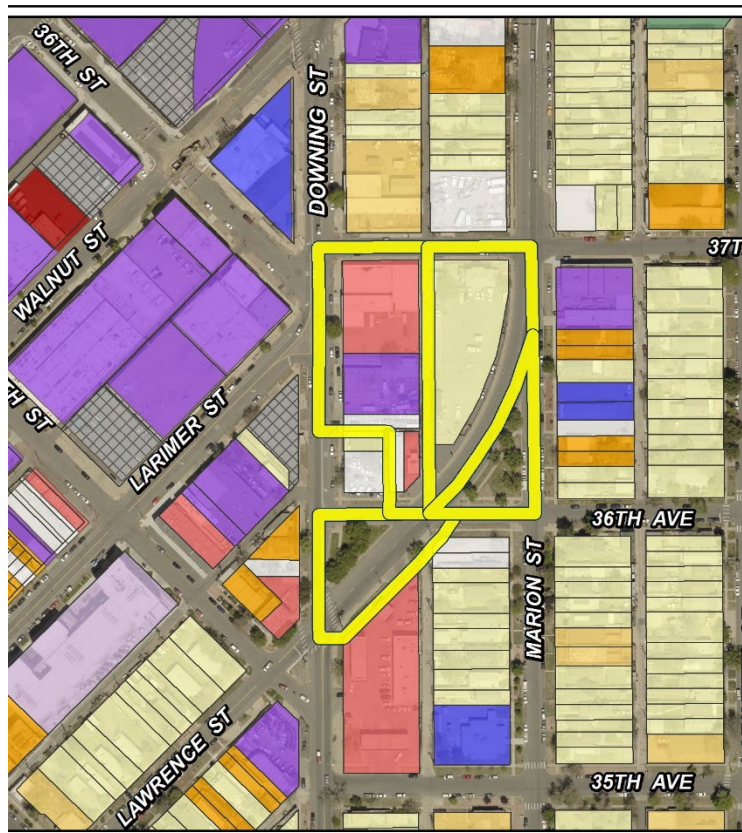
See Section 9.4.5.11 for more details on the DO-7 zone district. The DO-7 overlay district currently only applies to the area of the subject site zoned C-MX-5.

U-SU-A1 (Single Unit Residential)

The U-SU-A1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. For additional details on the U-SU-A1 zone district, refer to Article 5 of the Denver Zoning Code (DZC).

**2. Existing Land Use Map**

The 3600 block of Downing Street has a mix of commercial, industrial, and single-unit residential areas along with some vacant areas. A portion of the 3600 block of Marion Street (west side) is currently green space as part of the Lawrence Street right-of-way. The portion of the 3500 block of Downing Street in the proposed rezoning area is currently green space and mapped as part of the Lawrence Street right-of-way. The blocks west of Downing Street and the portions of blocks east of Downing Street that have Downing Street frontage are mostly nonresidential. East of the alleys dividing the blocks between Downing Street and Marion Street transitions to mostly residential uses. The block on the east side of Marion Street has a mix of industrial, public, and single- and multi-unit residential uses.



**Existing Land Use**

-  Single-unit Residential
-  Two-unit Residential
-  Multi-unit Residential
-  Commercial/Retail
-  Industrial
-  Mixed-use
-  Office
-  Parking
-  Public/Quasi-public
-  Vacant

### 3. Existing Building Form and Scale Images

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages. (Source: Google Earth)

#### Subject Property Images

##### Subject Property Looking Northwest



##### Subject Property (3650 and 3660 Downing St.) Looking East from Downing Street



**Subject Property (3659 Marion Street) Looking South from 37<sup>th</sup> Avenue**



**Subject Property Looking West from Marion Street at 36<sup>th</sup> Avenue**



**Subject Property (3600 and 3616 Downing St.) Looking Northeast from 36<sup>th</sup> Avenue**



Rezoning Application #2018I-00127

3618, 3620, 3630, 3632, 3648, 3650, 3660 Downing St.; 1217, 1219 East 36<sup>th</sup> Ave.; 3659 Marion St.

March 7, 2019

Page 15

**Subject Property (portion of 3500 Block of Downing) Looking North-Northeast from Lawrence Street**



**Surrounding Property Images**

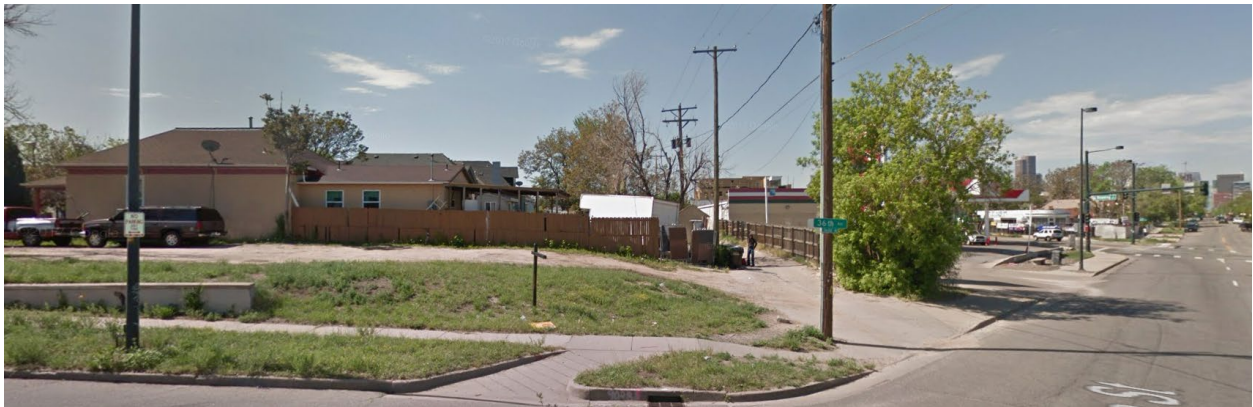
**Surrounding Property Looking Northwest from Downing Street at 36<sup>th</sup> Street**



**Surrounding Property Looking West from Downing Street at 36<sup>th</sup> Avenue**



**Surrounding Property Looking South from 36<sup>th</sup> Avenue at Lawrence Street**



**Surrounding Property Looking East from Marion Street**

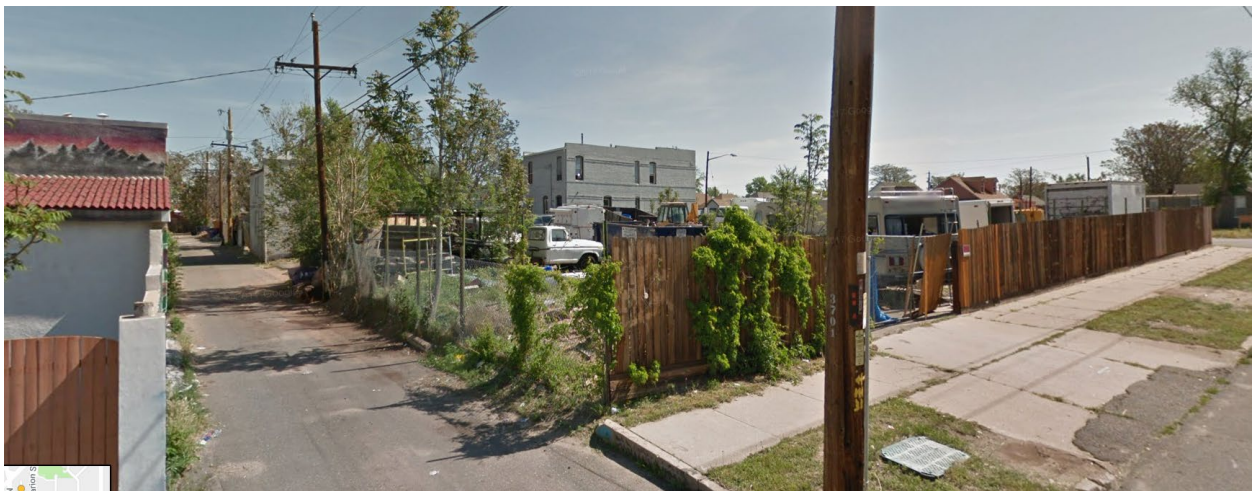




**Surrounding Property North of Subject Property Looking East from Downing Street**



**Surrounding Property Looking North from 37<sup>th</sup> Avenue**



**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 comment

**Real Estate:** Approved - no comment

**Denver Public Schools:** Approved - no comment

**Department of Public Health and Environment:** Approved with comments.

Notes. DEH concurs with the proposed rezoning; however, there are environmental conditions associated with the site. DEH has information to indicate the site is located within the boundaries of Operable Unit 1 (OU 1) of the Vasquez Boulevard/I-70 Superfund site which is associated with elevated levels of metals in soil; however, OU 1 only includes residential properties, so most of the parcels included in this site were not tested by the U.S. Environmental Protection Agency. DEH also has information suggesting part of the site may have been used as a salvage yard. The developer should assure site conditions are safe for the proposed future use (e.g., prevent exposure to contaminated soils).

Additionally, DEH has information of past documented petroleum releases from underground fuel tank systems on and near the site, and information chlorinated solvents have been detected in groundwater at nearby properties.

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.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

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.

**Parks & Recreation:** Approved – no comments.

**Public Works – Right-of-Way – Surveyor:** Approved – with comments. Will require additional information at Site Plan Review.

**Development Services – Transportation:** Approved - no comments.

**Development Services – Wastewater:** Approved – with comments.

DS 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.

**Development Services – Project Coordination:** Approved – no comments.

**Development Services – Fire Prevention:** Approved - no comments.

## 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	9/26/18
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	12/24/18
Planning Board public hearing. Planning Board recommended approval by a vote of 9-0.	1/9/19
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 (tentative)	1/15/19
Land Use, Transportation and Infrastructure Committee of the City Council review. LUTI recommended that the request advance to the full City Council.	1/29/19
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations	2/18/19
City Council Public Hearing	3/11/19

The RNOs identified on page 1 were notified of this application. As of the date of this staff report, city staff has received 132 public comments (see Attachment 3).

The Curtis Park RNO letter supports the rezoning, while citing concern over the design of any redevelopment and surrounding infrastructure improvements given the prominence of the site in relation to the light rail station and convergence of several streets. The RiNo Arts District RNO letter supports the rezoning and proposed infrastructure improvements in and around the subject site.

Two comments representing four properties support the rezoning request for the existing commercially zoned areas but are in opposition to the removal of the green space areas.

128 of the comments support the rezoning request. The reasons for support vary, but generally address the desire for redevelopment of this site and the potential for a mixed use project with affordable housing.

### 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)*
- *38<sup>th</sup> and Blake Station Area Plan (2009) and 38<sup>th</sup> and Blake Station Area Height Amendments (2016)*
- *Elyria Swansea Neighborhood Plan (2015)*
- *Northeast Downtown Neighborhoods Plan (2011)*

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

The request is consistent with several Denver Comprehensive Plan 2000 strategies, including:

- Environmental Sustainability Strategy 2-F:
  - *Conserve land by promoting infill development at sites where services and infrastructure are already in place (p. 39).*
  - *Conserve land by creating more density at transit nodes (p. 39).*
- 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 (p. 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 (p. 60).*
- Land Use Strategy 4-B: *Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities (p. 60).*
- Mobility 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 (P. 76).*
- Mobility Strategy 5-D: *Determine the potential for transit-oriented development at public transit stations, and encourage such opportunities whenever possible (p. 79).*

The proposed map amendment would promote transit-oriented infill development at a location where services and infrastructure are in place to serve the property. The subject site is located within 2 blocks of the 38<sup>th</sup> and Blake Station commuter rail platform and is an infill site that is integrated with the urban Denver street grid.

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

According to *Blueprint Denver*, most of the subject site has a concept land use of Transit Oriented Development and is located within an Area of Change. The two green space areas are part of the Lawrence Street right-of-way as it traverses the subject site and do not have a land use designation.

#### **Future Land Use**

Blueprint Denver describes Transit-Oriented Development as areas where land uses have a direct correlation to the function of a mass transit system. These development sites are located at stations or stops along bus or rail lines within a mass transit network. Some key attributes of TOD commonly include a balanced mix of uses and compact, mid- to high-density development (p. 44).

#### **Area of Stability / Area of Change**

Most of the site is in an Area of Change. Areas of Change are parts of the city where new growth and redevelopment can best be accommodated because there is existing infrastructure in the area and sites have not realized their full development potential. Certain features characterize an Area of Change, such as areas adjacent to and around transit stations (p. 19).

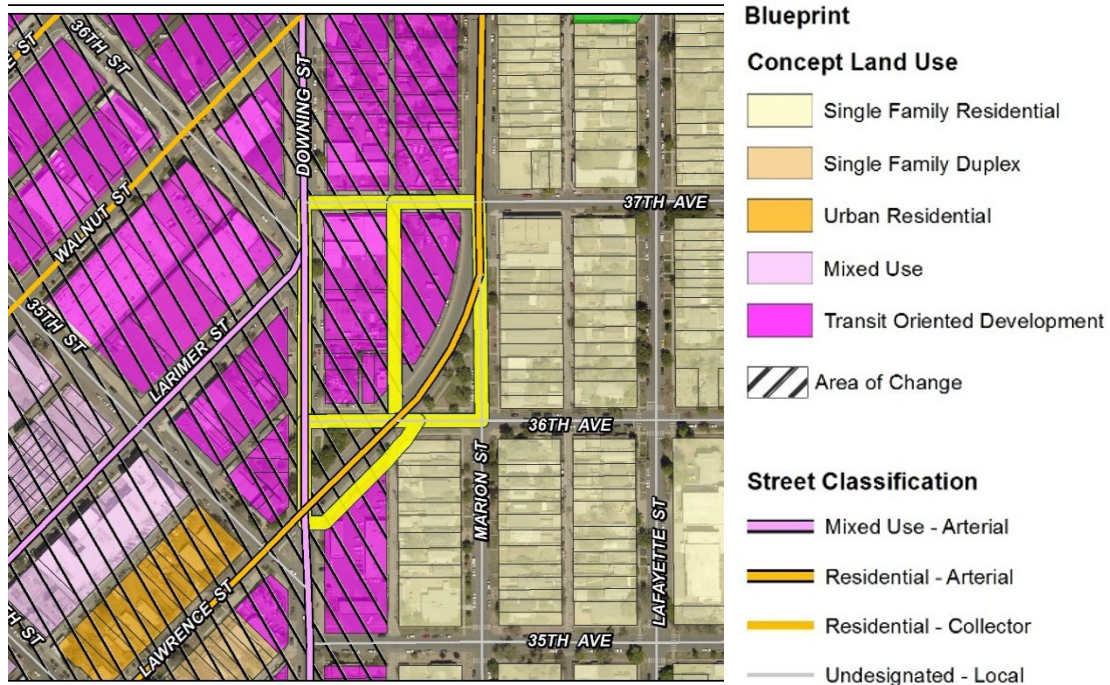
The green space area northwest of the corner of 36<sup>th</sup> Avenue and Marion Street is in an Area of Stability. The goal of areas of stability is to “maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation” (p. 5) Due to the future change in the street network at this location, targeted reinvestment is appropriate, compatible with the Area of Change designation on the balance of the future block.

#### **Street Classifications**

Lawrence Street and the portion of Marion Street north of Lawrence Street are classified by Blueprint Denver as Residential Collector streets. Collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas (p. 51). Residential Collector streets are designed to emphasize walking, bicycling and land access over mobility (p. 55).

Downing Street is classified by Blueprint Denver as a Mixed-Use Arterial. Arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas (p. 51). Mixed-use streets are located in high-intensity mixed use commercial, retail and residential areas with substantial pedestrian activity (p. 57).

36<sup>th</sup> Avenue, 37<sup>th</sup> Avenue, and the portion of Marion Street south of Lawrence Street are classified by Blueprint Denver as Undesignated Local Streets. Blueprint Denver states, “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51).



The request is consistent with Blueprint Denver policies for the following reasons:

- Regarding the Transit Oriented Development (TOD) future land use classification, the rezoning would support mid- to high-density development at a location within two blocks of a commuter rail station;
- Regarding the Area of Change classification, the rezoning would accommodate development on a site with existing services and infrastructure; and
- The area is served by a mixed-use arterial street which is consistent with the uses allowed in the combination of mixed use commercial zone districts proposed for the site.

### **38<sup>th</sup> and Blake Station Area Plan (2009) and 38<sup>th</sup> and Blake Station Area Height Amendments (2016)**

The subject site has areas with future concept land uses of Mixed Use – Main Street and Urban Residential.

The Mixed Use – Main Street designation applies west of the alley between Marion and Downing Streets. Mixed Use – Main Street future land uses encourage a strong mix of housing, office, and commercial uses with flexible use requirements that respect the residential fabric of the neighborhood and reinforce linear development patterns along commercial streets. The character of these mixed use streets should clearly define and activate the public realm by locating buildings, entrances and windows in a way that creates an active and lively pedestrian scaled commercial corridor (p. 48).

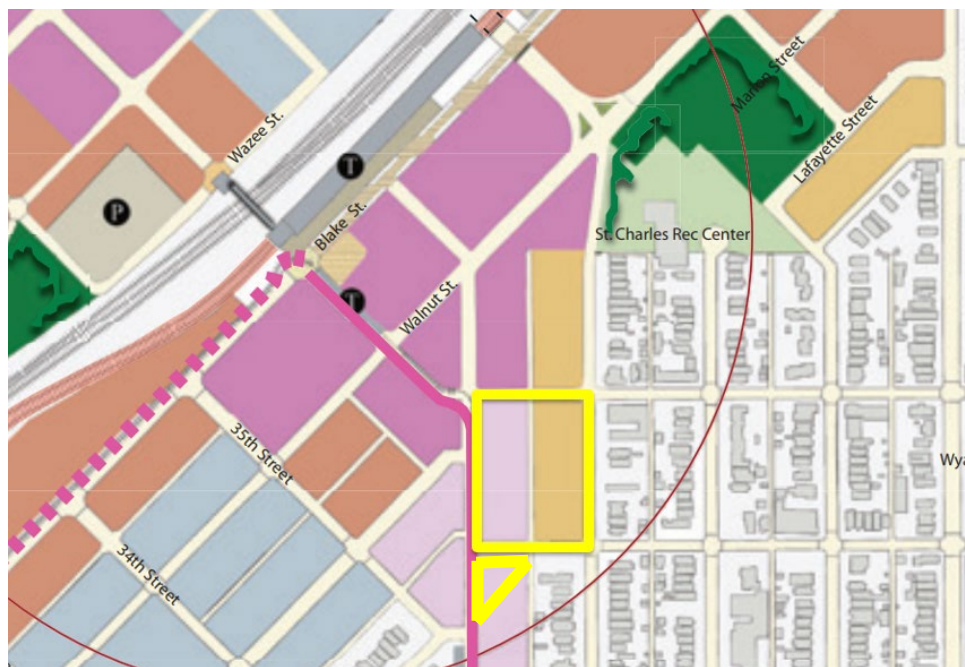
The Urban Residential designation applies east of the alley between Marion and Downing Streets. Urban Residential future land uses are primarily residential but may include a limited number of commercial uses to serve daily needs such as a drycleaner, bank, video store or neighborhood market. This designation is intended to serve as a transition between more intense development and existing single-

family neighborhoods. A mixture of housing types is present, including historic single-family houses, townhouses, and small multifamily apartments. (p. 49).

The following are additional relevant 38<sup>th</sup> and Blake Station Area Plan policies:

- Place Making Objective - *Promote infill within the station area to create development that supports transit ridership, residential, and neighborhood-serving retail and services* (p. 16).
- Recommendation LU-4: *Downing Mixed Use - Encourage mixed-use development along Downing from 35<sup>th</sup> to Walnut Street that emphasizes Downing as a main street for the neighborhoods to access goods and services and includes residential.* (p. 51)

### 38<sup>th</sup> and Blake Station Area Future Land Use Map



#### LEGEND

Mixed Use -TOD Core	Mixed-Use- Employment	Possible Future Blake Streetcar Connection
Mixed Use - Main Street	Open Space and Parks	Central Corridor Street Car
Mixed Use - Residential	New Open Space and Parks	Mixed Pedestrian -Auto Street
Urban Residential	FasTracks East Corridor Line	Pedestrian Plaza

### 38<sup>th</sup> and Blake Station Area Height Amendments (2016)

The 38<sup>th</sup> and Blake Station Area Height Amendments adopted in 2016 provide the most recent, focused recommendations for building heights on the subject site. These height recommendations supersede conflicting building height guidance provided in the 38<sup>th</sup> and Blake Station Area Plan, Northeast Downtown Neighborhoods Plan, and Elyria & Swansea Neighborhood Plan as explicitly stated in each of these plans (see p. 52 of the 38<sup>th</sup> and Blake Station Area Plan, p. 19 of the Northeast Downtown Neighborhoods Plan, and p. 31 of the Elyria & Swansea Neighborhoods Plan).

Different maximum base height and incentive heights apply across the subject site. On the 3600 block of Downing west of the alley, the maximum base and incentive height is 5 stories. On the 3600 block of Marion east of the alley alignment, the maximum base height is 3 stories and the incentive height is 5 stories, with a transition down to 3 stories for a narrow portion along the west side of Marion Street. The incentive overlay boundaries do not include any areas south of 36<sup>th</sup> Avenue, so those portions of the subject site would not be eligible for any height incentives.

Most of the eastern ½ of the subject site on the 3600 block of Marion Street is the only area that allows an incentive height greater than the base height. If this this area were rezoned to C-MX-3, there would be the option to increase the building height to 5 stories if the IO-1 overlay district requirements are met, except for a narrow strip along Marion Street where the maximum height would remain 3 stories to transition to the neighborhood to the east.



The request is consistent with 38<sup>th</sup> and Blake Station Area Plan and 38<sup>th</sup> and Blake Station Area Height Amendments policies for the following reasons:

- The base zone district building heights proposed are consistent with the recommended building heights for the subject site;
- Regarding the Mixed Use – Main Street future land use designation for the western ½ of the subject site, the C-MX-5 and C-MS-5 zone districts and DO-7 design overlay will allow a mix of uses and require enhanced design and activation of the public realm;
- Regarding the Urban Residential future land use designation for the eastern ½ of the subject site, the C-MX-3 zone district would allow residential and limited commercial uses on a block adjacent to Downing Street, a mixed use corridor;



- The rezoning would promote infill, mixed use development in the station area that supports the transit infrastructure; and
- The rezoning area will support mixed use development on Downing Street, an identified main street for mixed use and neighborhood services.

### **Elyria & Swansea Neighborhoods Plan (2015)**

The subject sites are not in the Elyria & Swansea neighborhood boundaries, but they are included in the overall study area of this plan, which included areas within one-half mile of the 38<sup>th</sup> and Blake Station, and the subject sites are shown as part of the overall land use, building height, and infrastructure framework.

The Elyria & Swansea Neighborhoods Plan's concept future land use map identifies the subject site as Transit Oriented Development (TOD). These development sites are located at stations or stops along mass transit lines, especially rail lines. Transit-Oriented Developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access (p. 27).

The Elyria & Swansea Neighborhoods Plan's Future Maximum Building Heights Map does not have building height recommendations for the subject site.

The request is consistent with Elyria & Swansea Neighborhoods Plan policies for the following reasons:

- The C-MX and C-MS zone districts and DO-7 design overlay will allow a mix of uses and in a configuration (through build to requirements) that facilitates pedestrian and transit access, particularly along Downing Street.

### **Northeast Downtown Neighborhoods Plan (2011)**

The Northeast Downtown Neighborhoods Plan future concept land use map identifies the subject site as primarily Transit Oriented Development (TOD). Transit-oriented developments provide housing, services, and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access. Within Northeast Downtown, TOD occurs at several different scales, reacting to the amount and type of transit service and the context of the existing adjacent neighborhoods (p. 16).

The existing green space that is part of the Lawrence Street right-of-way north of 36<sup>th</sup> Avenue is shown as part of the street grid and an extension of the Single Family future land use east of Marion Street. However, this plan did not contemplate the "squaring off" of the 3600 block of Downing as is currently underway.

The Northeast Downtown Neighborhoods Plan Concept Height Map shows the subject site as 5 stories west of the alley and 3 stories east of the alley. This is consistent with the building height recommendations in the 38<sup>th</sup> and Blake Station Area Height Amendments.

The following are additional relevant Northeast Downtown Neighborhoods Plan policies:

- TOD Recommendations - *Promote Transit Oriented Development of an appropriate scale at three locations, including Neighborhood serving, main street retail and mixed use – Welton-Downing Corridor between 25th and Welton and 38th and Blake* (p. 59).

- Transformative Concepts Affecting Downing/Welton - *Focusing appropriately scaled development that is oriented towards the transit investment on Welton and Downing encourages walkable, urban neighborhoods that have easy access to daily needs and amenities* (p. 82).
- Siting - *The desired street character of Welton and Downing is a main street feel that acknowledges the important presence of high quality transit service in the corridor. Buildings in the corridor should maintain the build-to line to provide a consistent street edge and promote pedestrian activity. Buildings should be placed to best assist with transitions to adjacent neighborhoods. The visual impacts of parking should be minimized by being located at the rear of the building* (p. 84).
- Design Elements - *Building scale should promote a main street character and be oriented towards either Downing or Welton, with prominent main entrances situated for pedestrian access. A high level of transparency on the ground floor is desired* (p. 84).

The request is consistent with Northeast Downtown Neighborhoods Plan policies for the following reasons:

- The rezoning would promote development in a transit-oriented development area at a scale recommended in the plan; and
- The C-MX, C-MS, and DO-7 design overlay districts will encourage development to orient to Downing Street and the 38<sup>th</sup> and Blake station through build-to and street level activation requirements, promoting a main street character.

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

The proposed rezoning would result in the uniform application of zone district building form, use, and design regulations for the subject properties.

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

The proposed official map amendment would further the public health, safety, and general welfare of the City through implementation of adopted plans. Specifically, the request will implement land use, development, and building height recommendations from the 38<sup>th</sup> and Blake Station Area Plan and Height Amendments. The request will also implement land use and development recommendations from the Comprehensive Plan, Blueprint Denver, Northeast Downtown Neighborhoods Plan, and Elyria & Swansea Neighborhoods Plan. The incentive overlay will provide community benefits or affordable housing if heights are increased above the base height. The design overlay will ensure a more pedestrian-friendly environment with street-level activation and higher quality building design.

## **4. Justifying Circumstance**

The rezoning is justified 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: Changed or changing conditions in a particular area; or A City adopted plan."

The Northeast Downtown Neighborhoods Plan, Elyria & Swansea Neighborhoods Plan, and 38<sup>th</sup> and Blake Station Area Plan Height Amendments were all adopted since the date of the approval of the existing zone districts on the subject site. The 38<sup>th</sup> and Blake Station also opened in 2016, with multiple

sites concurrently or subsequently redeveloping in the immediately surrounding area, representing changed conditions to a degree that the proposed rezoning is in the public interest.

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

### Neighborhood Context Description

The requested C-MX zone districts are in the Urban Center Neighborhood Context, which consists of multi-unit residential, mixed use, and commercial centers. All buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building. There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system.

The request is consistent with the Urban Center Neighborhood Context description because it promotes mixed use development with excellent access to a multimodal transportation system, with the 38<sup>th</sup> and Blake Station area two blocks away from the subject site.

### Zone District Purpose and Intent Statements: C-MX-3, C-MX-5, C-MS-5

C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. C-MS-5 applies primarily to collector or arterial street corridors or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.

The proposed C-MX-3 area has frontage on collector and local streets. The proposed C-MX-5 and C-MS-5 areas have frontage on an arterial. The desired scale of building heights in this area were articulated by adopted plans and the proposed zone districts are consistent with those desired building scales. Therefore, the proposed zoning is consistent with the zone district purpose and intent statements for C-MX-3, C-MX-5, and C-MX-8

### Zone District Purpose Statement: DO-7

DZC Section 9.4.5.11.B articulates the general purpose of the River North Design Overlay District (DO-7):

1. Implement adopted plans; and
2. 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;
3. Provide flexibility to support the diverse design traditions of RiNo;
4. Activate the South Platte River frontage to promote the river as a neighborhood asset;
5. Maintain human scale and access to daylight as heights and densities increase throughout the district;
6. Promote vibrant pedestrian street frontages with active uses and street-fronting building entries;
7. Provide transitions between residential frontages and mixed-use streets;
8. Ensure that buildings are designed to adapt to new uses as the district changes and evolves;
9. Promote active transportation options, such as walking and biking;
10. Minimize potential conflict points between pedestrians and motor vehicles;
11. Minimize the visibility of surface and structured parking areas for vehicles; and

12. Encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity.

The subject site is located in the area covered by the adopted 38<sup>th</sup> and Blake Station Area Height Amendments and the RiNo Business Improvement District. It is located in an area where vibrant street frontages, active uses, and street-fronting building entries are desired as identified above, and applying the DO-7 would implement the adopted plans. Therefore, the rezoning to DO-7 is consistent with the general purpose statement of the district.

Zone District Purpose Statement: IO-1

DZC Section 9.4.6.6.B provides the general purpose of the 38<sup>th</sup> & Blake Station Area Incentive Overlay District (IO-1):

1. Ensure that higher-intensity development in the area covered by the adopted 38<sup>th</sup> and Blake Station Area Height Amendments complements public transit investments by providing specific community benefits as recommended by the adopted plan; and
2. Implement specific adopted plan policies for the 38<sup>th</sup> and Blake Station area by requiring additional affordable housing and other community benefits in excess of standard requirements for development above plan-specified Base Heights; and
3. Implement an incentive-based system that recognizes development entitlements within Underlying Zone Districts while allowing greater development potential for projects that provide community benefits in excess of standard requirements.

Since the site is located within the 38<sup>th</sup> and Blake Station area where specific community benefits and affordable housing are desired for development of greater intensity than standard requirements, it is consistent with the general purpose of the IO-1 zone district to apply it to the subject site.

**Attachments**

1. Rezoning application
2. Ordinance Number 29, Series 2002
3. Public comments



## 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> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</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:			

Applicant: Albus Brooks,  
Councilman District 9  
albus.brooks@denvergov.org  
(720) 337-7709

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. 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 Rezonings: 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"/> 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:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</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. 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. 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:	
<p><input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input type="checkbox"/> Proof of Ownership Document(s)</p> <p><input type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
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	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	Has the owner authorized a representative in writing? (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 Josie Q. Smith</i>	01/01/12	(A)	YES
Trihouse, LLC	3648-3360 Downing St. 3630 - 3632 Downing St. 3618- 3620 Downing St. 1213 - 1215 E. 36th Ave 1217-1219 E. 36th Ave. 3659 Marion St. Denver, CO 80205	100%		8/20/18	A	Yes
Bright Roof, LLC	3616 N. Downing St. Denver, CO 80205	100%		8/20/18	A	Yes
Havana Gold, LLC	Downing Street and 36th Avenue Denver, CO 80205	100%		8/20/18	A	Yes

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
720-865-2974 • rezoning@denvergov.org



10/25/2018

Attn:  
Jeff Hirt, Senior City Planner

Planning Services  
Denver Community Planning and Development  
201 W Colfax Street  
Dept 205  
Denver, CO 80202

**Subject: Additional Review Criteria for Rezoning of 3600 Downing (36<sup>th</sup> & Marion)**

Planning Staff,

The following memo outlines Additional Review Criteria for Rezoning at 3600 Downing Street:

- OZ Architecture has been asked to provide exhibits for the proposed rezoning at 3600 Downing Street. Please reference exhibit CP-01. The following narrative provides a summary of additional review criteria for your consideration.
- The subject parcel is a block bounded by Downing, 36<sup>th</sup>, Marion, and 37<sup>th</sup> and includes vacated portions of Lawrence St. Also included is an additional (triangle-shaped) parcel just south of 37<sup>th</sup> and bounded by Downing, 37<sup>th</sup>, and vacated portions of Lawrence St. The subject parcel will be an aggregate of the following parcels:

Parcel Address	Existing Zoning	Proposed Zoning (Reference Plan Exhibit)
3659 Marion St	B-4 with Waivers, UO-1, UO-2	Western ½ of 3600 Block of Downing: C-MX-5, UO-1, UO-2, IO-1, DO-7; Eastern ½ of 3600 Block of Downing: C-MX-3, UO-1, UO-2, IO-1, DO-7
3648 Downing St Unit 3660	B-4 with Waivers, UO-1, UO-2	
3630 Downing St		
3618 Downing St Unit 3620		
1217 E 36 <sup>th</sup> Ave		
1213 E 36 <sup>th</sup> Ave		
3616 Downing St		
3600 Downing St		
Area bounded by Lawrence St, Marion St, and 37 <sup>th</sup> St; CDOT Parcels 7-EX, 8-EX, 9-EX, 10-EX, 11-EX, 12-EX, 13-EX, 14-EX, 16-EX	U-SU-A1	Southeastern Portion of 3600 Block of Downing: C-MX-3, IO-1, DO-7
Area bounded by Downing, 36 <sup>th</sup> , and Lawrence St; CDOT Parcels 17-EX, 18-EX, 15-EX	C-MX-3, UO-1, UO-2	C-MS-5, UO-1, UO-2

- The existing zoning (see table above) of the subject parcel is primarily B-4 WVRs with additional overlays (Chapter 59). Remaining portions of the subject parcel are currently C-MX-5. Portions of the subject parcel which are CDOT parcels are currently located within the right of way along Marion St and Lawrence St are designated as C-MX-3 and U-SA-A1. The objective of this rezoning is to consolidate the aggregated parcels and various zoning designations into one primary zoning which is consistent with the intent of the current Denver Zoning Code and formal area plans.
- The subject parcel is included in the 38<sup>th</sup> & Blake Station Area Plan and associated height amendment adopted in 2016. According to the vision statement of this area plan, future development should emphasize, among other things, “emerging new residential” districts and “provide a mix of uses.” Mixed-Use Residential is also a stated land use





recommendation for this area. Located within the ¼ mile radius of Blake St station, the subject parcel is a prime location for strategically place mixed, residential and commercial uses as envisioned by the area plan.

5. As described in the mobility plan (38<sup>th</sup> & Blake Station Area Plan, page 21), the block bounded by Downing, 36<sup>th</sup>, and 37<sup>th</sup> is highlighted for recommended upgrades to pedestrian improvements. Specifically, new development should provide improved continuity for pedestrian routes to and from adjacent neighborhoods and primary corridors. The proposed redevelopment would provide this continuity as well as new residential and retail services along these corridors, improving the pedestrian experience and helping to achieve the mobility goals stated in the area plan.
6. As allowed by the Blake St. Station Area Incentive Overlay (IO-1), the subject parcel is eligible to be zoned up to 5 stories with portions of the block subject to height transition along Marion St.
7. The proposed redevelopment is consistent with both the scale and land use goals described in the 38<sup>th</sup> & Blake Street Area Plan. By rezoning, the subject parcel is better positioned to provide the mix of services and density to capitalize on its location within ¼ miles of the transit station. The applicant recognizes that for portions of the subject parcel that fall within height transitions described in IO-1, it will be desirable to reduce the scale of the redevelopment to accommodate those restrictions and complement the residential scale of the existing properties along Marion Street. In an effort to acknowledge the smaller-scale residential character along that corridor, the applicant proposes to zone the eastern ½ of the 3600 block of Downing as C-MX-3 while the western ½ is zoned C-MX-5. The small triangular area bounded by Downing and 36<sup>th</sup> Street is proposed as C-MS-5 which is consistent with parcels immediately adjacent.
8. The proposed rezoning and subsequent redevelopment of this property will provide tangible benefits to the local area. In addition to meeting stated goals of the area plan, this redevelopment has the potential to bring positive outcomes for the Five Points and Cole neighborhoods. The mix of housing, affordable housing, retail and services will create a nexus of activity and opportunity for residents. The street and pedestrian upgrades that will be included with this redevelopment will greatly improve vital established and future connections between neighborhoods and urban infrastructure. And located at a prominent junction between Rino, Five Points, Cole, and the Blake corridor, this promises to be a landmark and gateway which we hope will express the character and identity of these unique Denver neighborhoods. This is an opportunity to provide much needed housing, small retail and services while creating a well-designed and walkable urban zone. We look forward to working closely with neighborhood groups, city staff, and all stakeholders on this proposal.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Matthew Schexnider', written over a horizontal line.

Matthew Schexnider  
Architect, OZ Architecture



3003 Larimer Street  
Denver, Colorado 80205  
phone 303.861.5704  
www.ozarch.com

**36th & DOWNING**  
36th & DOWNING  
DENVER, CO, 80205

PROJ. NO. 117146.00  
DRAWN: MS  
CHECKED: Checker  
APPROVED: Approver  
DATE: 20181025

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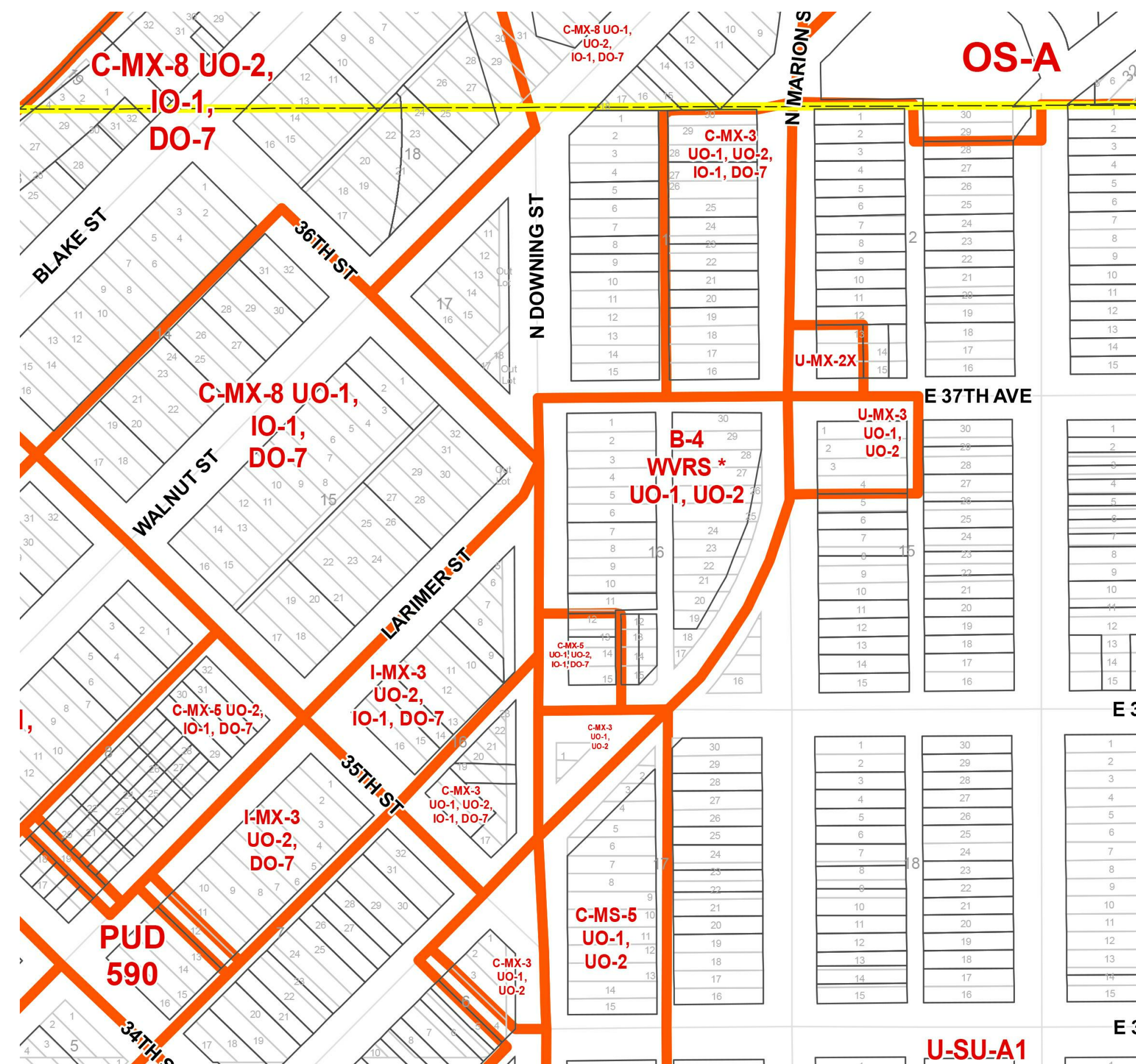
36th & DOWNING

ISSUED FOR:  
NOT FOR  
CONSTRUCTION

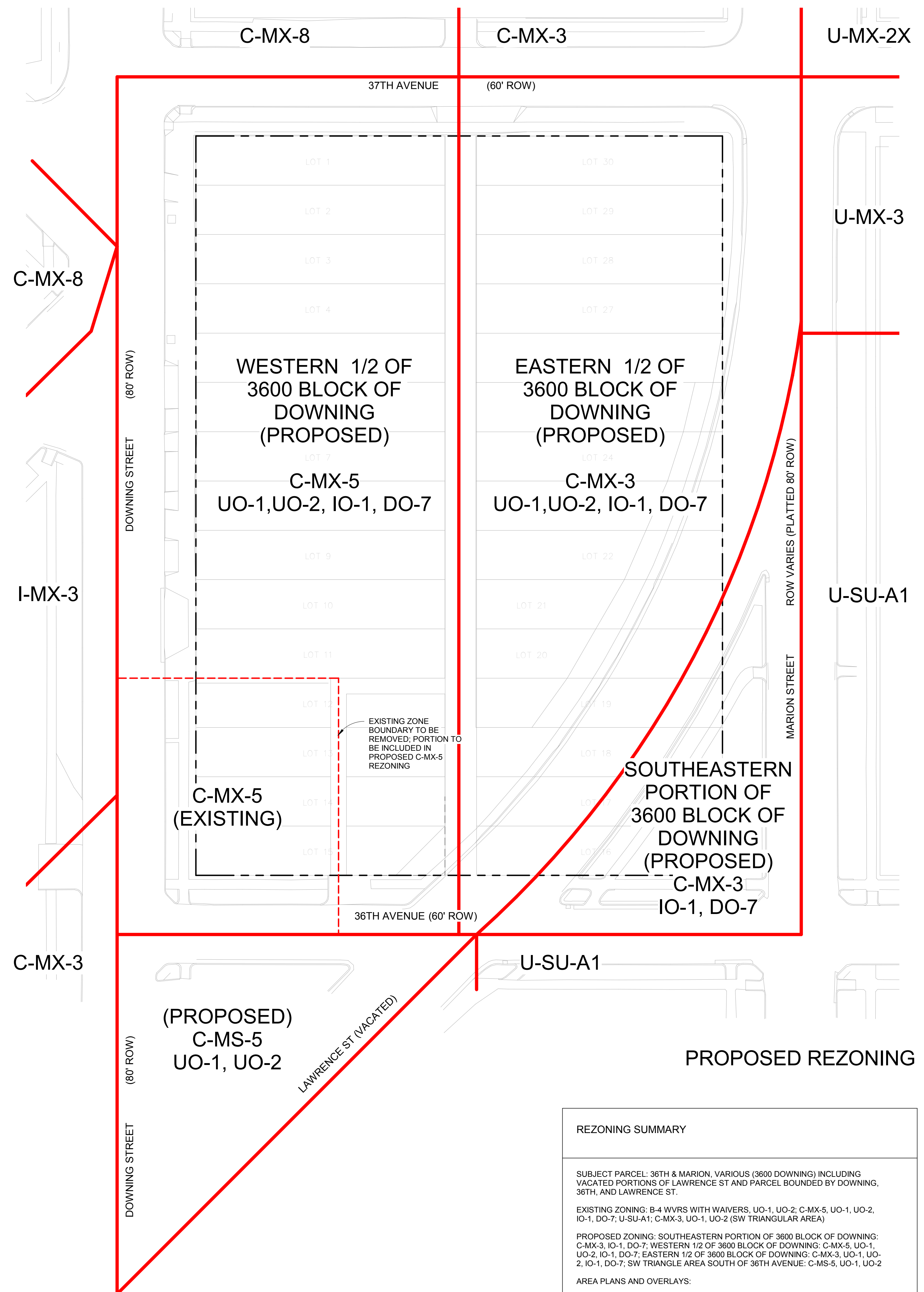
SHEET TITLE:  
SITE PLAN

SCALE: As indicated  
SHEET NUMBER

**CP-01**



EXISTING ZONING



PROPOSED REZONING

REZONING SUMMARY
SUBJECT PARCEL: 36TH & MARION, VARIOUS (3600 DOWNING) INCLUDING VACATED PORTIONS OF LAWRENCE ST AND PARCEL BOUNDED BY DOWNING, 36TH, AND LAWRENCE ST.
EXISTING ZONING: B-4 WVRs WITH WAIVERS, UO-1, UO-2; C-MX-5, UO-1, UO-2, IO-1, DO-7; U-SU-A1; C-MX-3, UO-1, UO-2 (SW TRIANGULAR AREA)
PROPOSED ZONING: SOUTHEASTERN PORTION OF 3600 BLOCK OF DOWNING: C-MX-3, IO-1, DO-7; WESTERN 1/2 OF 3600 BLOCK OF DOWNING: C-MX-5, UO-1, UO-2, IO-1, DO-7; EASTERN 1/2 OF 3600 BLOCK OF DOWNING: C-MX-3, UO-1, UO-2, IO-1, DO-7; SW TRIANGLE AREA SOUTH OF 36TH AVENUE: C-MS-5, UO-1, UO-2
AREA PLANS AND OVERLAYS: 38TH & BLAKE STATION AREA PLAN INCENTIVE OVERLAY IO-1



**LEGAL DESCRIPTION C-MX-5 (UO-1, UO-2, IO-1, DO-7) ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND BEING THE WEST ½ OF BLOCK 16, HYDE PARK ADDITION, LOCATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK 16, HYDE PARK ADDITION; THENCE N00°02'56"W ALONG THE WEST LINE OF SAID LOT 15 AND SAID LINE EXTENDED, 375.28 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 16, HYDE PARK ADDITION; THENCE S89°58'50"E ALONG THE NORTH LINE OF SAID LOT 1 AND SAID LINE EXTENDED, 133.58 FEET; THENCE S00°03'34"E, 375.24 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 36TH AVENUE; THENCE N89°59'50"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 133.64 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 50,138 SQUARE FEET OR 1.151 ACRES MORE OR LESS.

**LEGAL DESCRIPTION C-MX-3 (UO-1, UO-2, IO-1, DO-7) ZONE DISTRICT BOUNDARY (WEST PARCEL):**

A PARCEL OF LAND BEING A PORTION OF BLOCK 16, HYDE PARK ADDITION, LOCATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 15, BLOCK 16, HYDE PARK ADDITION; THENCE S89°59'50"E ALONG THE SOUTH LINE OF SAID LOT 15 AND SAID LINE EXTENDED, 133.64 FEET TO THE TRUE POINT OF BEGINNING; THENCE N00°03'34"W, 375.24 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 37TH AVENUE; THENCE S89°58'50"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 133.58 FEET TO THE NORTHEAST CORNER OF LOT 30, BLOCK 16, HYDE PARK ADDITION; THENCE S00°04'06"E ALONG THE EAST LINE OF SAID LOT 30 AND SAID LINE EXTENDED, 210.74 FEET; THENCE S23°40'54"W, 35.47 FEET; THENCE S30°02'59"W, 61.99 FEET; THENCE S35°41'40"W, 61.83 FEET; THENCE S44°57'10"W, 39.72 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 16, HYDE PARK ADDITION; THENCE THENCE N89°59'50"W ALONG SAID SOUTH LINE OF SAID BLOCK 16 AND SAID LINE EXTENDED, 24.02 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 42,427 SQUARE FEET OR 0.9740 ACRES MORE OR LESS.

**LEGAL DESCRIPTION C-MX-3 (IO-1, DO-7) ZONE DISTRICT BOUNDARY (EAST PARCEL):**

A PARCEL OF LAND BEING A PORTION OF BLOCK 16, HYDE PARK ADDITION, LOCATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 16, HYDE PARK ADDITION; THENCE N89°59'50"W ALONG THE SOUTH LINE OF SAID LOT 16, 109.62 FEET; THENCE DEPARTING FROM SAID SOUTH LINE N44°57'10"E, 39.72 FEET; THENCE N35°41'40"E, 61.83 FEET; THENCE N30°02'59"E, 61.99 FEET; THENCE N23°40'54"E, 35.47 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 16, HYDE PARK ADDITION; THENCE S00°04'06"E ALONG SAID EAST LINE OF SAID BLOCK 16, 164.46 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 7,706 SQUARE FEET OR 0.1769 ACRES MORE OR LESS.

**LEGAL DESCRIPTION C-MS-5 (UO-1, UO-2) ZONE DISTRICT BOUNDARY:**

A PARCEL OF LAND BEING A PORTION OF BLOCK 17, HYDE PARK ADDITION, LOCATED IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 17, HYDE PARK ADDITION; THENCE S89°59'50"E ALONG THE NORTH LINE OF SAID LOT 1 AND SAID LINE EXTENDED, 156.15 FEET TO A POINT ON THE NORTH LINE OF LOT 30, BLOCK 17, HYDE PARK ADDITION; THENCE S44°58'19"W, 21.20 FEET TO A POINT ON THE EAST LINE OF THE EXISTING PUBLIC ALLEY; THENCE S46°49'18"W, 21.92 FEET TO A POINT ON THE WEST LINE OF THE EXISTING PUBLIC ALLEY; THENCE S44°09'02"W, 114.98 FEET; THENCE S50°10'34"W, 58.55 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 17, HYDE PARK ADDITION; THENCE N00°02'56"W ALONG THE WEST LINE OF SAID LOT 6 AND SAID LINE EXTENDED, 150.00 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

THE ABOVE DESCRIBED PARCEL CONTAINS 12,090 SQUARE FEET OR 0.2775 ACRES MORE OR LESS.

**BASIS OF BEARINGS:**

AN ASSUMED BEARING OF N89°59'55"E BEING A 4' OFFSET LINE TO THE SOUTH LINE OF BLOCK 1, HYDE PARK ADDITION, BETWEEN TWO MONUMENTS 354.14 FEET APART; BOTH MONUMENTS BEING CHISELED CROSSES IN THE CONCRETE CURB, ONE AT THE NORTHEAST CORNER OF THE INTERSECTION OF DOWNING STREET AND 37TH AVENUE AND THE OTHER AT THE NORTHEAST CORNER OF THE INTERSECTION OF MARION STREET AND 37TH AVENUE.

**PREPARED BY:**

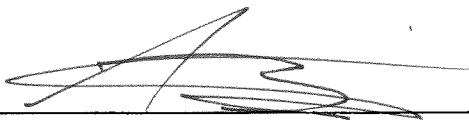
DAMIEN CAIN  
STATE OF COLORADO PLS 38284  
FOR AND ON BEHALF OF  
39 NORTH ENGINEERING AND SURVEYING LLC  
PREPARED ON SEPTEMBER 18, 2018  
REVISED ON OCTOBER 29, 2018

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named TRIHOUSE, LLC, A COLORADO LIMITED LIABILITY COMPANY
2. The type of entity is: Limited Liability Company
3. The entity is formed under the laws of COLORADO
4. The mailing address for the entity is 3535 LARIMER STREET, DENVER, CO 80205
5. The name and position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title, zoning or anything else real estate related on behalf of the entity is MARTIN CHERNOFF or ANDREW M. FEINSTEIN, MANAGERS.
6. The authority of the foregoing person(s) to bind the entity is not limited.
7. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this Twentieth day of August, 2018

TRIHOUSE, LLC, A COLORADO LIMITED LIABILITY COMPANY




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ANDREW M. FEINSTEIN, MANAGER

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named  
BRIGHT ROOF, LLC, A COLORADO LIMITED LIABILITY COMPANY
2. The type of entity is: Limited Liability Company
3. The entity is formed under the laws of COLORADO
4. The mailing address for the entity is 3535 LARIMER STREET, DENVER, CO 80205
5. The name and position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title, zoning or anything else real estate related on behalf of the entity is MARTIN CHERNOFF or ANDREW M. FEINSTEIN, MANAGERS.
6. The authority of the foregoing person(s) to bind the entity is not limited.
7. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this Twentieth day of August, 2018

BRIGHT ROOF, LLC, A COLORADO LIMITED LIABILITY COMPANY



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ANDREW M. FEINSTEIN, MANAGER

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity named HAVANA GOLD, LLC, A COLORADO LIMITED LIABILITY COMPANY
2. The type of entity is: Limited Liability Company
3. The entity is formed under the laws of COLORADO
4. The mailing address for the entity is 3535 LARIMER STREET, DENVER, CO 80205
5. The name and position of each person authorized to execute instruments conveying, encumbering or otherwise affecting title, zoning or anything else real estate related on behalf of the entity is MARTIN CHERNOFF or ANDREW M. FEINSTEIN, MANAGERS.
6. The authority of the foregoing person(s) to bind the entity is not limited.
7. This Statement of Authority amends and supersedes in all respects any and all prior dated Statements of Authority executed on behalf of the entity.

Executed this Twentieth day of August, 2018

HAVANA GOLD, LLC, A COLORADO LIMITED LIABILITY COMPANY



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ANDREW M. FEINSTEIN, MANAGER