



TO: Denver City Council
Christopher J. Herndon, President

FROM: Deirdre M. Oss, AICP, Senior City Planner

DATE: December 29, 2014

RE: Denver Zoning Code – Application #2014I-0038, a text amendment to create a design overlay district applicable to development in the South Sloan’s Lake General Development Plan (SSL GDP) area

CPD Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11.4 (Text Amendment), CPD staff recommends the City Council approve the South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment. Text amendments may be brought forward only by City Council or any individual member of City Council, the Manager of Community Planning and Development on his initiative or upon request of private parties, or the manager of any other city department or agency. DZC Section 12.4.11.3.A.

Summary and Purpose

DZC Section 12.4.11.1 states the text of the DZC may be amended to correct an error in the code, or because of changed or changing conditions in a particular area of the city, or to implement adopted plans, or as reasonably necessary to promote the public health, safety or general welfare. In addition, DZC Section 9.4.5.1 provides that Design Overlay Districts are intended to, among other things, implement land use and urban design recommendations and standards set forth in neighborhood or small area plans adopted as part of the Comprehensive Plan, provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses, and reinforce the desired character for newly developing areas.

The proposed South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment, if approved by City Council, will create height limits measured from the zone lots adjacent to specific streets within the South Sloan’s Lake General Development Plan area (generally between Stuart Street, 17th Avenue, Conejos Place, and Perry Street) (the “**SSL GDP area**”). This overlay district, if mapped against the SSL GDP area through a separate City Council approved map amendment, will ensure that the newly developing SSL GDP area better transitions and integrates to the surrounding lower intensity, lower height West Colfax neighborhood (the “**West Colfax neighborhood**”). These height transitions will implement the West Colfax Plan (2006), as further refined by the South Sloan’s Lake General Development Plan (2014) (the “**SSL GDP**”), promote the public health, safety and welfare, provide uniform standards for mitigating the impact of the more intensive SSL GDP area development to the existing West Colfax neighborhood, and reinforce the desired character of the SSL GDP area as reflected in the West Colfax Plan and SSL GDP.

For the avoidance of doubt, the proposed text amendment creating the South Sloan’s Lake Design Overlay District, DO-5 will not apply to any property unless and until such property is mapped DO-5 through a separate map amendment process.

A summary of the proposed text amendment is provided in the following table.

Summary of Denver Zoning Code Text Amendment	
Code Location	Proposed New Design Overlay Text
Article 9 – Special Contexts and Districts Division 9.4.5.3 – Design Overlay Districts Established	Create 3 story (45 feet), four story (60 feet) and five story (70 feet) height limits within the SSL GDP area; provide for a height exception to allow upper story balconies

Criteria for Review and CPD Analysis

DZC Section 9.4.5.2.A contemplates use of a Design Overlay District to reduce a building height standard in an underlying zone district. Design Overlay Districts are considered zoning text amendments subject to the review criteria found in Section 12.4.11.4 of the DZC. See DZC Section 9.4.5.2.A. Accordingly, CPD and the Planning Board analyzed the proposed South Sloan’s Lake Design Overlay District, DO-5 Denver Zoning Code text amendment for compliance with the review criteria (restated below) and find that the proposed text amendment meets each of the criteria.

1. Text Amendment is Consistent with the City’s Adopted Plans

The Text Amendment is consistent with the city’s following adopted plans¹:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- West Colfax Plan (2006)
- Sloan’s Lake General Development Plan (2014)

Denver Comprehensive Plan 2000

Denver’s planning foundation is built on the acknowledgement that the combination of new development and traditional Denver form must blend to provide attractive, appropriately scaled urban places. The introduction of newer, higher intensity development adjacent to the West Colfax neighborhood is supported and guided by key aspects of various City plans, including the Denver Comprehensive Plan, as summarized below.

GOAL ■ Use the best of Denver’s architectural and landscape legacies to guide the future...Quality design. To be livable and admired, all of the components of the city — its infrastructure, buildings and open spaces — must function well and be attractive individually, while combining to create meaningful, beautiful places. The primary urban design challenge of the early 21st century will be to integrate elements of Denver’s traditional urban design character into redeveloping areas and into new, more compact mixed-use areas. – Page 86

¹ Denver Comprehensive Plan 2000 was approved by Planning Board and adopted by City Council ordinance. Blueprint Denver and the West Colfax Plan also were approved by Planning Board and adopted by City Council, and are supplements to the Comprehensive Plan. The SSL GDP is approved by the City’s Development Review Committee; this committee consists of the managers of Community Planning and Development, Public Works, and Parks and Recreation, the Zoning Administrator, the chief of the Fire Department, and, at the discretion of the Manager of CPD, additional City agencies. GDPs are not considered supplements to the Comprehensive Plan.

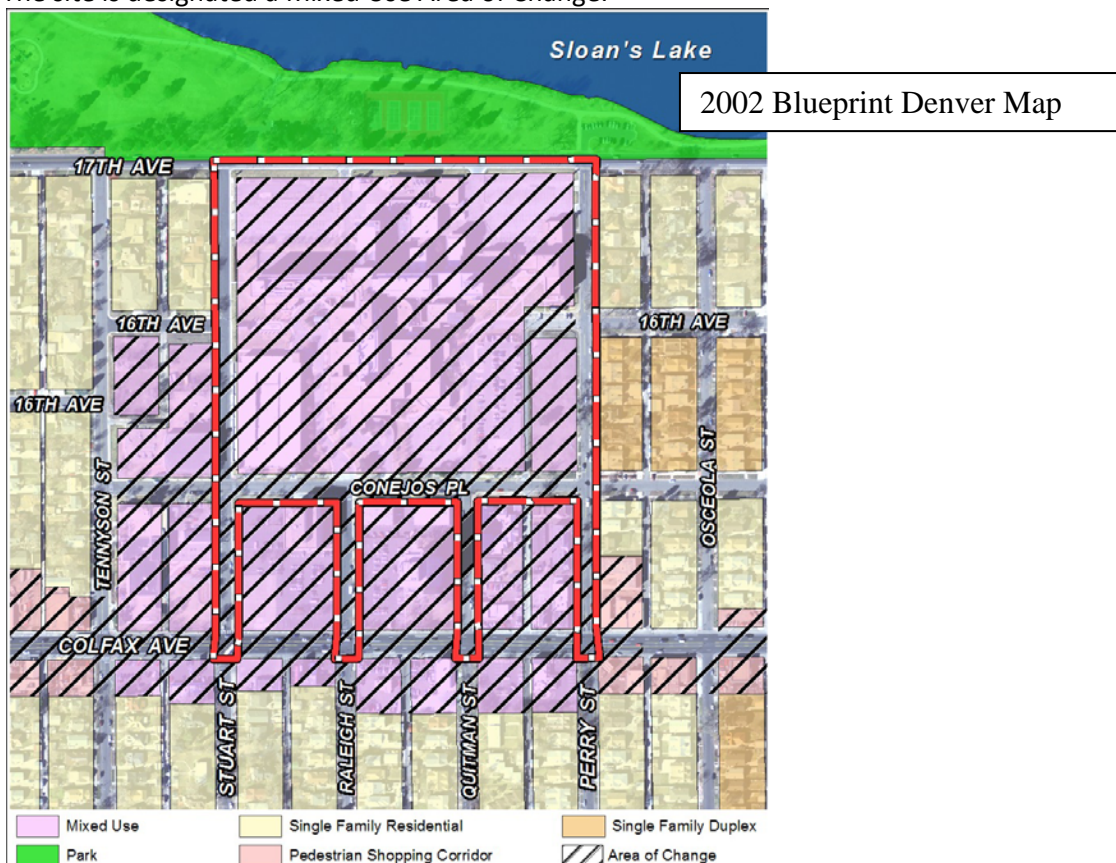
The proposed text amendment to limit heights at the edges of the SSL GDP area is reinforced with key relevant Comprehensive Plan strategies including:

- Denver’s Legacies chapter, Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated.*
- Land Use chapter, 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.*

Current zoning of the SSL GDP area is C-MX-5. Consistent with Strategies 3-A and 3-B above, the West Colfax Plan, as further refined by the SSL GDP, identifies the SSL GDP area as desirable area for increased intensity and, to ensure consistency with the West Colfax neighborhood, requires appropriate transitions in height and scale from the newly developing SSL GDP area to the West Colfax neighborhood. Development of this new neighborhood section north of Denver’s major commercial arterial corridor, Colfax Avenue, is not only expected to be sensitive to adjacent residential development, but is also a prominent building-scape across from Denver’s Sloan’s Lake Park. Consistent with the strategies above, the proposed text amendment provides for context-sensitive transitions required of new development adjacent to the existing lower intensity, lower height West Colfax neighborhood and Sloan’s Lake Park. Upon mapping of the text amendment to the GDP SSL area, three-five story limitations in height that provide for pedestrian-scale buildings closest to the edges of the GDP SSL area will be required.

Blueprint Denver - 2002

The site is designated a Mixed Use Area of Change.



Blueprint Denver Area of Change

The subject site is designated as a Mixed Use Area of Change along 17th Avenue which is designated as a Mixed-Use Collector. **Using land-use and transportation types focuses on the experience of “place” at ground level, where the qualities of a pedestrian-oriented city are most apparent.** (p. 36) Street design elements of multimodal streets like 17th are essential to ensure the appropriate connection between land use, transportation, urban design, community, environment and social interaction (p. 61). **Along a mixed use street, pedestrian-scaled facades, which may include height transitions/stepbacks for the front of a taller building, promote pedestrian activity (p. 66).**

In general, the goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole. (Page 127). Blueprint Denver also proposes strategies for Areas of Change, including **addressing edges** between Areas of Change and Areas of Stability, **compatibility between existing and new development**, reuse of older buildings, and **pedestrian and transit supportive design and development standards** (Pg. 61). Regulatory tools, including language amendments are used to provide standards for appropriate uses, densities, and design standards for certain Areas of Change where the tool may not currently exist. (Pgs. 74-75).

Further, planning for new development in Areas of Change relies on many strategies including appropriate transitions to Areas of Stability that create the right building scale to compliment new development’s edges adjacent to existing neighborhoods and other valued attributes like parks and parkways (Pg. 142).

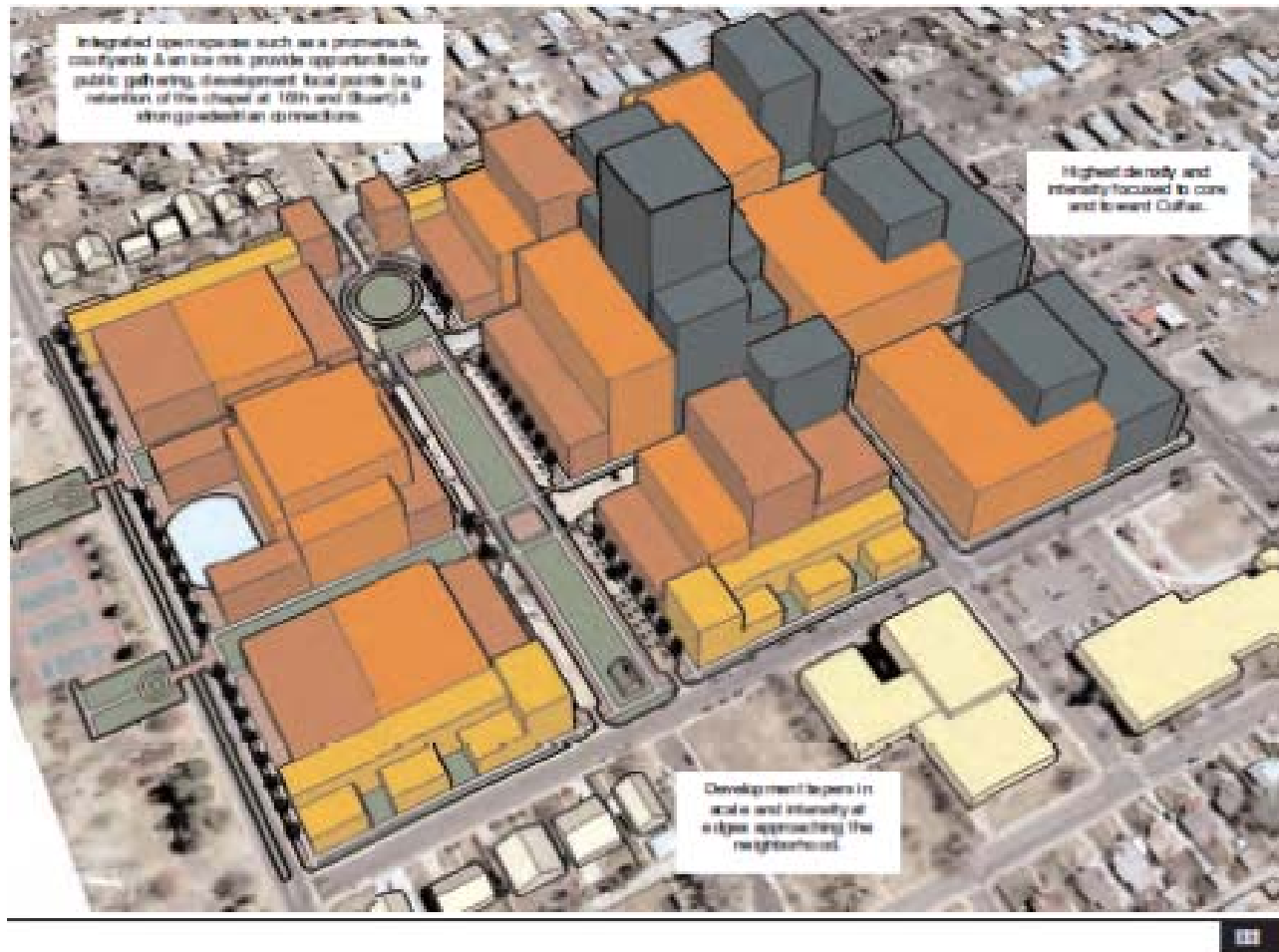
The proposed text amendment is consistent with the strategies set forth in Blueprint Denver for Areas of Change by stepping down heights at the edges of the SSL GDP area to address compatibility between existing this area, adjacent Areas of Stability and Sloan’s Lake Park (p. 23).

West Colfax Plan - 2006

In the West Colfax Plan, the SSL GDP area is described as a “catalyst redevelopment opportunity” for the entire West Colfax neighborhood. The West Colfax Plan envisions the site as an Urban Town Center with a scale and quality of development that will bring an influx of new residents and a mix of commercial activities that promote West Colfax and its environs as a destination. The proposed text amendment implements the West Colfax Plan’s recommendations to moderate heights adjacent to the lower intensity, lower West Colfax neighborhood, leaving the more intense development in the center of this designated Town Center.

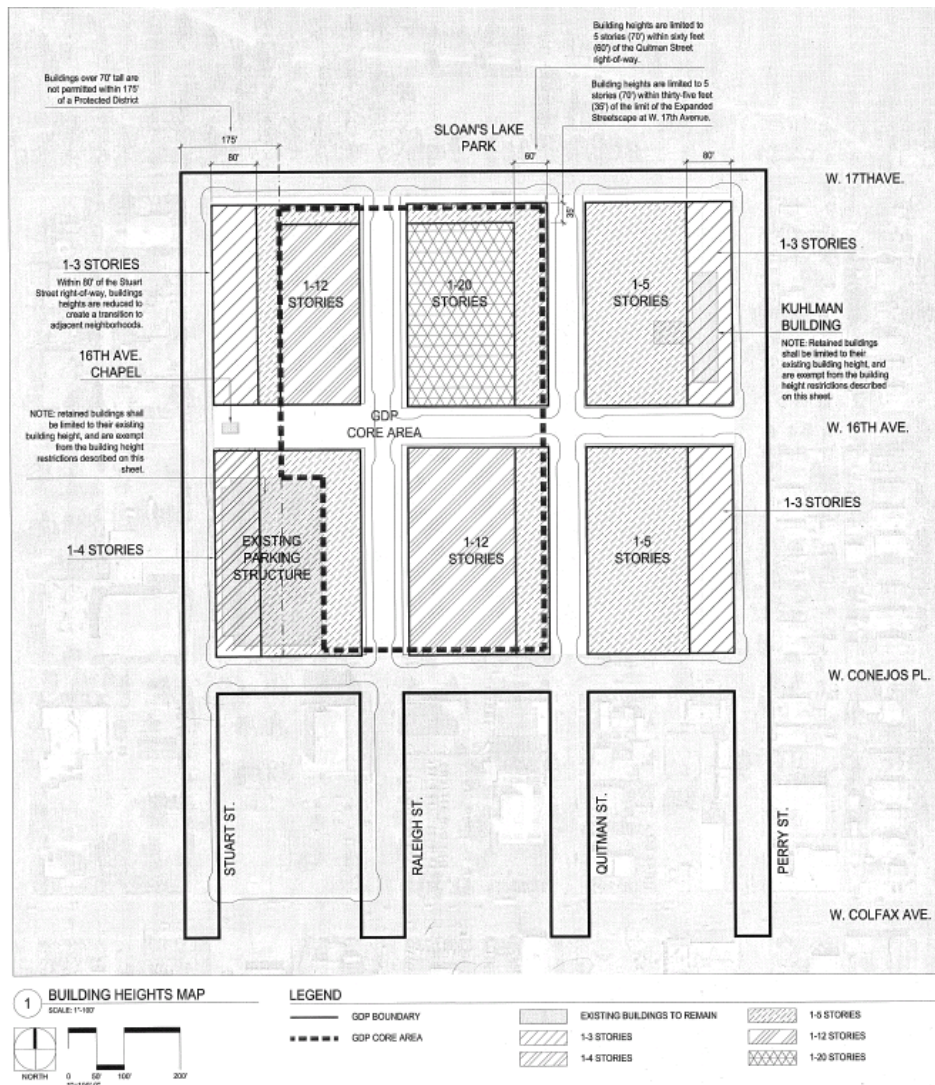
The Town Center concept in the Plan describes “compact, development radiates from a dense core and centralized gathering space, with variable scale where greatest height and intensity in the core radiates to lower intensity at the fringe (p. 83).” The rendering below from the West Colfax Plan for the SSL GDP area (referred to sometimes in the West Colfax Plan as “Holy Tonys”) shows the concept of tapering height at the edges of the new development. Consistent with the Plan, the proposed text amendment provides for three, four, and five-story height limits to provide context sensitive transitions to the neighborhood adjacent to Stuart Street, Perry Street, and 17th Avenue/Sloan’s Lake Park.

By imposing more restrictive height limitations at the fringe of the SSL GDP area and along streets adjacent to existing neighborhoods, the proposed text amendment furthers the vision, recommendations, and concepts set forth in the West Colfax Plan.



South Sloan’s Lake General Development Plan (2014)

In January 2014, the City’s Development Review Committee approved the SSL GDP. The GDP further refines the West Colfax Plan by providing a framework for development and land use concepts, infrastructure, and phasing. Consistent with the City plans described above, the GDP includes specific recommendations for building height limitations adjacent to Stuart Street, Quitman Street, Perry Street, and 17th Avenue. Transitional height concepts do include parcels on which existing buildings will be retained, including the parking structure and the Kuhlman building. The following graphic is from the SSL GDP.



2. Text Amendment Furthers the Public Health, Safety and Welfare

This Text Amendment furthers the public health, safety, and general welfare of Denver residents as it provides for context-sensitive transitions between new infill development and adjacent lower intensity, lower height blocks in established neighborhoods. These transitions provide for pedestrian-friendly environments at the street level where the experience of “place” is most apparent (pg. 36, BPD).

3. Text Amendment Results in Regulations that are Uniform Across the District

This text amendment will result in uniform regulations applicable to all new buildings within land mapped DO-5.

Public Process and Comments

Below is a summary of the public process for this amendment.

August 2014: CPD drafts proposed design overlay language based upon approved West Colfax Plan and Sloan’s Lake General Development Plan height concepts.

- September 2014: *Internal draft review by CPD staff, City Council District 1 and management and partners/owners in South Sloan’s Lake redevelopment.*
- September 30, 2014: *Draft of DZC text and map amendment posted to CPD website for public and City agency review; Email notice to all Registered Neighborhood Organizations (RNOs) of scheduled Planning Board public hearing, with link to updated draft and summary.*
- September 30, 2015 *Public Notification for October 15, 2014 hearing – continued to 11-5-14*
- October 15, 2014 *Public Hearing opened and continued to November 5, 2014*
- October 22, 2014 *EFG (property owner) hosts public meeting and includes item on their agenda for presentation by City Council and CPD. Staff presented the text amendment to explain the origin of the specific height limitations (as based on previously approved City documents explained above) and discussed the basis for the text amendment as it relates to DZC Section 9.4.5.1.and 12.4.11.4.*
- October 28, 2014 *Notification of NAP Committee meeting sent to all applicable registered neighborhood organizations and Council Districts*
- November 5, 2014: *Planning Board public hearing: The Planning Board recommended unanimously to support the Design Overlay DO-5, with deliberation focused on review criteria including compliance with our adopted City plans and consideration for related height limitation guidance in the South Sloan’s Lake GDP.*
- November 12, 2014 *Council Neighborhoods and Planning Committee made and accepted a motion to pass this item out of committee following CPD’s staff report and follow-up discussion.*

CPD received three public comment letters on this text amendment in response to notification of the Planning Board hearing. Staff also received three letters at the Planning Board hearing. Staff has received no letters in response to notification regarding the City Council hearing Concerns and support are summarized below:

1. *Timing of the Planning Board public hearing did not provide enough time for RNOs to meet and discuss and provide comments.*
2. *First hearing date of October 15th fell on a Jewish holiday which could impact some community members’ ability to attend.*

In order to address concerns in #1 and #2 above, the Planning Board opened, then continued the public hearing on the text amendment from October 15, 2014 to November 5, 2014.

3. *West Colfax Association of Neighbors (WeCAN) provided a letter of support at the Planning Board hearing indicating the design overlay approach forwards the goals of the neighborhood plan.*
4. *One individual letter of support indicated support for the overlay district approach as it limits heights near lower density, lower height neighborhoods, provides clarity and certainty for future construction, and is a major step for the development as part of the overall revitalization of the Colfax corridor.*

During the Planning Board hearing, testimony offered in favor of the design overlay indicated that the tool helps to implement plans for the St. Anthony’s redevelopment and codifies what is recommended in the SSL GDP. Testimony offered inn objection to the overlay focused on (1) overall concern for development intensity and traffic and (2) concern about the way in which future development would adhere to the overlay and meet the intent of not only area plans but also the original St. Anthony’s redevelopment task force recommendations. Staff explained to the Planning

Board that the recommendations are part of the background resources for the adopted West Colfax Plan and read specific recommendations that lend support to the design overlay approach.

Staff Recommendation to City Council

Staff finds that the South Sloan’s Lake Design Overlay District furthers the purposes of a text amendment and the Design Overlay District tool and meets the text amendment review criteria. Staff, therefore, recommends APPROVAL of the South Sloan’s Lake Design Overlay District.

Attachments

1. Proposed South Sloan’s Lake Design Overlay District Proposed Text Amendment (DO-5)
2. Letters received at Planning Board hearing

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3
<u>Reserved</u>	<u>DO-4</u>
<u>South Sloan's Lake</u>	<u>DO-5</u>

9.4.5.4 Effect of Approval

A. Official Map Designator

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.
2. As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.

B. Lower Floor Building Design

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

1. Lower Floor Design Standards

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building above street level, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active

C. Height and Upper Story Setback Building Form Standard

1. The maximum building height shall be 60 feet
2. There shall be an upper story building setback that shall prevent any portion of a building on the eastern 55 feet of lots 20 through 36, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
3. There shall be an upper story building setback that shall prevent any portion of a building on lots 2 and 3, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 30 feet to the southern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 40 feet to the southern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
4. There shall be an upper story building setback that shall prevent any portion of a building on the southern 25 feet of the eastern 55 feet of lot 37, Block 27, Park Avenue Addition to Denver; to be in excess of 36 feet high.
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.

9.4.5.8 Reserved - Design Overlay (DO-4)

9.4.5.9 South Sloan’s Lake Design Overlay (DO-5)

A. Creation

There is hereby created a Design Overlay District designated as the South Sloan’s Lake Design Overlay District (DO-5). This applies only to those areas that are mapped DO-5.

B. Intent

To apply additional building height limitations that create a transition down in height from new higher-intensity development to surrounding lower-intensity residential neighborhoods and uses, and Sloan’s Lake Park.

C. Primary Buildings - Maximum Height

1. Stuart Street - West 17th Avenue to West 16th Avenue

a. Applicability

This Section 9.4.5.9.C.1’s standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 17th Avenue and West 16th Avenue.

b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-1.

c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-3 Zone District” and “All C-Zone Districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-6.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-1



2. Stuart Street - West 16th Avenue to West Conejos Place

a. Applicability

This Section 9.4.5.9.C.2's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 16th Avenue and West Conejos Place.

b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 4 stories and 60 feet. See Figure 9.4-2.

Figure 9.4-2



c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 4 stories and 60 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-6.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

3. West 17th Avenue

a. Applicability

This Section 9.4.5.9.C.3's standards shall apply on the south side of West 17th Avenue between Stuart Street and Quitman Street, except that area subject to the standards in Section 9.4.5.9.C.1. above.

- b. **Maximum Primary Building Height**
The maximum height of primary structures located within 43 feet of the West 17th Avenue zone lot line shall be 5 stories and 70 feet. See Figure 9.4-3.

Figure 9.4-3



- c. **Height Exceptions**
The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-5 Zone District” and “All C-Zone Districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:
- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 35 feet from the zone lot line abutting West 17th Avenue. Such projection shall be measured perpendicular to the zone lot line abutting 17th Avenue. See Figure 9.4-6.
 - ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.
4. **Quitman Street**
- a. **Applicability**
This Section 9.4.5.9.C.4’s standards shall apply on the west side of Quitman Street between West 17th Avenue and West Conejos Place.
 - b. **Maximum Primary Building Height**
The maximum height of primary structures located within 60 feet of the Quitman Street zone lot line shall be 5 stories and 70 feet. See Figure 9.4-4.

Figure 9.4-4



c. **Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a “C-MX-5 Zone District” and “All C-Zone Districts”, shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 52 feet from the zone lot line abutting Quitman Street. Such projection shall be measured perpendicular to the zone lot line abutting Quitman Street. See Figure 9.4-6.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable base zone district.

5. **Perry Street**

a. **Applicability**

This Section 9.4.5.9.C.5's standards shall apply on the west side of Perry Street between West 17th Avenue and West Conejos Place.

b. **Maximum Primary Building Height**

The maximum height of primary structures located within 80 feet of the Perry Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-5.

Figure 9.4-5

Not to Scale. Illustrative Only.



c. **Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 Zone District" and "All C-Zone Districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

- i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Perry Street. Such projection shall be measured perpendicular to the zone lot line abutting Perry Street. See Figure 9.4-6.
- ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-6

