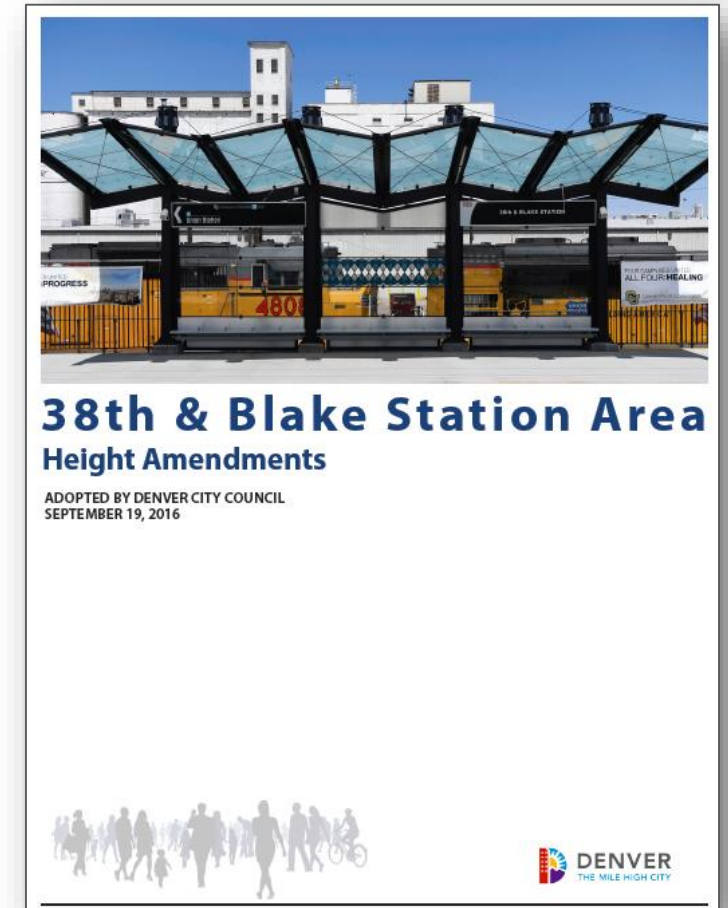


DZC and DRMC Amendments to Implement 38th and Blake Station Area Height Amendments

- DZC Text Amendment #2 to establish River North Design Overlay (DO-7) / 38th and Blake Incentive Overlay (IO-1)
- DZC Map Amendment #2017I-00121 to rezone properties within existing mixed-use districts to include the DO-7 and IO-1 Overlays
- DRMC Amendment to establish new Chapter 27 Article VI Affordable Housing Incentives

Sponsor and Purpose

- Amendments sponsored by City Council President Albus Brooks
- Implement Adopted 38th and Blake Station Area Plan Height Amendments
 - Promote greater design quality in RiNo
 - Promote higher intensity development to support transit while ensuring community benefits
 - Integrate affordable housing around the 38th and Blake station

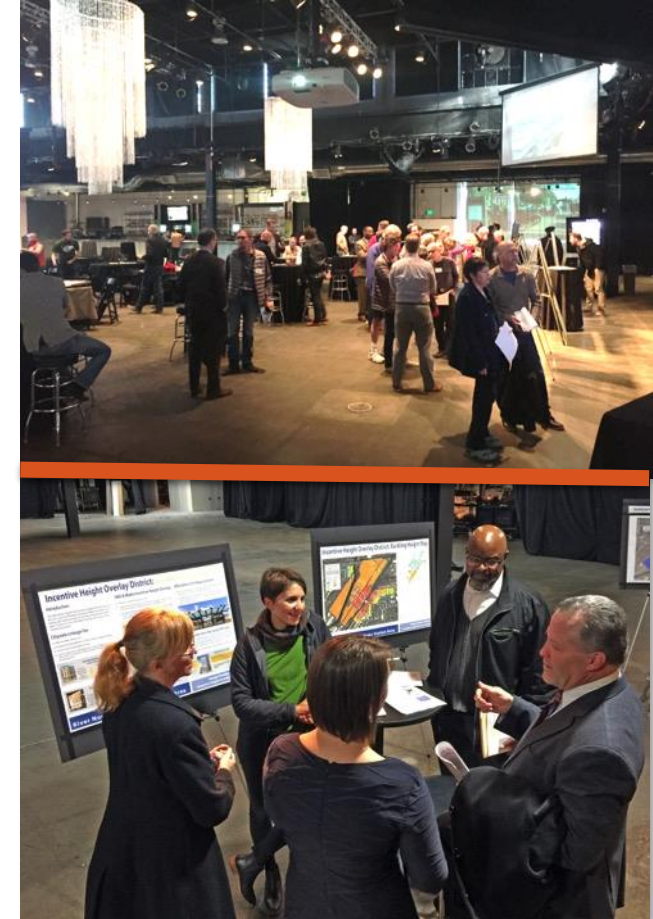


Public Process

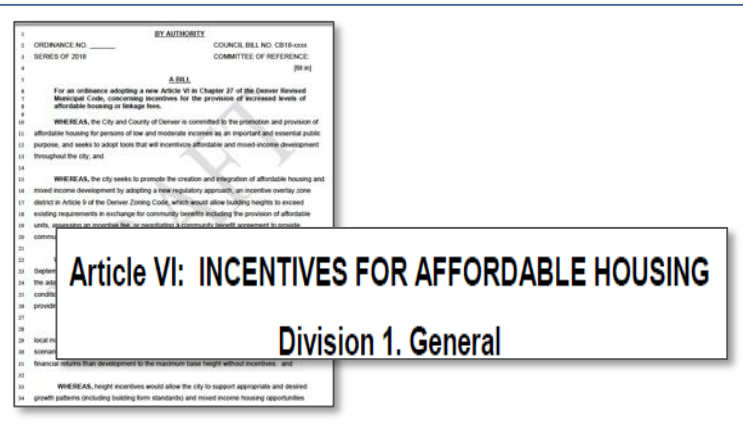
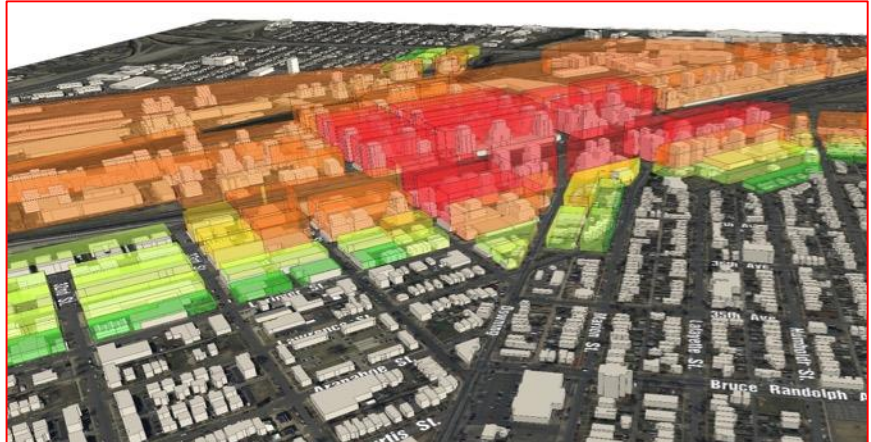
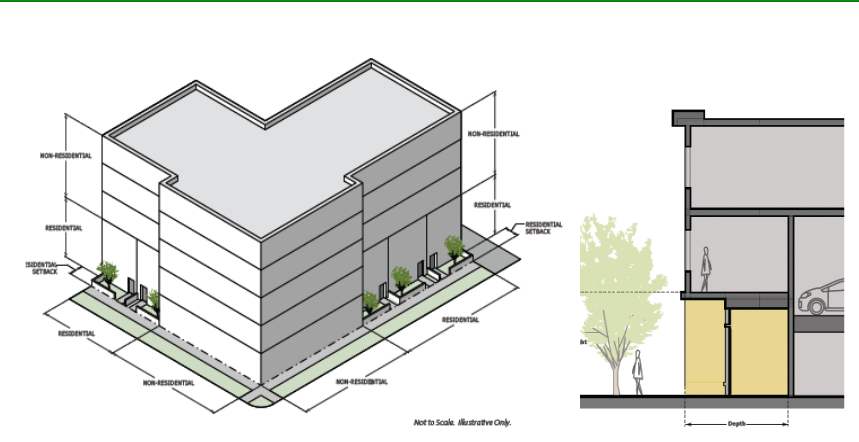
Step	Date
38 & Blake Station Area Height Amendments Adopted	9/19/16
Stakeholder Meetings to Develop implementation Strategy	12-16 to 6-17
Planning Board info item	7/19/17
LUTI Info Item	8/8/17
INC and Other RNO Presentations	8/17 through 9/17
Stakeholder Meeting on Design Overlay	9/11/17
Feasibility Study Stakeholder Meeting	10/12/17
Postcards Sent to All Property Owners	10/31/17
Public Meeting on Text and Map Amendments	11/08/17
Notification Signs	11/20/17 – 12/5/17
Planning Board Hearing	12/6/17 (recommendation to approve)
Land Use, Transportation and Infrastructure Committee	1/2/18
City Council Public Hearing	2/12/18

What We've Heard

- Excitement regarding the future
- Public support for incentive and design requirements
- Some public concern regarding:
 - Growth, change and infrastructure capacity
 - No parking requirements near transit
 - Amount of required affordable housing
- Property owner/developer concern regarding:
 - Non-residential active use requirements
 - Incentive Requirements in general
 - Ease of using community-serving use optio



Denver Zoning Code (DZC) & Denver Revised Municipal Code (DRMC) Amendments



River North Design Overlay

- Promotes greater design quality regardless of underlying zone district
- Establishes river as amenity
- Applies throughout River North (RiNo)

38th & Blake Incentive Overlay

- Allows specific incentive heights above max. base zoning height
- Ties to DRMC amendment
- Applies to station area

DRMC Housing Incentive Amendment

- Establish unit/fee requirements for incentive projects
- Relate to citywide programs

Denver Zoning Code (DZC) Amendment:
River North Design Overlay (DO-1)

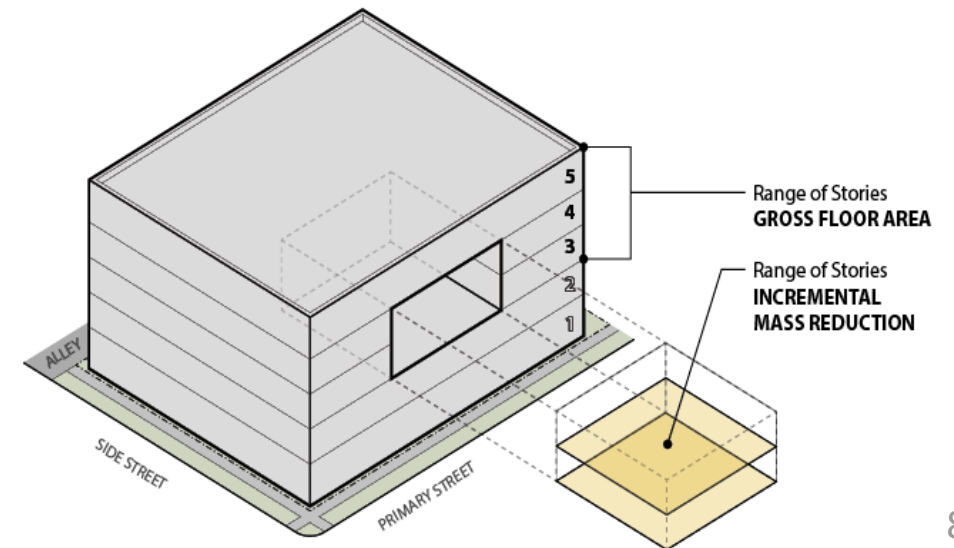
Summary of Design Overlay

- Building Design & Massing
 - Structured Parking Design
 - Incremental Mass Reduction
- Street Level Activation
 - Build-to/Setbacks
 - Transparency
 - Active Uses
 - Street Level Height
 - Street Level Residential Setbacks/Entries

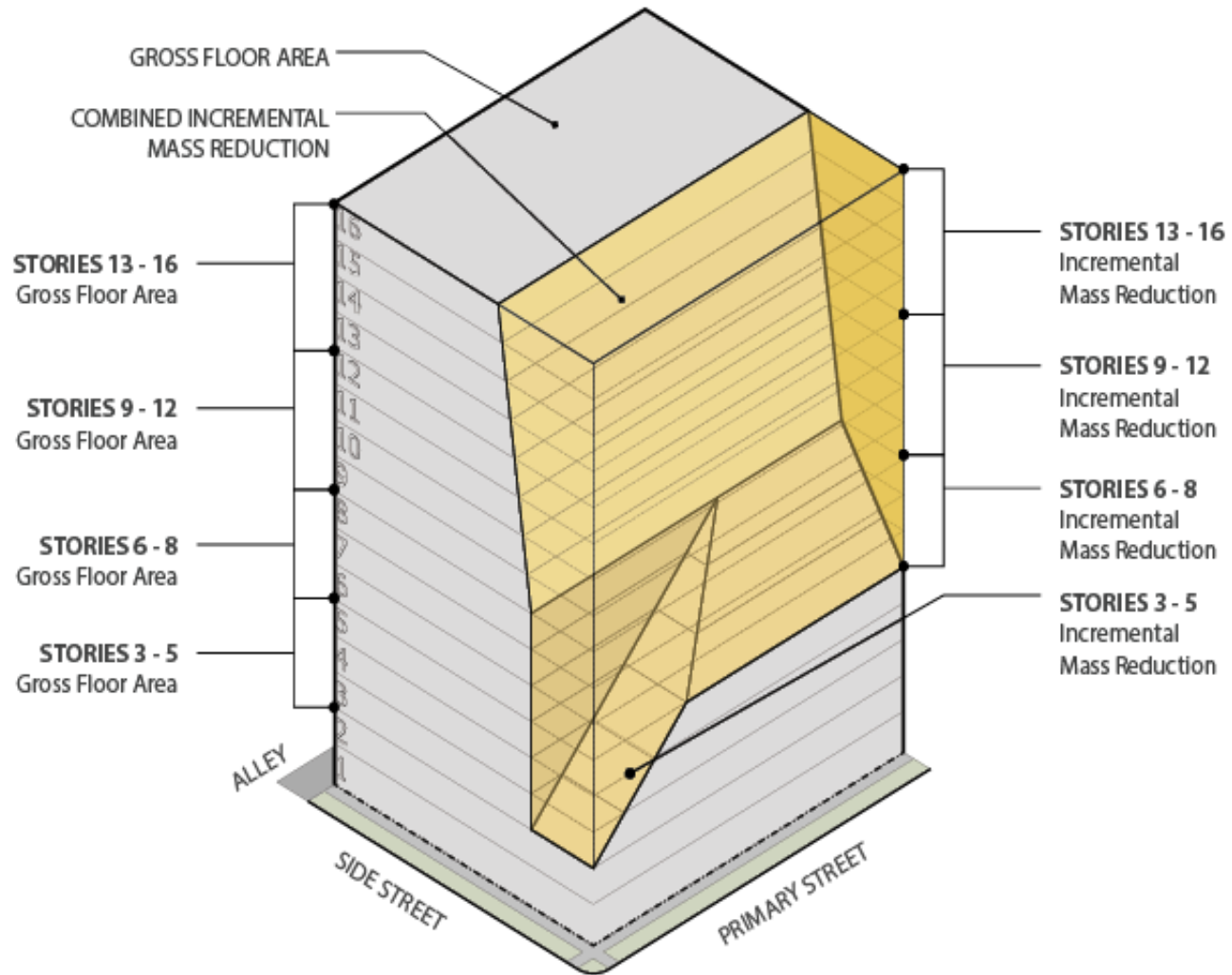


Building Design & Massing Tools

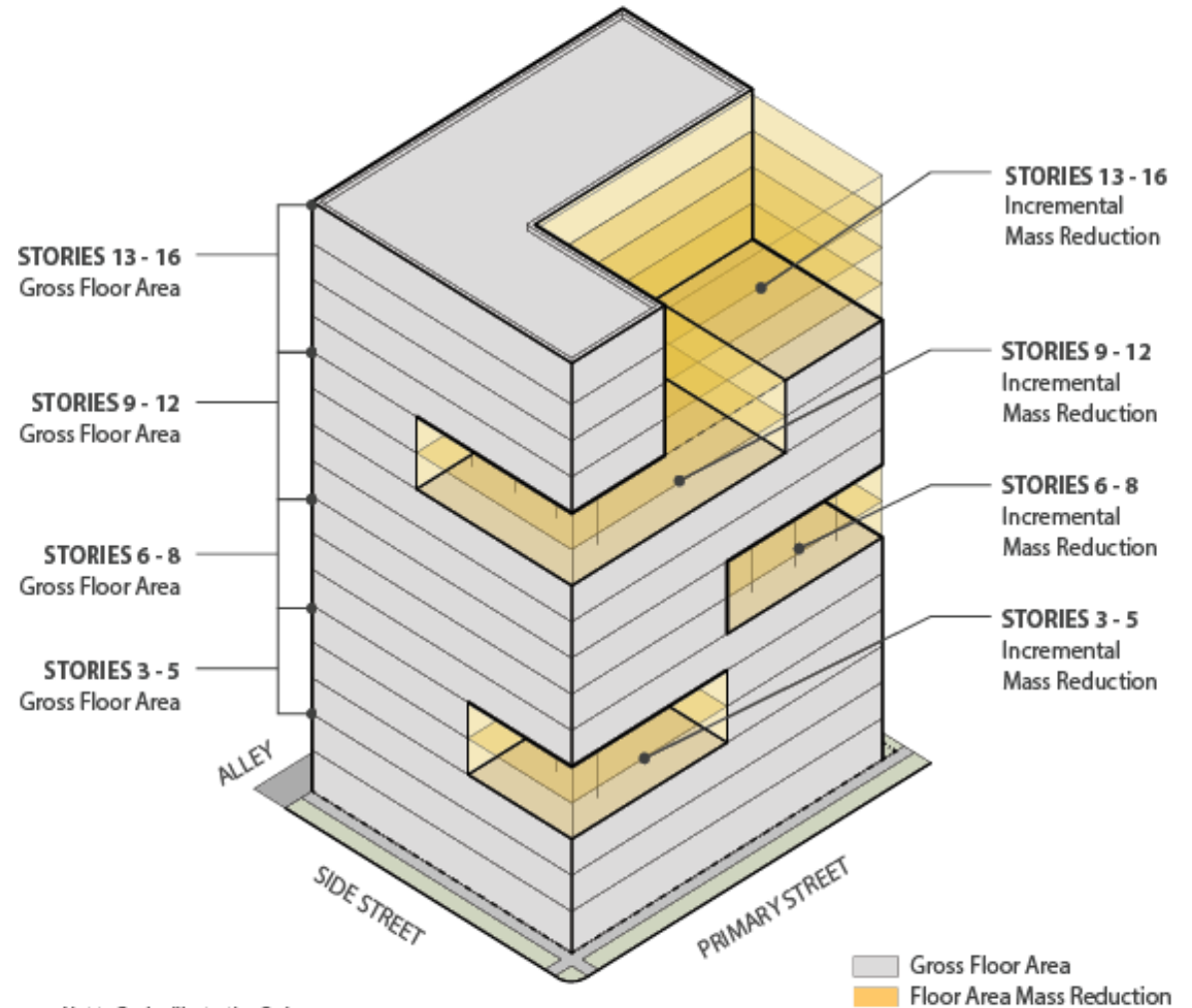
- **Structured Parking Design** (structures over 5 stories)
 - Wrap 70% of Parking; or
 - Screen 100% of Parking
- **Incremental Mass Reduction** (zone lots over 150' wide)
 - Stories 3-5: 10%
 - Stories 6-8: 15%
 - Stories 9-12: 20%
 - Stories 13-16: 30%



Building Design & Massing Tools



Not to Scale. Illustrative Only.



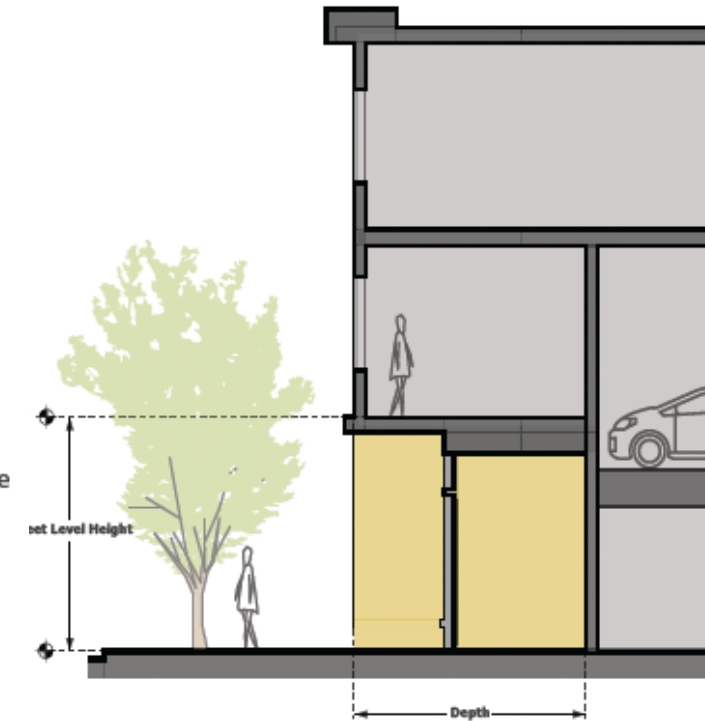
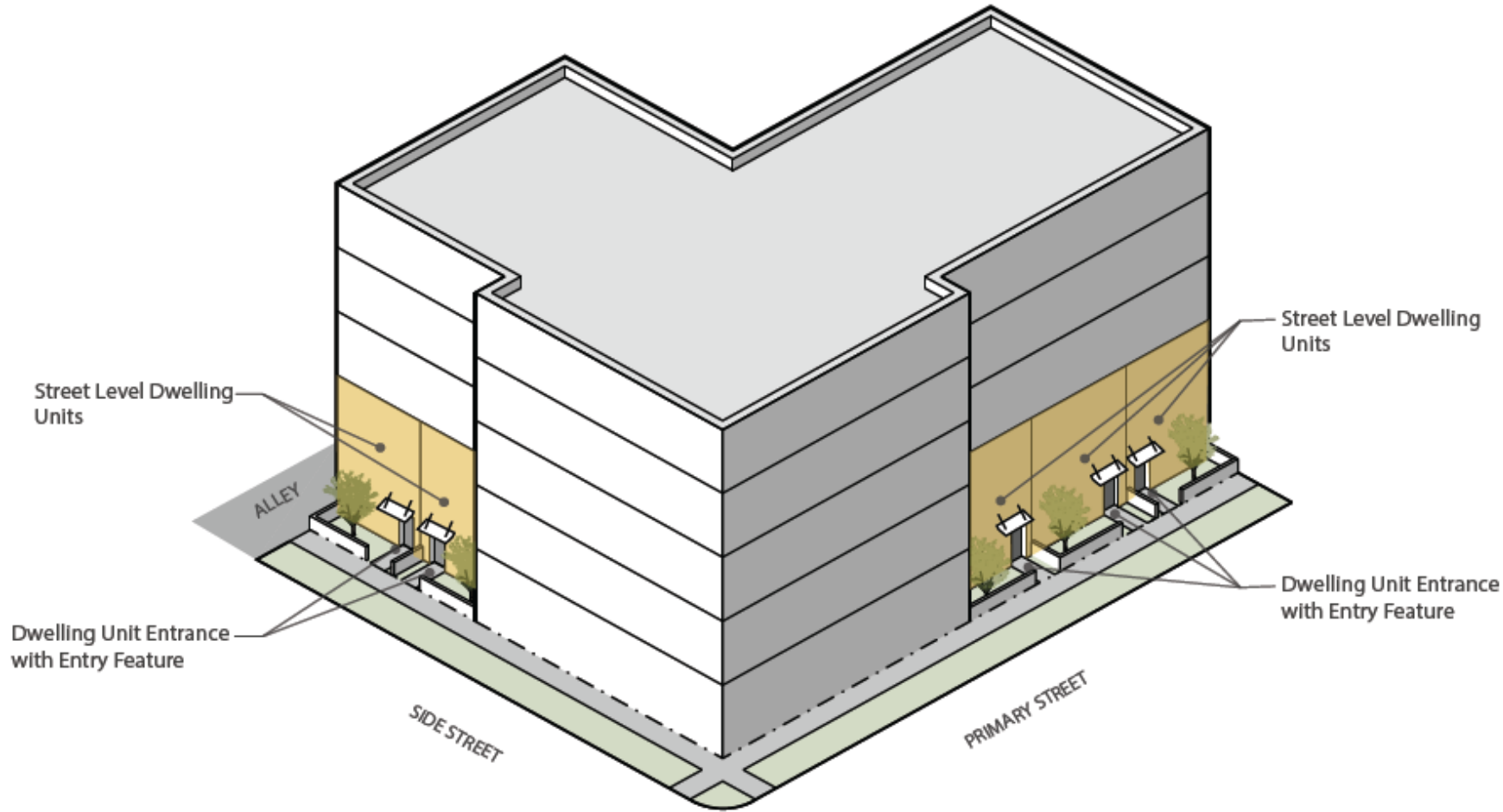
Not to Scale. Illustrative Only.

Street Level Activation Tools

- **Street Level Active Use** (zone lots over 150' wide)
 - No parking or residential on 50% of Primary Street Frontage
- **Street Level Height**
 - 16' Minimum
- **Street Level Residential**
 - 7' min. primary/side street setback
 - Entry feature for each street level dwelling



Street Level Activation Tools



Consistency with Adopted Plans

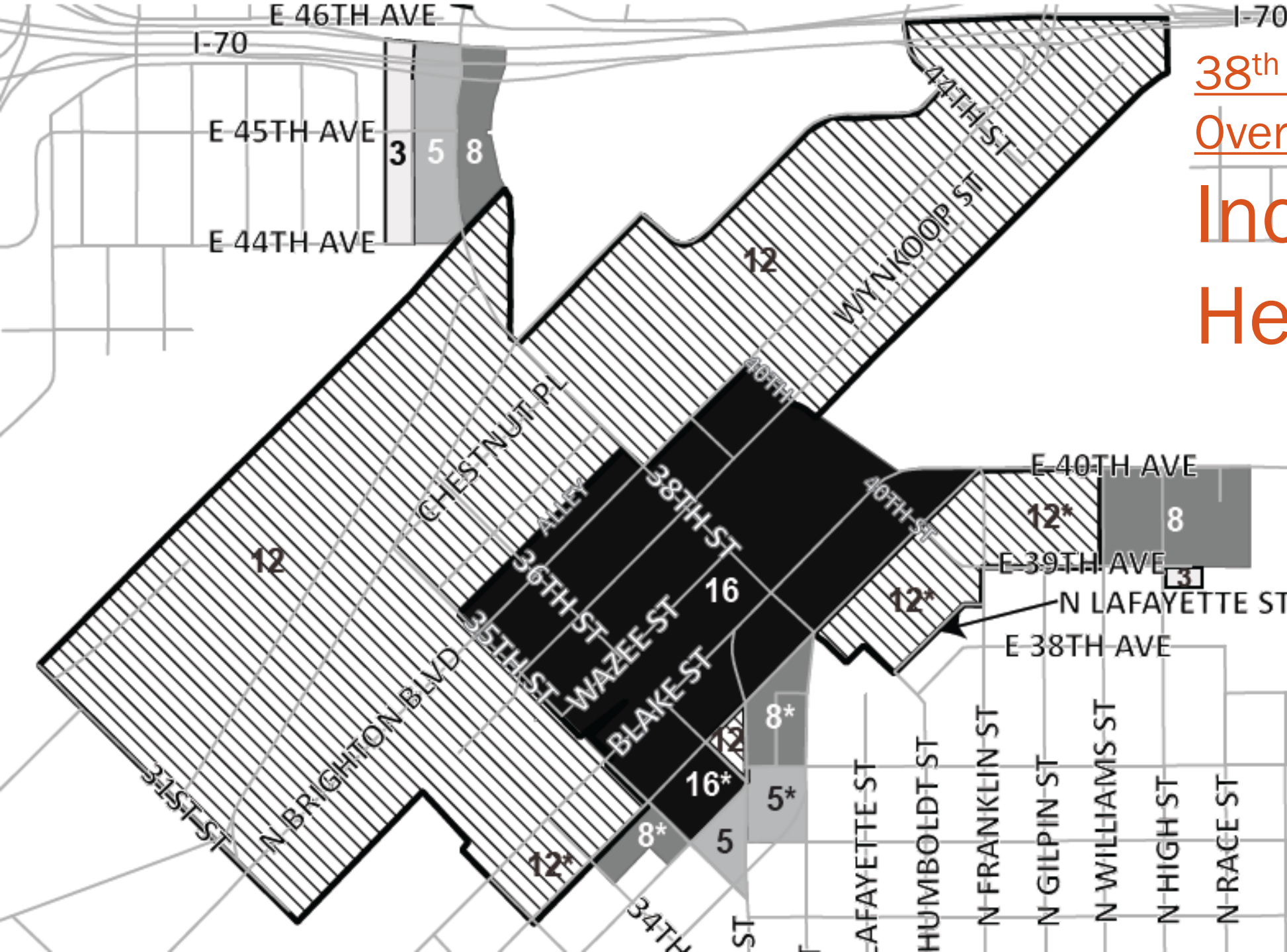
- **Comprehensive Plan 2000**
 - Land Strategy 3-B: Encourage quality infill development that is consistent with neighborhood character... (page 60)
 - Denver’s Legacies Strategy 2-B: Focus design standards and review efforts on new and evolving districts that are undergoing the most dramatic change (page 98)
- **Blueprint Denver**
 - Create new or modified zone districts where there is not an existing zone district that allows the appropriate uses, densities, and design standards in Areas of Change (page 130).
- **38th and Blake Station Area Height Amendments (2016)**
 - “Adopt a new regulatory approach to ensure greater design quality throughout the station area” (page 8).
- **Northeast Downtown Neighborhoods Plan (2011)**
 - Promote pedestrian orientation and minimize the visual impacts of structure parking (page 74).
 - Locate commercial uses on the ground floor to activate buildings and the street (page 74).

The design overlay component of the text amendment is consistent with adopted plans.

Denver Zoning Code (DZC) Text Amendment:
38th and Blake Station Area Incentive
Overlay (IO-1)

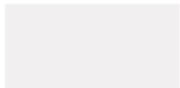




Denver Revised Municipal Code (DRMC)
Amendment:

Incentives for Affordable Housing



38th & Blake Incentive
Overlay (IO-1)

Incentive Height Map

INCENTIVE HEIGHT		
Stories (max)		Feet (max)
3		45'
5		70'
8		110'
12		150'
16		200'

* See Section 9.4.6.6.F.2 for required height transitions

Residential Sample - Citywide Program, 5 story

Incentive Overlay resulted in a **net gain of 9 affordable units** compared to the citywide program and allowable height with the base zoning.

Additionally, the overlay creates a **mixed-income community** with affordable units onsite or within the incentive area.

Citywide Linkage Fee:
\$112,500

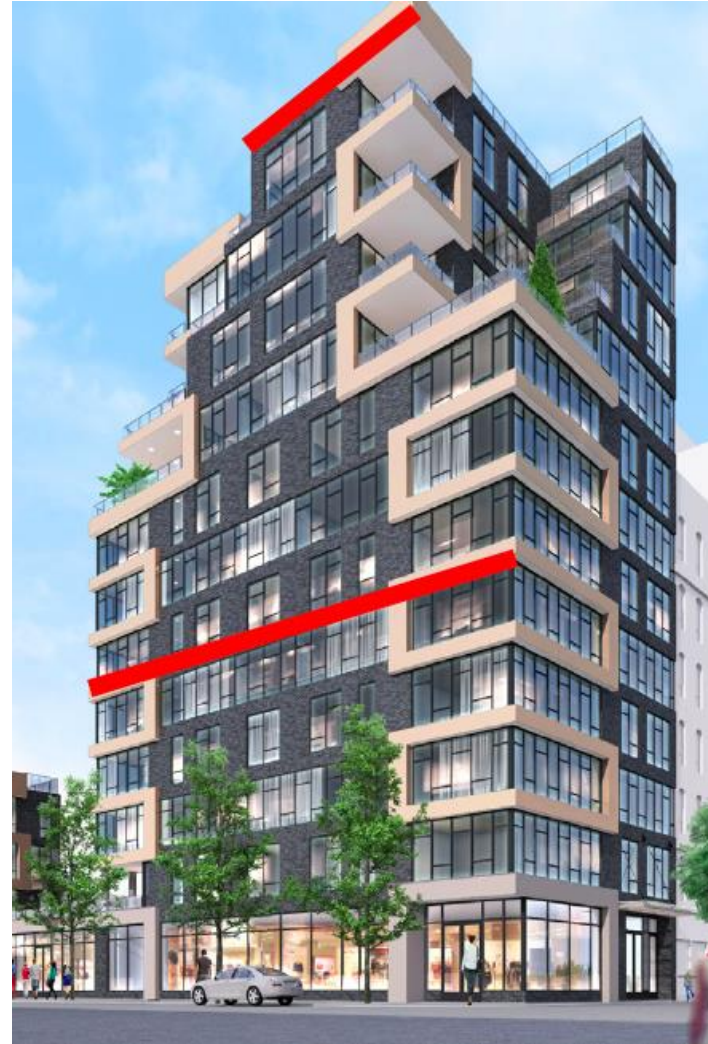
OR

Citywide Build
Alternative Units: 1 unit



75,000 GSF total

Residential Sample - Incentive Program, 5 to 12 story



75,000 GSF in base, 105,000 GSF in incentive

Affordable Units Required

Incentive Build Alternative
Units: 7 units

+

Citywide Build Alternative
Units: 3 units

=

Total Build Alternative
Units: 10 units

Commercial Sample - Incentive Program, 5 to 12 story



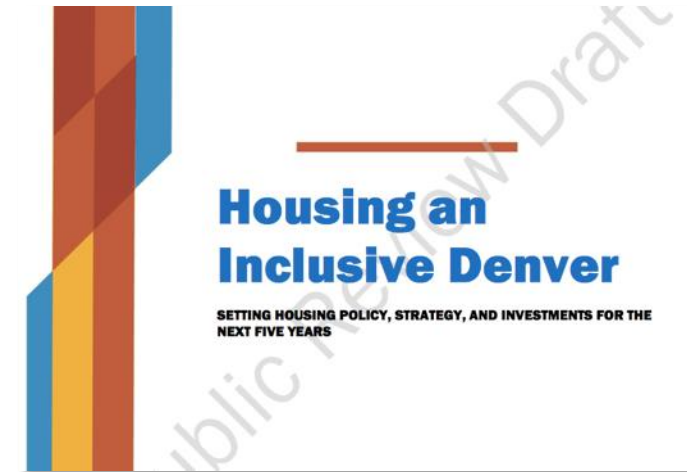
75,000 GSF in base, 105,000 GSF in incentive

<u>Fee Option</u>	<u>Unit Option</u>	<u>Community Use Option</u>
Incentive Fee: \$714,000	Incentive Build Alternative Units: 10 units	Community Serving Use Agreement
+	+	+
Citywide Linkage Fee: \$306,000	Citywide Build Alternative Units: 4 units	Citywide Linkage Fee: \$306,000
=	=	=
Total Fee: 1,020,000	Total Build Alternative Units: 14 units	Total Fee: \$306,000 + Community Serving Use Agreement

Residential Affordability Requirements

Affordability Requirements Match Citywide Linkage Fee Provisions

- Required units must be
 - Within the overlay area
 - Affordable at 80% AMI
 - Comparable in mix and size to the market rate units that generated the requirement
- Plan to provide affordable units can cover more than one parcel, BUT must include:
 - Specific parcels
 - Number of units provided
 - Unit development timeline



Community-Serving Use Agreement

- Voluntary Agreement with Office of Economic Development
- Can Meet Special Incentive Requirements Only
 - Incentive requirements generated only by non-residential uses above the base height
 - Citywide affordable housing linkage fee will apply to all floors of building as it would elsewhere in the city
- Value of Fee Translated to Provision of Community Serving Uses, Such As:
 - Art studios and maker spaces
 - Community services, such as child car or community kitchens
 - Non-profit space
- Agreement Addresses:
 - Rental cost and terms for tenant
 - Recourse if agreement not in good standing



Additional Notes on DRMC Amendment

- For Purposes of Fee / Build Options
 - \geq 50% Residential Floor Area: Mixed-use Residential Project
 - Build units only – no fee option
 - $<$ 50% Residential Floor Area: Mixed-use Commercial Project
 - Build units
 - Pay fee
 - Pay fee and community-serving use agreement
- Future Possibilities
 - Add additional incentive overlays
 - Consider other (non-zoning) incentive possibilities

1 **BY AUTHORITY**

2 ORDINANCE NO. _____ COUNCIL BILL NO. CB18-xxxx

3 SERIES OF 2018 COMMITTEE OF REFERENCE:

4 [fill in]

5 **A BILL**

6 For an ordinance adopting a new Article VI in Chapter 27 of the Denver Revised

7 Municipal Code, concerning incentives for the provision of increased levels of

8 affordable housing or linkage fees.

9

10 **WHEREAS**, the City and County of Denver is committed to the promotion and provision of

11 affordable housing for persons of low and moderate incomes as an important and essential public

12 purpose, and seeks to adopt tools that will incentivize affordable and mixed-income development

13 throughout the city; and

14

15 **WHEREAS**, the city seeks to promote the creation and integration of affordable housing and

16 mixed income development by adopting a new regulatory approach, an incentive overlay zone

17 district in Article 9 of the Denver Zoning Code, which would allow building heights to exceed

18 existing requirements in exchange for community benefits including the provision of affordable

19 units, assessing an incentive fee, or negotiating a community benefit agreement to provide

20 community serving uses; and

21

22 **WHEREAS**, city council adopted the 38th and Blake Station Area Height Amendments on

23 September 19, 2016, which reinforced existing land uses, mobility and development visions within

24 the adopted plans; but also refined and updated the city's building height vision and defined

25 conditions for increasing building height in the 38th and Blake Station area in exchange for

26 providing community benefits; and

27

28 **WHEREAS**, an Incentive Height Overlay feasibility study was conducted in 2016 based on

29 local market conditions in the 38th and Blake Station area which found that in most tested

30 scenarios, the use of maximum incentive heights as required by this article resulted in higher

31 financial returns than development to the maximum base height without incentives. and

32

33 **WHEREAS**, height incentives would allow the city to support appropriate and desired

34 growth patterns (including building form standards) and mixed income housing opportunities

Consistency with Adopted Plans

- **Comprehensive Plan 2000**
 - Land Use Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure... (page 60)
- **38th and Blake Station Area Height Amendments (2016)**
 - “Adopt a new regulatory approach to integrate affordable housing and mixed income development within the 38th and Blake Station area” (page 10).
- **Elyria and Swansea Neighborhood Plan (200t)**
 - Recommend neighborhood collaboration to determine whether taller building heights may be appropriate near the 38th and Blake Station (page 31).
- **38th and Blake Station Area Height Plan (2009)**
 - Provide financial incentives to include flexible zoning and provision of density bonuses (page 71).

DZC Amendment: 38th & Blake Incentive Overlay (IO-1)

Additional Review Criteria for an Incentive Overlay

1. Application of an Incentive Overlay District will provide community benefits that furthers one or more adopted city policies; and
2. Such community benefits have been determined by the City to be best achieved through incentives, rather than requirements; and
3. Application of an Incentive Overlay District will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and
4. Application of an Incentive Overlay District will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted City policies.

The incentive overlay component of the text amendment is consistent with additional review criteria.

Text Amendment Review Criteria

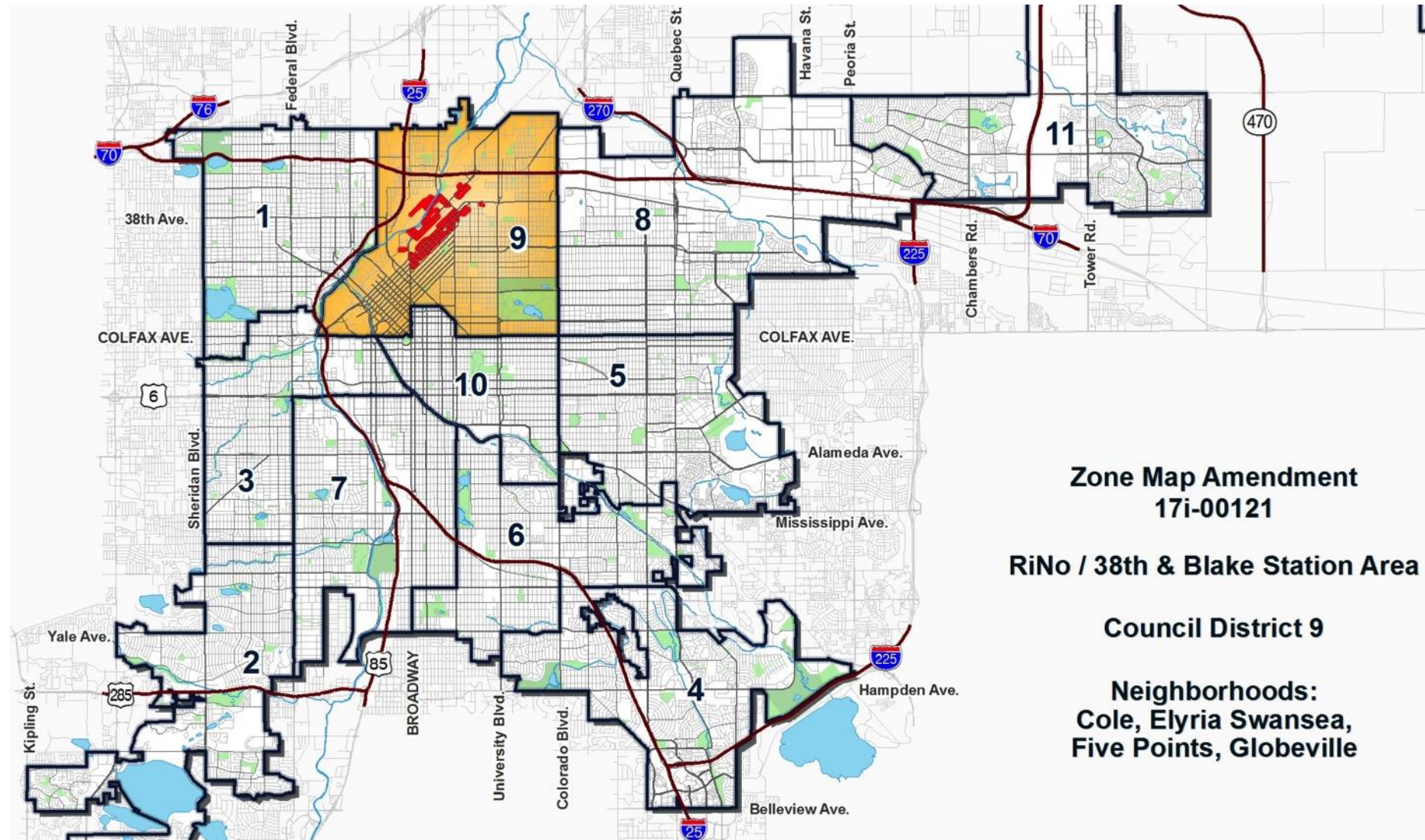
CPD recommends approval of the DZC text amendment based on finding that criteria have been met

1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Furthers the Public Health, Safety and General Welfare
4. Results in Regulations that are Uniform Across the District

OED recommends approval of the DRMC amendment

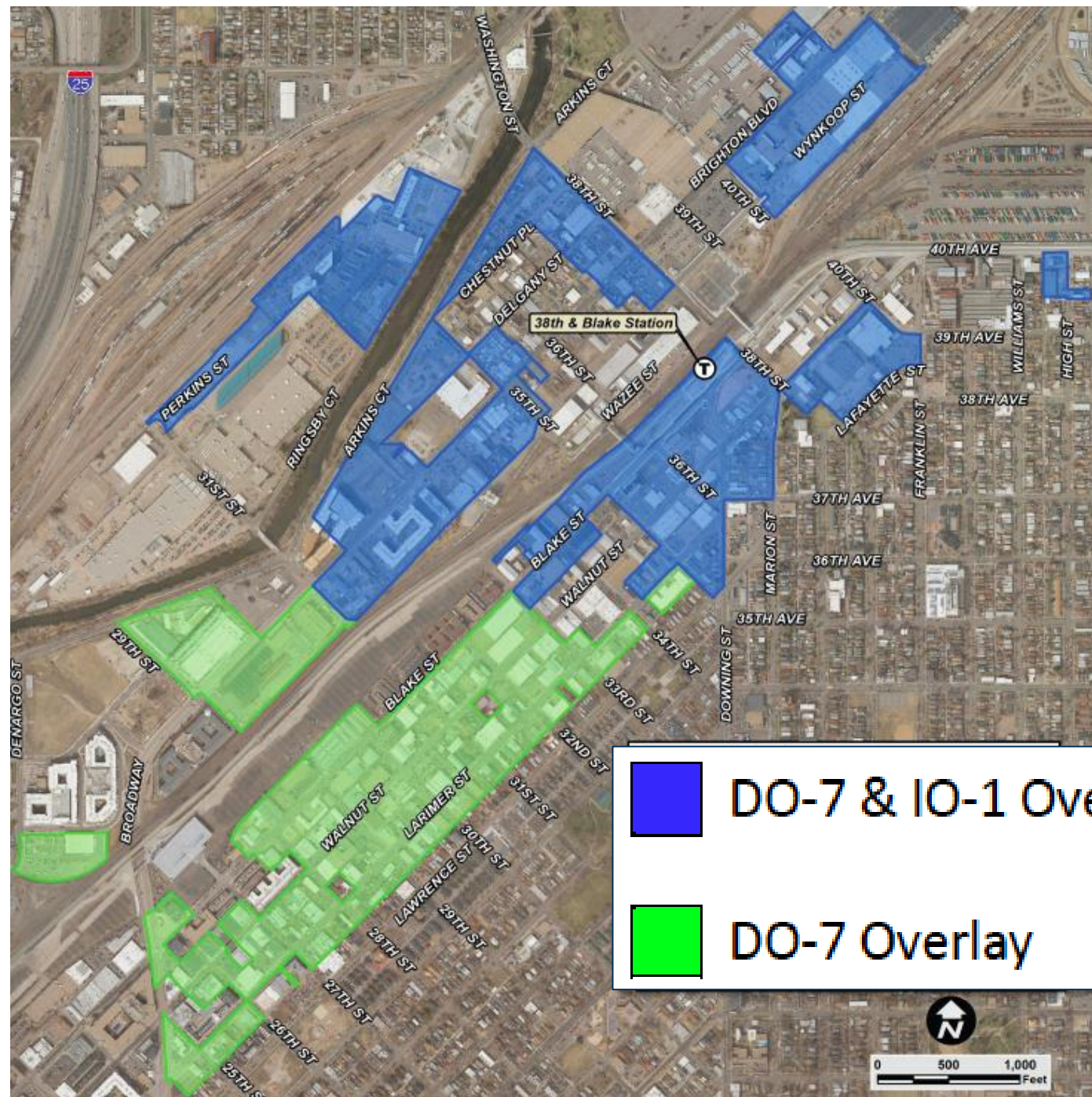
Denver Zoning Code (DZC) Map Amendment:
Amendment 2017I-00121 to Apply
Design (D0-7) and Incentive (I0-1)
Overlays to Properties with Existing
Mixed Use Zoning

DZC Map Amendment 2017I-00121



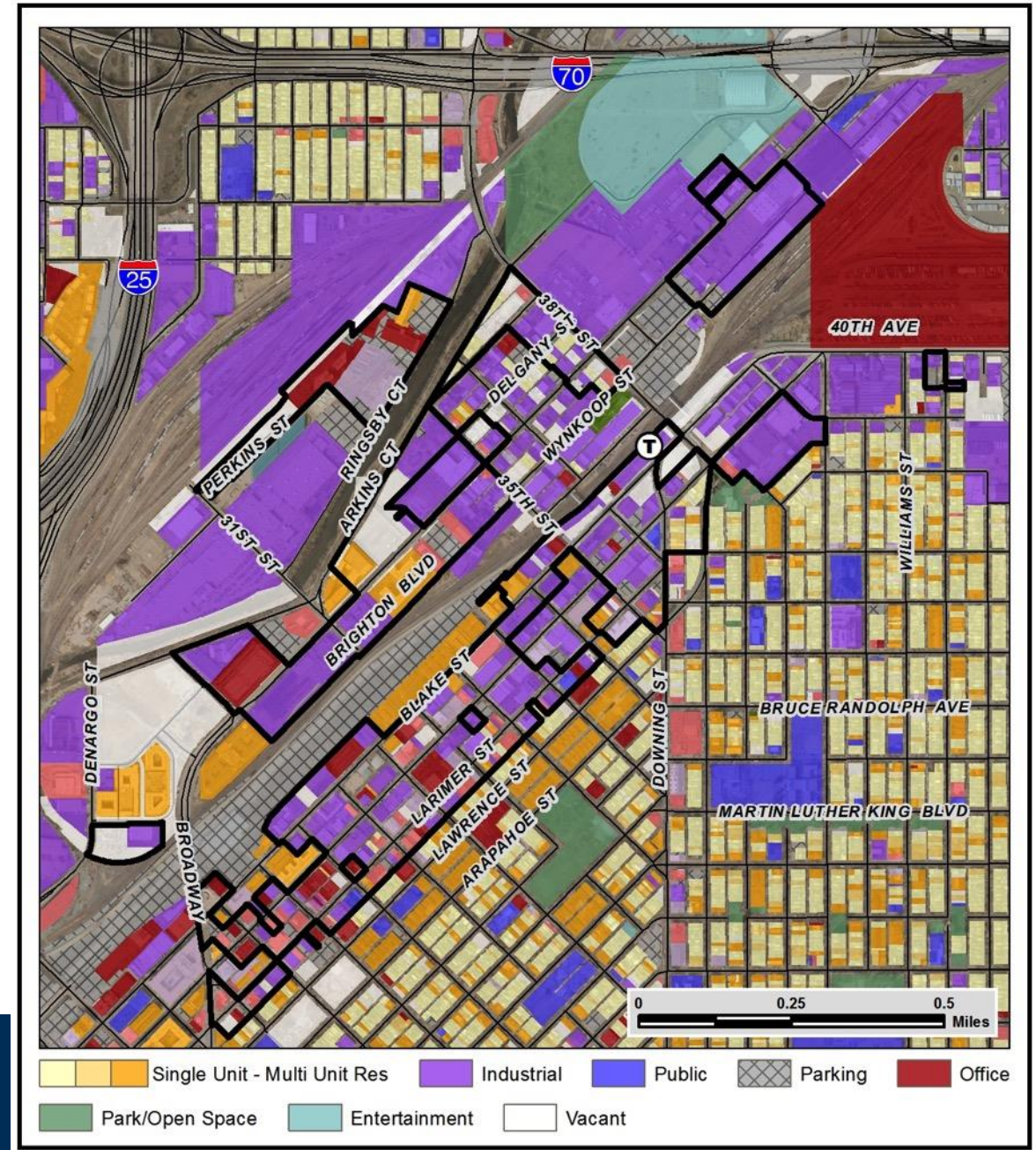
Map Amendment Application

- 38th & Blake + RiNo
 - Apply D0-7
 - Apply IO-1
- RiNo
 - Apply D0-7



Map Amendment Existing Land Use in Area

- Industrial
- Warehouse
- Single- and Multi-unit residential
- Transportation (rail and freight handling)
- Entertainment (Coliseum)
- Vacant

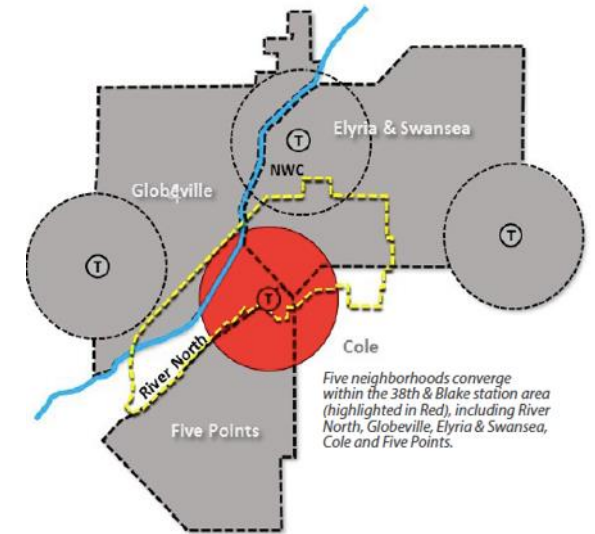




Map Amendment

Denver Zoning Code Review Criteria for a Legislative Rezoning

1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Uniformity of District Regulations
4. Further Public Health, Safety and Welfare 12.4.10.8

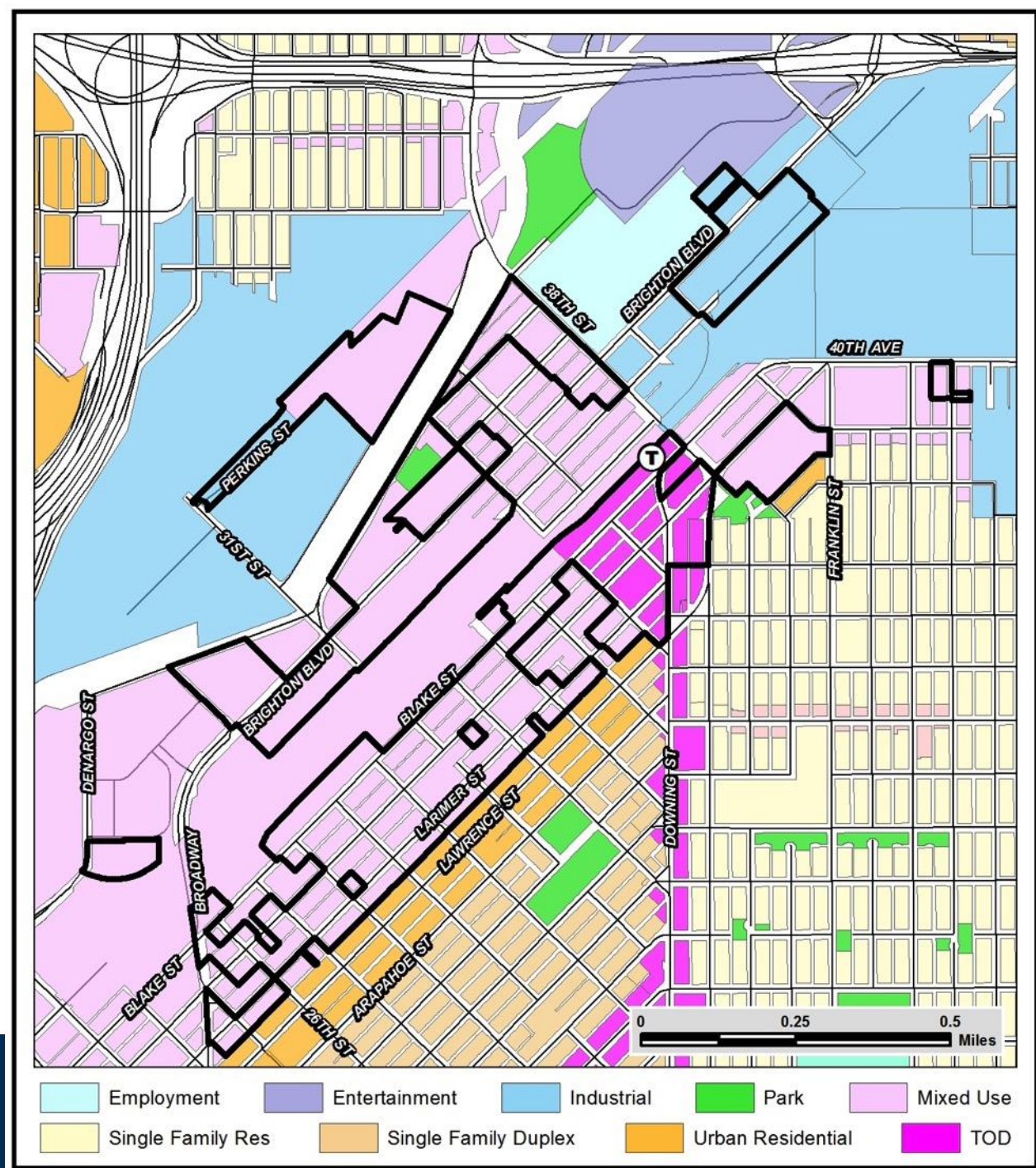


38th & Blake Station Area
Height Amendments

ADOPTED BY DENVER CITY COUNCIL
SEPTEMBER 19, 2016

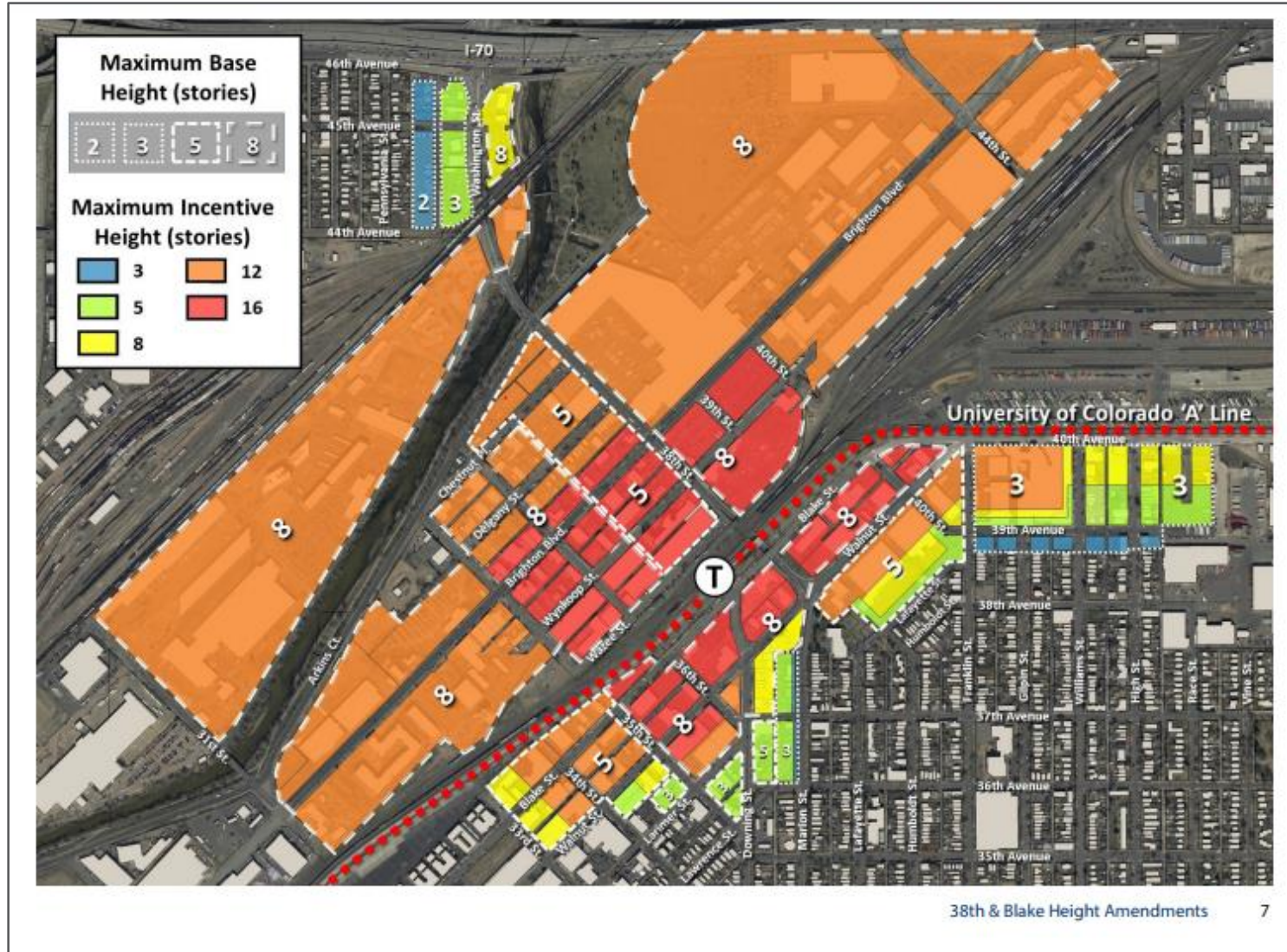
Map Amendment Blueprint Denver

- Future Land Use
 - Mixed Use (most of the area)
 - TOD (south of station)
 - Industrial (north of station)



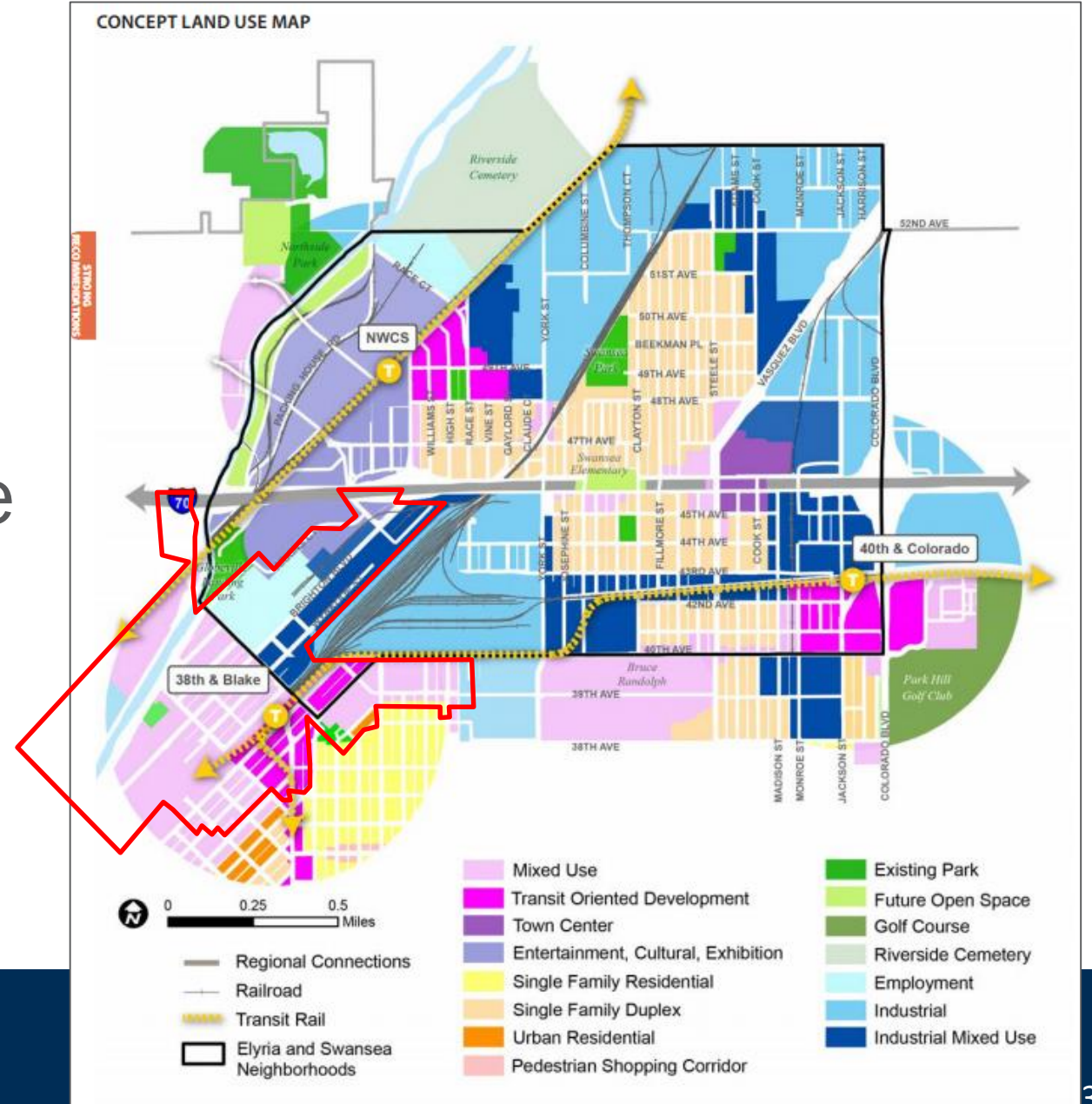
Map Amendment 38th and Blake Height Amendments (2016)

- Implementation of adopted incentive heights through overlay map and transition area text



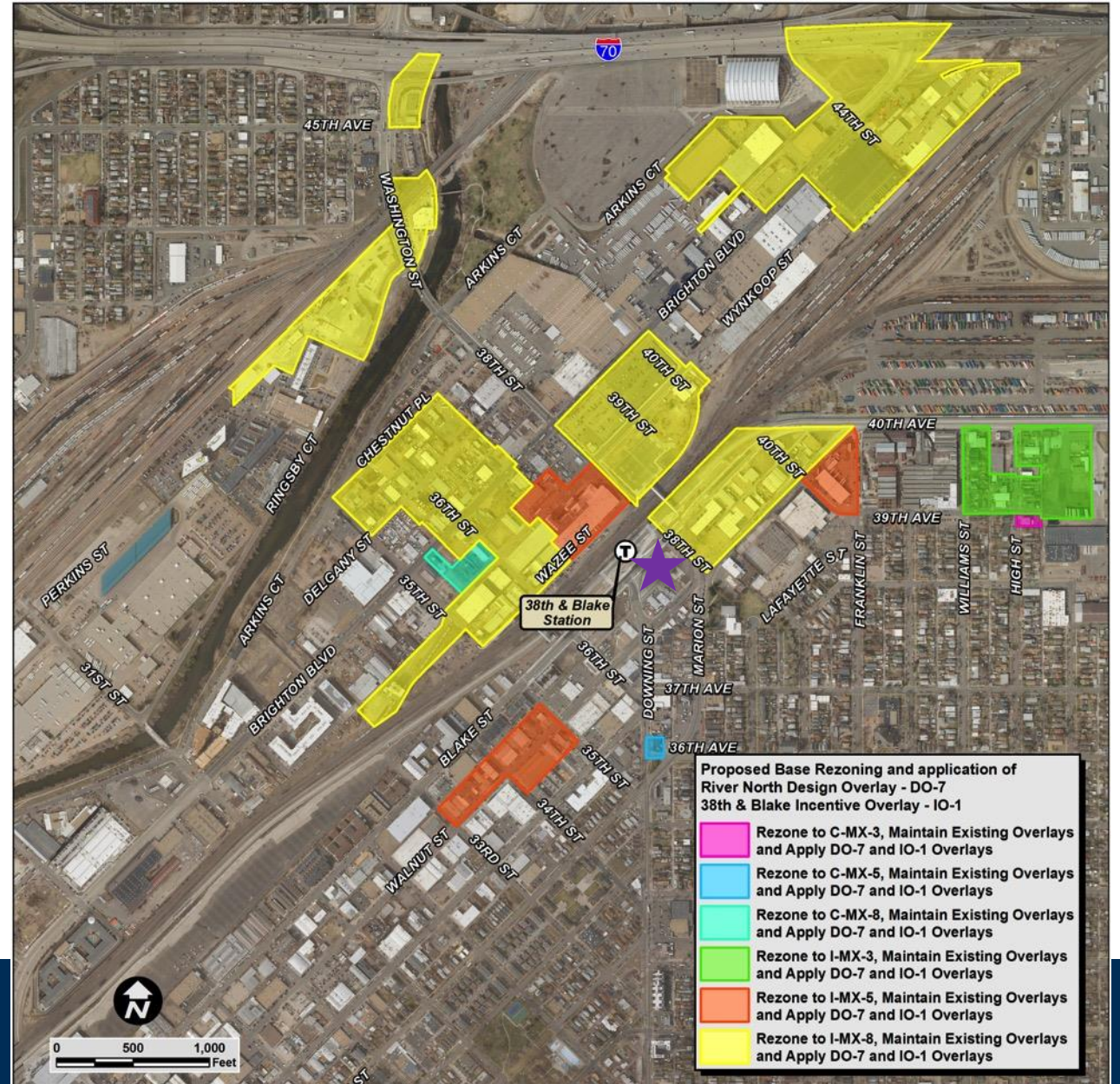
Map Amendment Elyria and Swansea Neighborhood Plan (2015)

- Recommendation for City Councilmember-initiated rezonings to implement the plan vision (page 29)



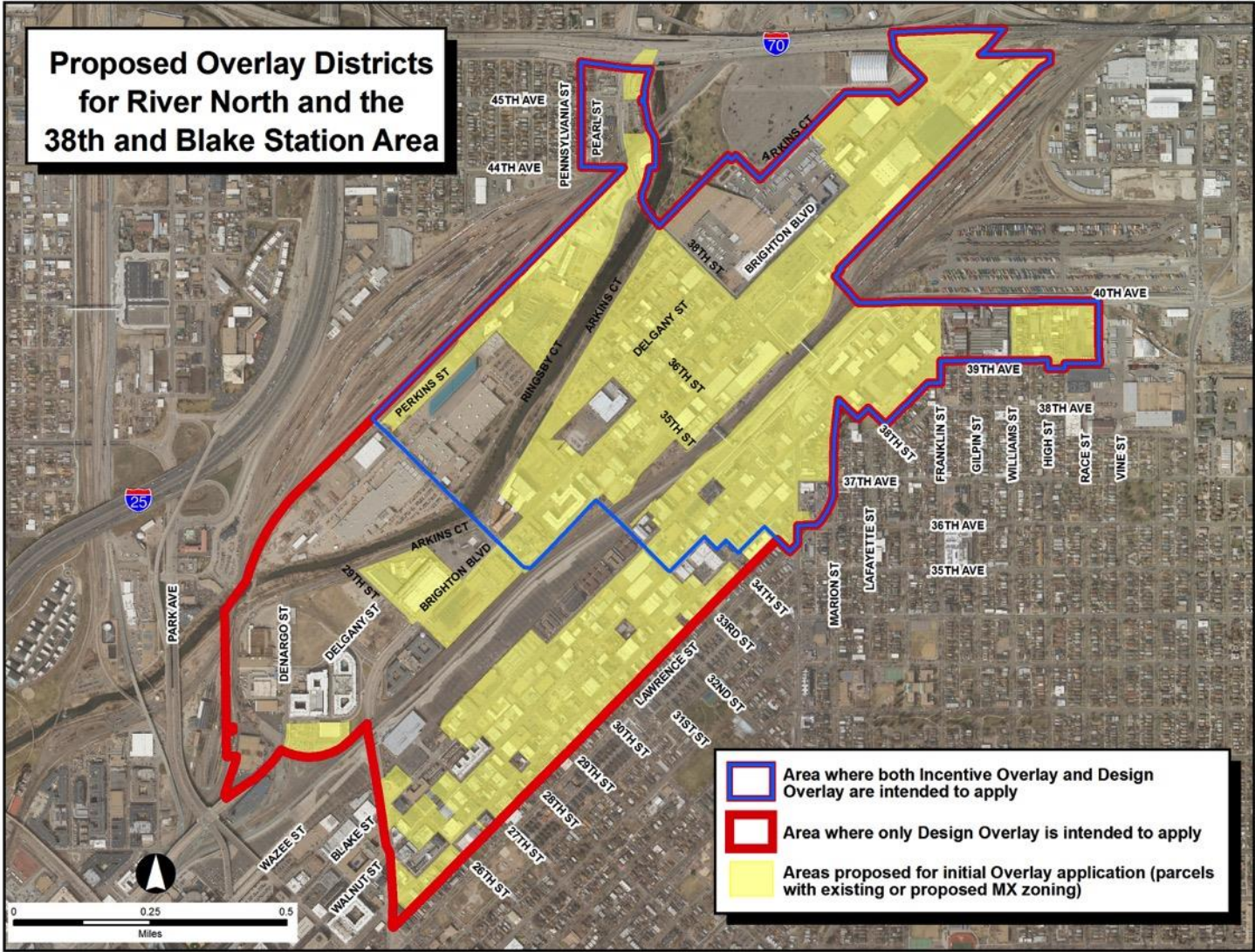
Map Amendment
Relationship to
Proposal 2017I-00120
& 122

- #120 ★
 - Expedite single rezoning
- #122
 - Update some underlying zoning to MX
 - Update underlying zoning to base height



Map Amendment Relationship to Proposal 2017I-00122

- This Amendment #121 combines with #120 and #122



Map Amendment Review Criteria

CPD recommends approval of the map amendment based on finding that criteria have been met

1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Furthers the Public Health, Safety and General Welfare
4. Results in Regulations that are Uniform Across the District

Map Amendment Review Criteria

OED and CPD staff recommend approval of the regulatory tools to implement the adopted 38th and Blake Height Amendments

1. Denver Zoning Code (DZC) Text Amendment
2. DZC Map Amendment 2017I-00121
3. Denver Revised Municipal Code Amendment

For more information, visit www.denvergov.org/38blake