



TO: Neighborhoods and Planning Committee
FROM: Laura Brudzynski, Senior City Planner
DATE: April 27, 2015
RE: Official Zoning Map Amendment Application #2015-FAKE
Approx. E. Broadway Ave. & Colfax Ave
Rezoning OS-A to D-MX-20

Staff Report and Recommendation

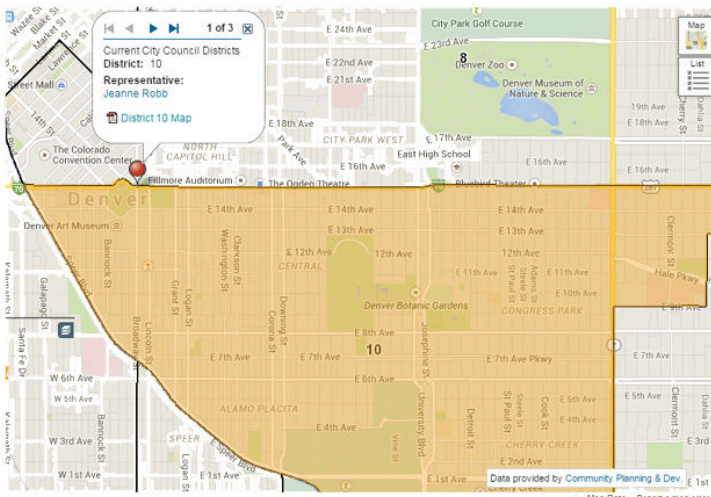
Based on the criteria for review of this application submitted under Denver Zoning Code (“DZC”) Sections 12.4.10.7 and 12.4.10.8, Staff recommends approval of Application 2015-FAKE from OS-A to D-MX-20

Request for Rezoning

Application:	#2015-FAKE
Address:	E. Broadway & Colfax Ave.
Neighborhood/Council District:	Capitol Hill/Council District 10
RNOs:	Capitol Hill United Neighborhoods, Colfax Community Coalition, Colfax on the Hill, Cultural Arts Residential Organization, Denver Urban Resident Association, Golden Triangle Museum District, Golden Triangle Neighborhood Association, Inter-Neighborhood Cooperation, Uptown on the Hill
Area of Property:	97,671 SF/2.344 acres
Current Zoning:	OS-A
Proposed Zoning:	D-MX-20
Property Owner(s):	XYZ Development
Owner Representative:	Luke Palmisano

Summary of Rezoning Request

- The subject property is located the former Civic Center Park and legally described as XXXXXXXX.
- The property owner proposes to rezone the property from OS (open space) A (3,000 sf) to D (Downtown)-MX (Mixed Use)-20 (20-stories). D-MX-20 allows for the opportunity to construct up twenty stories containing residential and mixed-use development. The Downtown Neighborhood Context consists of mixed-use residential, office, commercial and retail uses in large buildings. It is comprised of five distinct areas, as well as historic structures and districts that define the character of Downtown. Further details of the zone districts can be found in Article 7 of the Denver Zoning Code (DZC).
- The property owner, XYZ Development, is proposing a rezoning to entitle the land for development consistent with adopted city plans.



Existing Context

The former Civic Center Park property was purchased by XYZ Development in January, 2014. The property was sold by the City of Denver in order to fund park improvements throughout the city. City Council approved the sale in November, 2013, after a lengthy public process.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	OS-A	Vacant. Was site of Civic Center Park.	Vacant to be developed	The existing pattern of development surrounding the site follows Denver's traditional orthogonal grid
Northeast	PUD			
South/East/West	D-CV	Downtown civic sites	Government buildings are already developed	

1. Existing Zoning

The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates very active to completely passive sites, and from those embedded in a neighborhood to sites large enough to stand alone.



2. Existing Land Use and 3. Existing Building Form and Scale

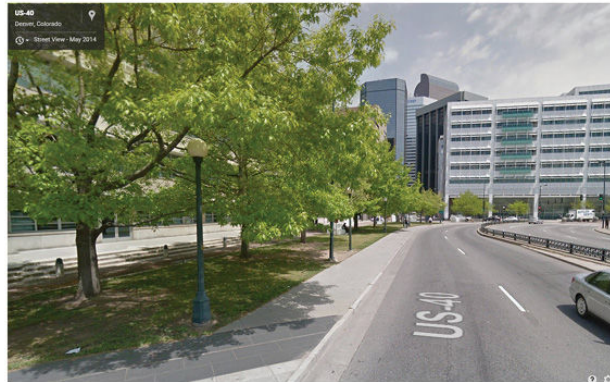


Figure 1 — North of Civic Center Park



Figure 2 — West of Civic Center Park



Figure 3 — East of Civic Center Park



Figure 4 — South of Civic Center Park

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:

Asset Management: Approve – No comments.

Denver Fire Department: Approve – No Comments.

Development Services – Wastewater: Approve – There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Public Works – City Surveyor: Legal description is approved. An address will be assigned.

Public Review Process

- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and Registered Neighborhood Organizations (RNOs) on October 31, 2014.
- Planning Board notification: The property was legally posted for a period of 15 days announcing the December 3, 2014, Denver Planning Board public hearing, and written notification of the hearing was sent on November 18, 2014 to all affected registered neighborhood organizations and City Council members. **The Denver Planning Board voted 6-1 to recommend approval of this map amendment on the condition that the DO-5 overlay zone district will also be applied to the subject property.**
- Written notice of the January 7, 2015 Neighborhoods & Planning Committee (N&P) meeting was sent to all affected registered neighborhood organizations and City Council members on December 22, 2014. Following N&P committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.

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 map amendment is consistent with the city's following adopted plans¹:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

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 was approved by the City's Development Review Committee after recommendation of approval by the Planning Board; the Development Review 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.

- **Infill development:**

- 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.*
- Environmental Sustainability chapter, Strategy 2-F: *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhood.*

The subject property provides for major redevelopment opportunities where increased density and new uses can be accommodated. The proposed rezoning to D-MX-20 provides for infill redevelopment opportunities and increased density located within a designated Area of Change (see Blueprint Denver discussion below).

- **Increased density means increased housing diversity and options:**

- Land Use chapter, Strategy 1-H: *Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan.*

The rezoning of the subject property to D-MX-20 allows for increased height which in turn concentrates more dense development vertically to reduce the amount of land necessary to provide places for people to live.

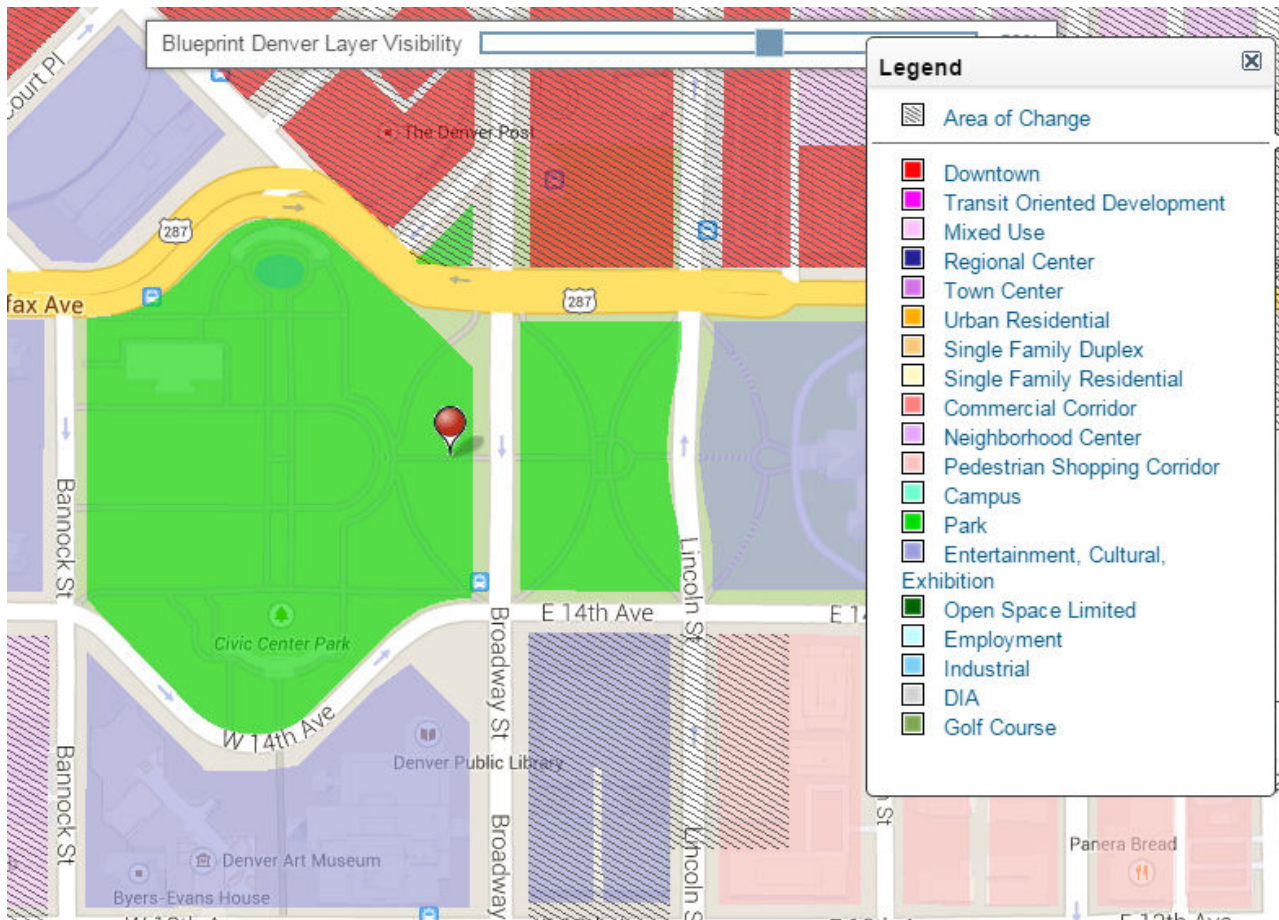
- **The benefits of higher density served by transit:**

- Mobility chapter, 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.*
- Housing chapter, Strategy 6-E: *Identify and capitalize on opportunities to develop housing along transit lines.*

The subject site located along RTD Routes, providing opportunity for transit alternatives where ridership is bolstered by higher density development offered by the higher density D-MX-20 zone district.

Blueprint Denver (BPD) - 2002

The site is designated a **Park Area**. Directly to the north is a Downtown area of change.



Blueprint Denver Areas of Stability/Areas of Change

The subject site is designated as Park will adopt the Mixed Use Area of Change designation. 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). The proposed rezoning to D-MX-20 provides an **opportunity for focused higher-density growth**. **Increased density provides a base for increased transit ridership which in turn bolsters development of new uses that contribute to the city's tax base.**

The proposed map amendment to rezone to D-MX-20 is consistent with Area of Change strategies by allowing for focused growth that is more intense than that which would occur in an Area of Stability. D-MX-20 in this location allows for higher density development which reduces land consumption which in turn, helps preserve Areas of Stability. (p.25).

Reinvestment on a continuum: To understand the scale and level of change expected in an Area of Change as described above, it is helpful to understand how change is characterized for Areas of Stability as well. Two potential types of redevelopment are described in Areas of Stability - development in "Committed Areas" and development in "Reinvestment Areas." (p. 122)

- **Committed Areas** are stable areas within neighborhoods that may benefit from the stabilizing effects of *minor* infill development rather than large-scale, major redevelopment. Examples may be redevelopment of an isolated underutilized historically commercially zoned parcel embedded in the neighborhood.
- **Reinvestment Areas** are parts of a neighborhood with a character that is desirable to maintain but that would benefit from reinvestment through *modest* infill and redevelopment or major projects in a small area. An example of this scale of development may be a full block along a corridor abutting a residential neighborhood. These areas would encourage investment but in a more limited and targeted way than in a designated Areas of Change.

Unlike Committed Areas and Reinvestment Areas within Areas of Stability, **Areas of Change** contemplate focused growth that is *more intense* and often on larger parcels or an aggregation of parcels. The proposed rezoning of the subject parcel to D-MX-20 allows for an intensity of development that is consistent with that which is contemplated for an Area of Change.

The overall development of the Civic Center site will begin if approved. **Consistent with the recommendations in the Framework Plan and Town Center District Plan, the D-MX-20 will promote a diverse range of urban living options to increase diverse housing opportunities and housing intensity to ensure viability of the overall development concept and to provide the residential base to support planned retail and commercial uses that define urban living.** The proposed D-MX-20 zone district allows for the development of an intense urban town.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to D-MX-20 will result in the uniform application of zone district building form, use and design regulations within this district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted plans

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." As already discussed in this staff report (see Existing Context above), the subject property and its surrounding environs are either currently undergoing or are slated for redevelopment consistent with the visions and recommendations set forth in Blueprint Denver for Areas of Change.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at approx. E. Broadway & Colfax from OS-A to D-MX-20 meets the requisite review criteria. Accordingly, staff recommends *Approval*.