



TO: Denver Planning Board
FROM: Andrew Webb, Senior City Planner
DATE: June 7, 2018
RE: Official Zoning Map Amendment Application #2018I-00040.

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00040.

Request for Rezoning

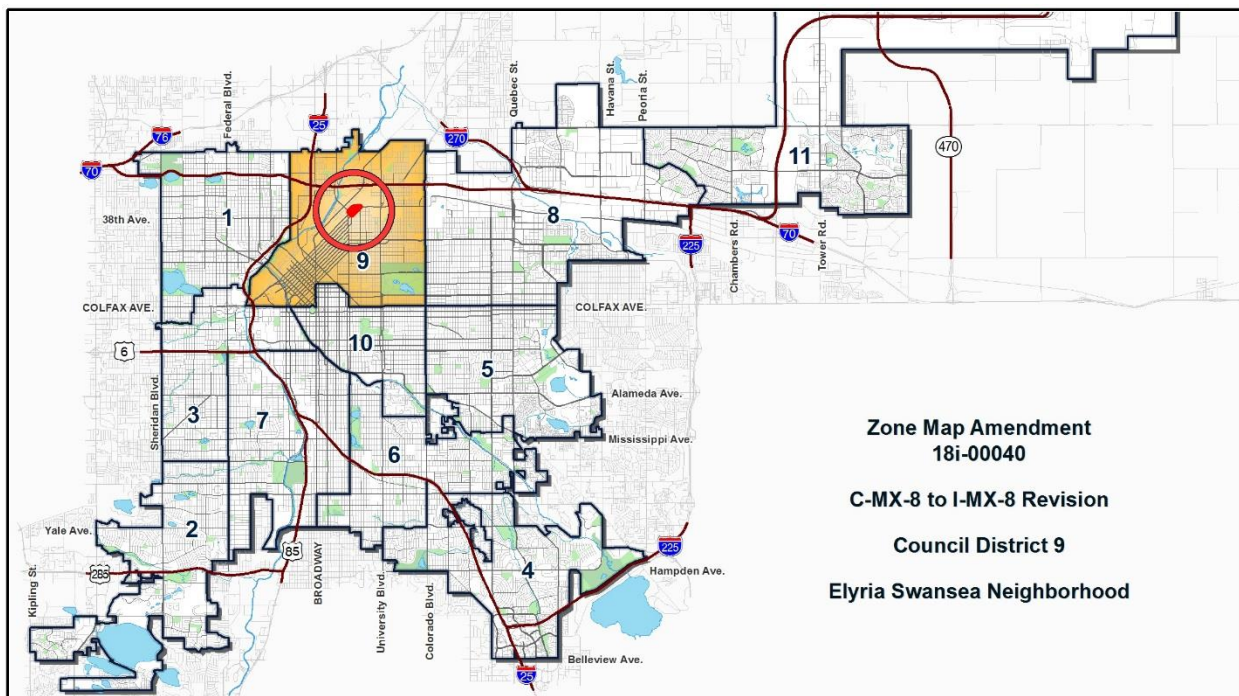
Address: Multiple Properties generally bounded by 38th Street, Walnut Street, 40th Ave. and the Union Pacific/RTD right-of-way
Neighborhood/Council District: Elyria and Swansea/Council District 9
RNOs: Inter-Neighborhood Cooperation (INC), UCAN, Cross Community Coalition, Elyria and Swansea/Globeville Business Association, Rio Norte, Denver Arts and Culture Initiative, RiNo Art District, Five Points Business District, Elyria and Swansea Neighborhood Association, Opportunity Corridor Coalition of United Residents, Cole Neighborhood Association
Area of Property: approximately 13 Acres
Current Zoning: C-MX-8 UO-2, IO-1, DO-7
Proposed Zoning: I-MX-8 UO-2, IO-1, DO-7
Property Owner(s): Various

Summary of Rezoning Request

- The Subject properties are located in the Elyria and Swansea statistical neighborhood, and are bound by 38th St. to the south, Walnut St. to the east, 40th Ave. to the north and and Union Pacific/RTD rail right-of-way to the west.
- The subject property was one of many in the area around the 38th and Blake RTD station that were rezoned in February to establish the new River North Design Overlay (DO-7) and the 38th and Blake Incentive Height Overlay (IO-1), and to establish I-MX and C-MX

base zone districts that the new overlays were created to work with (Legislative Rezoning Proposal 2017i-00122, Ordinance No. 20180015).

- It was later discovered that an incorrect notation on the legal description for Ordinance 20180015 resulted in an error on the official map for this group of properties, which comprise about 8% of the total land rezoned by that ordinance.
- This proposed rezoning would establish the I-MX-8 base zone district that had been proposed for these properties and that was shown on exhibits for 20180015, thereby implementing the intent of original Official Map Amendment. The proposed zoning map exhibit from Rezoning Proposal 2017i-00122 is included in the maps below.
- The newly established overlays, as well as an existing UO-2 (billboard use) overlay would remain on these properties.
- The area impacted by this correction ordinance is shown in the maps beginning below.
- This proposal was submitted directly to the Council's Land Use, Transportation and Infrastructure Committee per Denver Zoning Code Sec. 12.4.10.4.D.2.b. which sets forth special procedures for correcting errors that occur as a result of rezoning ordinances.

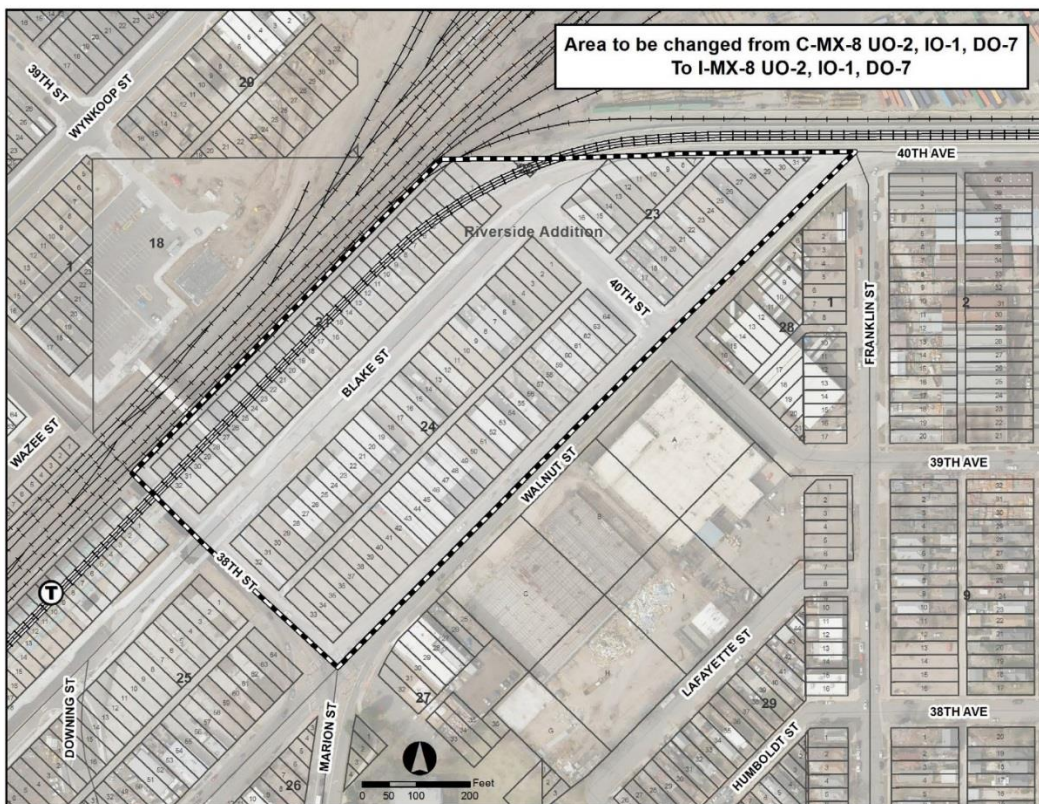
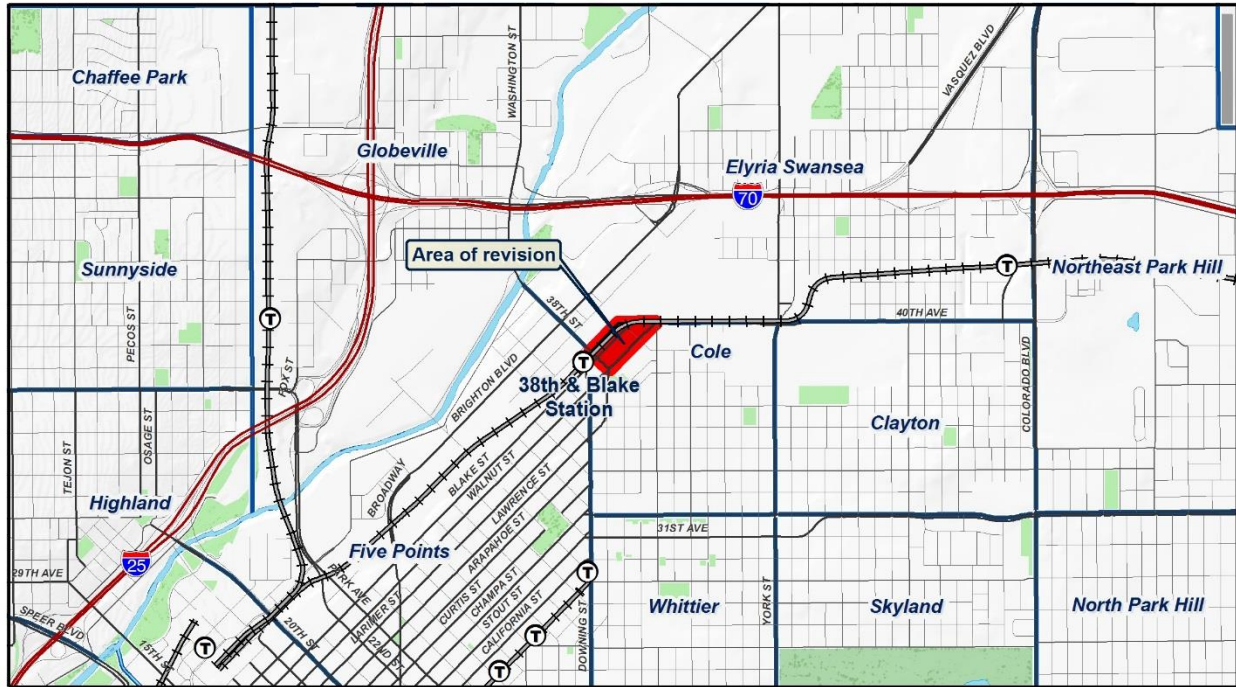


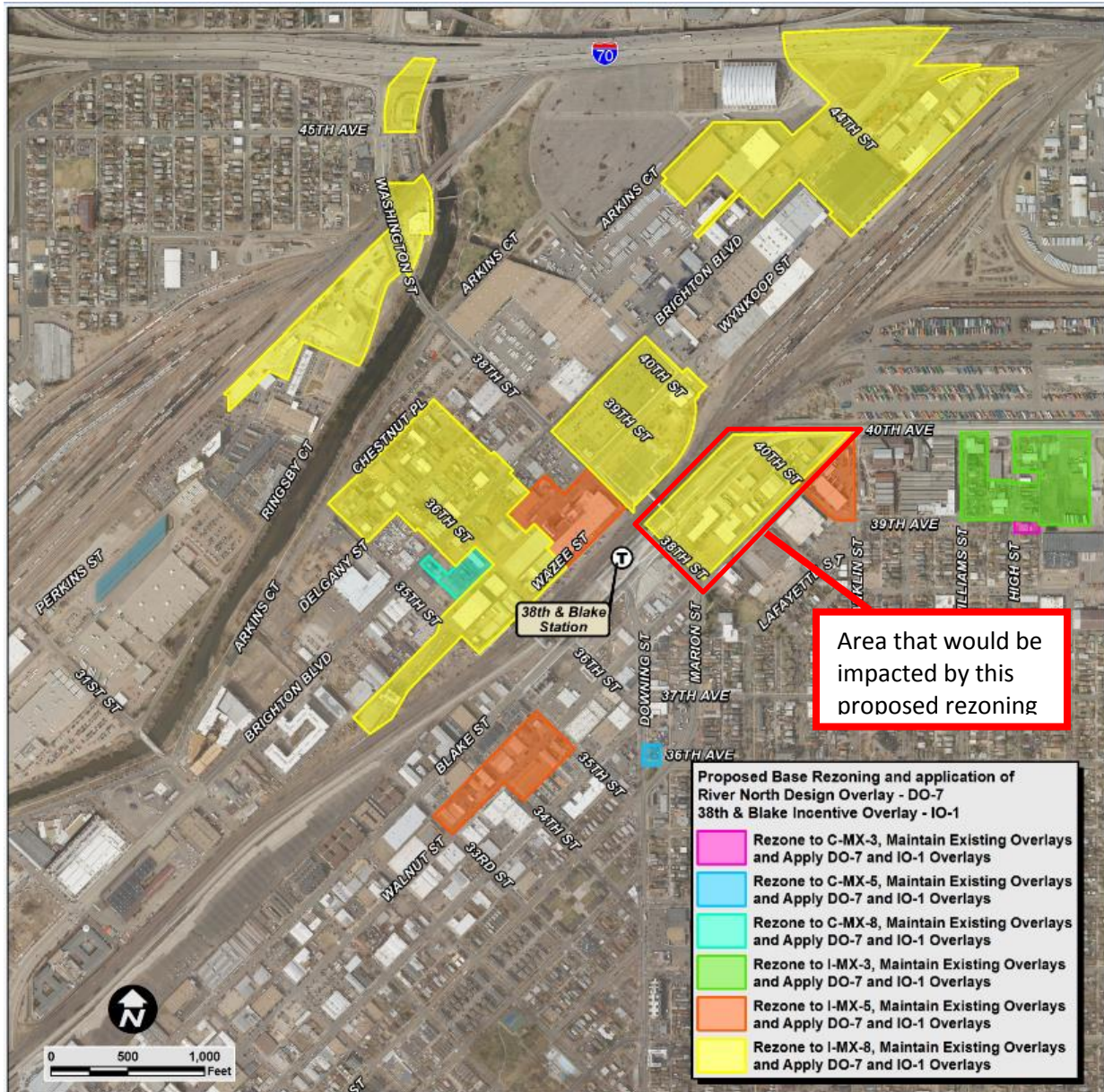
Rezoning Application #2018I-00040

Multiple Properties generally bounded by 38th Street, Walnut Street, 40th Ave. and the Union Pacific/RTD right-of-way

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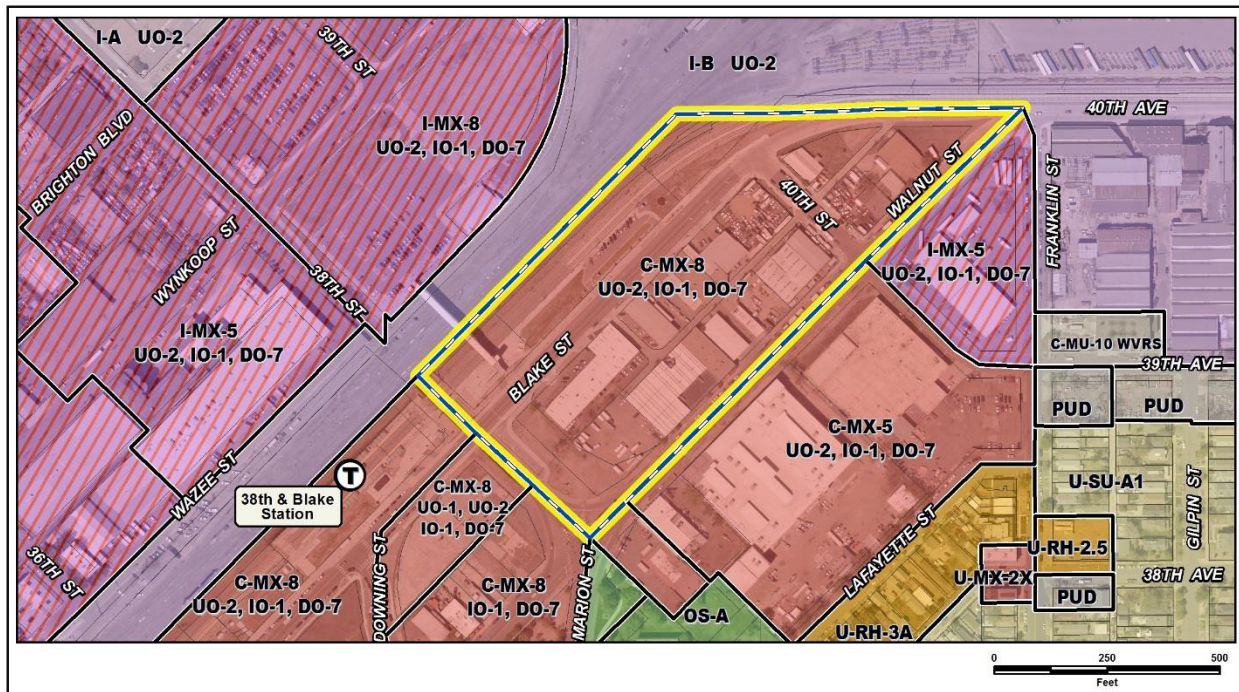


Summary map of base Zone District rezonings proposed by rezoning proposal 2017I-00122 (adopted rezoning ordinance 20180015). The area impacted by this proposed correction rezoning is highlighted.

Existing Context

Existing Zoning

Properties that would be impacted by this proposed rezoning are currently zoned C-MX-8 UO-2, IO-1, DO-7, as shown below. Proposed rezoning 2017I-00122 intended to establish base zoning of I-MX-8 on these properties (along with the overlays), based on an analysis of adopted future land use policies, current land use and other factors.



Summary of City Agency Referral Comments

Because this request specifically refers to an error on the Official Map caused by an incorrect notation preceding a legal description, review was only requested of Public Works Survey. A summary of agency referral responses follows:

Public Works – City Surveyor: Approved, No Comments

Public Review Process

- This rezoning proposal was referred directly to the Land Use, Transportation and Infrastructure Committee, without review or recommendation by the Denver Planning Board, as allowed under Denver Zoning Code, Section 12.4.10.4.D.2.b. The rezoning application was approved as part of the consent agenda for the Land Use, Transportation and Infrastructure Committee on May 1, 2018.

- Notification signs for the City Council Hearing were posted on visible street frontages for this group of properties beginning on May 15, 2018.
- Registered Neighborhood Organizations listed on Page 1 of this report were notified of this application. No comments have been received from the RNOs as of the writing of this report.
- As of the date of this staff report, no public comments have been received in response to this proposal.

Criteria for Review / Staff Evaluation

This proposal would correct an error on the Official Map caused by an incorrection notation in the legal description for adopted Rezoning Ordinance 20180015, thereby implementing the original intent of that ordinance. The staff report for the original rezoning is included as an attachment to this report and contains the analysis conducted for that application.

General Review Criteria for All Map Amendments. Section 12.4.10.7 of the Denver Zoning Code (DZC) sets forth the following general review criteria for consideration of a legislative map amendment (note that Sec. 12.4.10.8 “Additional Review Criteria for non-Legislative Rezonings” does not apply to this legislative map amendment):

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

1. Consistency with Adopted Plans

This Official Map Amendment would implement the original intent of Rezoning Ordinance 20180015 as shown in exhibits attached that proposal. Consistency with all adopted plans is presumed from the City Council’s findings of plan consistency in the original rezoning of the property.

2. Uniformity of District Regulations and Restrictions

This proposed rezoning from C-MX-8 UO-2, IO-1, DO-7 to I-MX-8 UO-2, IO-1, DO-7 will implement the original intent of Rezoning Ordinance 2018I0015. Uniformity of District Regulations and Restrictions is presumed from the City Council’s findings in the original rezoning of the property.

3. Public Health, Safety and General Welfare

Rezoning Application #2018I-00040

Multiple Properties generally bounded by 38th Street, Walnut Street, 40th Ave. and the Union Pacific/RTD right-of-way

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The proposed official map amendment furthers the public health, safety, and general welfare of the City by correctly mapping the zone district originally intended by Rezoning Ordinance 20180015.

CPD Recommendation

Based on the review criteria for a map amendment in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), CPD staff recommends **approval** for map amendment proposal #2018I-00040.

Attachments

1. Application
2. Updated Legal Description showing revision in redline
3. Staff Report for Rezoning Proposal 2017I-00122, adopted as Rezoning Ordinance 20180015.

Updated Legal Description for affected properties:

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from

C-MX-8 UO-2, IO-1, DO-7 to I-MX-8 UO-2, IO-1, DO-7

The area bounded by 40th Ave. on the North, Blake St. on the Northwest, 38th St. on the Southwest, and Walnut St. on the Southeast

Together with the following properties known as:

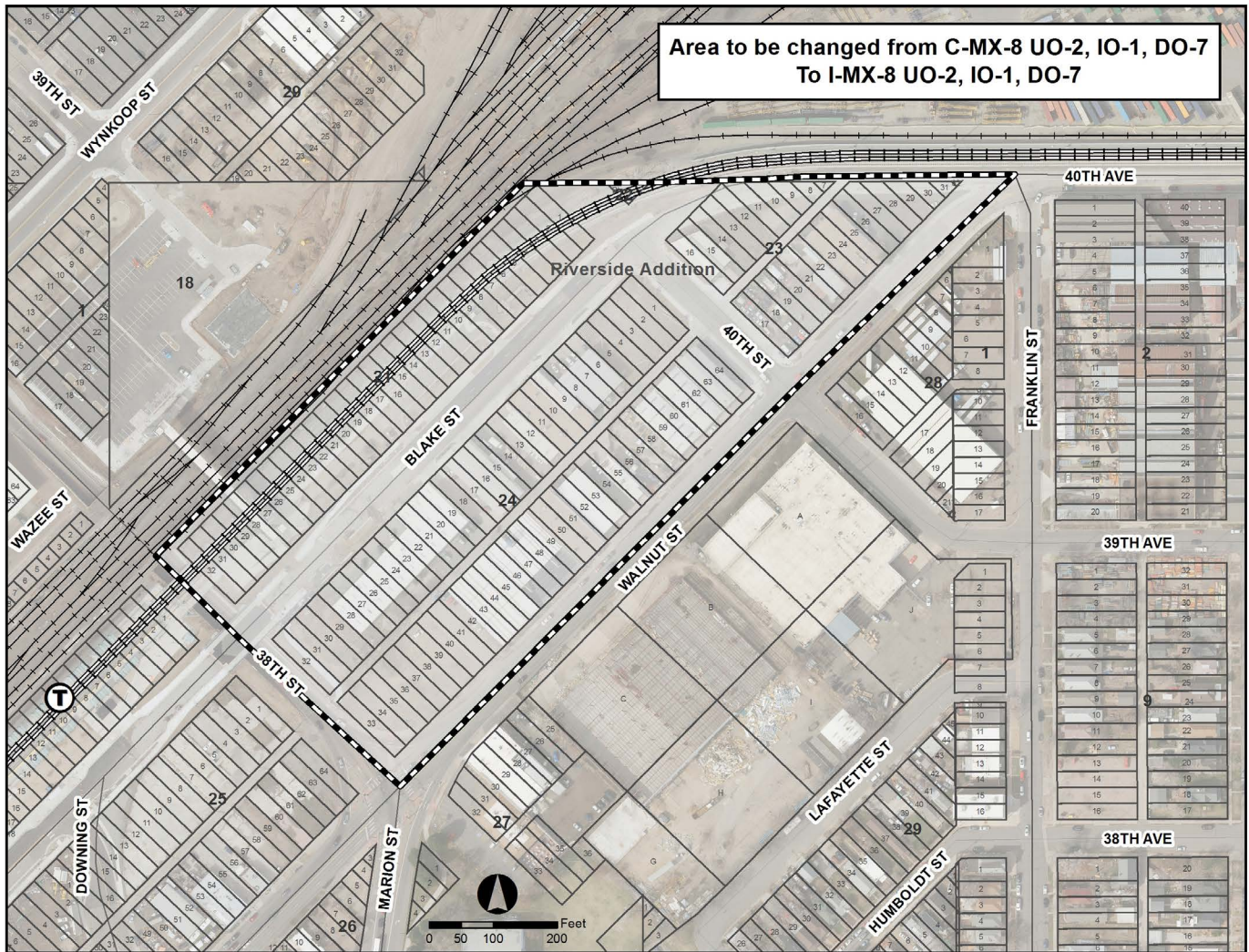
Parcel Schedule Number	Site Address	Deed recorded at Reception Number
0223310001000	3801 BLAKE ST	
0223310018000	3941 BLAKE ST	1978054322
0223310022000	3901 BLAKE ST	1977090020
0223310024000	3943 BLAKE ST	2011111196
0223310027000	3855 BLAKE ST MISC	2016029603
0223310028000	3845 BLAKE ST	
0223310029000	3825 BLAKE ST	
0223310030000	3947 BLAKE ST	2011111196
0223310031000	3947 BLAKE ST MISC	2016029603
0223310032000	3947 BLAKE ST APPRX	2016029603

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION		REPRESENTATIVE*	
Property Owner Name	Multiple owners	Representative Name	Andrew Webb on behalf of the Manager of Community Planning and Development
Address		Address	201 W Colfax Ave., Dept. 205
City, State, Zip		City, State, Zip	Denver, CO 80202
Telephone		Telephone	720-865-2973
Email		Email	andrew.webb@denvergov.org
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Multiple Properties generally bounded by 38th Street, Walnut Street, 40th Ave. and the Union Pacific/RTD right-of-way		
Assessor's Parcel Numbers:	Properties without parcel numbers, along with 0223310001000, 0223310018000, 0223310022000, 0223310024000, 0223310027000, 0223310028000, 0223310029000, 0223310030000, 0223310031000, 0223310032000		
Area in Acres or Square Feet:	approximately 13 acres		
Current Zone Districts:	C-MX-8 UO-2, IO-1, DO-7		
PROPOSAL			
Proposed Zone Districts:	I-MX-8 UO-2, IO-1, DO-7. This proposal is to rectify an incorrect notation in the legal description for adopted Rezoning Ordinance 20180015, Series of 2018, which resulted in an error on the official map.		
REVIEW CRITERIA			
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	This proposed rezoning is to correct an error and would fulfill the original intent of Legislative Rezoning Proposal #2017I-00122, adopted as Rezoning Ordinance 201800015, Series of 2018. This proposal is submitted directly to the Council's Land Use, Transportation and Infrastructure Committee pursuant to Denver Zoning Code Sec. 12.4.10.4.D.2.b.. Please see previous proposal #2017I-00122 for compliance with review criteria.		





TO: Denver City Council
FROM: Andrew Webb, Senior City Planner
DATE: February 8, 2018
RE: Official Zoning Map Amendment Application #2017I-00122 to change the base zoning of some properties in the 38th & Blake Station area to mixed-use districts, and to establish the River North Design Overlay (DO-7) and 38th and Blake Incentive Overlay (IO-1) on those properties.

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), Staff recommends **approval** for Map Amendment Proposal #2017I-00122

Request for Rezoning

Address: Various properties within the 38th and Blake Station Area generally flanking RTD University of Colorado A-Line and freight rail tracks north of 31st Street and south of I-70, including properties along Blake, Walnut, Wynkoop, 38th, 39th, Washington and Delgany Streets, Ringsby Court and Brighton Boulevard.

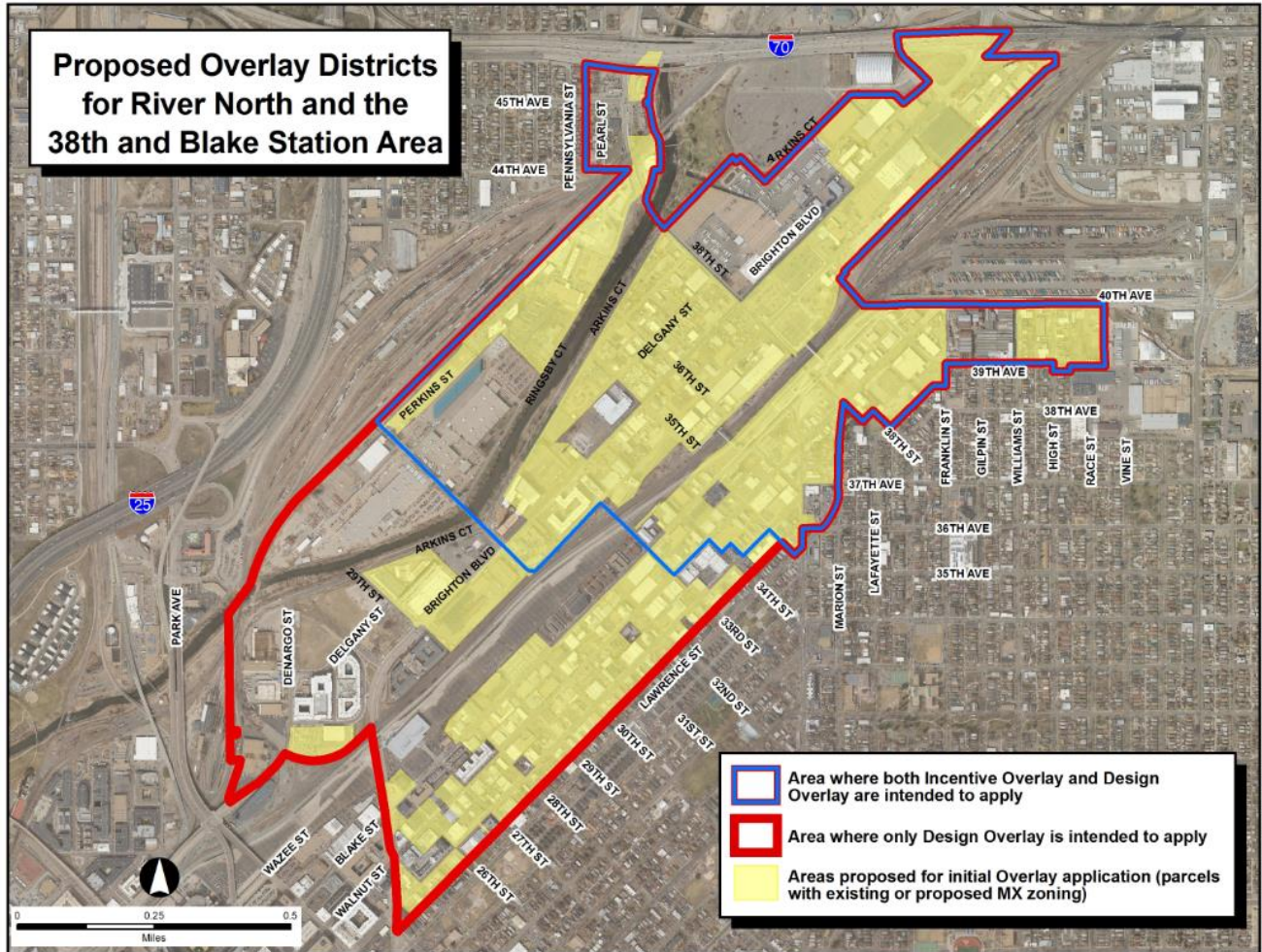
Neighborhood/Council District: Elyria and Swansea, Globeville, Cole and Five Points/Council District 9

RNOs: Inter-Neighborhood Cooperation (INC), RiNo, River North Art District, United Community Action Network Inc., Curtis Park Neighbors, Globeville Civic Association #2, Globeville Civic Partners, The Points Historical Redevelopment Corp, Five Points Business District, Rail Yard Lofts Homeowner's Association, Inc., Denver Neighborhood Association, Inc., Cross Community Coalition, Elyria and Swansea Neighborhood Association, Elyria Swansea/Globeville Business Association, Opportunity Corridor Coalition of United Residents, Globeville K.A.R.E.S., Rio Norte, Cole Neighborhood Association, Denver Arts and Culture Initiative, Comunidades Unidades Globeville Elyria &

Area of Property:	Swansea, North Neighborhoods Democratic Council, Ballpark Collective, Blake27 Urban Brownstones approximately 160 acres
Current Zoning:	I-A UO-2, I-B UO-2, CMP-ENT UO-2, C-MX-3 UO-1, UO-2, C- MX-5 UO-2, I-MX-3 UO-2, I-MX-5 UO-2, R-MU-30 with waivers, U-MX-2
Proposed Zoning:	C-MX-3 DO-7, IO-1; C-MX-5 UO-2, DO-7, IO-1; C-MX-5 UO- 1, UO-2, DO-7, IO-1; C-MX-8 UO-2, DO-7, IO-1; C-MX-8 DO- 1, IO-7; I-MX-3 UO-2, DO-7, IO-1; I-MX-5 UO-2, DO-7, IO-1; I-MX-8 UO-2, DO-7, IO-1.
Property Owner(s):	Various

Summary of Rezoning Request

Overview of larger River North/38th & Blake Overlay Project: This request is one of two related rezoning and text amendment applications sponsored by City Council President Albus Brooks and aimed at implementing recommendations of the 2016 38th & Blake Station Area Height Amendments. The counterpart to this request, #2017I-00121, would establish two new overlay zones for the area: the River North Design Overlay District (DO-7), which would impact building and site design in the larger River North Arts District geography; and the 38th & Blake Incentive Height Overlay (IO-1), which would allow buildings to exceed maximum heights specified in underlying zoning if the building provides certain community benefits, such as affordable housing units in an area generally within a quarter mile of the 38th and Blake station. The proposed overlay boundaries and properties that would be initially affected by their adoption are shown in the map on the next page.



Summary of this request: This map amendment request would impact properties within the Incentive Height Overlay boundary, shown in blue in the map above, and would accomplish two objectives related to larger River North/38th & Blake Project:

1. Rezoning of Base Zone Districts

- The proposed 38th & Blake Incentive Height Overlay District was developed to work on properties mapped with a non-customized Denver Zoning Code mixed-use district that establishes a maximum height in building stories (i.e. I-MX-5 or

C-MX-8). Council President Brooks has proposed this set of legislative map amendments to rezone some properties not currently mapped with a qualifying district so that they can make use of the Incentive Height Overlay.

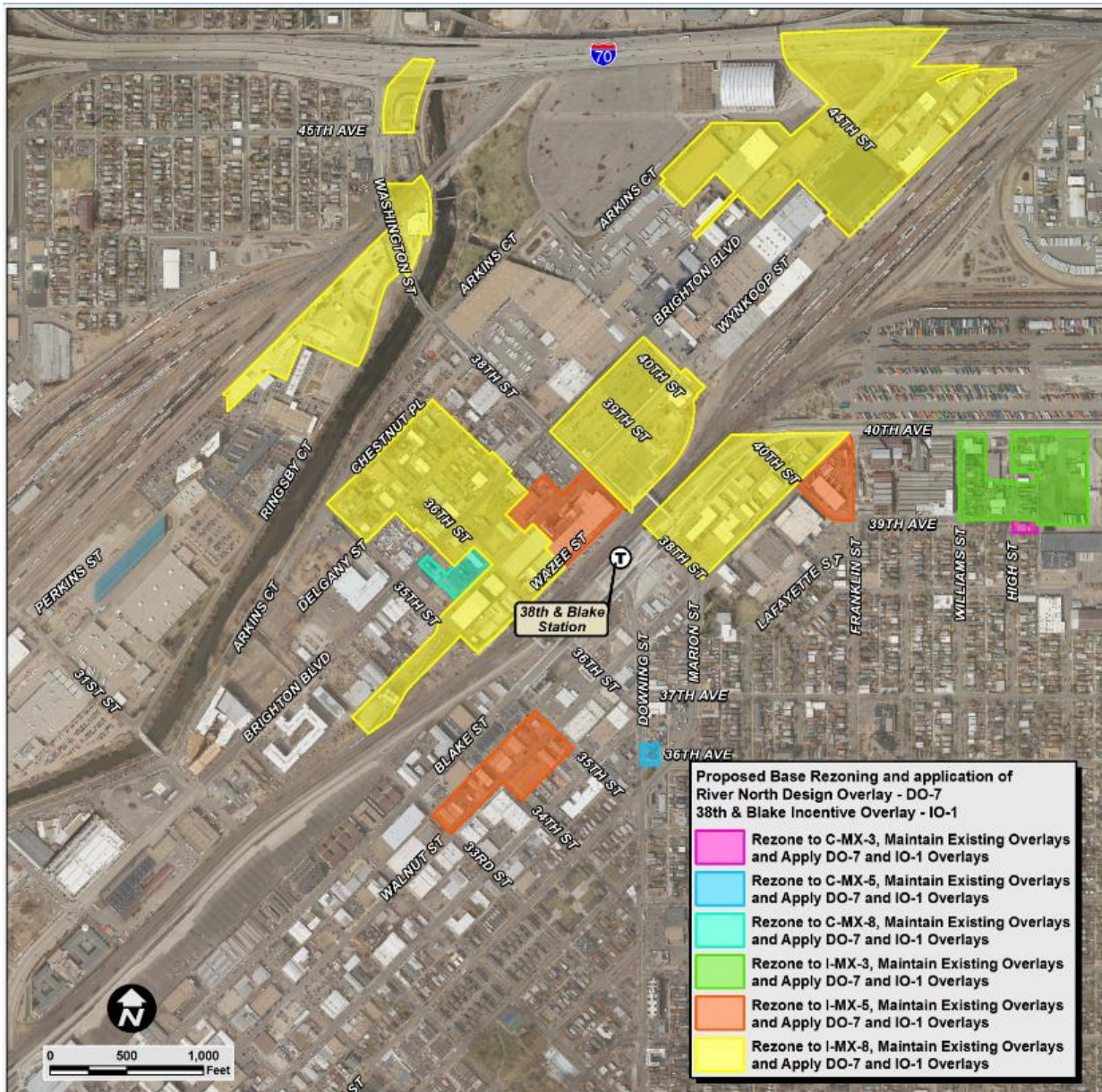
- The proposed rezonings are based on an analysis of future concept land uses in adopted plans impacting the area, zone district base heights recommended in the 38th & Blake Station Area Height Amendments, existing land uses and other factors. The 38th & Blake Station Area Height Amendments established the general geography for the Incentive Height Overlay in a map (p. 7) specifying appropriate “base” and “incentive” heights. Within that geography, approximately 50% of properties already had appropriate mixed-use districts with maximum height in stories. This set of legislative amendments aims to fill in some of the holes in the area where non-height-based industrial or other zones remain so that they may take advantage of the Incentive Height Overlay.
- It should be noted that not all properties without a maximum building height in stories were part of this initial proposal, including those with Planned Unit Development (PUD) zoning, properties zoned with waivers and conditions, etc.
- The requested zone districts, C-MX-, and I-MX-, are defined as Urban Center Context, Mixed-Use, and Industrial Neighborhood Context, Mixed Use. Both districts anticipate a high-density mix of residential and non-residential uses with buildings located close to the street and a vibrant pedestrian realm. The I-MX- zone district permits more industrial uses, such as General Manufacturing, and is proposed where adopted policy designates future industrial mixed-use and where existing uses are primarily industrial. The C-MX- zone district anticipates a high-density mix of residential and commercial uses with a vibrant pedestrian realm and parking oriented to the side or rear of structures. It is proposed where adopted future land use plans call for a mix of commercial and residential uses and transit-oriented development.

2. Establishment of Overlays

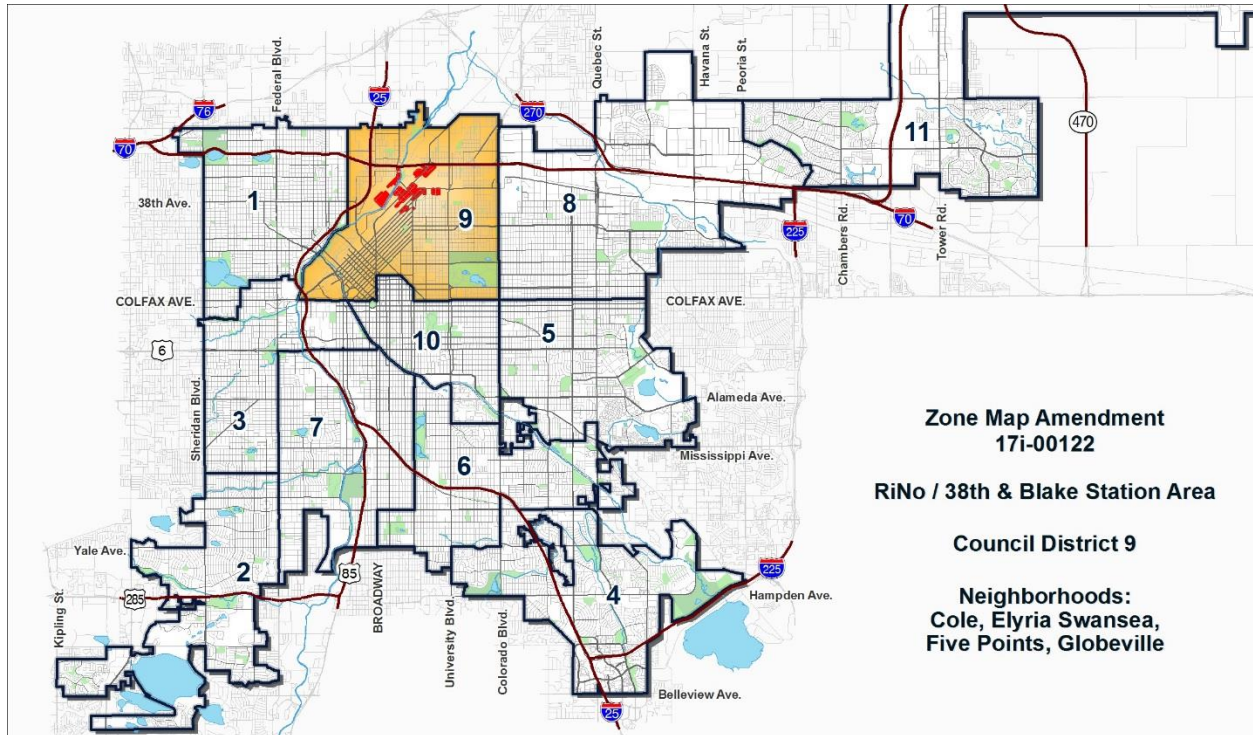
- Besides changing the base zoning of some properties in the 38th & Blake Station Area to height-based, mixed-use districts, this proposed set of map amendments would also establish the two aforementioned overlay districts – the 38th & Blake Incentive Height Overlay (IO-1) and River North Design Overlay (DO-7) on those properties. See the staff report for request #2017I-00121 for more information about the overlay districts.

The proposed change to base zone districts and maximum heights (while retaining existing overlays), as well as establishment of new overlays, are summarized in the map below:

Summary Map of Proposed Base Rezoning and Overlay



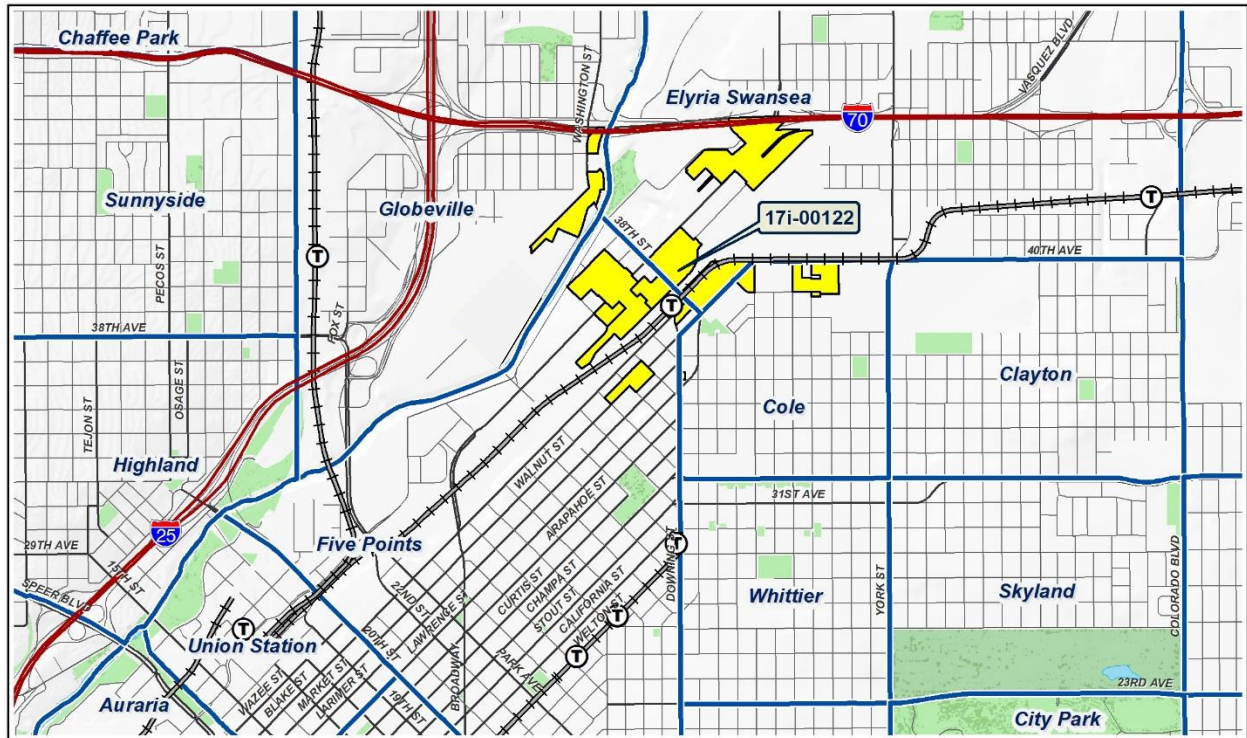
Location of Requested Zone Map Amendments



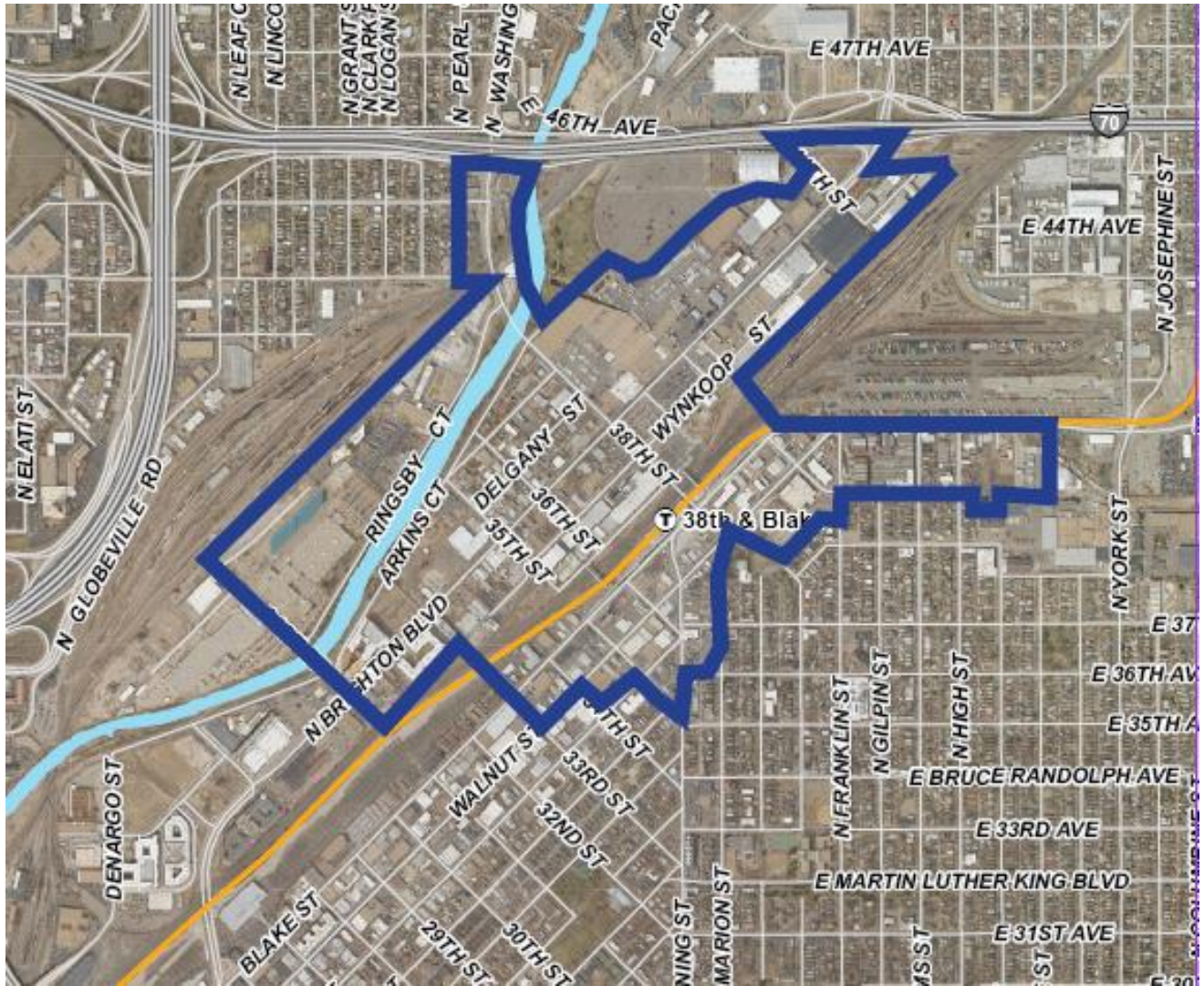
Existing Context

Properties affected by this proposed rezoning are generally those designated for mixed-use redevelopment by the 2009 38th & Blake Station Area Plan. The area is generally within a half-mile “walk-shed” of the station. This area is generally bounded by 31st Street to the southwest, Burlington Northern Railroad rail facilities to the northwest, I-70 to the north, Race Street to the east and Lawrence Street to the southeast. It comprises the northern half of the larger River North Arts District and includes parts of several statistical neighborhoods, including Five Points, Cole, Globeville and Elyria & Swansea.

Neighborhood Context of Proposed Requests



Aerial image of Incentive Overlay Boundary



Aerial view of area where Incentive Height Overlay (IO-) is intended to apply, showing street grid and location of river and rail facilities. The base zone changes and overlay applications proposed in this request would occur within the blue boundary.

Building Form and Scale

Formerly characterized by intensive industrial uses peppered with early 20th century homes and occasional shopfronts along major streets, the area has rapidly transformed in recent years, led by an influx of arts-related uses attracted by its unique, adaptable buildings and “gritty” atmosphere. The newfound popularity of the area, especially after the opening in April 2018 of the University of Colorado A-Line station at 38th & Blake, has given rise to considerable new development in the form of multi-unit residential, office and mixed-use projects. Despite these changes, however, many industrial and warehousing uses remain. Existing development on subject sites for this proposed rezoning include a wide range of 1- to 3-story industrial and residential structures, vacant parcels and surface parking lots. Industrial building designs reflect 100 years of development in the area and include many older brick factory structures, some adapted to new uses, and examples of newer metal and block structures from the 1950s through the present. Newer office and co-working spaces reflect modern styles, some with an architectural nod toward prewar industrial building materials and design. Multi-unit residential uses in the area are newer and taller – most have been constructed within the last 10 years, and reflect a variety of modern architectural styles in buildings ranging from 2 to 5 stories. The Giambrocco grain elevator complex at 38th and Wynkoop stands approximately 10 stories tall and is a notable landmark in the area.

Existing Block, Lot and Street Pattern

The area impacted by these proposed amendments is divided into three sub-districts by rail facilities and the South Platte River. Each has unique block patterns, though all can generally be described as relating to the diagonal downtown grid. The northwesternmost part of the 38th & Blake Station Area, between the South Platte River and the BNSF rail facilities (bound by 31st, Perkins, Ringsby and Washington) consists of large irregular lots served primarily by internal driveways and lacking a formal street grid. The middle section of the study area, south of the Platte and north of the RTD A-Line/Union Pacific rail facilities, is characterized by a mix of standard lots served by alleys and some double-length blocks serving larger industrial or mixed-uses south of 38th Street. North of 38th Street, this section is laid out in larger industrial-scale lots with less north/south streets. Finally, the part of the study area southeast of the RTD A-Line/Union Pacific rail facilities is characterized primarily by standard rectangular blocks, most served by alleys. This part of the study area meshes in several locations with the east-west/north-south grid, resulting in some non-rectangular block shapes.

The following aerial images are intended to illustrate the street grid and general building scale of the study area.



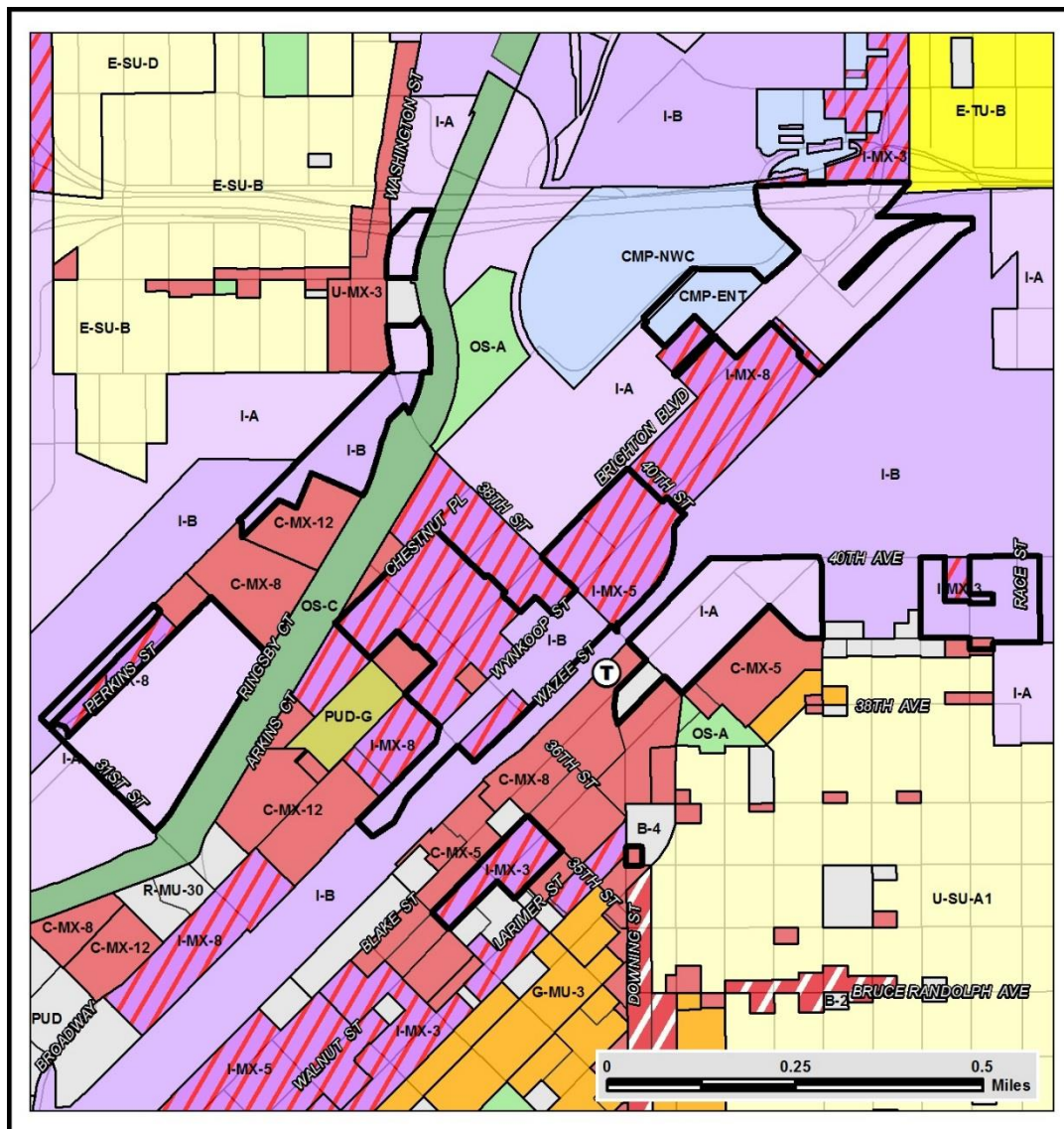
This image shows the southern half of the study area looking north from approximately Lawrence. 31st Street runs diagonally from northwest to southeast in the middle foreground. The Giambrocco grain elevator can be seen at top right.



This image shows the northern half of the study area looking north with Franklin Street located north-south at center-right.

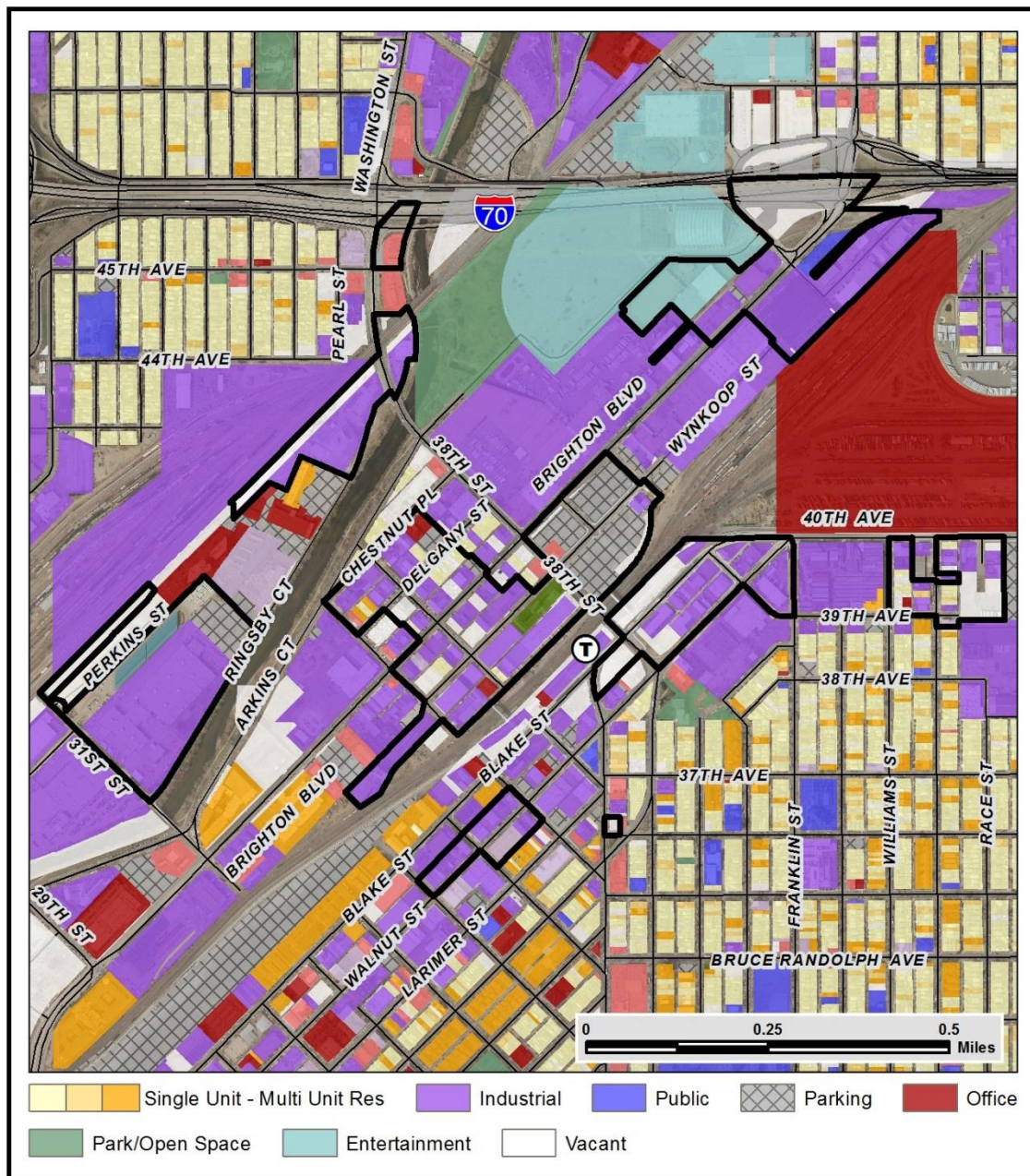
Existing Zoning

Existing zoning in the 38th & Blake Station Area includes a mix of intensive industrial districts (I-A, I-B), residential and industrial mixed use districts ranging up to 16 stories, and campus (entertainment) districts. Numerous rezonings in recent years reflect a transition from industrial to mixed-use districts. Most properties in the area have the UO-2 Billboard overlay, and many also have the UO-1 Adult Use overlay. This rezoning request proposes to retain both overlays where applicable.



Existing Land Uses

Land uses reflect the expected diversity of such a large study area and include single- and multi-unit residential, heavy industrial, warehousing, office, commercial, grain and food storage and transportation (two freight and passenger rail corridors pass through the area).

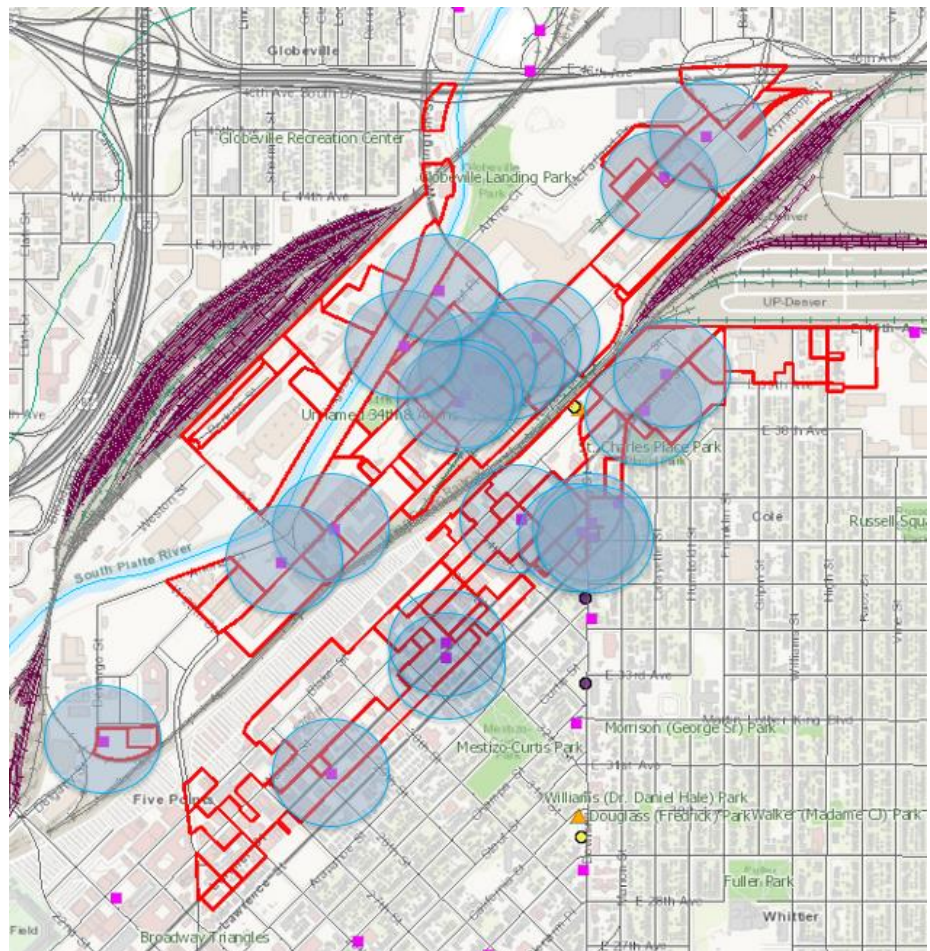


UO-2 Billboard Overlay

The Billboard Use Overlay, UO-2, was established to “maintain the status quo of entitlement related to the establishment, maintenance and operation” of billboard signs. Most properties in the area have this overlay, and there are about 25 billboards on properties that would be affected by this proposed rezoning and possibly made nonconforming if the overlay were removed. The Denver Zoning Code requires that any new standard-sized billboard be separated by at least 500 feet from any other outdoor advertising signs, along with other requirements, such as removal of an existing billboard for every new one erected. As shown in the map below, the number of billboards already in the area leaves few opportunities for the establishment of new outdoor advertising signs. Billboard uses are not mentioned in area plans impacting the subject sites, and staff is not aware of any adopted policies for reducing the footprint of the UO-2 overlay in this area or elsewhere in the city. CPD recommends retaining the UO-2 overlay on properties impacted by this rezoning.

Existing Billboards

This map shows areas impacted by this proposed rezoning (inside the red boundaries) with billboard locations (purple) and 500-foot buffers (blue)



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. Comments received as of Nov. 29 are as follows:

A summary of agency referral responses follows:

Public Works – City Surveyor: Approved, No Comments

Public Works – City Surveyor (response #2): Approve Rezoning Only – Will require additional information at site plan review. Overlay is a map only, no survey aspect to review at this time.

Asset Management: Approved, No Comments

Public Outreach and Review Process

Step	Date
City Council Adoption of 38 th and Blake Station Area Height Amendments (plan development included extensive public process beginning in 2016)	9/19/16
Stakeholder meetings to clarify scope of text amendments to implement objectives of the adopted 38 th and Blake Station Area Height Amendments	12/16 – 1/17
Stakeholder meetings to clarify specific specific incentive overlay elements with property owner/development industry stakeholders	2/17-6/17
Stakeholder progress update meeting on development of design and incentive overlays to implement objectives of adopted 38 th and Blake Station Area Height Amendments	7/6/17
Planning Board information item	7/19/17
City Council Land Use, Transportation and Infrastructure Committee (LUTI) Information Item	8/8/17
Postcards sent to all property owners affected by legislative map amendment proposal to rezone properties to mixed use districts matching plan recommendations for base height in the 38 th and Blake	8/29/17

Station Area (note that the related map amendment is packaged as separate proposal 2017I-00122)	
Initial draft of proposed map amendments posted to web site	9/1/17
Presentation for the INC Zoning and Planning (ZAP) Committee	8/26/17
Stakeholder progress update meeting on development of the design overlay	9/11/17
Open house for property owners affected by legislative map amendment proposal to rezone properties to mixed use districts matching plan recommendations for base height in the 38 th and Blake Station Area (note that the related map amendment is packaged as separate proposal 2017I-00122)	9/12/17
Stakeholder meeting to discuss results of incentive overlay financial feasibility study with property owner/development industry stakeholders	10/12/17
Public review draft of text amendment posted to web site	10/20/17
Postcards sent to all property owners potentially affected by proposed map amendment to apply design and incentive overlays (this proposal 2017I-00121 and related proposal 2017I-00122) with invitation to public meeting.	10/31/17
Public meeting and open house on proposed text and map amendments (all property owners invited by mail, surrounding RNOs and other stakeholders invited by email)	11/8/17
Planning Board information item	11/15/17
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 and registered neighborhood organizations:	11/20/17
Planning Board Notice	11/20/2017

Public Planning Board hearing, concluding with unanimous (6 in favor, 1 recusal) recommendation of approval for Denver Zoning Code Map Amendments.	12/6/2017
Committee	1/2/18
City Council First Reading	1/16/18
Property legally posted for a period of 21 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	1/20/18
City Council Public Hearing	2/12/18

Public Comment

The RNOs identified on page 1 of this report were notified of this application. As of the date of this staff report, two letters have been received from registered neighborhood organizations (RNOs) and several have been received from other stakeholders. The letters are included as attachments to the LUTI staff report for the related Denver Map Amendment Proposal #2017I-00121.

Planning Board and Opt-Out requests

Early in the process to develop these proposed zone map amendments, Council President Brooks indicated that property owners could request to be “opted-out” of this rezoning if they could demonstrate a unique circumstance, such as an intensive industrial use that is not expected to cease in the near future. The project team received several such requests, which were recommended for approval to the Planning Board. The Planning Board voted unanimously to approve the base rezonings proposed by this application with the condition that these properties be removed from this rezoning. Denver Map Amendment Proposal #2017I-00122 has been updated to reflect the removal of these properties, as have maps for public notification signs and other materials.

Properties removed from the rezoning proposal include two that will retain existing underlying I-B or I-A zoning (a bus repair facility and former factory undergoing redevelopment) and will thus not be able to make use of the Incentive and Design Overlays. Owners of those properties could request rezoning in the future to make use of the overlays if their plans change. Additionally, the owners of three properties near Brighton Boulevard and 35th Street requested to keep existing I-MX-5 zoning rather than the C-MX-8 district proposed to calibrate their base heights and more accurately reflect adopted future land use recommendations. Because they

are already mapped with a mixed-use zone district, these properties will be governed by the overlays and will be able to make use of the Incentive Heights in future development, but their incentive height will begin the existing zone district's 5 story limit, rather than the proposed 8 stories.

Criteria for Review / Staff Evaluation

Design Overlay District Review Criteria. DZC Section 9.4.5 enables design overlay districts, but does not establish specific review criteria beyond stating that “any changes or modifications to the standards in a design overlay zone district are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments” (see review criteria below).

Incentive Overlay District Review Criteria. Establishment of ‘Incentive Overlay Zone District’ as a new category of overlay zone district is subject to the review procedures stated in 12.4.11 Text Amendments (see review criteria below). The text amendment creates DZC Section 9.4.6.2.B, establishing review criteria for approval of an individual Incentive Overlay District:

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.

General Review Criteria for All Text Amendments. Section 12.4.11 of the Denver Zoning Code (DZC) sets forth the following general review criteria for consideration of any text amendment:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

General Review Criteria for All Map Amendments. Section 12.4.10 of the Denver Zoning Code (DZC) sets forth the following general review criteria for consideration of a legislative

map amendment (note that Sec. 12.4.10.8 “Additional Review Criteria for non-Legislative Rezonings” does not apply to this legislative map amendment):

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

1. The Proposed Text and Map Amendment are Consistent with Review Criteria for an Incentive Overlay District

The proposed 38th and Blake Incentive Overlay District is consistent with the review criteria to be established in DZC Section 9.4.6.2.B (see above) because it implements city policies that seek to incentivize specific community benefits by enabling greater building height around the 38th and Blake station. The 38th and Blake Height Amendments specifically recommend adoption of “a regulatory framework for integration of housing affordability within the station area by providing certain density incentives” (plan page 10). The incentive overlay will be applied only to underlying mixed-use (U-MX, C-MX and I-MX) zone districts, and will enable specifically-mapped building height increases, ensuring clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district. Finally, the incentive overlay will apply only to properties zoned with a building height limit in stories within the specific area mapped in the 38th and Blake Station Area Height Amendments to provide equitable outcomes consistent with adopted city policies (see map on plan page 7).

2. The Proposed Text and Map Amendment are Consistent with the City’s Adopted Plans

Adopted plans provide both citywide guidance for zoning code text amendments and area-specific recommendations that relate to potential text and map amendments for the River North and 38th and Blake Station areas. They include:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- River North Plan (2003)
- 38th & Blake Station Area Plan (2009)
- Northeast Downtown Neighborhoods Plan (2011)
- Elyria & Swansea Neighborhoods Plan (2015)
- 38th & Blake Station Area Height Amendments (2016)

Denver Comprehensive Plan 2000

The proposed text and map amendment are consistent with Denver Comprehensive Plan goals and objectives, including the following:

Environmental Sustainability

- Strategy 2-F: Conserve land by: promoting infill development within 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 neighborhoods; creating more density at transit nodes (page 39).
- Strategy 4-A: Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work (page 41).

Land Use

- Strategy 2-A: (*paraphrased*) Initiate comprehensive review and detailed revision of the Denver Zoning Ordinance . . . The process should balance the perspective of citizens, neighborhoods, businesses, developers and City agencies. The proposed revisions should ensure that the Denver Zoning Ordinance will be (page 58):
 - flexible and accommodating of current and future land-use needs
 - accessible, understandable and easy to use
 - supportive of Denver's competitive economic strengths and its interest in attracting new development of all types
- 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 (page 60).
- Strategy 3-D: Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist (page 60).
- 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 (page 60).

Mobility

- Mobility Strategy 4-E: Continue to promote mixed-use development, which enables people to live near work, retail and services (page 78).

Denver's Legacies

- Strategy 2-B: Focus design standards and review efforts on new and evolving districts that are undergoing the most dramatic change. Periodically evaluate their need and effectiveness, recognizing that locations of review focus may change over time (page 98).
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives (page 98).
- Strategy 2-D: Define and administer development and design goals clearly and efficiently to ensure they serve as effective tools and incentives to add quality, not cost. Provide development review services in an integrated and flexible package of controls and incentives (page 99).
- Strategy 2-E: Ensure that the Zoning Code reinforces quality urban design (page 99).

Neighborhoods

- Strategy 1-E: Modify land-use recommendations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, transportation and open space networks (page 150).

Blueprint Denver (2002)

The proposed text and map amendment are consistent with Blueprint Denver goals and objectives, including the following:

Blueprint Area of Change

Blueprint Denver designates the River North and 38th and Blake Station areas as an Area of Change, where growth and development should be channeled. Related goals and strategies include:

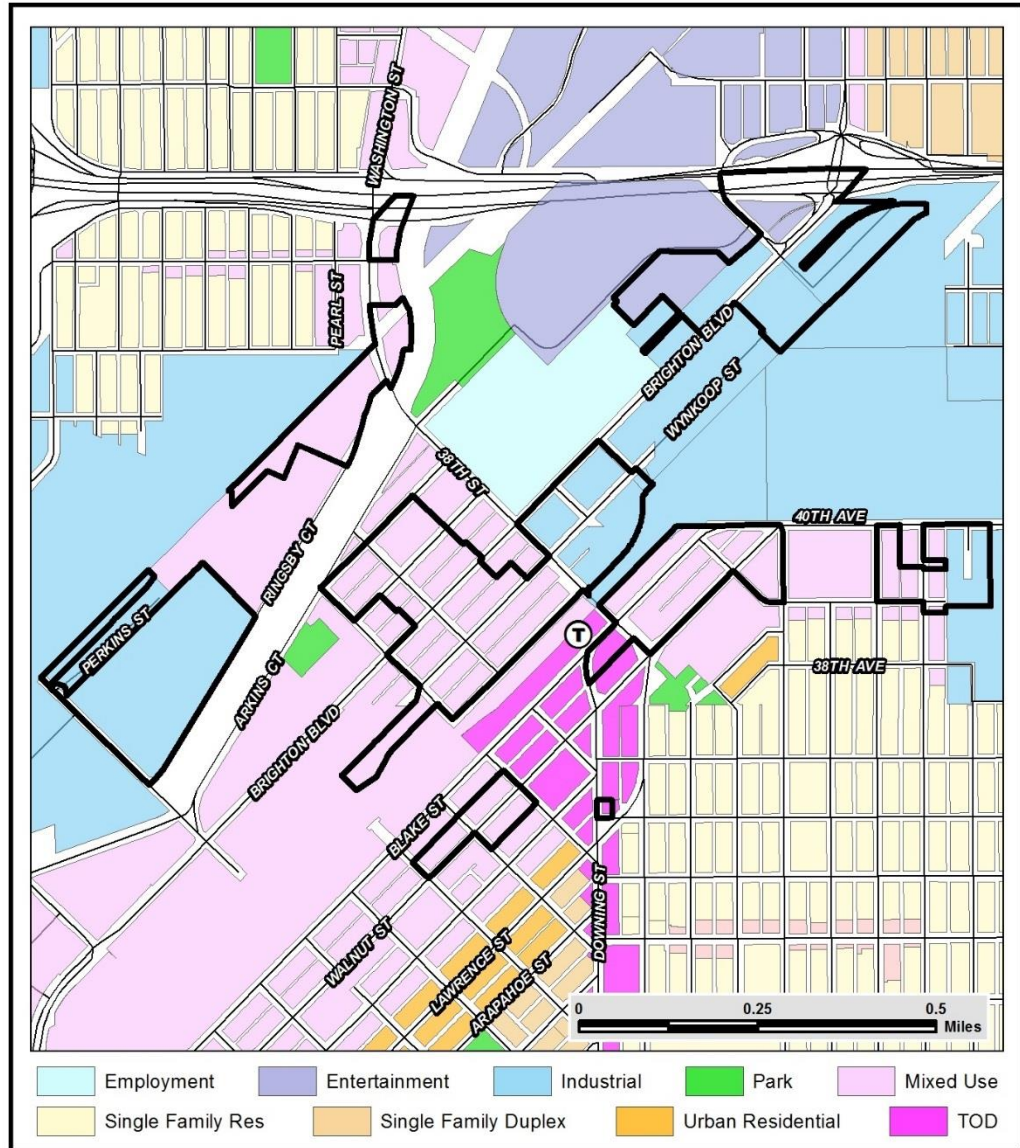
- Encouraging development within Areas of Change to “allow sufficient development intensity and appropriate mixes of uses so that planned land uses will be economically feasible” (page 128).
- Considering zoning changes to implement design standards that help “ensure that the quality of design is an asset to the surrounding neighborhood” as part of a zoning system that allows “enough density and a mix of uses so that a good development proposal will be economically feasible” (page 74).

- Creating new or modified zone districts where there is not an existing zone district “that allows the appropriate uses, densities, and design standards for certain Areas of change” (page 130).

Blueprint Denver Future Land Use

Blueprint Denver designates a variety of recommended Future Land Uses in the River North and 38th and Blake Station Area, including:

- **Mixed Use.** *Blueprint Denver* designates most of the River North and 38th and Blake Station area with a Mixed Use Future Land Use. These areas are intended to have a sizable employment and housing base with a higher intensity than other residential area. Land uses are not necessarily mixed in each building, or even within each block, but should be within walking distance of each other in the overall neighborhood (page 41).
- **Transit Oriented Development.** *Blueprint Denver* designates properties on the southeast side of the 38th and Blake commuter rail station with a Transit Oriented Development (TOD) Future Land Use. These areas are intended to offer an alternative to traditional development patterns by providing housing, services and employment opportunities in a configuration that facilitates pedestrian and transit access. TOD areas are intended to include mid to high-density development, reduced emphasis on automobile parking, and variety of housing types and prices, including affordable housing opportunities (page 44).
- **Industrial.** *Blueprint Denver* designates some properties near the eastern, western and northern perimeter of the area with an Industrial Future Land Use. *Blueprint* describes a variety of goals for the Industrial Future Land Use from areas where warehousing and industrial uses remain viable to areas with “the potential to be more diverse employment areas” (page 40). In the “North Industrial Area” (portion of Globeville and Elyria and Swansea), *Blueprint Denver* suggests converting industrial areas near transit to a greater mix of uses (page 135).



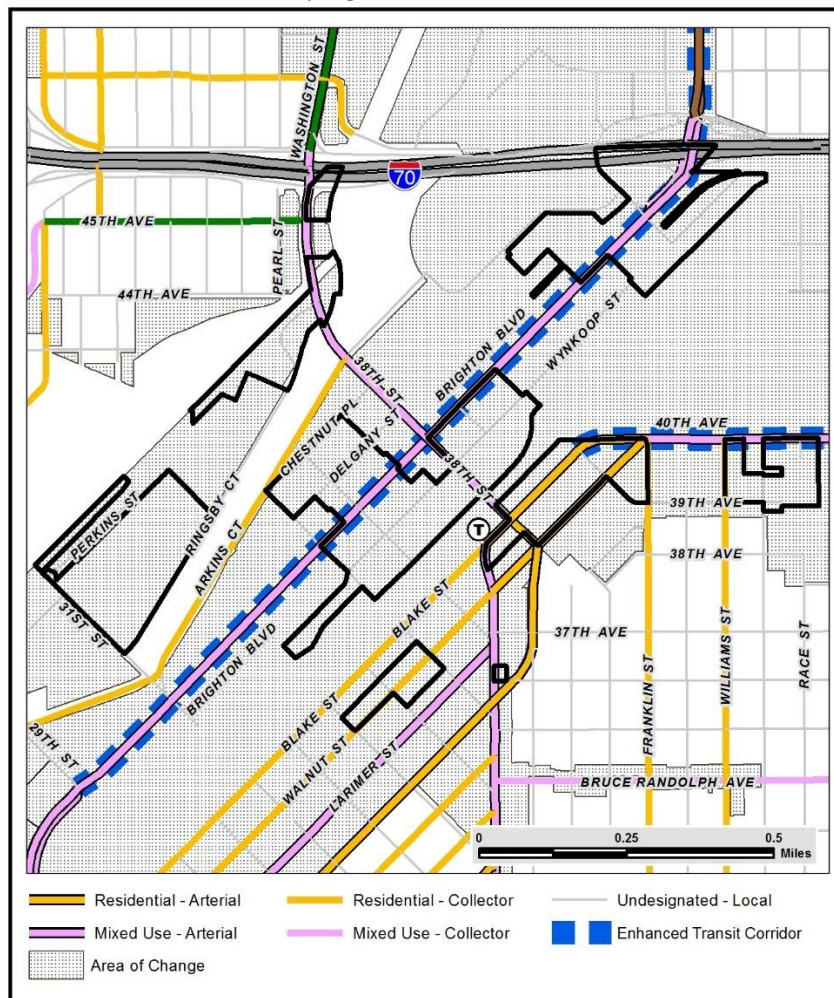
Blueprint Denver Future Land Use Map

Blueprint Denver Street Classification

Blueprint Denver street classifications vary throughout the area, with most higher-level street classifications running from southwest to northeast. These streets include Lawrence (Residential Arterial), Larimer (Mixed-use Arterial) Blake Street (Residential Collector/Residential Arterial) and Brighton Blvd. (Mixed-use Arterial). Mixed-use Arterials emphasize a variety of travel choices such as pedestrian, bicycle and transit use. They are located in areas that are, or are

intended to become, high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity.

Brighton Blvd. is also classified as an Enhanced Transit Corridor that will provide enhanced mobility through access to efficient forms of transportation including walking, biking, buses, and rail transit. In late 2016, the City of Denver kicked off the Brighton Boulevard Reconstruction project, which will redevelop the corridor to reflect the changing character of the neighborhood. The new Brighton Blvd. will feature protected bike lanes, continuous sidewalks, new stoplights, protected turn lanes, and landscaping.

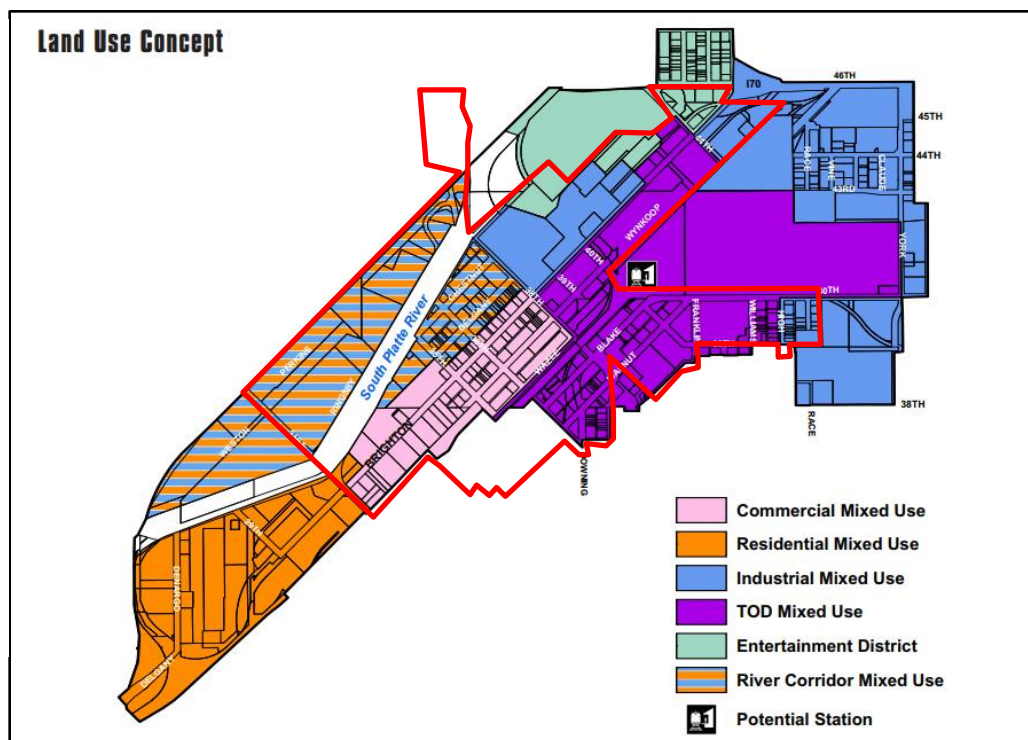


Blueprint Street Classification Map

River North Plan

The River North Plan was adopted in 2003 to establish policies for the area northwest of downtown Denver between Park Avenue West and the interchange of Interstate 70 and Brighton Boulevard, with an overarching goal of guiding appropriate development as arts and entertainment-related commercial activity, followed by multi-unit residential, began to change the character of this industrial corridor. The plan set forth a redevelopment vision for the area that focused “Transit-Oriented Mixed-Use” activity around an RTD station that was then expected to be located closer to 40th Street and 40th Ave. The plan’s envisioned “40th and 40th TOD District” should be “organized within a walking distance of the station...” and characterized by “a collection of intense uses that promote the use of transit and walking or biking.” Surrounding this TOD District, the plan called for varying intensities of commercial and residential mixed use to the south and west, and industrial mixed-use development generally surrounding the TOD District. The River North Plan’s recommendations were later refined by the 38th and Blake Station Area Plan, especially with regards to the final location of the RTD station. However, the proposed rezoning of these properties is generally consistent with the River North Plan’s recommendations for a compact, transit-oriented mixed use development near the station surrounded by less intensive mixed use development that focuses on housing and/or employment.

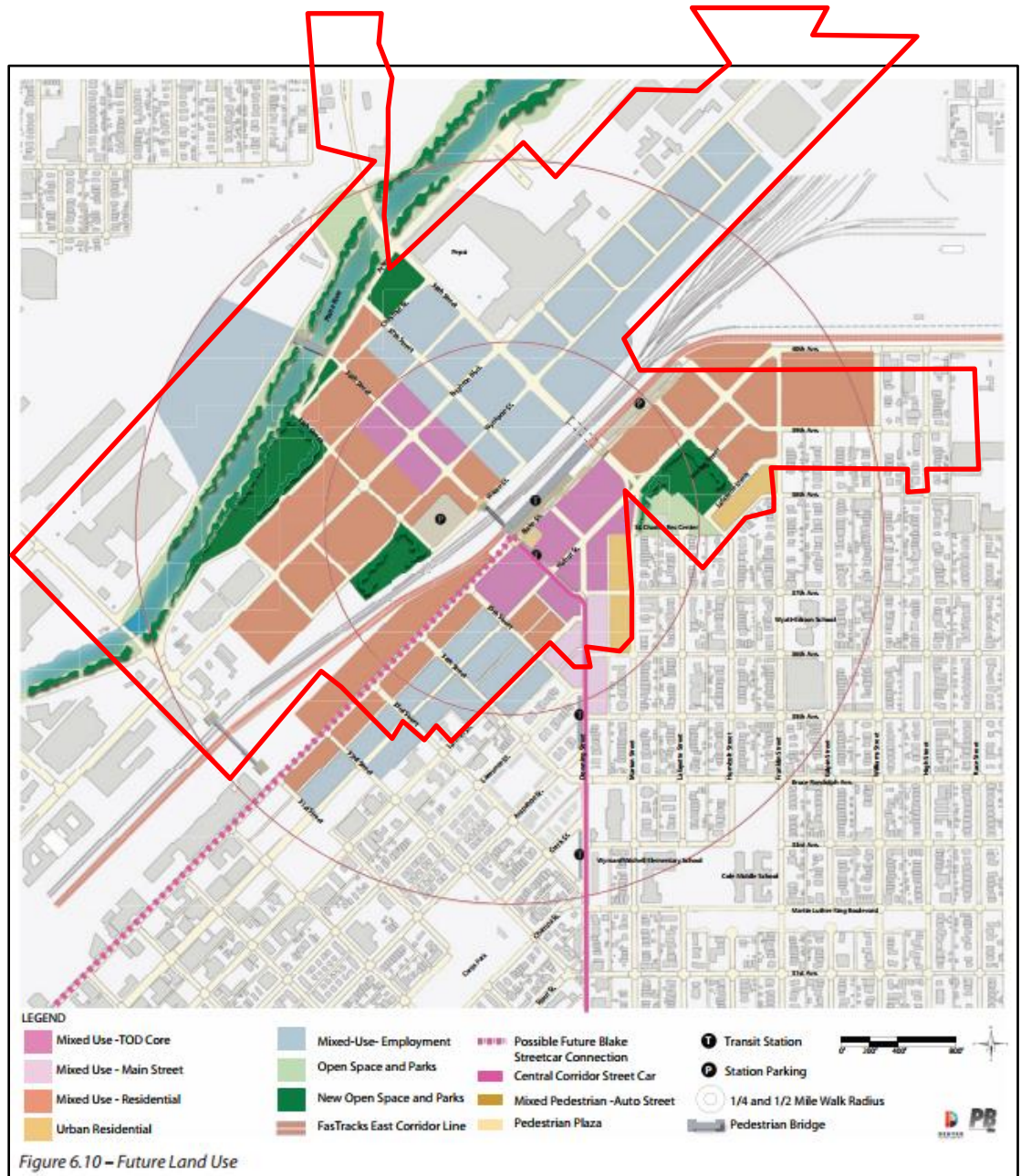
River North Plan Concept Land Use Map. The base zone changes and overlay applications proposed in this request would occur within the red boundary.



38th and Blake Station Area Plan (2009)

The 38th and Blake Station Area Plan sets forth a vision for two “TOD (transit-oriented development) Cores” on the northwest and southeast sides of the RTD station and track right-of-way, surrounded by blocks of mixed-use residential and mixed-use employment that step down in intensity as they get closer to single-unit residential areas. The TOD Core area designations are intended to create hubs of activity near the station that will serve as destinations “for the larger community” and serve “as the area[s] of greatest activity, from a ground floor retail, office and residential perspective.” Areas designated mixed-use residential are appropriate for “adaptive reuse of existing buildings or new construction of multi-family housing.” Areas designated for mixed-use employment are most appropriate for continued employment uses, with opportunities for infill, including residential, on underutilized or surface parking parcels. The proposed I-MX- and C-MX- zone districts have been mapped based on a careful analysis of future land use recommendations from this and other plans impacting the area. The I-MX- zone district has been proposed for many properties with current industrial uses to allow adaptation of these blocks to mixed-use development over time. The I-MX’s street-level transparency and build-to requirements, coupled with the stronger requirements of the River North Design Overlay, can achieve the desired future development pattern while providing flexibility for existing industrial uses to continue in an area where this rich mix is encouraged.

38th and Blake Station Area Plan Future Land Use map. The base zone changes and overlay applications proposed in this request would occur within the red boundary.

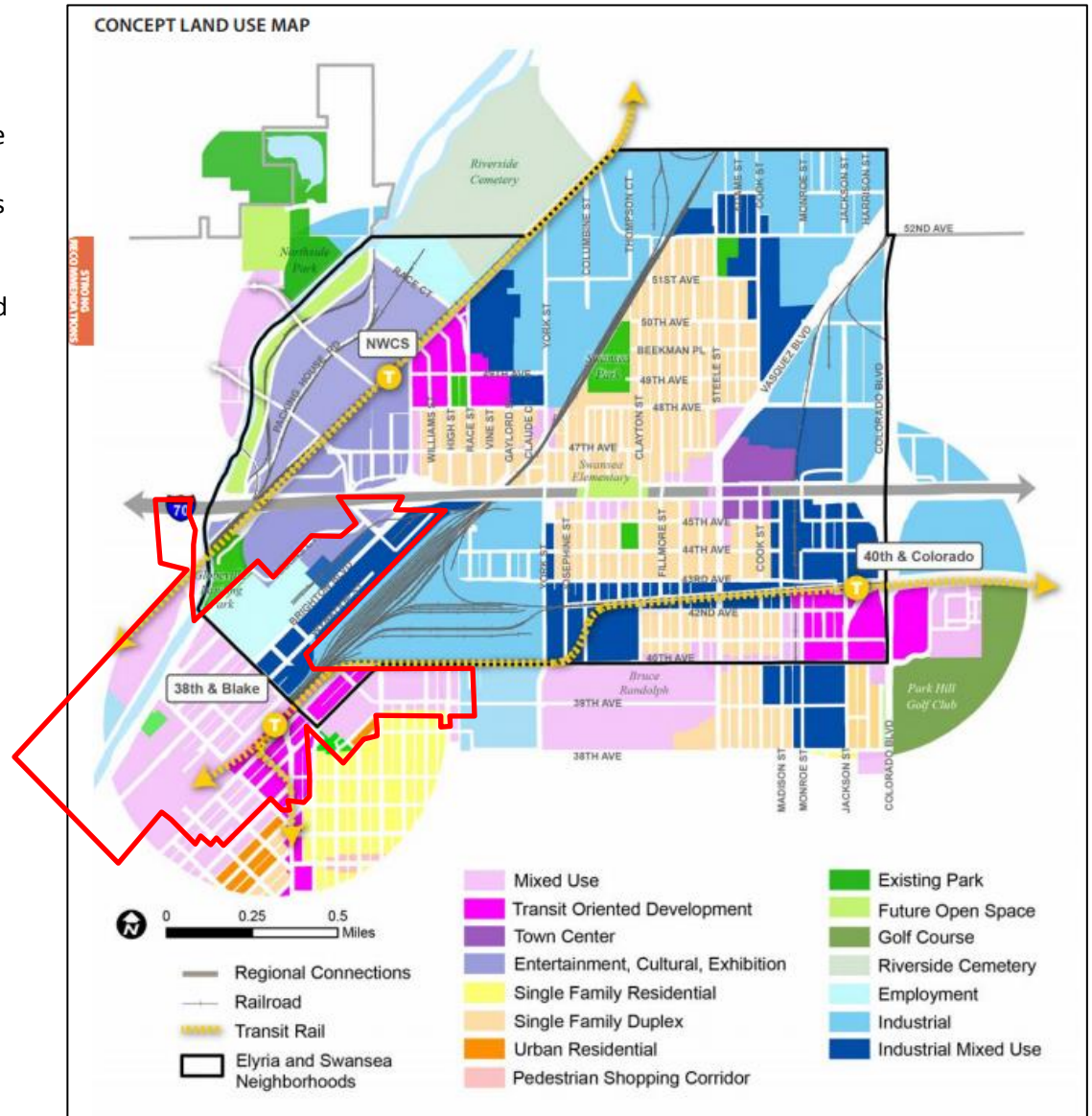


Elyria and Swansea Neighborhood Plan

Adopted in 2015, this plan is primarily focused on strengthening the Elyria and Swansea neighborhoods, north and east of the intersection of 38th and Blake. About ¼ of the properties proposed as part of this rezoning application are within the Elyria and Swansea Neighborhood Plan's formal boundary, but its concept land use map does generally address areas outside the formal neighborhood boundary, including most of the other properties considered in this request. Like other plans affecting this area of North Denver, the Elyria and Swansea Neighborhood Plan recommends future land use in the form of transit oriented development near the 38th & Blake RTD Station, with mixed use and industrial mixed use on surrounding parcels and urban residential in some transition areas adjacent to single-unit residential neighborhoods. Development in the transit-oriented development area should be characterized by "higher density housing, services and employment opportunities near rail stations to provide for a diverse population with safe and convenient pedestrian access to rail transit." The plan recommended councilmember-initiated rezonings to implement this land use vision, especially where industrial properties "are proposed by this plan to transition to Industrial Mixed Use, Transit Oriented Development, Mixed Use, Urban Residential..." (p 29) The Plan also includes a proposed building heights map that is generally consistent with the heights proposed in this application. It recommended additional "discussion and collaboration with the community and applicable neighborhood associations" (p 31) to consider whether taller heights may be appropriate nearest the 38th and Blake RTD Station – a recommendation that was ultimately implemented as part of the 2016 38th and Blake Station Area Plan Height Amendments.

The proposed rezoning of these properties to C-MX-3, -5 and -8; and I-MX-3, -5 and -8 8 (with DO-7 and IO-1 overlays applied to all and UO-2 and UO-1 overlays retained where currently established) is consistent with the recommendations of the Elyria and Swansea Plan. As currently mapped, the proposed rezonings would guide transit oriented and mixed-use development closest to the RTD station, with employment, industrial and mixed-uses to its northeast. It would also implement the taller building heights near the station contemplated and recommended for consideration as part of the plan.

Elyria and Swansea Neighborhood Plan Concept Land Use Map. The base zone changes and overlay applications proposed in this request would occur within the red boundary.

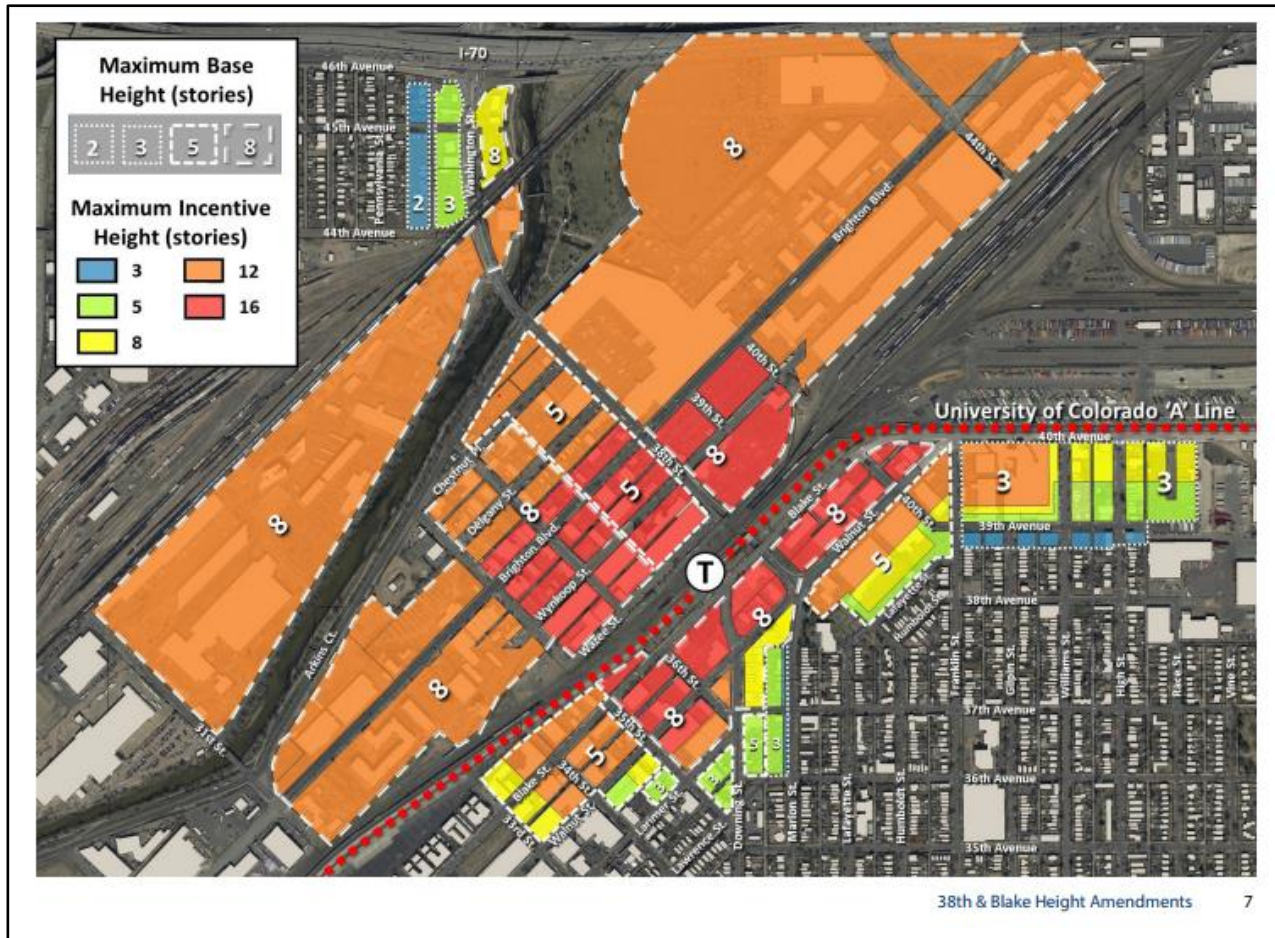


38th & Blake Station Area Height Amendments (2016)

Building Height: The 38th and Blake A-Line station opened in April 2016, bringing increased redevelopment interest to the area, with a focus on high-density residential uses. A set of new recommendations for building heights was adopted in September 2016 to clarify and support existing building form and scale policies for the area. It also proposed a framework for encouraging community-desired mixed-use housing based on a system of incentivizing affordable housing production with bonus building heights. The 38th and Blake Station Area Plan Height Amendments includes a map that established recommended “base heights” of 3 to 8 stories (derived from the 2009 38th and Blake Station Area Plan and other recently adopted plans impacting the area) and “incentive heights” of up to 16 stories, to which developments could be built in exchange for community benefits, such as affordable housing and heightened design.

The proposed rezoning of these properties to C-MX-3, -5 and -8; and I-MX-3, -5 and -8 (with DO-7 and IO-1 overlays applied to all and UO-2 and UO-1 overlays retained where currently established) is consistent with the recommendations of Height Amendments. The varying building maximum height suffixes for the proposed C-MX and I-MX zones are calibrated to the base heights adopted by the 2016 Amendments, focusing the tallest development closest to the 38th & Blake rail station with heights stepping down in blocks approaching residential neighborhoods.

38th and Blake Height Amendments Future Building Height Map



3. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-3, -5 and -8; and I-MX-3, -5 and -8 8 (with DO-7 and IO-1 overlays applied to all and UO-2 and UO-1 overlays retained where currently established) will result in the uniform application of zone district building form, use and design regulations for all new development within land mapped as described above.

4. 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 land use plans including Comprehensive Plan 2000, Blueprint Denver, the River North Plan, the Elyria & Swansea Plan,

the Northeast Downtown Neighborhoods Plan, the 38th & Blake Station Area Plan and the 38th & Blake Station Area Height Amendments.

CPD Recommendation

Based on the review criteria for a map amendment in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), CPD staff recommends **approval** for map amendment proposal #2017I-00122.

Attachments

1. Denver Zoning Code Map Amendment Proposal #2017I-00121