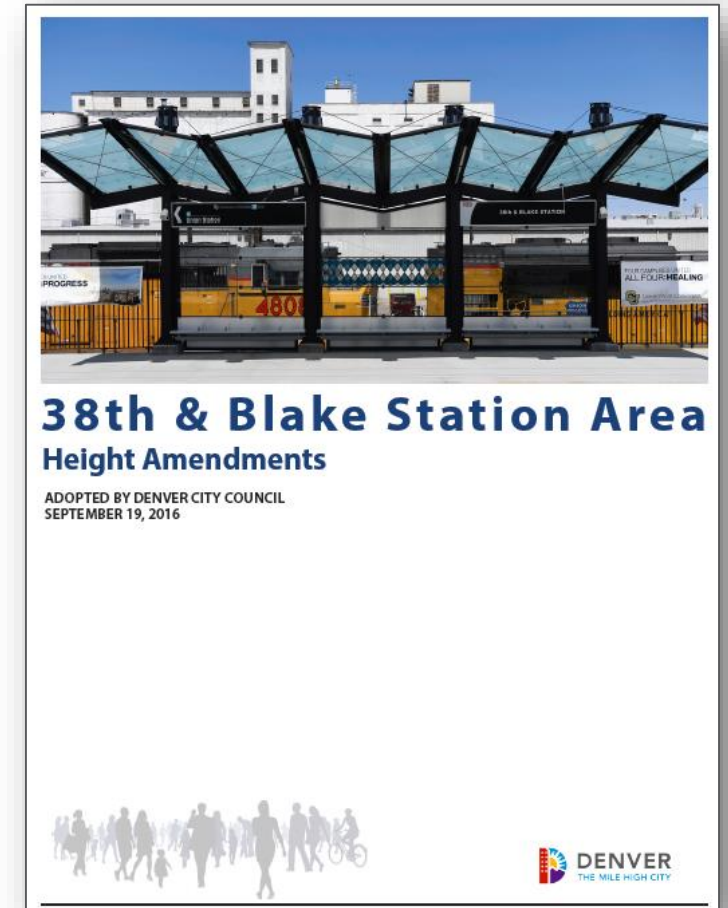


# DZC and DRMC Amendments to Implement 38th and Blake Station Area Height Amendments

- DZC Text Amendment #2 to establish River North Design Overlay (DO-7) / 38<sup>th</sup> and Blake Incentive Overlay (IO-1) (CB18-0016)
- DZC Map Amendment #2017I-00121 to rezone properties within existing mixed-use districts to include the DO-7 and IO-1 Overlays (CB18-0017)
- DRMC Amendment to establish new Chapter 27 Article VI Affordable Housing Incentives (CB18-0019)
- Ordinance establishing a new Affordable Housing Incentive Fee Fund (CB18-0014)

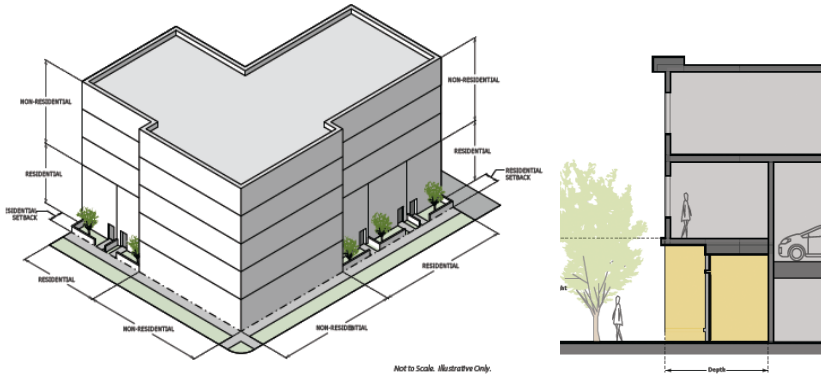
# Sponsor and Purpose

- Amendments sponsored by City Council President Albus Brooks
- Implement Adopted 38<sup>th</sup> 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 38<sup>th</sup> and Blake station



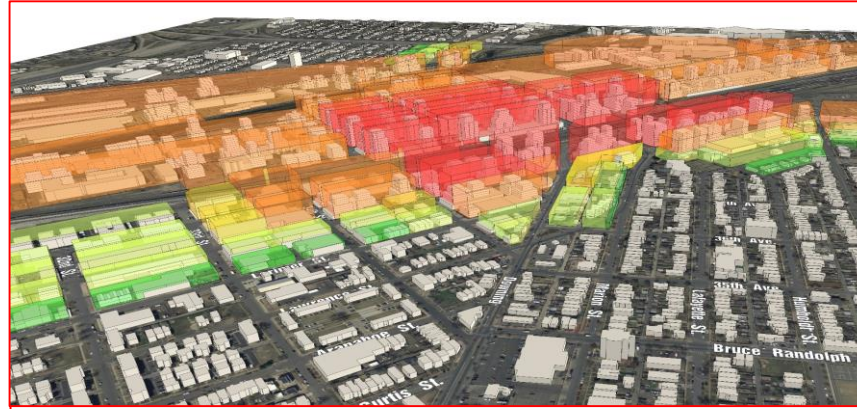
# Summary of Proposed Implementation Tools

## Zoning Code Text & Map Amendments (CB18-0016 & 0017 – Required Public Hearing)



## River North Design Overlay

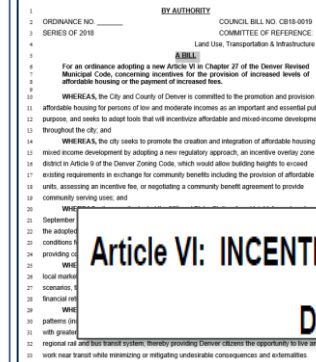
- Promotes greater design quality regardless of underlying zone district
- Establishes river as amenity
- Applies throughout River North (RiNo)



## 38<sup>th</sup> & Blake Incentive Overlay

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

## DRMC Amendment (CB18-0019)



## DRMC Housing Incentive Amendment

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

## Establish New Revenue Fund (CB18-0014)

## Affordable Housing Incentive Fund

# 38<sup>th</sup> & Blake Plan Amendment Proposed Implementation Tools

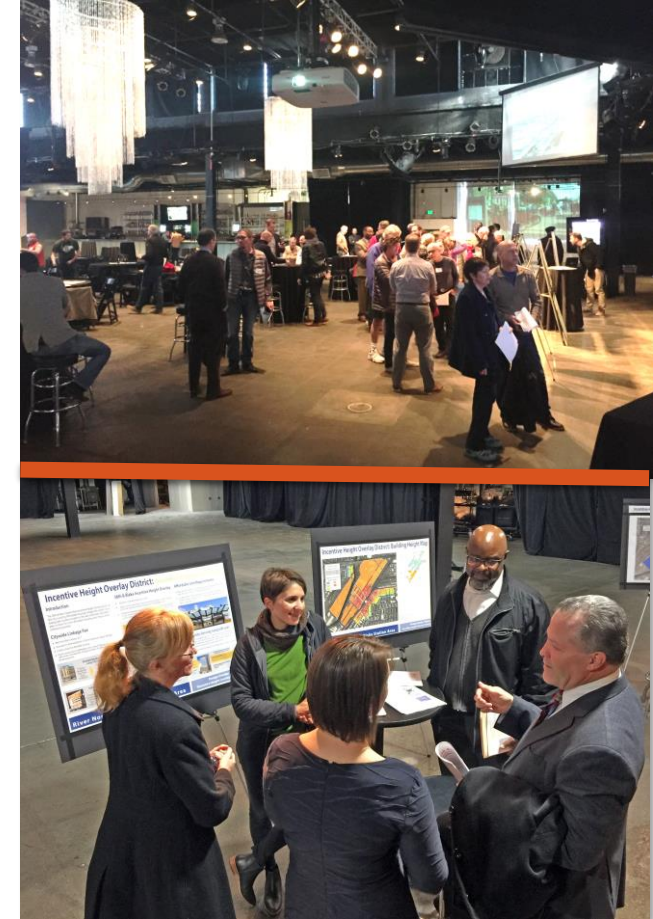
## Public Process

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 Posted in Area	11/20/17 – 12/5/17
Planning Board Hearing	12/6/17 (recommendation to approve)
Land Use, Transportation and Infrastructure Committee	1/2/18
Notification Signs Posted in Area	01/21/18 – 02/12/18
City Council Public Hearing	2/12/18

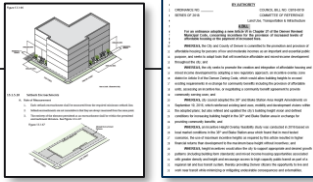


## What We've Heard

- 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
  - Specific rules & regulations for provision of affordable housing units
  - Ease of negotiating community benefits option



What are the proposed amendments?



# Denver Zoning Code (DZC) Text Amendment (CB18-0016): **River North Design Overlay (DO-1)**

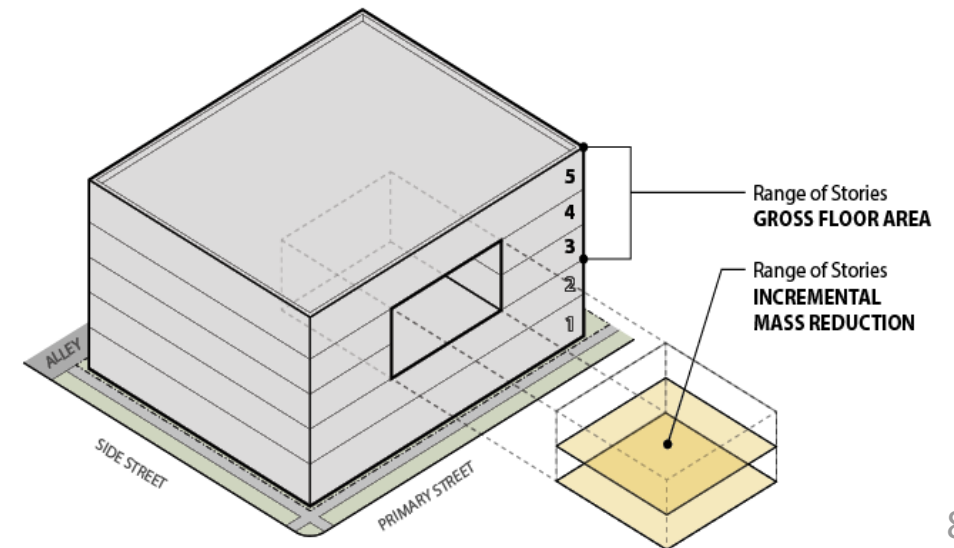
# Summary of Design Overlay

- 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



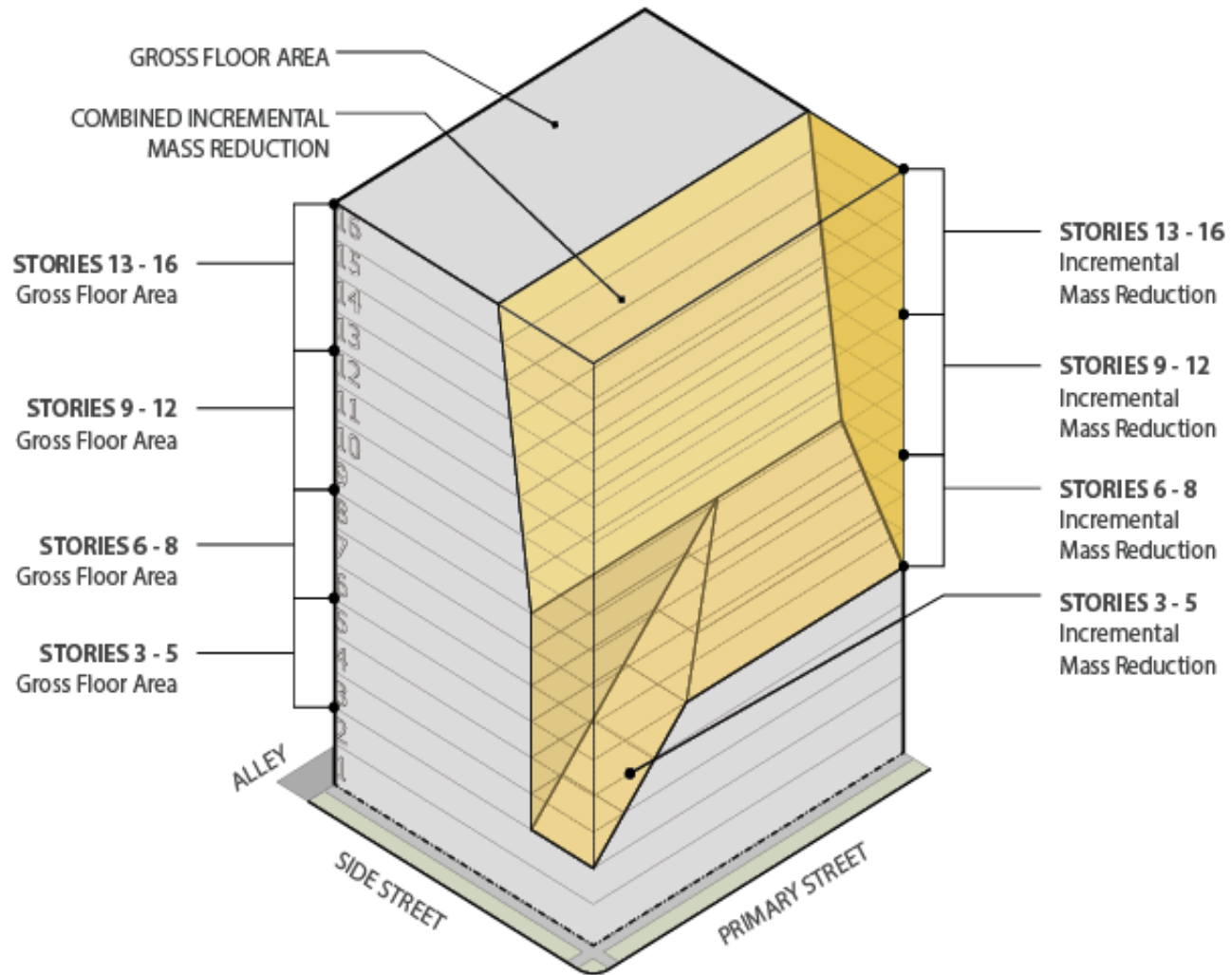
# Building Design & Massing Tools

- **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%

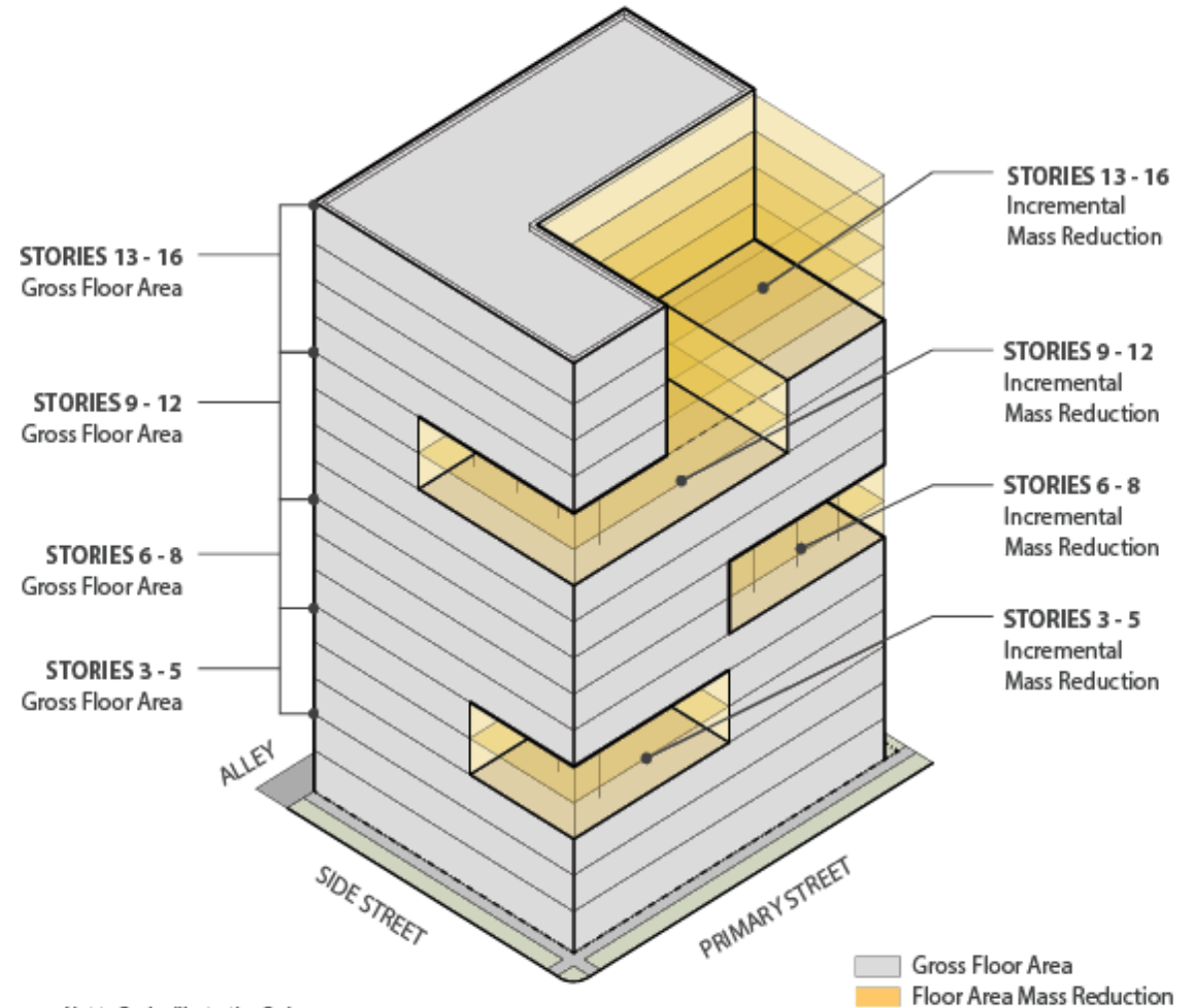




# Building Design & Massing Tools



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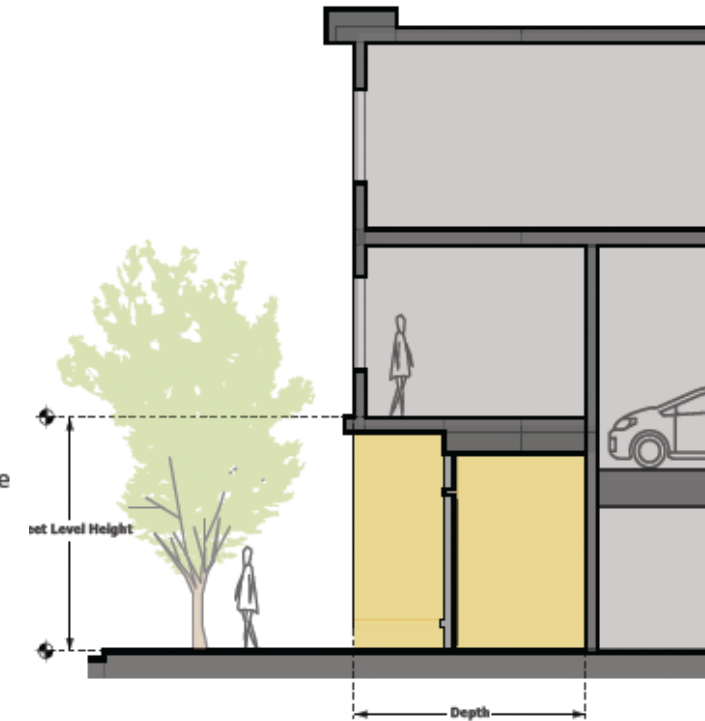
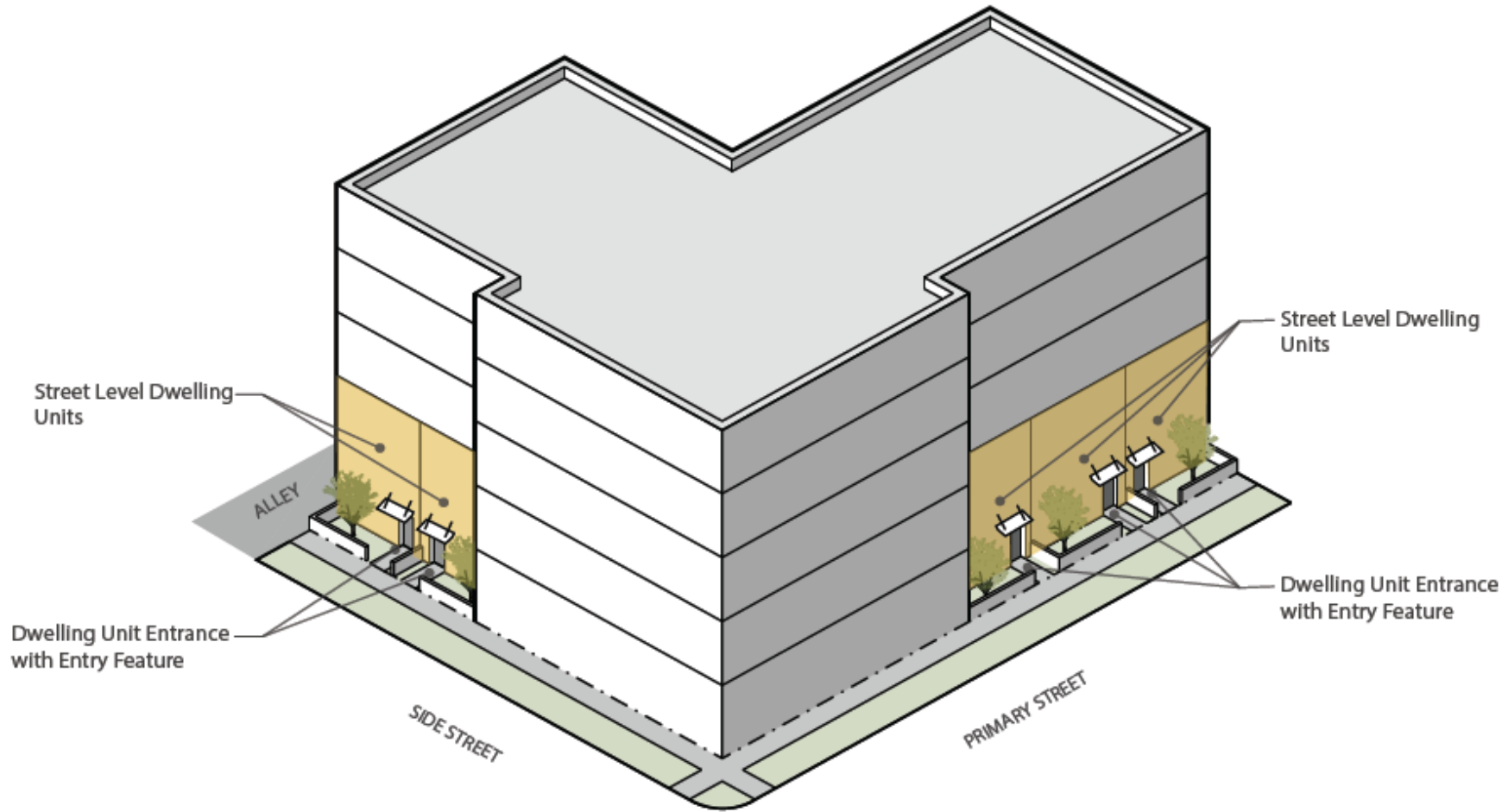
Not to Scale. Illustrative Only.

# 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



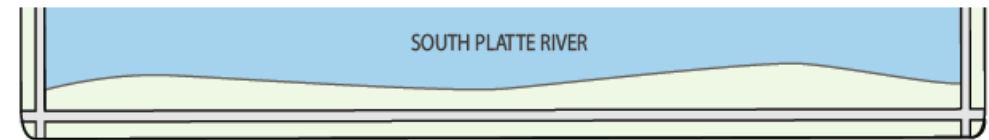
# Street Level Activation Tools



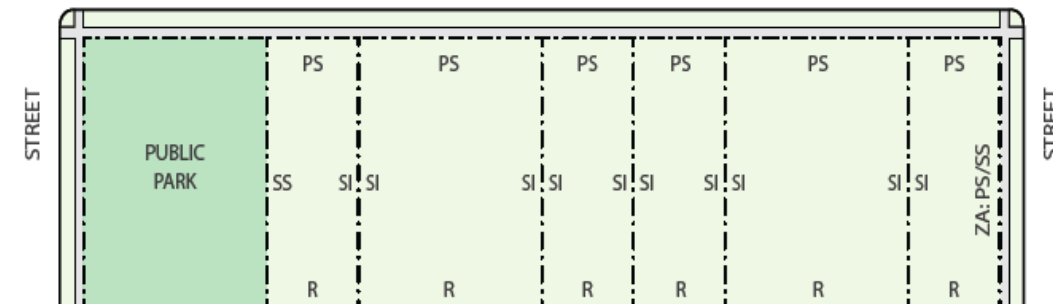


# Additional Tools

- No vehicle parking requirements within ½ mile of transit
- Modified criteria for designation of primary streets
  - The river is always primary



PRIMARY STREET

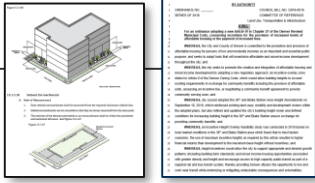


# Consistency with Adopted Plans

- **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).
- **38<sup>th</sup> 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).



What are the proposed amendments?



Denver Zoning Code (DZC) Text Amendment (CB18-0016):  
**38<sup>th</sup> and Blake Station Area Incentive Overlay (IO-1)**

Denver Revised Municipal Code (DRMC) Amendment (CB18-0019):

**Incentives for Affordable Housing**

Establish a New Fund (CB18-0014):

**Affordable Housing Incentive Fee Fund**

# Summary of Incentive Amendments

## DZC Text Amendment

(CB18-0016 –  
Required Public Hearing)



- Establish ‘Incentive Overlay’ category
- Allow 1 to 11 stories of ‘incentive height’ above zoning ‘base height’
- Specify height transitions
- Cross reference new DRMC ‘Incentives for Affordable Housing’ affordable housing/fee requirements

## DRMC Amendment (CB18-0019)

### Chapter 27 - HOUSING<sup>[1]</sup>

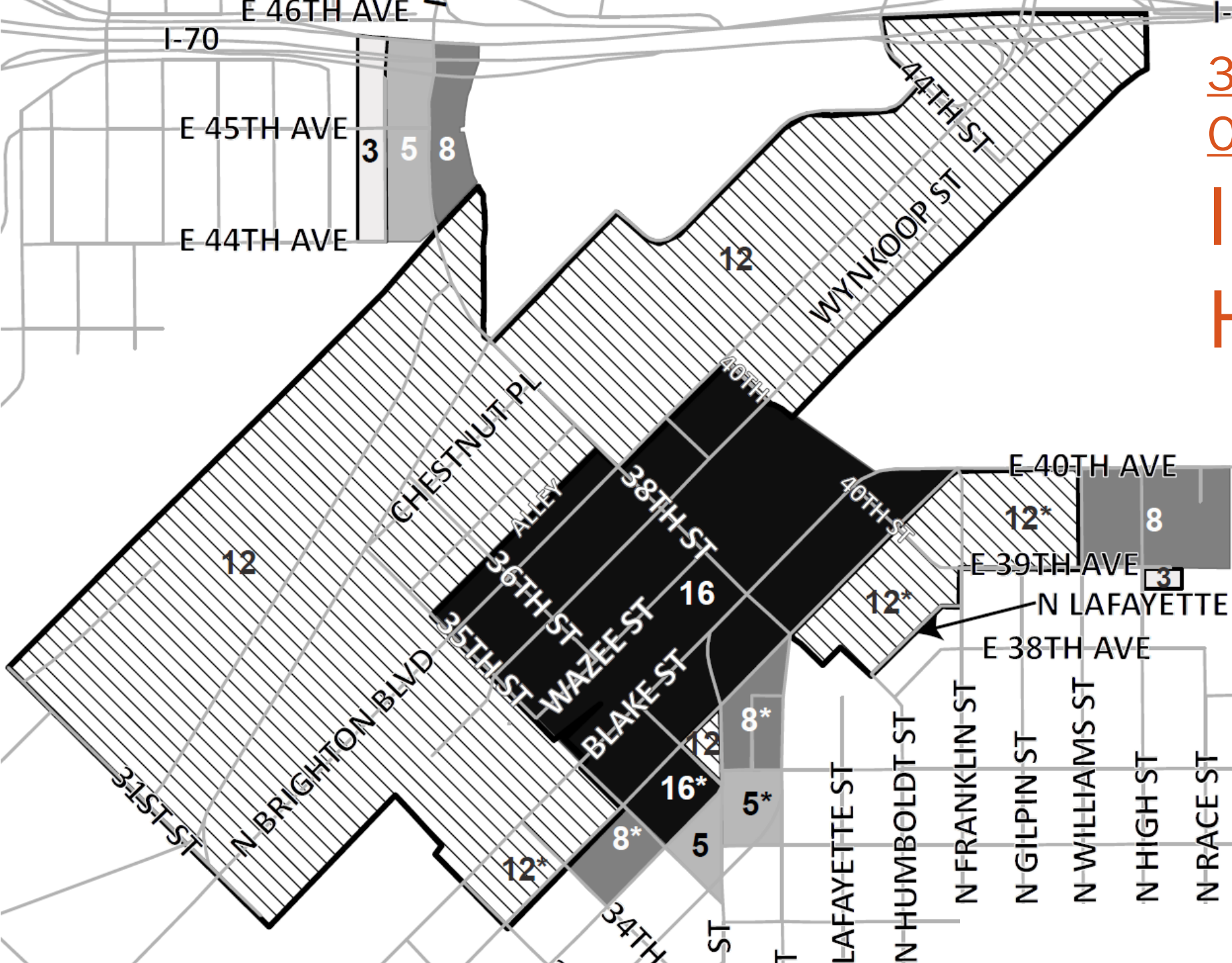
#### Article VI: INCENTIVES FOR AFFORDABLE HOUSING

##### Division 1. General

- Residential mixed-use projects
  - Require affordable units (no fee option)
  - 1x citywide build-alt on all stories
  - 4x citywide build-alt on incentive stories
- Commercial mixed-use projects
  - Citywide linkage fee applies
  - + 4x fee on incentive height
  - Or units / community use agreement

## Incentive Fee Fund (CB18-0014)

- Accommodate \$ from incentive fee



38<sup>th</sup> & Blake Incentive Overlay (IO-1)

# Incentive Height Map

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



## 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

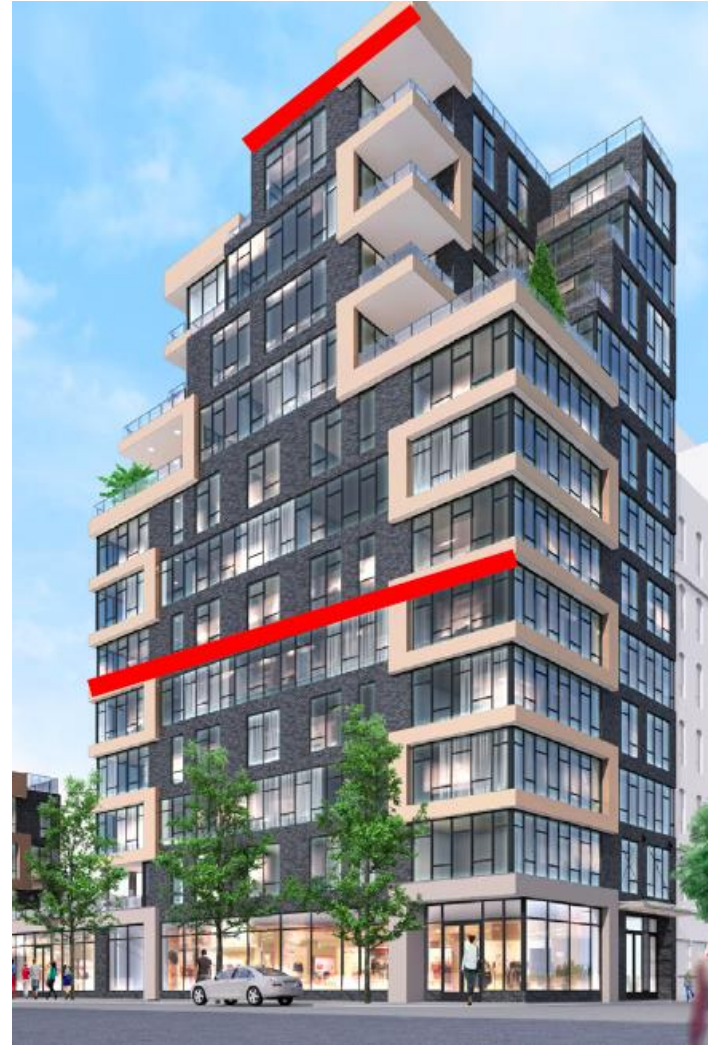
OR

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

Incentive project produces 10x  
as many affordable units as  
the 5-story the pre-incentive  
project



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

## Commercial Sample - Incentive Program, 5 to 12 story

<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

Incentive project produces 14x as many affordable units as a 5-story the pre-incentive project



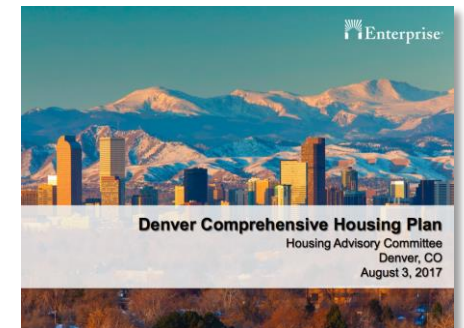
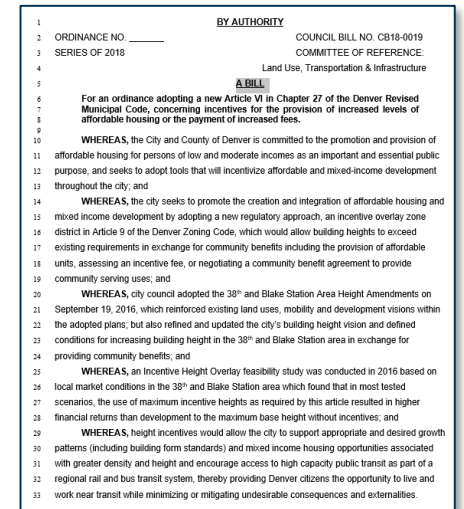
# Residential Affordability Requirements

## Affordability Requirements Match Existing Linkage Fee Provisions

- Required units must be:
  - Within the overlay area
  - Affordable at 80% AMI or lower
  - Comparable in mix and size to market rate units that generated the requirement
- Existing Administrative Rules & Regs for Affordable Housing Will Apply
  - Building units off site (escrow, timeline, etc.)
  - Unit tenure (for-sale or for-rent)
- The Overall System Addresses Equity Across Housing Types
  - Unit requirements address residents at 80% AMI or lower
  - Fees support housing and services for residents at lower AMI thresholds

## A New Fund Will Collect Incentive Fees

- Necessary because existing fund is for ‘the exclusive purpose’ of accounting for affordable housing linkage fees
- Fund \$ maybe be used for the same purposes as the existing property tax fund



# Community Benefits Agreement

- Voluntary Agreement with the City (administered by OED)
  - Can Meet Incentive Requirements Only
    - Can meet incentive requirements for square footage above the base
    - 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
    - Neighborhood services like child care or community kitchens
    - Community-serving non-profit space
  - Agreement Addresses:
    - Rent reduction, terms and timeline for tenant
    - Recourse if agreement not in good standing
- \*Must meet a demonstrated need in the surrounding neighborhood(s)



# 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)
- **38<sup>th</sup> 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 (2015)**
  - Recommend neighborhood collaboration to determine whether taller building heights may be appropriate near the 38<sup>th</sup> and Blake Station (page 31).
- **38<sup>th</sup> and Blake Station Area Plan (2009)**
  - Provide financial incentives to include flexible zoning and provision of density bonuses (page 71).

## 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.

# Staff Recommendation

**CPD recommends approval of the DZC text amendment for the design and incentive overlays 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**

**BMO & OED recommend establishing the incentive fee fund**



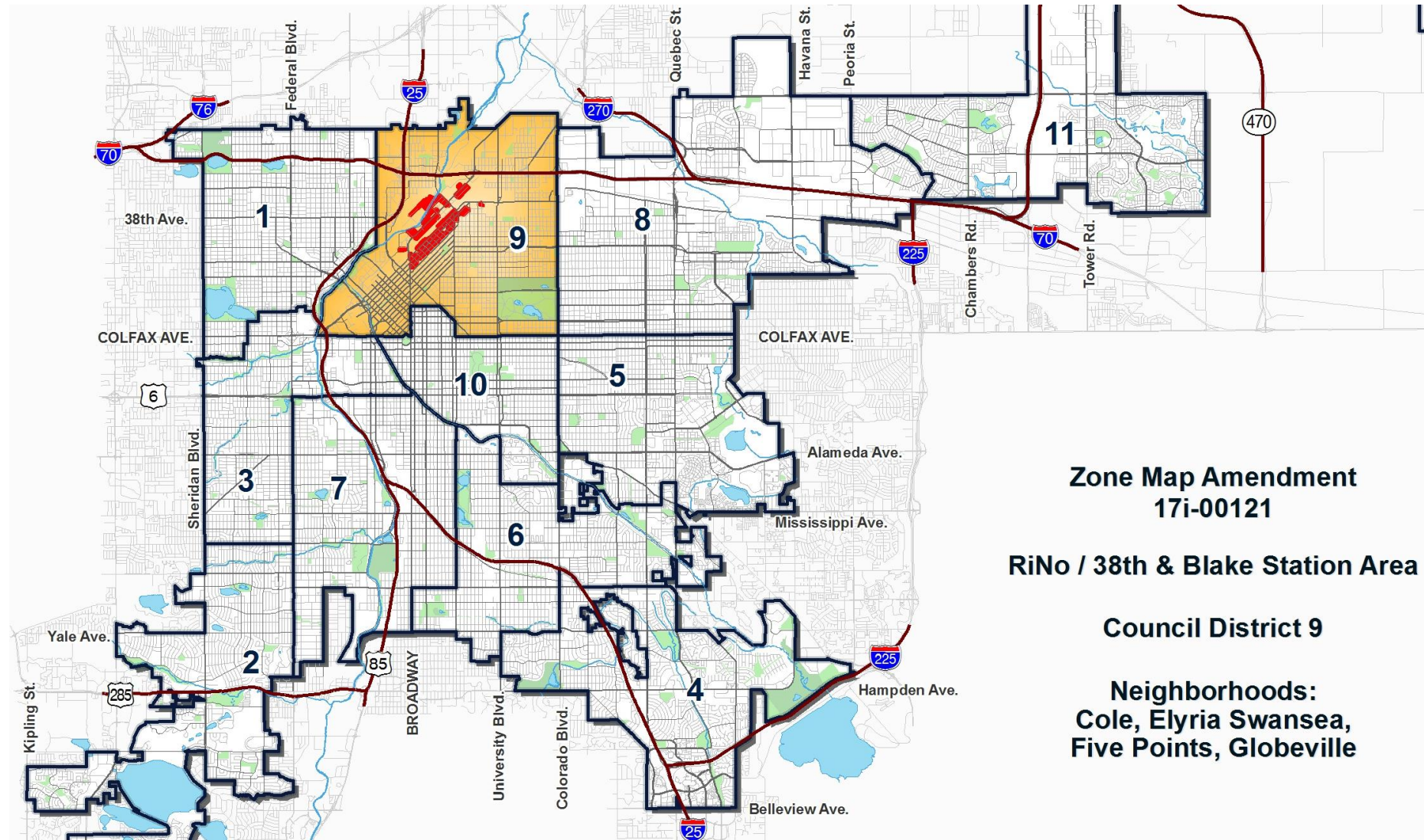
Where would the proposed amendments apply?



Denver Zoning Code (DZC) Map Amendment (CB18-0017):

# Amendment 2017I-00121 to Apply Design (D0-7) and Incentive (IO-1) Overlays to Properties with Existing Mixed Use Zoning

# DZC Map Amendment 2017I-00121



**Zone Map Amendment  
17i-00121**

**RiNo / 38th & Blake Station Area**

**Council District 9**

**Neighborhoods:  
Cole, Elyria Swansea,  
Five Points, Globeville**



# Map Amendment Application

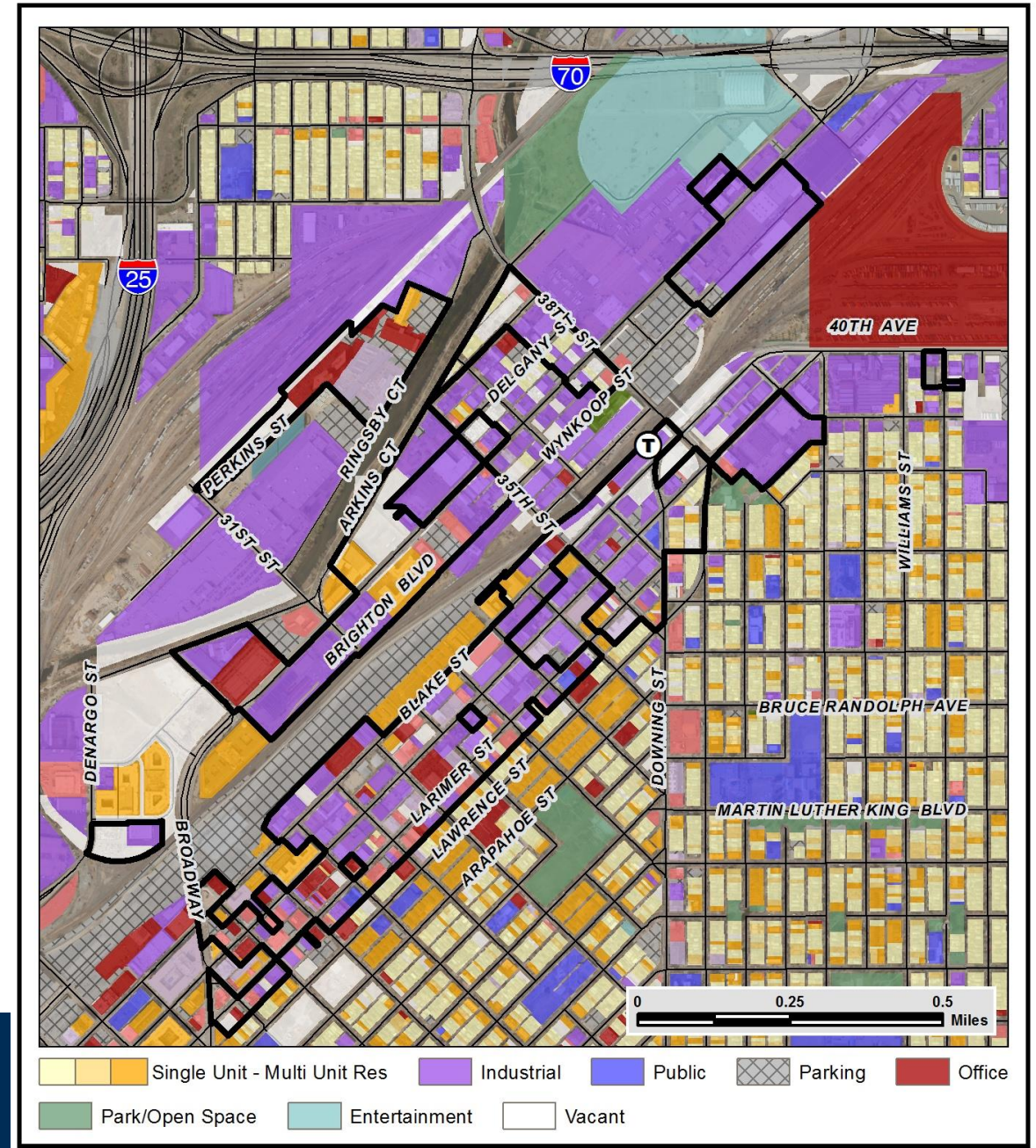
- 38<sup>th</sup> & Blake + RiNo
  - Apply D0-7
  - Apply IO-1
- RiNo
  - Apply D0-7



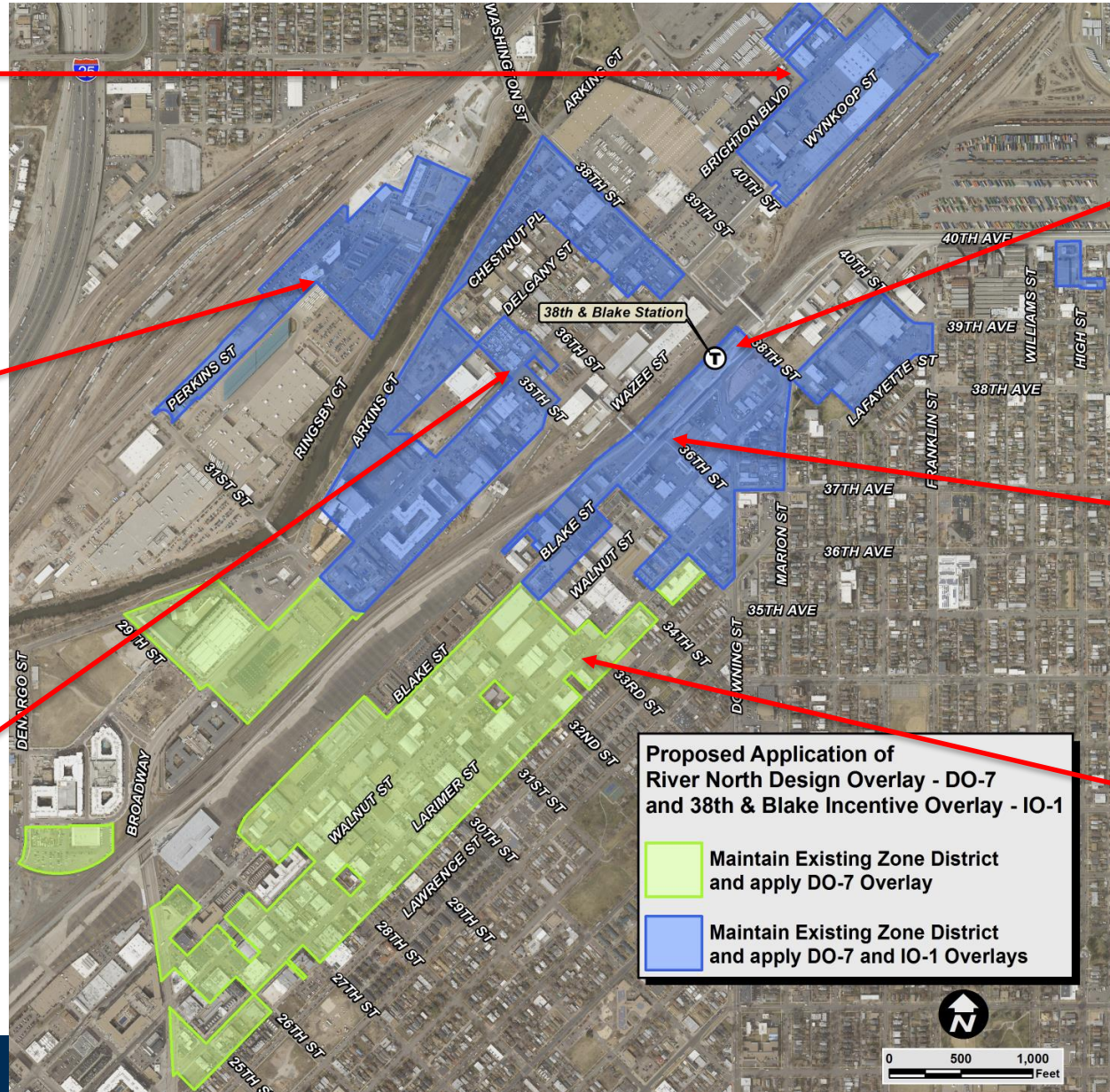


# Map Amendment Existing Land Use in Area

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



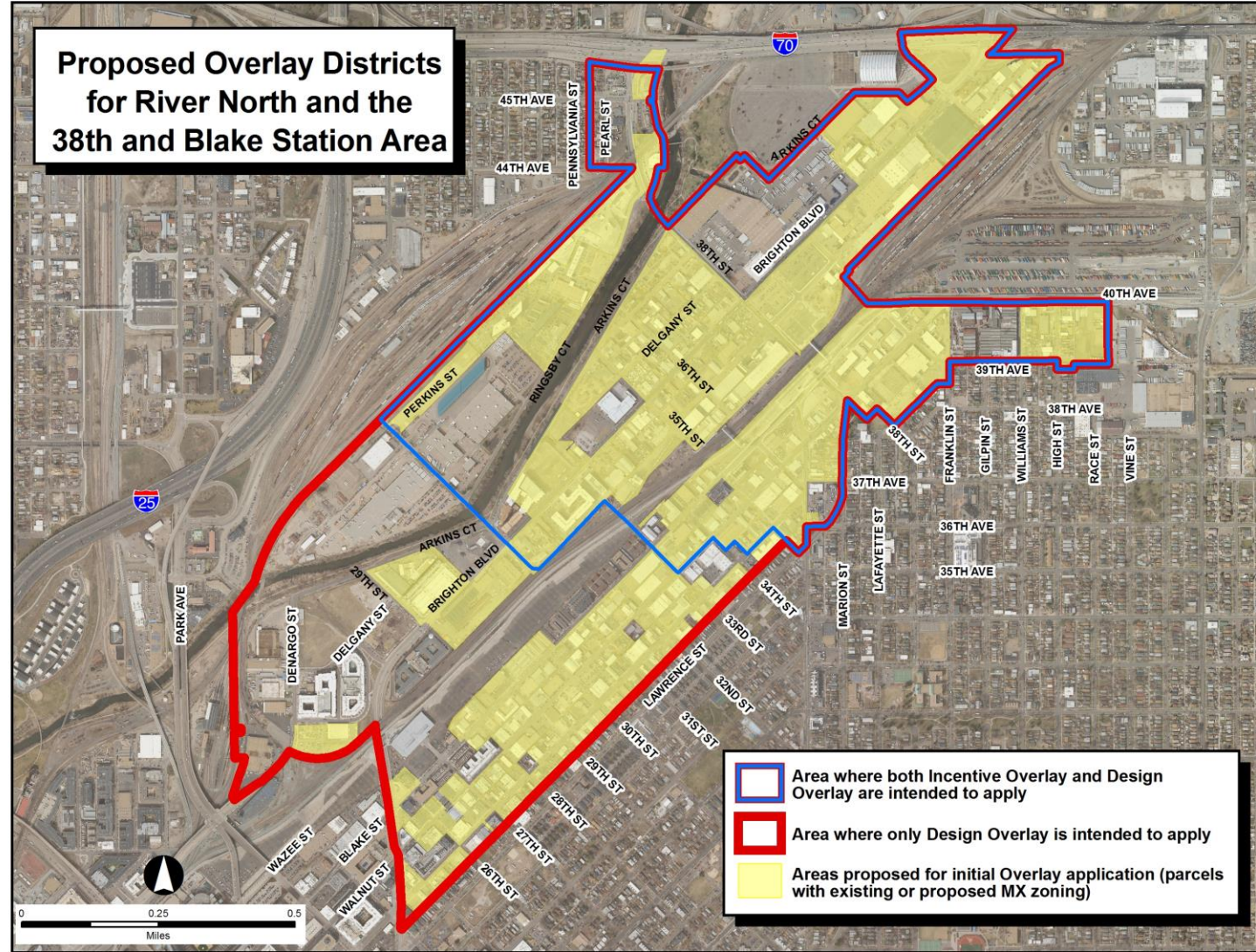






Map Amendment  
Relationship to  
Proposal 2017I-00122  
(separate public hearing)

- Updates some existing mixed use zoning to match plan base height
- Updates some non mixed use zoning for use of overlays
- Applies overlays

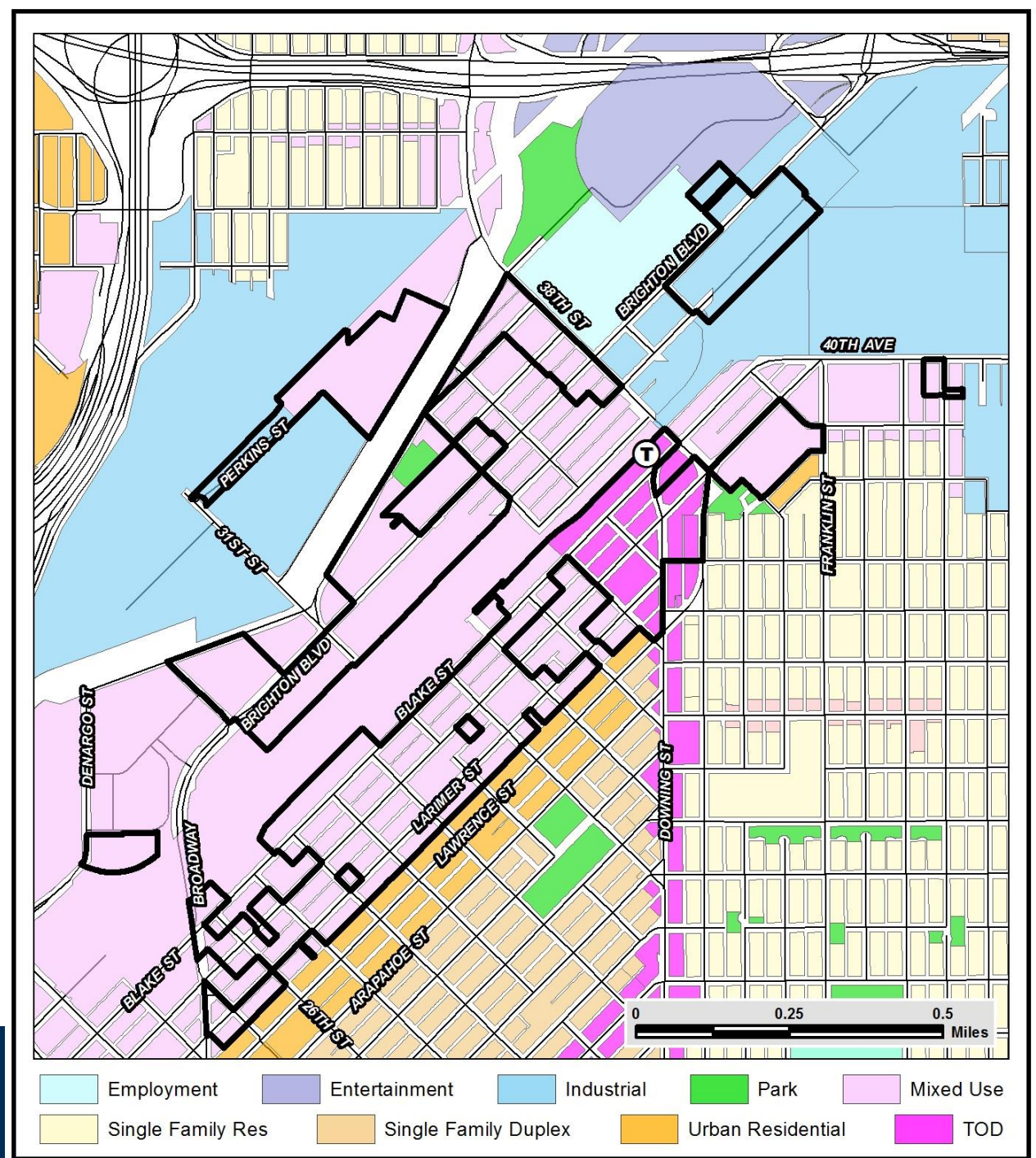




# Consistency with Adopted Plans

## Blueprint Denver Future Land Use

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

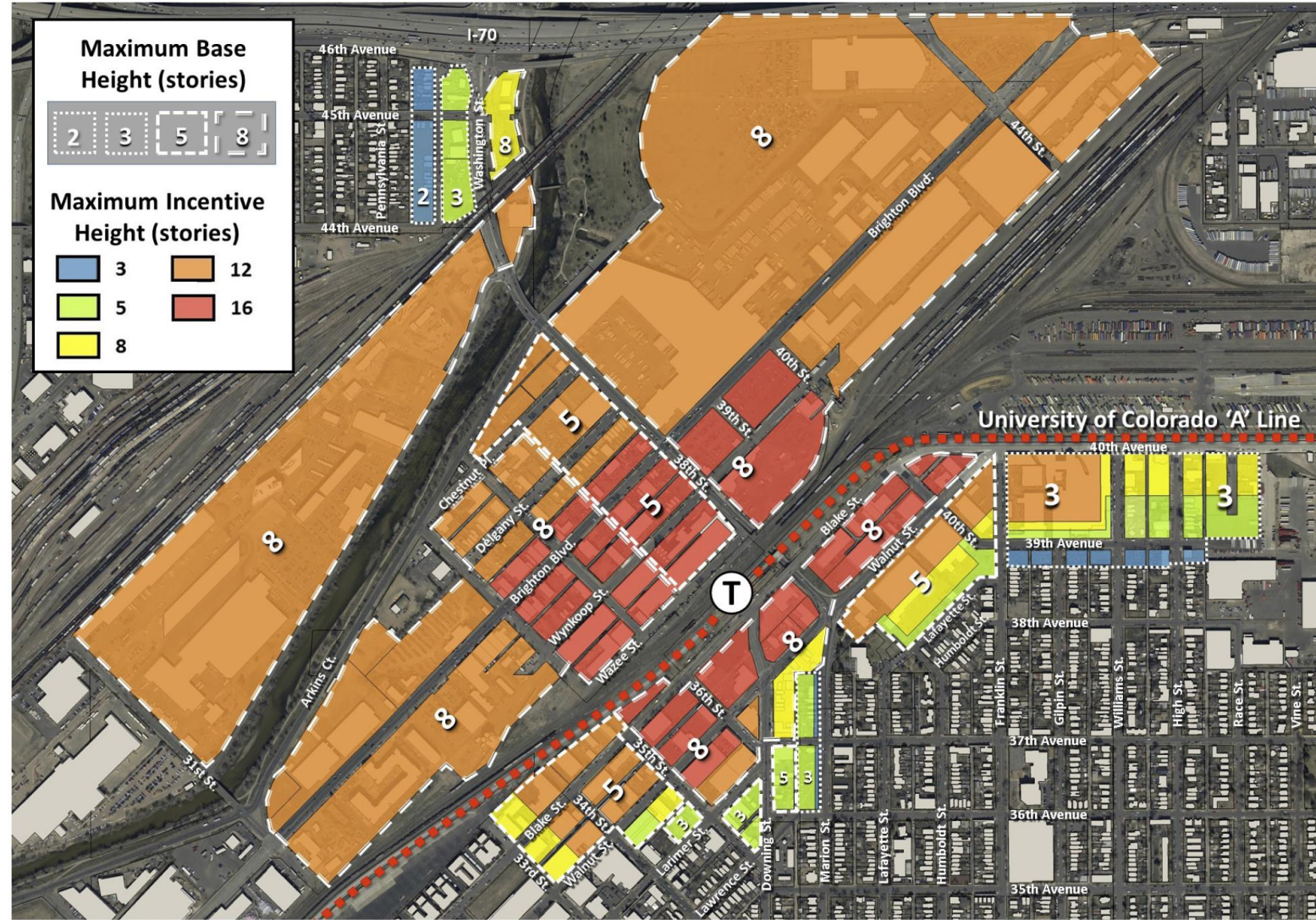




# Consistency with Adopted Plans

## 38<sup>th</sup> & Blake Height Amendments

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

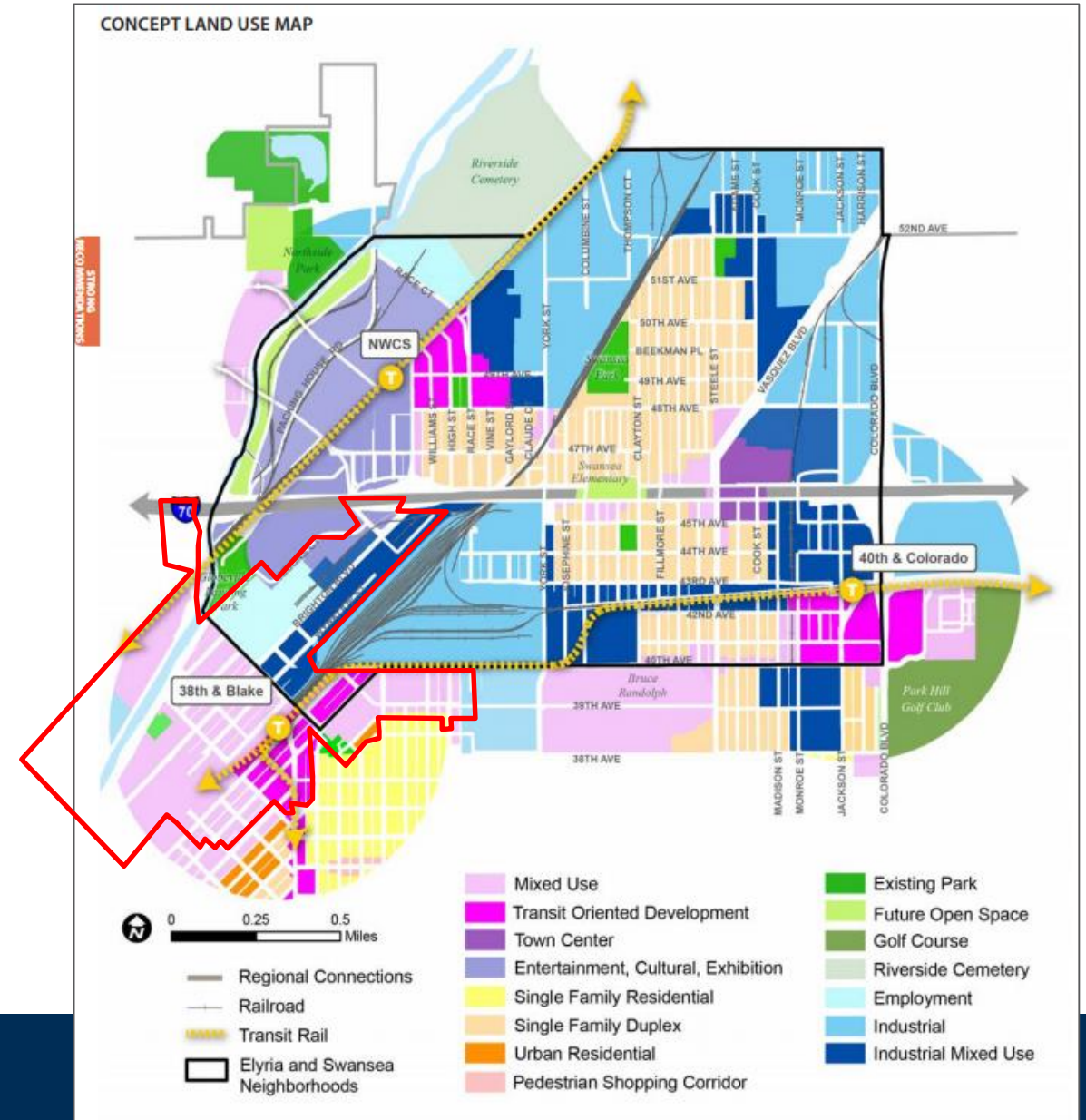




# Consistency with Adopted Plans

## Elyria & Swansea Neighborhood Plan (2015)

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



# Staff Recommendation

**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