



TO: Denver City Council
FROM: Kristofer Johnson, Principal City Planner
DATE: March 25, 2021
RE: (A) Denver Zoning Code (as amended through February 11, 2021) – Text Amendment #9 to create the Active Centers and Corridors Design Overlay District (DO-8)
(B) Official Zoning Map Amendment Proposal #2020I-00080

Staff Report and Recommendation

1. Text Amendment

Based on the review criteria for text amendments stated in Denver Zoning Code (DZC) Section 12.4.11 (Text Amendment), CPD staff recommends approval of Text Amendment #9 of the Denver Zoning Code.

2. Map Amendment

Based on the review criteria for an official map amendment stated in DZC Section 12.4.10 (Map Amendment), staff recommends approval of Map Amendment #2020I-00080.

Request for Rezoning

Address:	Multiple properties in the Berkeley-Regis area
Neighborhood/Council District:	Berkeley and Regis Neighborhoods / Council District 1
RNOs:	Inter Neighborhood Cooperation (INC), Berkeley Regis United Neighbors, Harkness Heights Neighborhood Association, West 38th Avenue Neighborhood Association, West Highland Neighborhood Association, Berkeley Neighborhood Association, West Tennyson Founders, Grandview Neighborhood Association
Area of Property:	Approximately 32 acres
Current Zoning:	U-MX-2; U-MX-3; U-MX-3, UO-1, UO-2; U-MS-3, UO-1, UO-2; U-MS-5; U-MS-5, UO-1, UO-2
Proposed Zoning:	U-MX-2, DO-8; U-MX-3, DO-8; U-MX-3, UO-1, UO-2, DO-8; U-MS-3, UO-1, UO-2, DO-8; U-MS-5, DO-8; U-MS-5, UO-1, UO-2, DO-8 (ie, apply DO-8 to existing zone districts)
Property Owner(s):	Multiple, see legislative proposal attachment
Application Sponsor:	Councilmember Amanda Sandoval

Summary and Purpose

1. Text Amendment

Since 2010 when the Denver Zoning Code went into effect, many traditional neighborhood commercial areas have experienced a rapid transition towards more residential uses and less active streets. While Main Street and Mixed Use zone districts allow a mix of uses, they do not mandate a mix of residential and nonresidential activities. However, small businesses that provide goods and services to nearby residents are a critical component of Denver's goal to support complete

neighborhoods that also contribute to our equity, land use, and transportation objectives. Blueprint Denver, the citywide land use and transportation plan adopted in 2019, specifically recommends zoning tools that will result in strong street-level active use standards for local centers and corridors. Given the intent of these small-scale places to provide services embedded in the neighborhood, it is important for them to provide more than residential uses.

To implement the objectives of Blueprint Denver and community desires to address the loss of neighborhood focused mixed-use areas, City Councilmember Amanda Sandoval (District 1) is sponsoring a text amendment to the Denver Zoning Code to establish the Active Centers and Corridors Design Overlay (DO-8) zone district. The Active Centers and Corridors Design Overlay includes several zoning modifications to improve the design quality, mixed-use activity, and pedestrian experience within neighborhood commercial areas. Specifically, the overlay zoning standards are intended to:

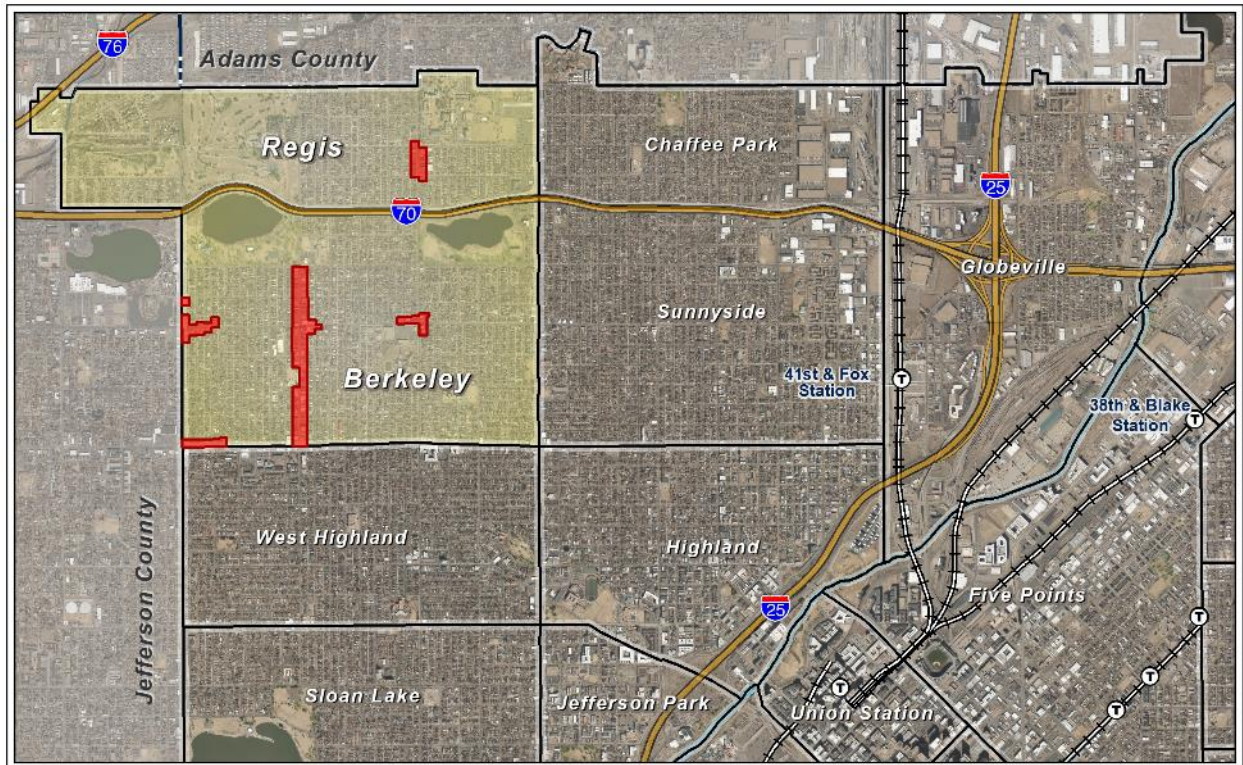
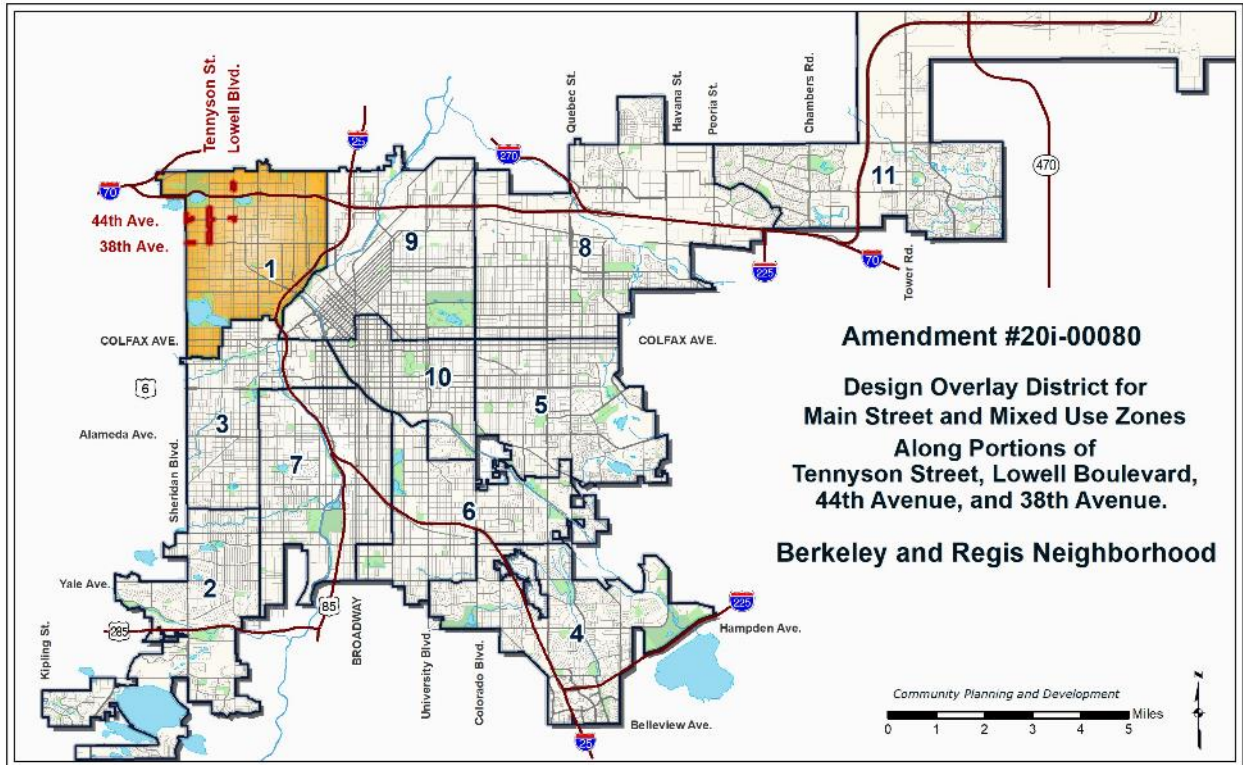
1. Ensure a mix of uses by providing uses other than household living residential across a portion of the ground floor
2. Increase pedestrian and outdoor dining space through setbacks and a more flexible range of where the building must be located
3. Create better transitions between public sidewalks and private residential units
4. Support a highly active street level with tall ground floors and many windows

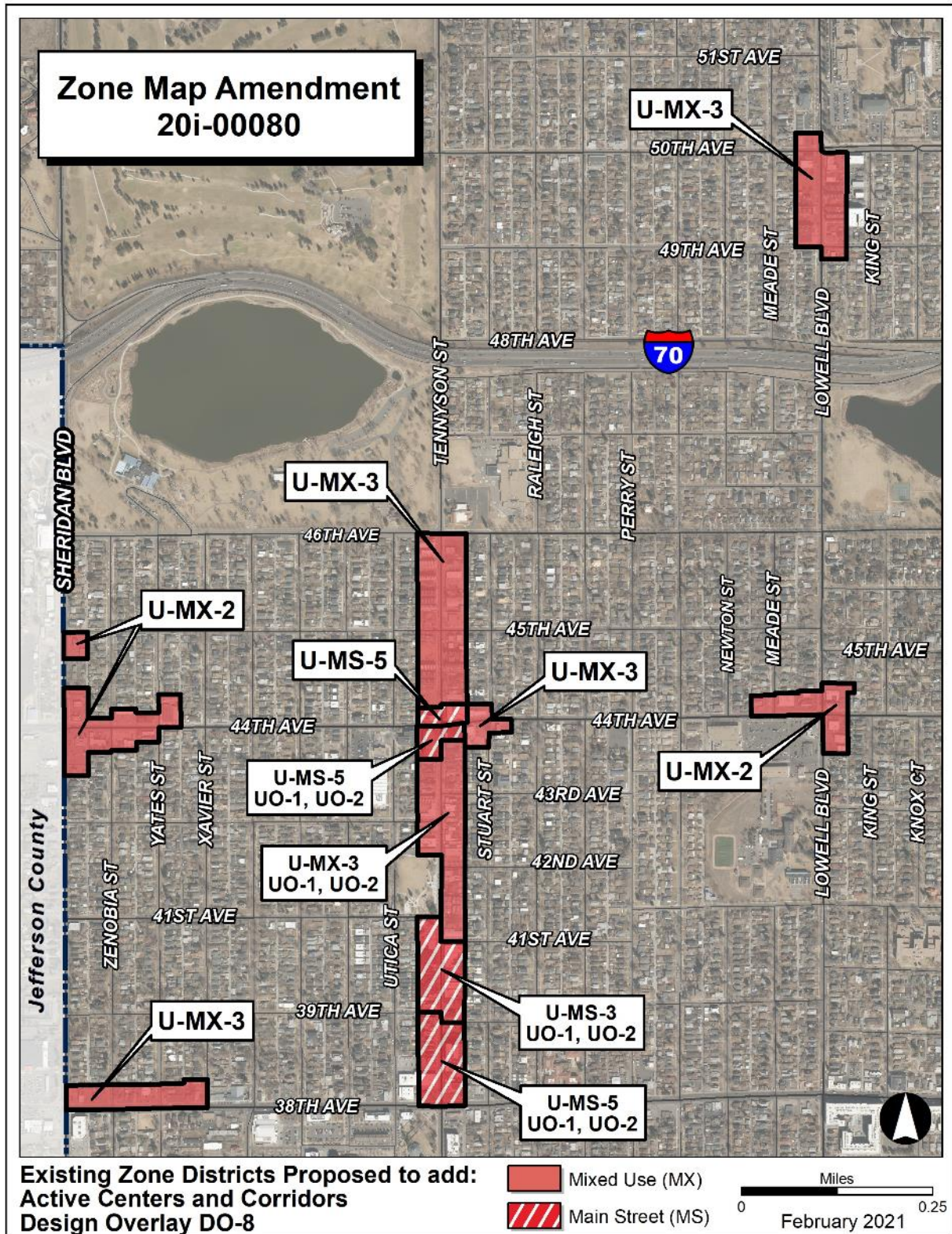
2. Map Amendment

Councilmember Sandoval is also sponsoring a map amendment to apply the Active Centers and Corridors Design Overlay to several properties in the Berkeley-Regis area that have existing underlying zoning ranging from U-MX-2 to U-MS-5. The proposed rezoning maintains the same underlying zoning and would apply DO-8 to over 450 properties (approximately 32 acres) located in six discrete areas along portions of Sheridan Boulevard, Tennyson Street, Lowell Boulevard, 44th Avenue, and 38th Avenue.

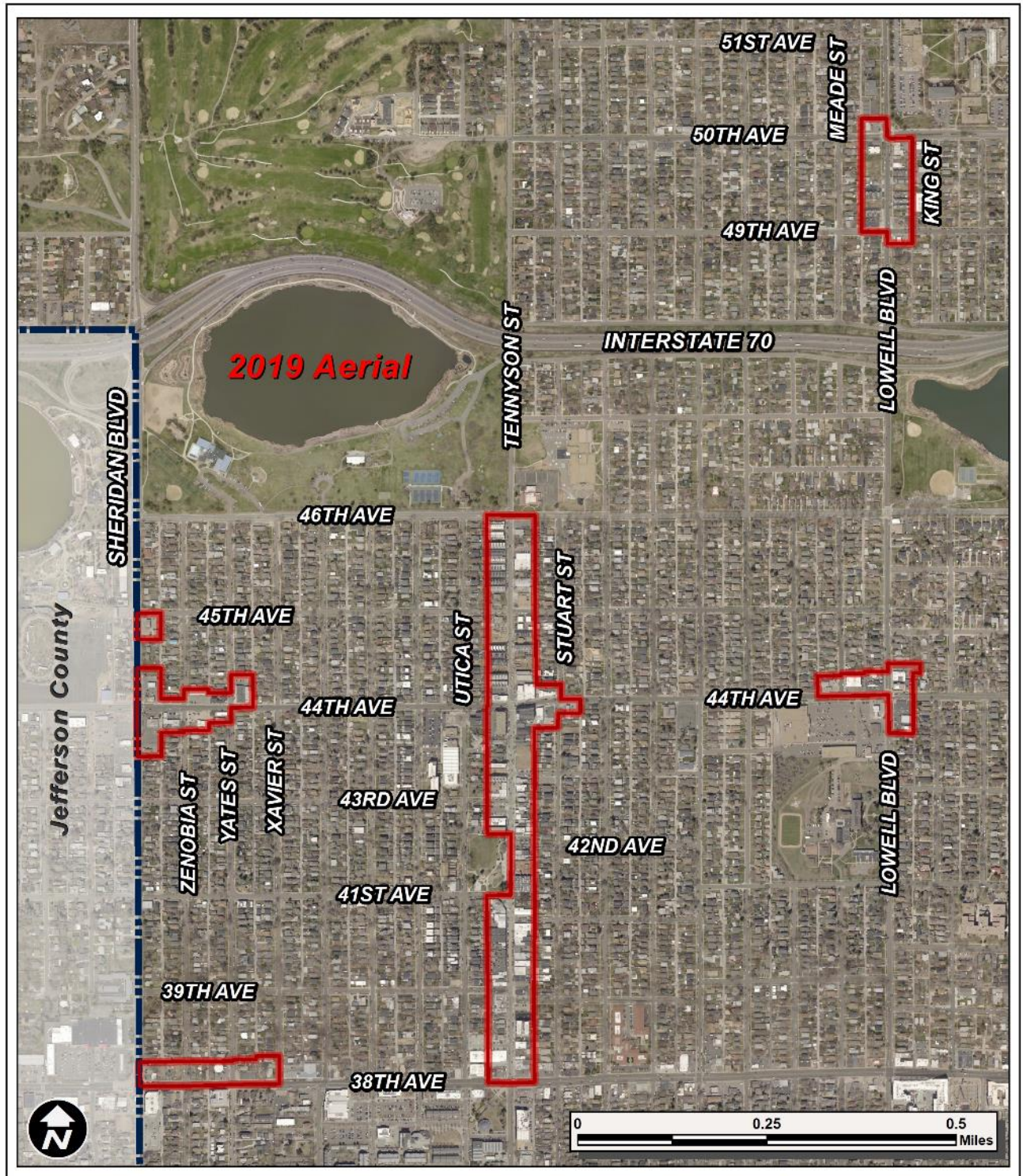
According to DZC Section 12.4.10.2, “Except as otherwise provided in Section 9.4.2.1 and Section 12.3.3.9, no land may be rezoned into any zone district not established in this Code.” According to DZC Section 12.3.3.9.C., “Notwithstanding Section 12.4.10.2, zone districts Not Available for Rezoning, creation of a new zone district by text amendment according to Section 12.4.11, Text Amendment, may, with the Manager’s approval, be filed and reviewed concurrent with a map amendment according to Section 12.4.10, Official Map Amendment (Rezoning). In no case, however, shall a map amendment rezoning land into a new zone district be approved until the text amendment creating the new zone district is approved.” CPD approved filing and reviewing this text amendment and map amendment proposal concurrently. Because the DO-8 zone district has not yet been established, the map amendment proposal shall not be approved until after City Council approves the text amendment to create the DO-8 zone district.

Further details of the zoning proposal can be found in the proposed zoning section of the staff report (below) and the attached draft text amendment.





Existing Context



The areas within the Berkeley and Regis neighborhoods proposed for rezoning contain a range of uses, building types, and heights representing the mixed-use character intended for Main Street and Mixed Use zone districts. However, some areas have converted to almost exclusively multi-unit residential dwellings, particularly along the northern end of Tennyson. This led the local Registered Neighborhood Organization of Berkeley Regis United Neighbors (BRUN) to work with the Council District 1 office over the last several years to develop the proposed design overlay and recommend this rezoning.

- Area 1 includes Tennyson Street from approximately 38th Avenue north to 46th Avenue.
- Area 2 includes 44th Avenue from the alley between Xavier Street and Yates Street west to Sheridan Boulevard and a small area at the southeastern corner of the 45th Avenue and Sheridan Boulevard intersection.
- Area 3 includes Lowell Boulevard from 49th Avenue north to 51st Avenue.
- Area 4 includes 44th Avenue from the alley between Newton Street and Meade Street east to the alley between Lowell Boulevard and King Street, and the southeast and northeast corners of the Lowell Boulevard and 44th Avenue intersection.
- Area 5 includes the north side of 38th Avenue from Xavier Street west to Sheridan Boulevard.

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

Area	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Area 1	<ul style="list-style-type: none"> • U-MS-5, UO-1, UO-2 • U-MS-3, UO-1, UO-2 • U-MX-3, UO-1, UO-2 • U-MS-5, UO-1, UO-2 • U-MS-5 • U-MX-3 • U-MX-3 	Commercial/Retail, Industrial, Mixed Use, Office, Parking, Single Unit Residential, and Multi-Unit Residential	1- to 1.5-story residential buildings, 2- to 3-story townhouses, 3- to 5-story multi-unit residential and mixed use buildings, 1- to 2-story commercial and industrial buildings	Generally regular grid of streets interrupted by the Cesar Chavez Park. Lot sizes vary from 25 feet wide to 150+ feet wide. Many buildings with side-by-side units oriented perpendicular to the street. Vehicle parking mostly to the rear of buildings.
Area 2	<ul style="list-style-type: none"> • U-MX-2 	Commercial/Retail, Industrial, Mixed Use, Parking	1-story commercial and industrial buildings, 2.5-story mixed use building	Generally regular grid of streets. Lot sizes tend to be larger from 100-150 feet wide. Most vehicle parking and access in the front of buildings.
Area 3	<ul style="list-style-type: none"> • U-MX-3 	Commercial/Retail, Mixed Use, Single Unit Residential, and Multi-Unit Residential	2- to 3-story townhouses, 1- to 2-story commercial and industrial buildings	Generally regular grid of streets. Lot sizes vary from 25 feet wide to 150+ feet wide. Many buildings with side-by-side units oriented perpendicular to the street. Some vehicle

Area	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
				parking and access in front of buildings.
Area 4	<ul style="list-style-type: none"> U-MX-2 	Commercial/Retail, Mixed Use, Office	1- to 2-story commercial and industrial buildings	Generally regular grid of streets. Lot sizes tend to be larger from 100-150 feet wide. Most vehicle parking and access in the front of buildings.
Area 5	<ul style="list-style-type: none"> U-MX-3 	Commercial/Retail, Industrial, Single Unit Residential, and Multi-Unit Residential	1- to 1.5-story residential buildings, 2- to 3-story townhouses, 1-story commercial and industrial buildings	Generally regular grid of streets. Lot sizes vary from 25 feet wide to 125 feet wide. Some vehicle parking and access in the front of buildings.

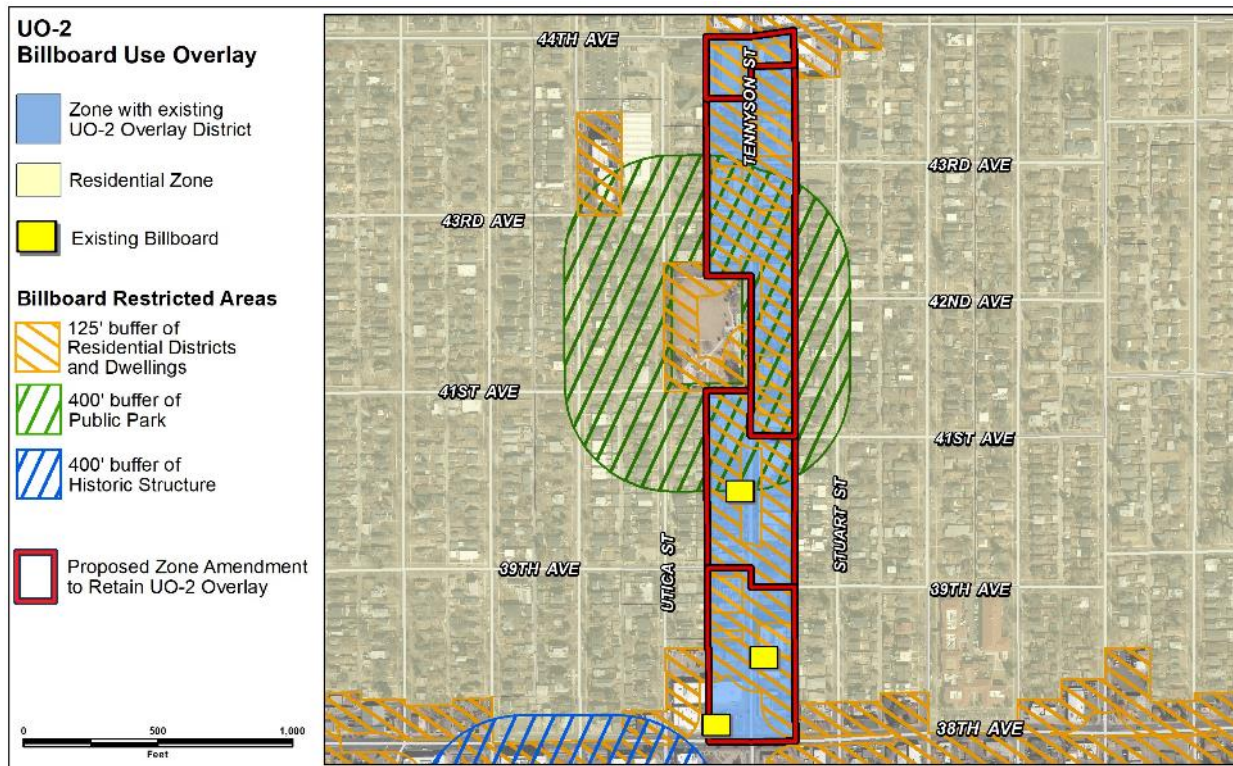
1. Existing Zoning

The existing zoning in the proposed rezoning area is comprised of Mixed Use and Main Street zone districts with 2-, 3-, and 5-story height limits in the Urban context. Some areas also include Use Overlays 1 and 2.

According to DZC Sections 5.2.3.1 and 5.2.5.1, Urban Mixed Use and Main Street zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and commercial streets through the use of building forms that clearly define and activate the public street edge. Both Mixed Use and Main Street zone districts also share an intent to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods and along the city’s commercial streets. Mixed Use zone districts allow the Town House, General, Shopfront, Drive-Thru Services, and Drive-Thru Restaurant building forms. Main Street zone districts allow the Town House, Shopfront, Drive-Thru Services, and Drive-Thru Restaurant building forms.

Use Overlay 1 is the Adult Use Overlay Zone District and permits adult business uses with certain limitations (DZC Section 9.4.4.6).

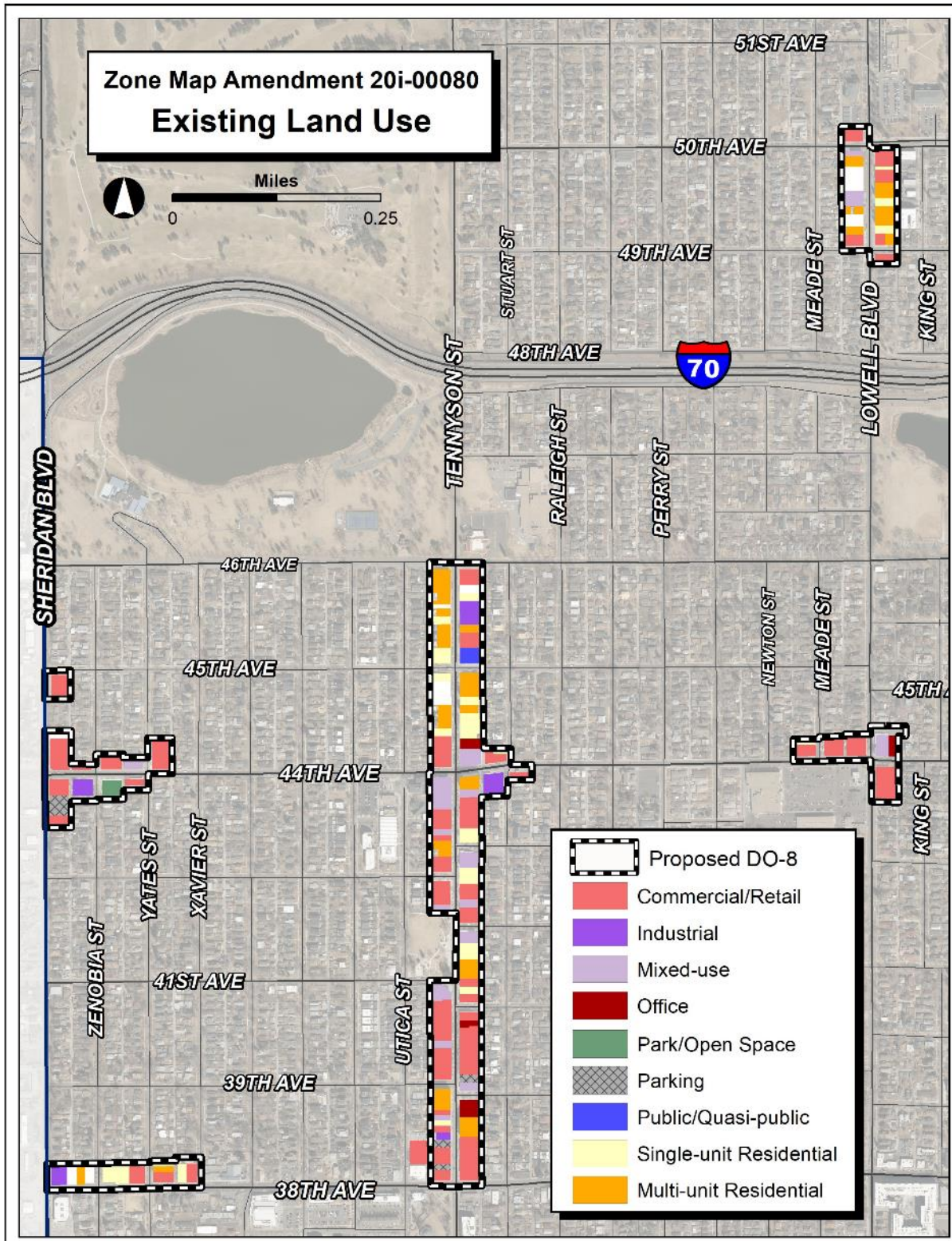
Use Overlay 2 is the Billboard Use Overlay Zone District and permits billboard signs with certain limitations (DZC Section 9.4.4.7). Billboards, or Outdoor General Advertising Devices, in Use Overlay 2 are regulated via DZC Section 10.10.21. Billboards are limited to 45 feet in height and subject to spacing requirements ranging from 125-500 feet relative to residential districts/dwellings, public parks, and historic structures, and other billboard signs. The Use Overlay 2 district exists along Tennyson Street from 38th Avenue to 44th Avenue, and includes three billboards. Due to the various spacing requirements there are very limited areas where new billboards would be possible in the future.



2. Large Development Review

The applicability of the large development review process is defined by DZC Section 12.4.12.2. There is no specific development concept for this legislative map amendment proposal, no adopted plan recommends use of the LDR process for this proposal, no infrastructure network or system improvements are anticipated, and there is no existing general development plan that needs to be amended. Therefore, although the area of the rezoning is larger than 5 acres, large development review was found to be inapplicable.

3. Existing Land Use Map



4. Existing Building Form and Scale

All images are from Google Street View.

AREA 1 – Tennyson from 38th to 46th



View facing north on Tennyson Street at 38th Avenue (U-MS-5, UO-1, UO-2)



View facing north on Tennyson Street approaching 39th Avenue (U-MS-5, UO-1, UO-2)



View facing north on Tennyson Street between 39th Avenue and 41st Avenue (U-MS-3, UO-1, UO-2)



View facing north on Tennyson Street at 41st Avenue (U-MX-3, UO-1, UO-2)



View facing north on Tennyson Street at 43rd Avenue (U-MX-3, UO-1, UO-2)



View facing south on Tennyson Street at intersection with 44th Avenue (U-MS-5, UO-1, UO-2)



View facing north on Tennyson Street between 44th Avenue and 45th Avenue (U-MX-3)

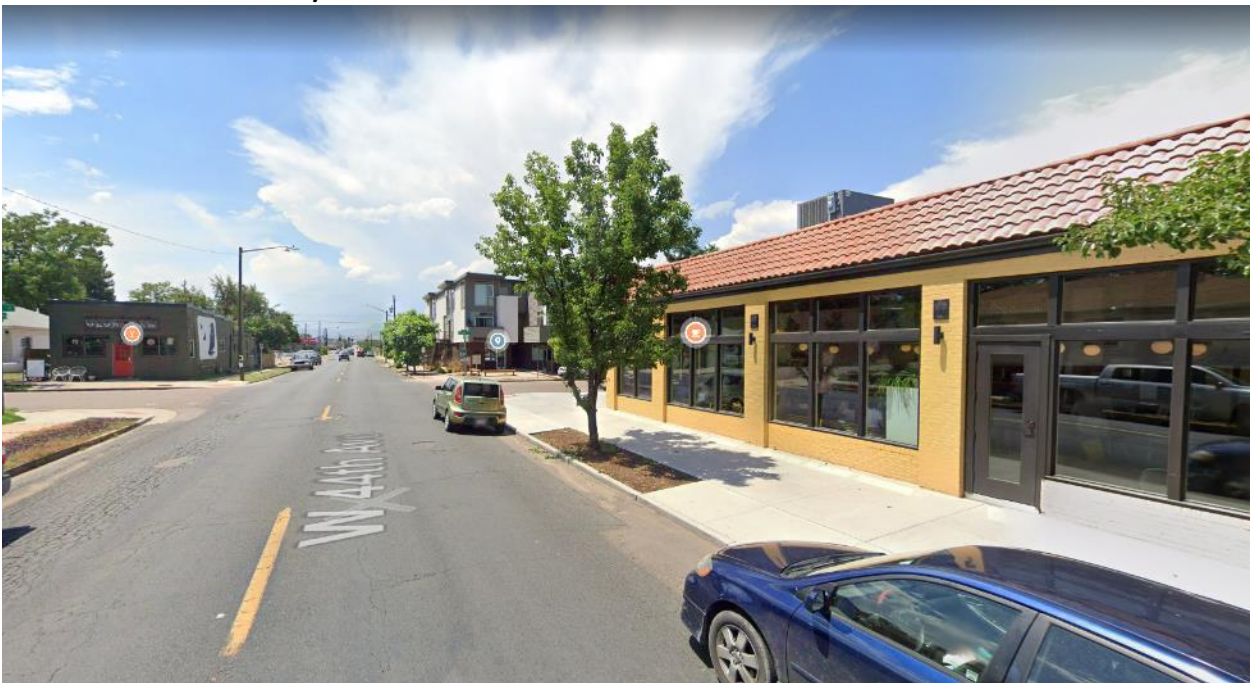


View facing north on Tennyson Street near 45th Avenue (U-MX-3)



View facing north on Tennyson Street approaching intersection with 46th Avenue (U-MX-3)

AREA 2 – 44th from Xavier/Yates to Sheridan and SE corner of 45th and Sheridan



View facing west on 44th Avenue near Yates Street (U-MX-2)



View facing west on 44th Avenue near Zenobia Street (U-MX-2)



View facing east on 44th Avenue at Sheridan Boulevard (U-MX-2)



View of southeastern corner at intersection of 45th Avenue and Sheridan Boulevard (U-MX-2)

Area 3 – Lowell from 49th to 51st



View facing north on Lowell Boulevard near 49th Avenue (U-MX-3)



View facing north on Lowell Boulevard between 49th Avenue and 50th Avenue (U-MX-3)



View facing north on Lowell Boulevard approaching 50th Avenue (U-MX-3)



View facing south on Lowell Boulevard approaching 50th Avenue (U-MX-3)

Area 4 – 44th from Newton/Meade to Lowell/King and SE and NE corners of Lowell and 44th



View facing east on 44th Avenue near Meade Street (U-MX-2)



View facing north approaching the intersection of 44th Avenue and Lowell Boulevard (U-MX-2)



View facing west on 44th Avenue approaching Lowell Boulevard (U-MX-2)

Area 5 – N side of 38th from Xavier to Sheridan



View facing east on 38th Avenue near Sheridan Boulevard (U-MX-3)



View facing east on 38th Avenue between Yates Street and Zenobia Street (U-MX-3)



View facing west on 38th Avenue at Xavier Street (U-MX-3)

Proposed Zoning

The proposed zoning request would retain the existing underlying zone districts, including any Use Overlay districts as applicable, and add the Active Centers and Corridors Design Overlay (DO-8). The DO-8 zone district is concurrently proposed with this rezoning request as DZC text amendment #9 and is intended to “encourage neighborhood mixed-use areas that support nonresidential active Uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential Dwellings.” The design overlay adds to or modifies the existing standards in the underlying zone districts and does not affect any permitted uses or allowed height limits. If the text amendment and rezoning are adopted, the proposed DO-8 zone will:

- Limit allowed building forms for primary structures to the Shopfront and Town House;
- Increase the build-to range from 0-5’ to 0-10’ in the Shopfront form to encourage more space for outdoor dining and similar uses;
- Establish a minimum 2’ primary street setback in the Shopfront form to increase pedestrian space;
- Introduce a minimum 7’ primary street setback in the Shopfront form for any ground floor residential units to create more space for transitions between the public sidewalk and private residential areas, and require individual ground floor residential units to provide an entrance with entry feature (porch, patio, stoop, etc.);
- Require parking to be located to the rear or side of buildings;
- Eliminate all alternatives to transparency requirements except for permanent art to encourage more windows at the street level;
- Require a minimum ground floor height to support the viability of nonresidential uses; and
- Ensure that a portion of the ground floor on lots more than 37.5’ wide includes nonresidential active uses to support a mix of uses and contribute goods and services to the local neighborhood.

Summary of City Agency Referral Comments

As part of the DZC review process, the text amendment and rezoning proposal is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: No response, approved

Asset Management: No response, approved

Denver Public Schools: No response, approved.

Department of Public Health and Environment: No response, approved

Denver Parks and Recreation: No response, approved

Public Works – R.O.W. – City Surveyor: Approved, no comments.

Development Services – Project Coordination: Approved, no comments.

Development Services – Fire Protection: No response, approved

Development Services – Transportation: Approved, no comments.

Development Services – Wastewater: Approved, with comments.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Wastewater does have sanitary capacity concerns for the east side of Tennyson north to 47th Ave that may impact potential redevelopment. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Public Process

	Date
On-going coordination with Berkeley Regis United Neighbors Zoning and Planning Committee	Fall 2017-Fall 2020
Property owner mailers and flyers (by Councilwoman Sandoval)	Spring 2020
Media advisory (by Councilwoman Sandoval)	2/28/2020

Two town halls (hosted by Councilwoman Sandoval)	3/5/2020, 3/11/2020
Direct conversations with property owners (by Councilwoman Sandoval)	Spring-Summer 2020
CPD informational notice of draft text amendment for public review to all City Council members and registered neighborhood organizations:	11/16/2020
Presentation to Inter-Neighborhood Coordination Zoning and Planning Committee	11/28/2020
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	11/30/2020
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, registered neighborhood organizations, and property owners:	1/15/2021
Planning Board public hearing:	2/3/2021
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	2/2/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	2/16/2021
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	3/8/2021
City Council Public Hearing:	3/30/2021

RNO Comments

Berkeley Regis United Neighbors has submitted a letter of support for the text amendment and overlay with a vote of 10-0 in support on January 25, 2021.

Public Comments

As of the date of this staff report, CPD has received 24 comments in support of the design overlay and rezoning citing a desire to maintain and enhance the walkability of these areas and ensure the continuation of commercial activity provided by local small businesses. One of these comments was conditional in their support and recommended additional strategies to further strengthen the proposed overlay. Staff received four comments in opposition citing concerns related to the timing

and applicability of the overlay, increased costs of construction, and that residential uses should be the focus in these areas.

Planning Board

Planning Board held a public hearing on February 3, 2021 and voted (8-1) to recommend approval of the proposed text and map amendment. There were 6 speakers at the public hearing, five in support and one in opposition.

Criteria for Review / Staff Evaluation

The criteria for review of this text amendment and rezoning are found in DZC, Section 12.4.11.4 and Section 12.4.10.7, respectively. These criteria are summarized as follows:

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

Note: Because the City Attorney's Office has determined this to be a legislative map amendment proposal, the additional criteria for non-legislative map amendments in DZC Section 12.4.10.8 do not apply.

1. Consistency with Adopted Plans

The following adopted plans apply this text amendment and map amendment:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed text amendment and rezoning are consistent with Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

The proposed text and map amendments will further *Comprehensive Plan 2040's* Equitable, Affordable and Inclusive goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The text amendment creates a new overlay zone district that promotes pedestrian-oriented design standards and nonresidential uses in embedded neighborhood centers and corridors. The map amendment applies the overlay to specific locations within the Berkeley-Regis area to ensure existing commercial areas continue to provide local goods and services to nearby residents.

- Equitable, Affordable and Inclusive Goal 1, Strategy C – Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts. (p. 28)

The enhanced zoning standards in the new overlay that contribute to more walkable and active neighborhood centers apply even more directly to the Strong and Authentic Neighborhoods vision element goals to create a city of complete neighborhoods, enhance neighborhoods through high-quality urban design, and ensure every neighborhood is economically strong and dynamic. will

support infill development that is consistent with traditional patterns of street level nonresidential space and help reduce the displacement of local businesses.

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use, centers and corridors. (p. 34)
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities. (p. 34)
- Strong and Authentic Neighborhoods Goal 2, Strategy C – Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm. (p. 34)
- Strong and Authentic Neighborhoods Goal 4, Strategy A – Grow and support neighborhood-serving businesses. (p. 35)

The Economically Diverse and Vibrant goal to sustain and grow Denver’s local neighborhood businesses will be supported by the requirement for projects on larger lots to provide nonresidential space at the street level. This will increase the amount of commercial space in these areas, ultimately enhancing the availability, and hopefully affordability, of space for new businesses.

- Economically Diverse and Vibrant Goal 3, Strategy A – Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver. (p. 46)

The text and map amendments also address the Environmentally Resilient goal to clean soils, conserve land, and grow responsibly by contributing to the mixed-use character of neighborhoods. This encourages nearby residents to obtain goods and services locally, thereby reducing their overall footprint and potential impact on transportation infrastructure.

- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods. (p. 54)

Blueprint Denver

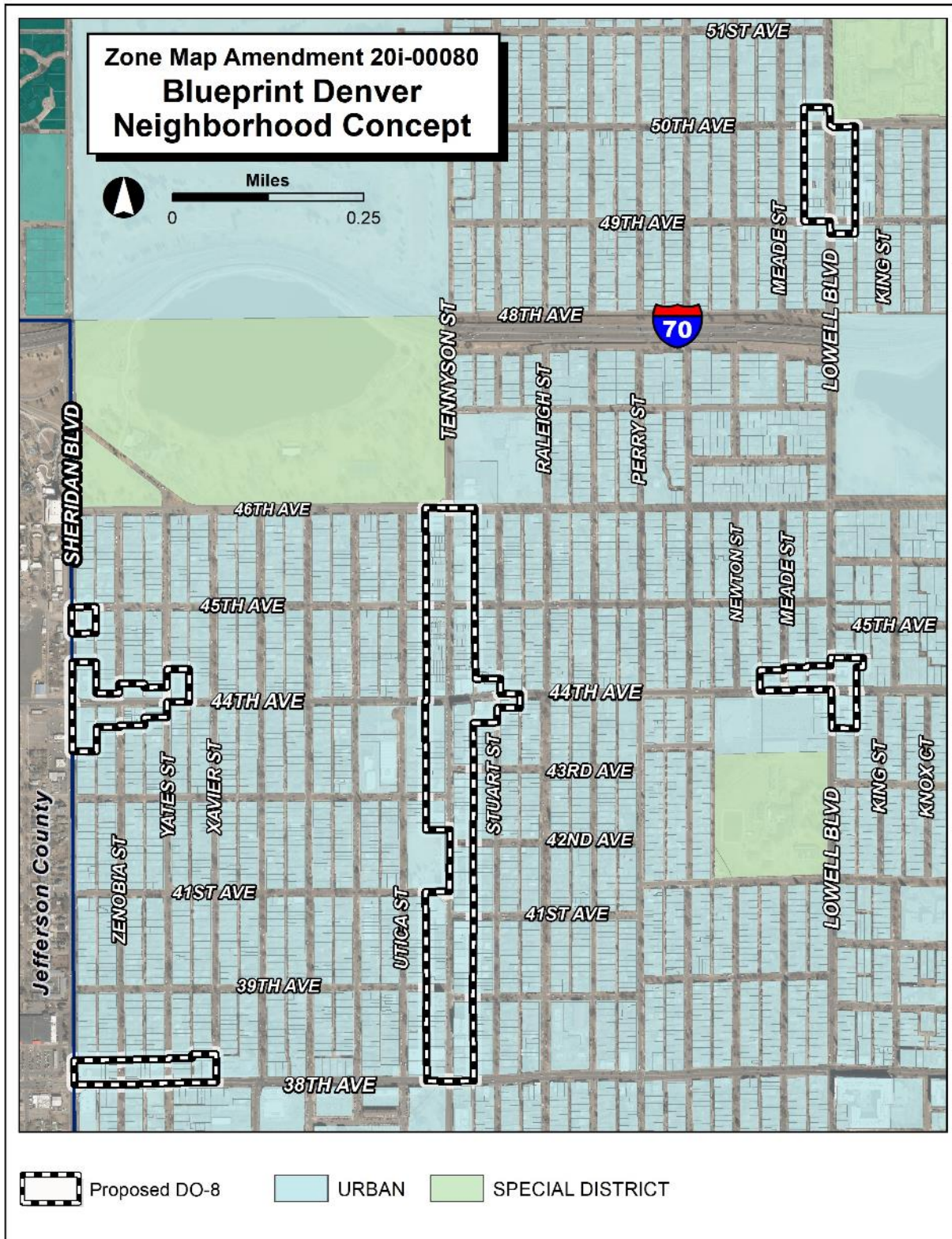
Blueprint Denver is Denver’s citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. The area of the rezoning is predominantly identified as Local Corridors and Local Centers future places within the Urban Neighborhood Context. Local Centers and Corridors are described as being typically embedded within residential areas, should become more common in all neighborhoods as Denver continues to evolve, and are highly walkable and pedestrian friendly. The proposed rezoning will promote development that supports the complete neighborhood and transportation network vision in *Blueprint Denver*, including neighborhood context, place, street type and growth guidance.

Blueprint Denver Future Neighborhood Context

The Urban neighborhood context predominantly contains “small, multi-unit residential and low intensity mixed-use buildings ... embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222). The underlying U-MX/MS-2, -3, and -5 are zone districts within the Urban neighborhood context and are intended to promote safe, active, and pedestrian-scaled areas through building forms that clearly define and activate the public street edge. Both zone districts are intended to enhance the

convenience, ease and enjoyment of transit, walking, shopping and public gathering (DZC Sections 5.2.3.1 and 5.2.5.1).

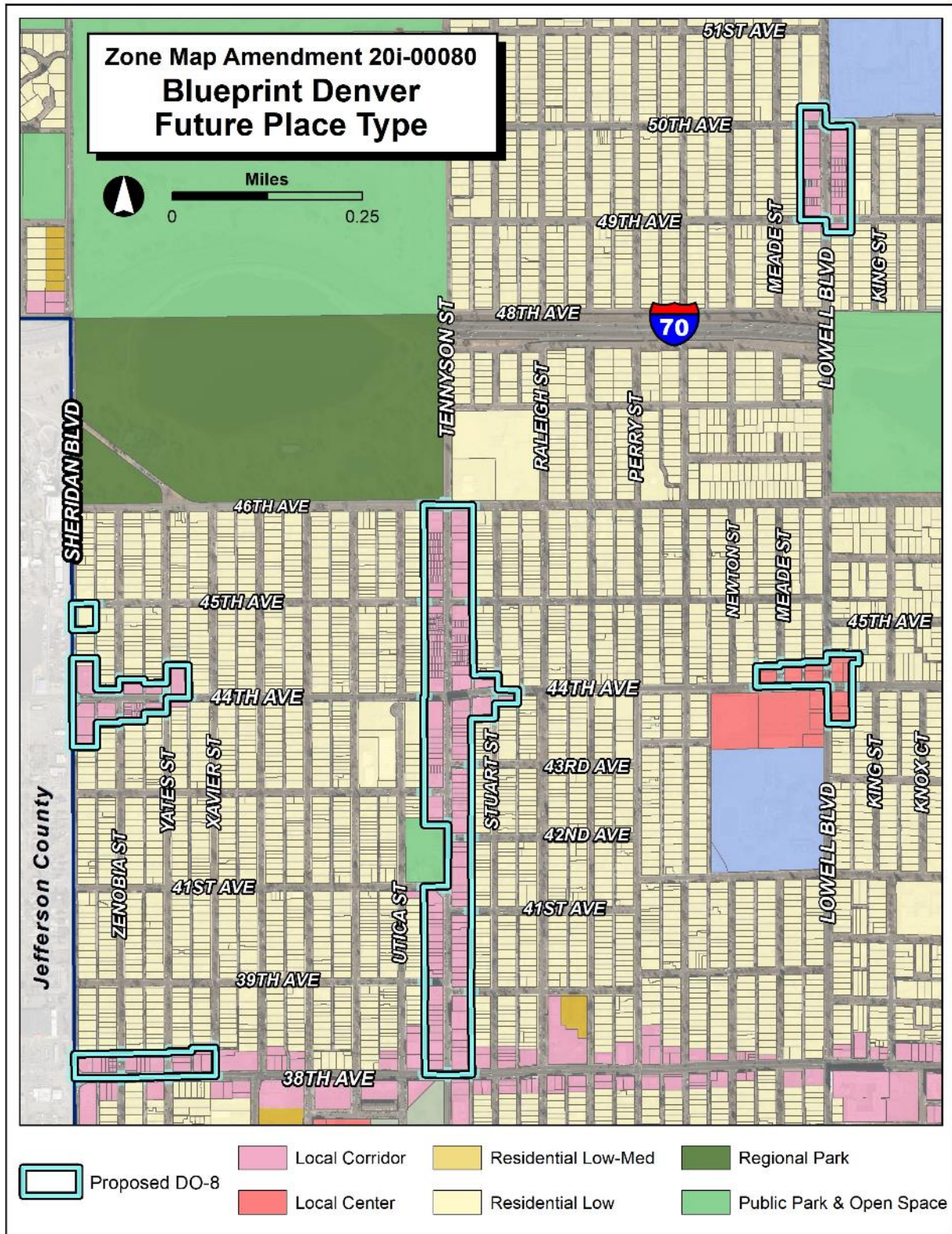
The application of the DO-8 overlay is consistent with the Blueprint future neighborhood context of Urban because it will promote active, pedestrian friendly streets that will be compatible with the existing residential area. The overlay will ensure that the subject areas “offer residents a mix of uses with good street activation and connectivity” (p. 222).



Blueprint Denver Future Places

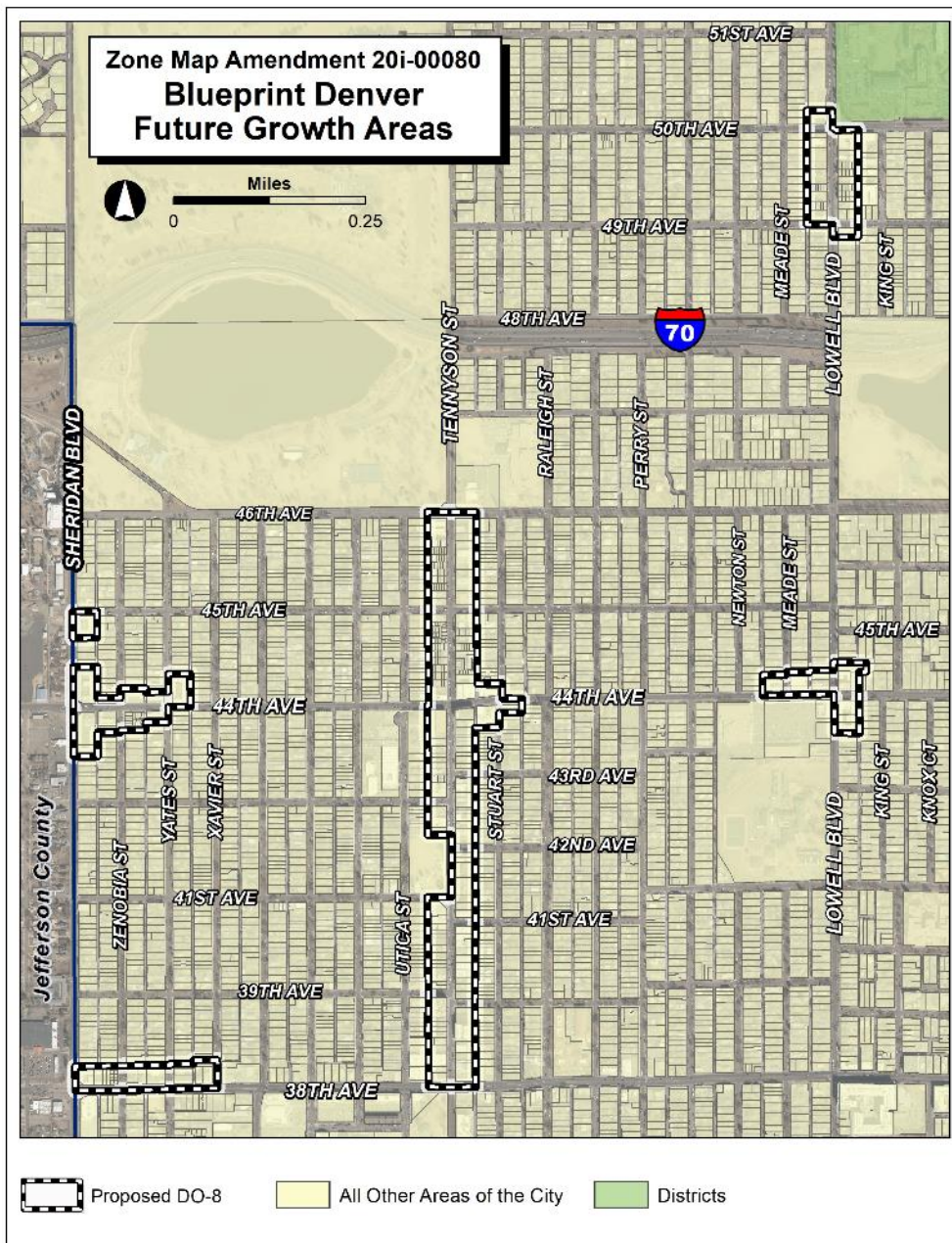
The subject sites are designated as Local Corridors and Centers on the *Blueprint Denver Future Places* map. Both of these place types “primarily provides options for dining, entertainment and shopping” and “may also include some residential and employment uses” (pages 226 and 228). In addition, in a Local Corridor, “Buildings have a distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages” while “social spaces, such as patios and plazas, often occur along the street or within deeper building setbacks” (p. 228). In a Local Center, “Where residential occurs, it should primarily be located to encourage active street frontages. The public realm is typically defined by lower-scale buildings with active frontages providing a more intimate, pedestrian scale.” (p. 226). The rezoning to apply the DO-8 overlay will result in standards that align better with vision for Local Corridor and Center place types, than the current standards in the underlying MX and MS zone districts.

There are three small locations near the periphery of the proposed rezoning areas that are designated Residential Low in the *Blueprint Denver Future Place* map, however based on the analysis, it is still appropriate for DO-8 to apply. First, *Blueprint Denver* recognizes that the Future Places map is at a citywide scale and able to be interpreted with limited flexibility, particularly at the edges of areas, and if the rezoning request furthers the goals of *Blueprint Denver* and is consistent with the overall intent (p. 66). In addition, these areas have existing U-MX-2 and U-MX-3 zoning and can contain a mix of residential and commercial uses by right. Because the overlay will not modify the underlying zone districts, we believe future mixed use development in these areas should meet the enhanced standards proposed by DO-8.



Blueprint Denver Growth Strategy

Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are part of the “all other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). These are “mostly residential areas with embedded local centers and corridors [that] take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to apply DO-8 will ensure that *both* housing growth and employment growth can occur, rather than new housing resulting in a net loss of businesses providing goods and services.



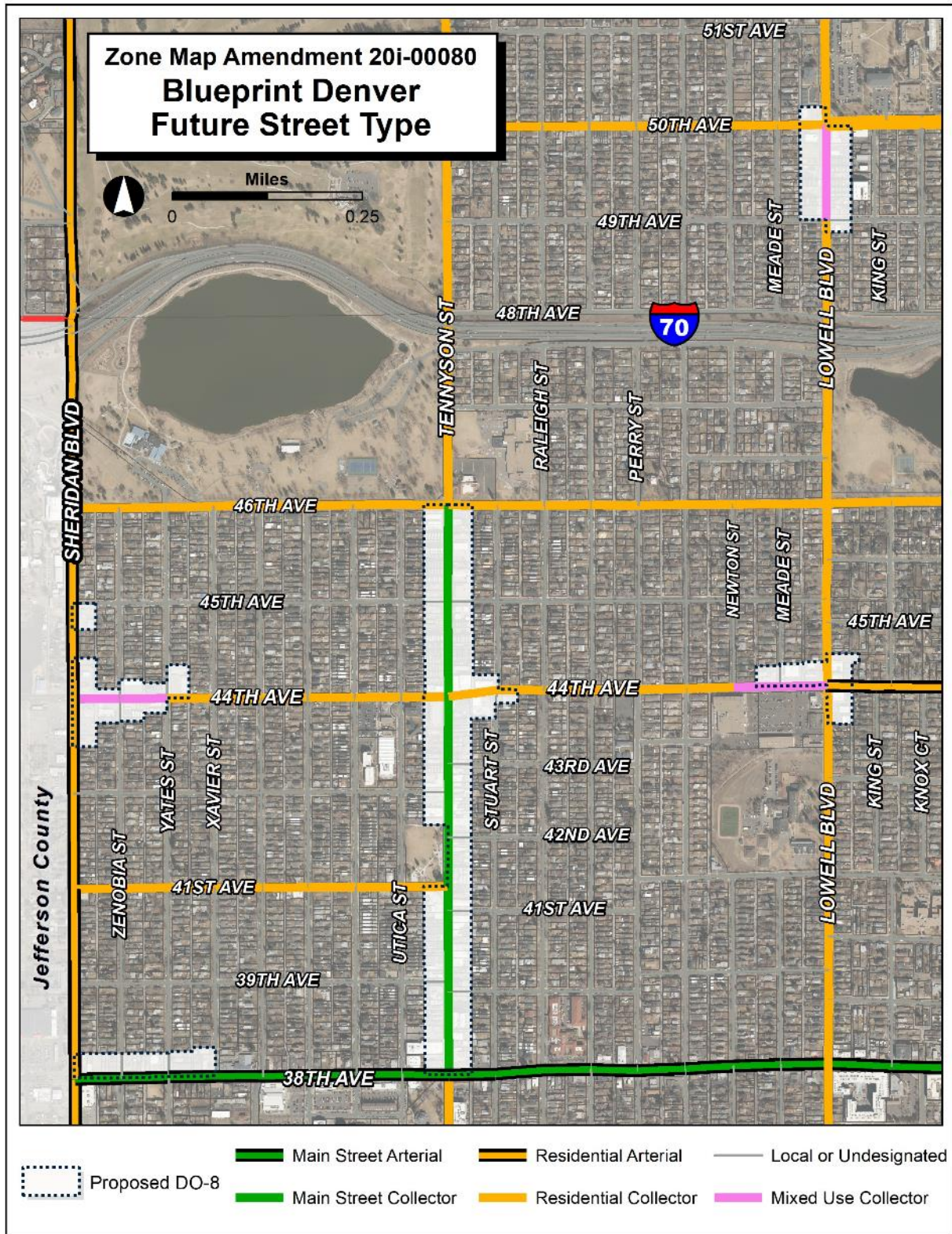
Blueprint Denver Future Street Types

In *Blueprint Denver*, future street types work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (p. 67). There are three volume classifications of Local, Collector, and Arterial, that are further refined by six types of surrounding context.

Primarily, there are two Future Street Types present in the proposed rezoning area. 44th and Lowell are Mixed Use Collectors. These are characterized by a varied mix of uses, including residential. Buildings along the street are typically multi-story, with high building coverage and a shallow setback. Street wall is present but may vary and there are more frequent driveways and curb cuts (p. 159). Tennyson and 38th are Main Street Collectors. These are “characterized by a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency. Street level uses are highly activated, including cafe seating in the right-of-way. Sidewalks are generally wider with fewer driveways” (p. 158).

In addition, a few smaller peripheral locations are bordered by Residential Collector streets which are characterized by primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses and usually have buildings with a modest setback (p. 160). The existing underlying U-MX zoning already allows uses other than household living residential uses but has no setback requirement. The enhanced setback and build-to standards included in DO-8 will ensure future outcomes will better align the desired character of these types of streets.

All proposed areas are also indicated as “Pedestrian Enhanced Areas” in *Blueprint Denver* which specifically focus on enhancing the pedestrian experience, including widening pedestrian right of way (p. 171). The proposed map amendment to Overlay DO-8 is consistent with these street types and pedestrian enhanced area goals as it reinforces pedestrian-oriented design.



Blueprint Denver Recommendations and Strategies

Blueprint Denver contains numerous recommendations related to pedestrian-oriented design and provision of uses in mixed use areas.

Land Use and Built Form, General, Policy 11

- To “Implement plan recommendations through city-led legislative rezonings and text amendments.” (p. 79)
- **Strategy C** states “Use a robust and inclusive community input process.”

The effort to prepare the text amendment and proceed with a legislative rezoning to apply the new DO-8 have spanned two Councilmembers and several years of discussions with City staff and BRUN stakeholders. District 1 led a robust community input process as evidenced by the public process section above.

Land Use and Built Form: Economics, Policy 4

- To “Promote creative industries, maker spaces, artists and small businesses as vital components of Denver’s innovation economy.” (p. 92)

Land Use and Built Form, Economics, Policy 6

- To “Ensure Denver and its neighborhoods have a vibrant and authentic retail and hospitality marketplace meeting the full range of experiences and goods demanded by residents and visitors.” (p. 93)

The DO-8 and associated rezoning will lead to increased opportunities for nonresidential space in locations that are well served by local residents and visitors alike. These spaces may spur new innovation and small business concepts that may otherwise have been limited by space options or rents in these highly desirable areas.

Land Use and Built Form: Design Quality and Preservation, Policy 3

- To “Create exceptional design outcomes in key centers and corridors.” (p. 102)
- **Strategy D** states “Use design overlays in limited areas to direct new development towards a desired design character unique to that area that cannot be achieved through other tools ...”

The proposed DO-8 includes several pedestrian-oriented design standards that will complement and clearly enhance the existing Mixed Use and Main Street zone districts in key corridors and centers that support the surrounding neighborhoods.

Land Use and Built Form: Design Quality and Preservation, Policy 4

- To “Ensure an active and pedestrian friendly environment that provides a true mixed-use character in centers and corridors.” (p. 103)
- **Strategy A** states “Require strong street-level active use standards for local centers and corridors. This may include a prohibition on residential units for a portion of the street level building. Given the intent of these small-scale places to provide services embedded in the neighborhood, it is important for them to provide more than residential uses.”

Mobility, Policy 1

- To “Encourage mode-shift — more trips by walking and rolling, biking and transit — through efficient land use and infrastructure improvements.” (p. 108)
- **Strategy D** states “Increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity.”
- **Strategy E** states “Promote mixed-use development in all centers and corridors.”

DO-8 incorporates a new zoning standard that places uses other than household living residential on a portion of the ground floor of larger projects. This is currently missing in the underlying Mixed Use and Main Street zone districts, but is critical to maintaining and expanding the success of the neighborhood-serving corridors and centers in the proposed rezoning. This is directly in support of the two policies directly above to ensure that centers and corridors provide mixed-use development, increase the availability of goods and services to nearby areas, and establish a pedestrian-friendly environment that encourages walking, rolling, etc.

Mobility, Policy 3

- To “On all streets, prioritize people walking and rolling over other modes of transportation.” (p. 109)
- **Strategy C** states “Ensure that café seating in the public right-of-way provides ample and high-quality space for pedestrians and streetscaping, especially in areas with high pedestrian volumes.”

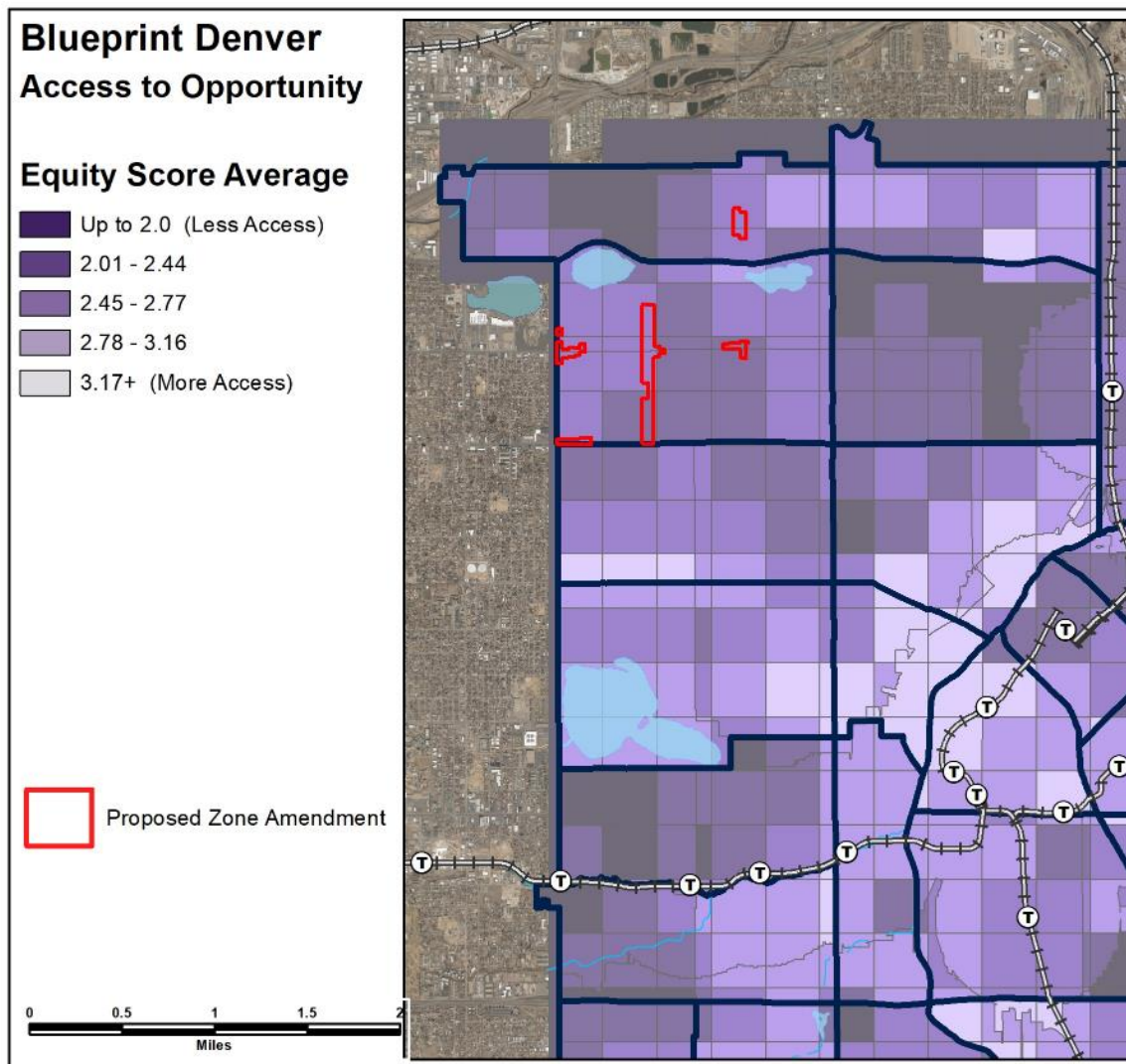
Enhanced standards in the proposed DO-8 meet Mobility, Policy 3, and are intended to expand the area for pedestrians and provide greater flexibility for buildings to offer outdoor café seating without encroaching into the sidewalk and pedestrian area.

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit Denver residents and visitors. Each equity concept has associated measurements to help inform considerations for large-scale city-led map amendments along with other implementation actions.

Access to Opportunity

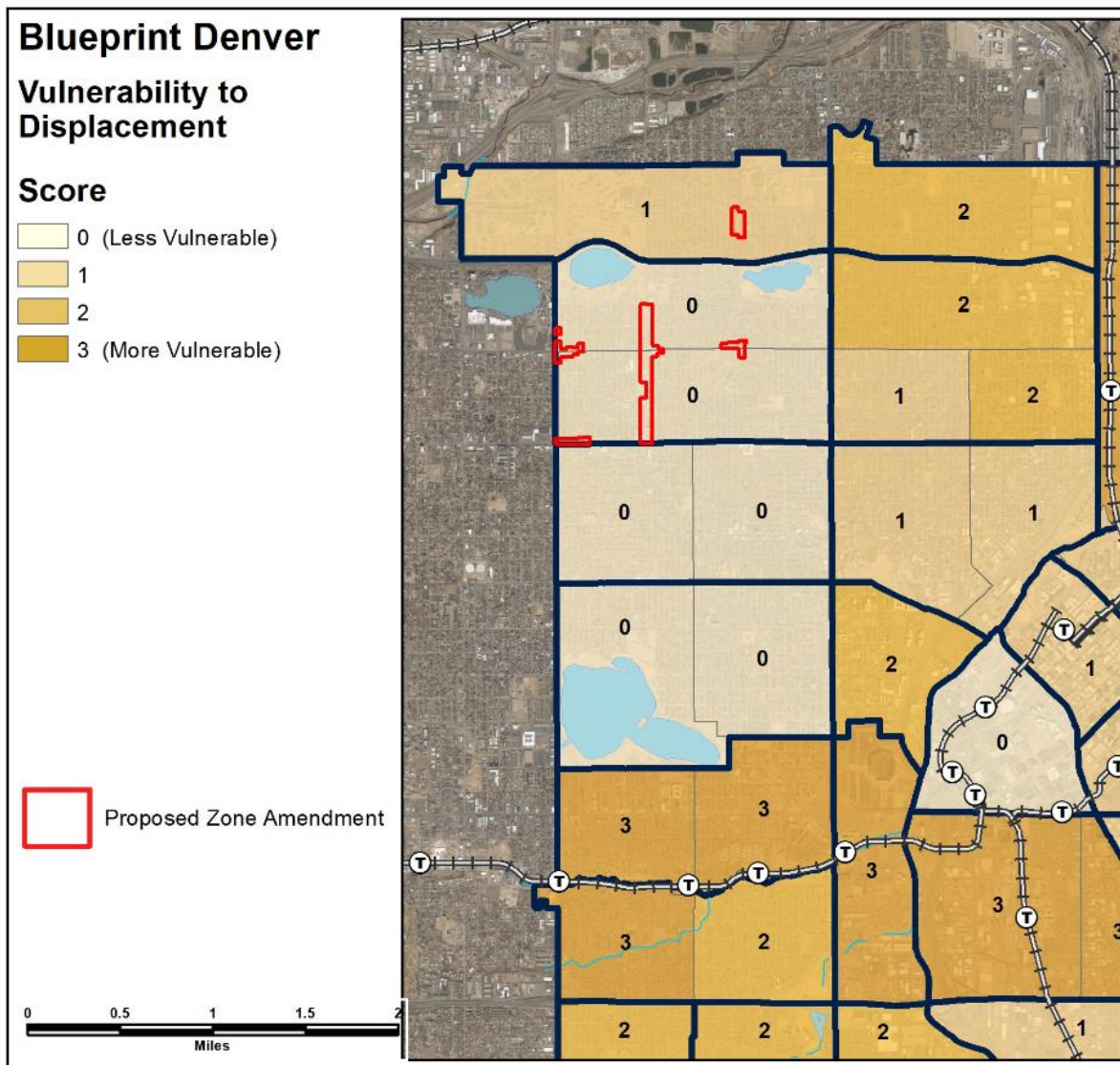
The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver’s Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city.



Overall, the areas in Berkeley and Regis neighborhoods in the proposed rezoning have an average of moderate access to opportunity. The proposed overlay and rezoning will further increase access to opportunity by encouraging walkability in the area and ensuring that new development includes nonresidential uses that can contribute to jobs, services and amenities. Staff finds that this rezoning application will have a net positive impact on the area’s access to opportunity.

Vulnerability to Displacement

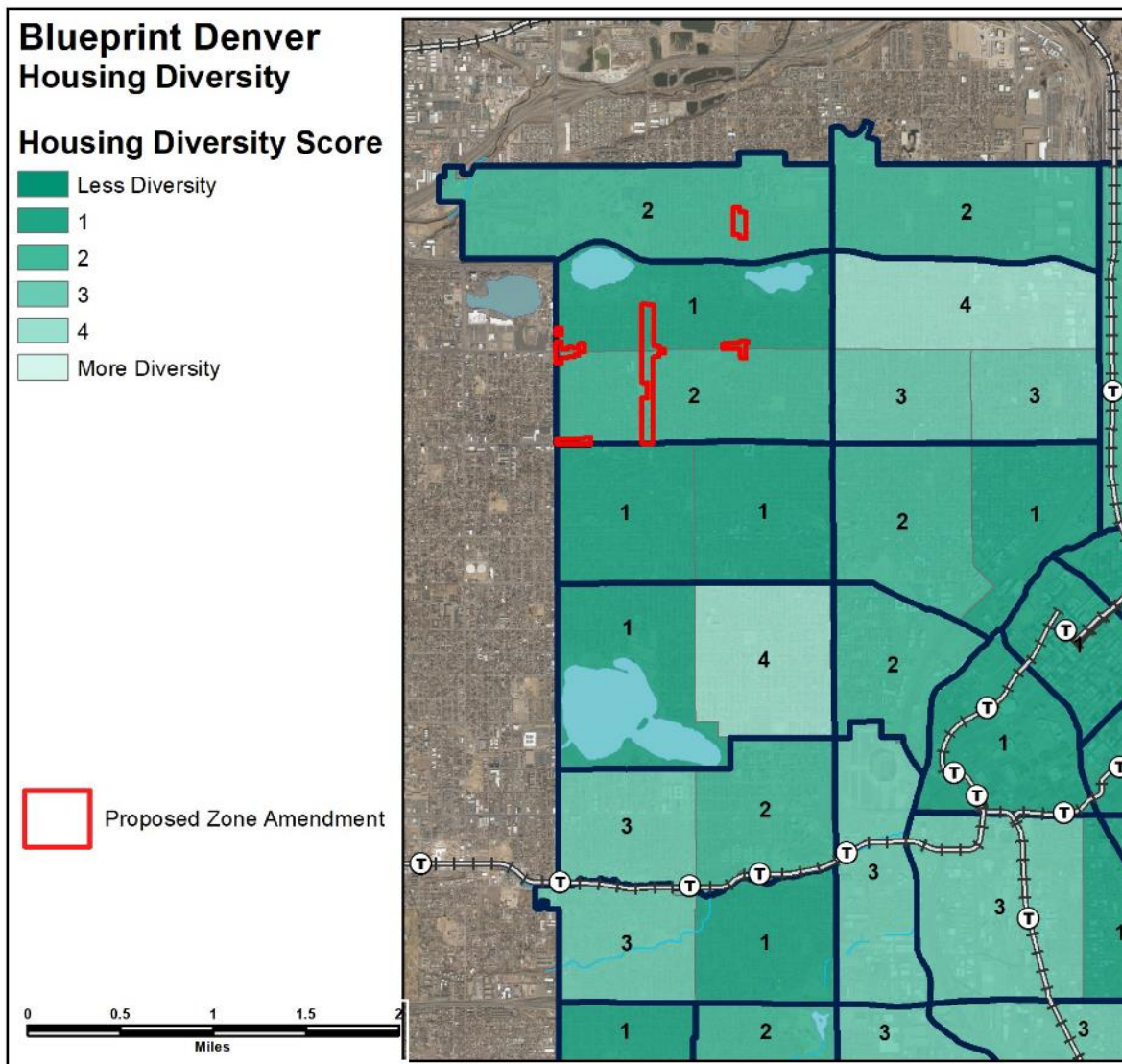
The basis for measuring vulnerability to displacement is the vulnerability to displacement index developed by the Denver Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. This concept is used to stabilize “residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents” (p. 30).



The Berkeley properties are indicated as areas with low vulnerability to displacement while the Regis areas have moderate vulnerability. The Regis score is a result of a higher percentage of the population with less than a college degree. The proposed overlay is not anticipated to significantly impact the metrics associated with vulnerability to displacement. However, by ensuring nonresidential space continues to be offered in new development, this could reduce vulnerability to displacement by making space more available and affordable to local businesses. Staff finds that this rezoning will not have a negative impact on this measurement and that no housing or businesses will be displaced as a result.

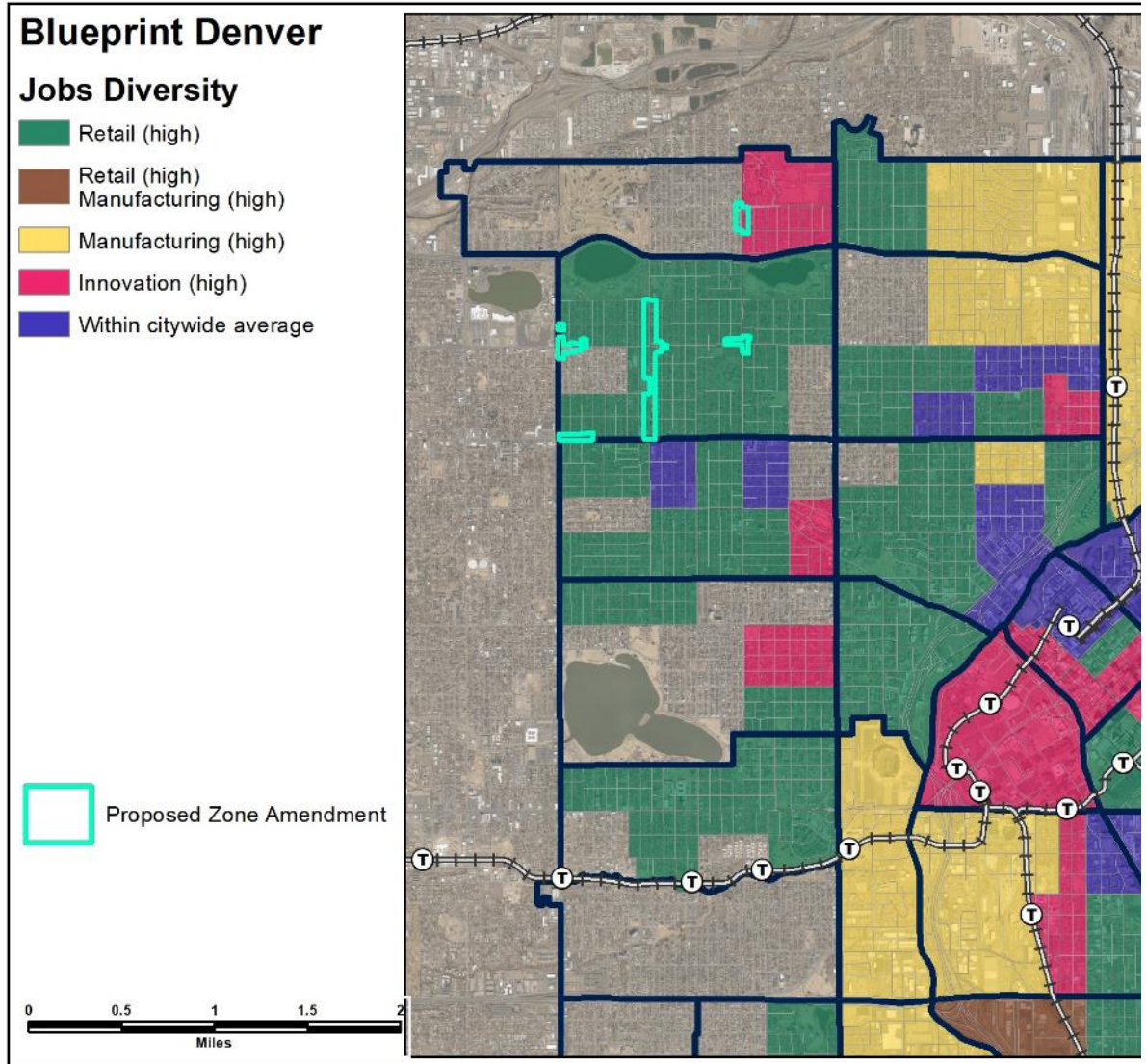
Expanding Housing and Jobs Diversity

As a *Blueprint Denver* Equity Concept, housing diversity refers to an area being able to offer residents a variety of housing options to accommodate households of different ages, sizes and incomes. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units.



Both Berkeley and Regis areas within the proposed rezoning are indicated as areas with low to moderate housing diversity. The neighborhoods are diverse in terms of home size, but not diverse in terms of middle-density housing or home ownership compared to rental. Staff finds that this rezoning may have a slight impact on housing diversity by leading to slightly fewer new dwelling units than otherwise would be built, since it restricts residential uses for a portion of the ground floor.

Access to a range of quality jobs enables people of different incomes and education levels to find employment and wealth building opportunities. To measure jobs diversity, the city looks at the number of jobs available and how the variety of these jobs compares to the variety of jobs citywide.



The subject areas within Berkeley and Regis have a low to moderate density of jobs, with the greater concentration of employment near Regis University. Overall, there is higher diversity of retail and innovation jobs than the citywide average in the two neighborhoods, but lower manufacturing diversity. The proposed rezoning may have a positive impact on job diversity in the neighborhood by creating new opportunities for employment. Staff finds that this rezoning application will have a positive impact on the area's jobs diversity.

2. Public Health, Safety and General Welfare

The City of Denver has adopted multiple plans in the interest of public health, safety and the general welfare including Comprehensive Plan 2040 and Blueprint Denver. As described in detail above, the text amendment and rezoning contribute to the goals, policies and strategies in these City plans, and through implementation furthers the health, safety and welfare of the City.

In addition, the proposed text amendment and rezoning further the general public health, safety and welfare of Denver residents by implementing enhanced design standards that reinforce the desired character of neighborhood mixed-use centers and corridors and encouraging more pedestrian-oriented outcomes. It has been shown that pedestrian-friendly, mixed-use areas can contribute to increased physical activity¹, greater community engagement², and mental health³.

(1) Ewing, R., and R. Cervero, 2010. (2) Putnam, 2000. (3) Lund, 2002. Per *Making Healthy Places: Designing and Building for Health, Well-being, and Sustainability*. Ed. Andrew L Dannenberg, Howard Frumkin, and Richard J. Jackson, Island Press, 2011.

3. Uniformity of District Regulations and Restrictions

This text amendment will result in uniform regulations applicable to all new development within the Active Centers and Corridors Design Overlay zone district. The proposed rezoning to apply the DO-8 overlay will result in the uniform application of zone district building form, use and design regulations within each zone district. No waivers and conditions are requested.

CPD Recommendation

1. Text Amendment

Based on the review criteria for text amendments stated in Denver Zoning Code (DZC) Section 12.4.11 (Text Amendment), CPD staff recommends approval of Text Amendment #9 of the Denver Zoning Code.

2. Map Amendment

Based on the review criteria for an official map amendment stated in DZC Section 12.4.10 (Map Amendment), staff recommends approval of Map Amendment #2020I-00080.

Attachments

1. Markup Draft of Text Amendment #9
2. Clean Draft of Text Amendment #9
3. Map Amendment Proposal
4. RNO and public comments/letters