



TO: Denver City Council
FROM: Curt Upton, Senior City Planner
DATE: February 6, 2017
RE: Official Zoning Map Amendment Application #2014I-00073
From: E-SU-Dx
To: PUD-G 14

Staff Report and Recommendation

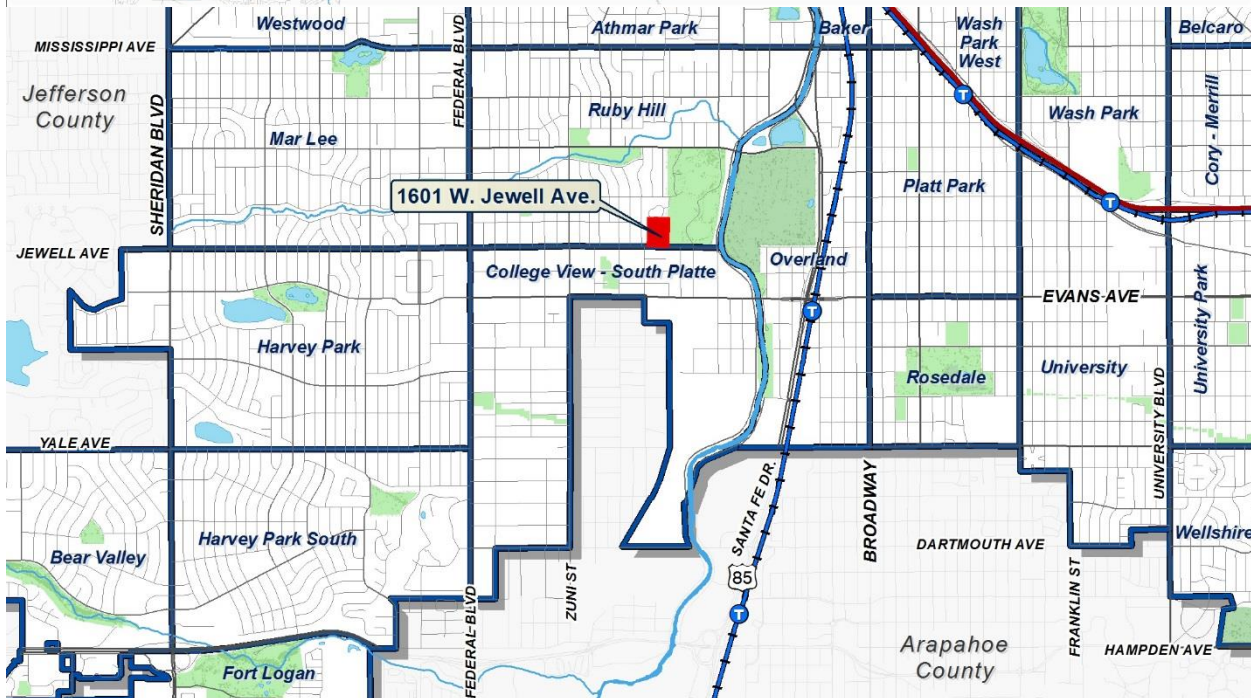
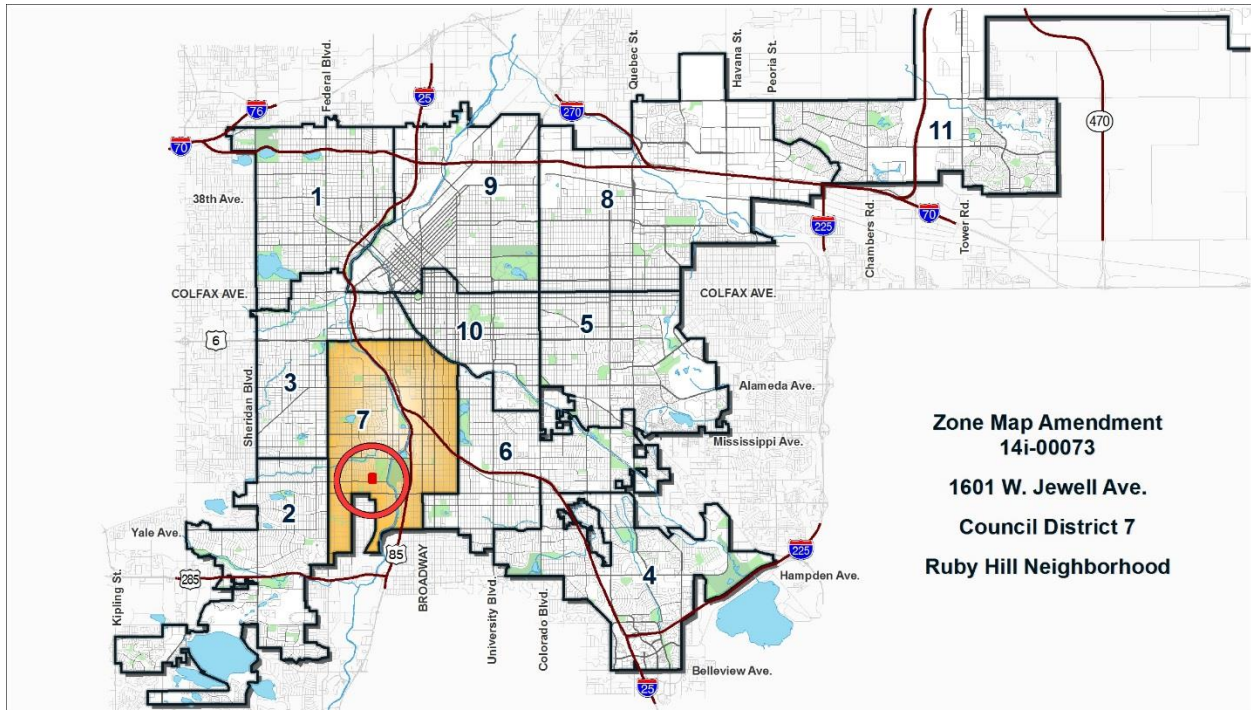
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for application #2014I-00073 for a rezoning from E-SU-Dx to PUD-G 14.

Request for Rezoning

Application:	2014I-00073
Address:	1601 W. Jewell Ave.
Neighborhood/Council District:	Ruby Hill / Council District 7
RNOs:	Ruby Hill - Godsmen Neighborhood Association, Inter-Neighborhood Cooperation, Denver Neighborhood Association.
Area of Property:	9.5 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	PUD-G 14
Property Owner(s):	Public Broadcasting of Colorado, Inc.
Proposer:	Bruce O'Donnell, Starboard Realty Group

Summary of Rezoning Application

- The subject property is in the Ruby Hill Statistical Neighborhood, near the intersection of Jewell Avenue and Platte River Drive. The site is currently used for a telecommunications tower and 1-story office and equipment storage.
- The current zoning is E-SU-Dx, a single unit residential district allowing urban and suburban house forms with a minimum lot size of 6,000 square feet.
- The applicant has requested rezoning to a Planned Unit Development (PUD) to facilitate redevelopment of the site into a 2-story office building and replacement radio transmission tower, while addressing unique site conditions.
- The requested PUD-G 14 allows residential, office, a replacement 400-foot-tall telecommunications tower, and a limited number of other non-residential uses. The PUD used the G-RO zone district's Use and Parking regulations and the E-MX-2x zone district's Design Standards as the base zone districts from which to prepare customized regulations. The PUD requires large building and tower setbacks, a visible, public pedestrian walkway through the site, design standards for the tower, and limitations on gross floor area and the location of parking.

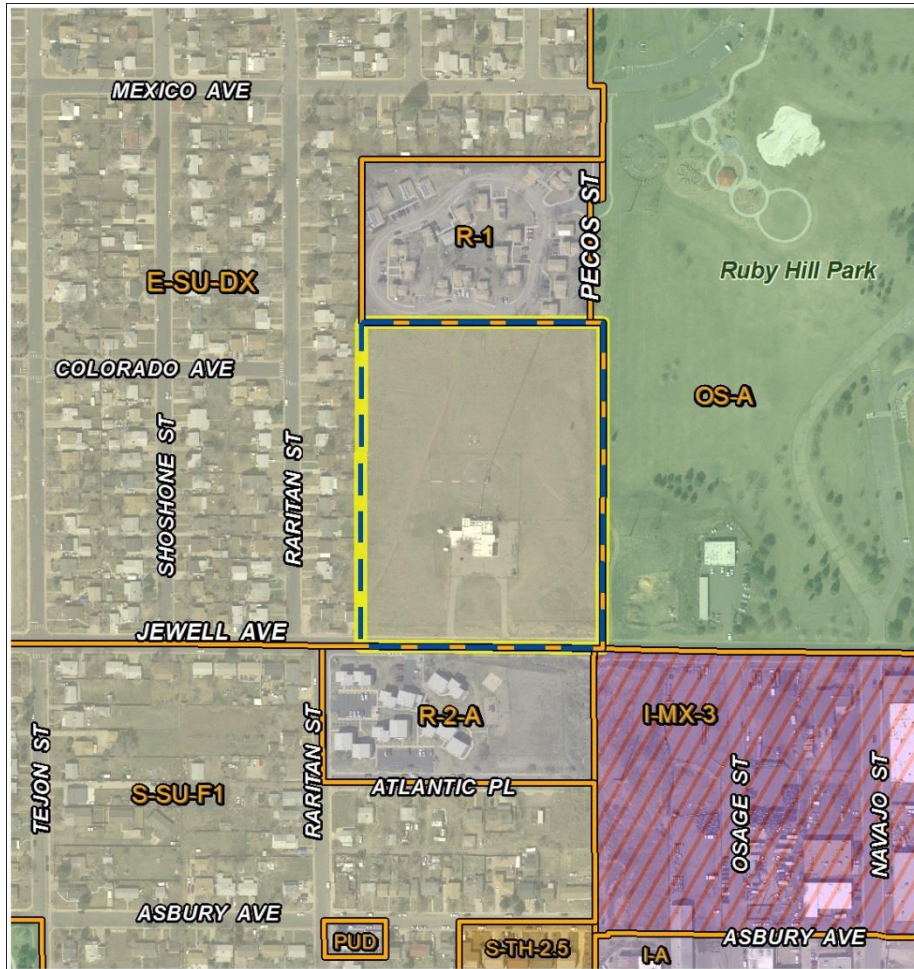


Existing Context

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

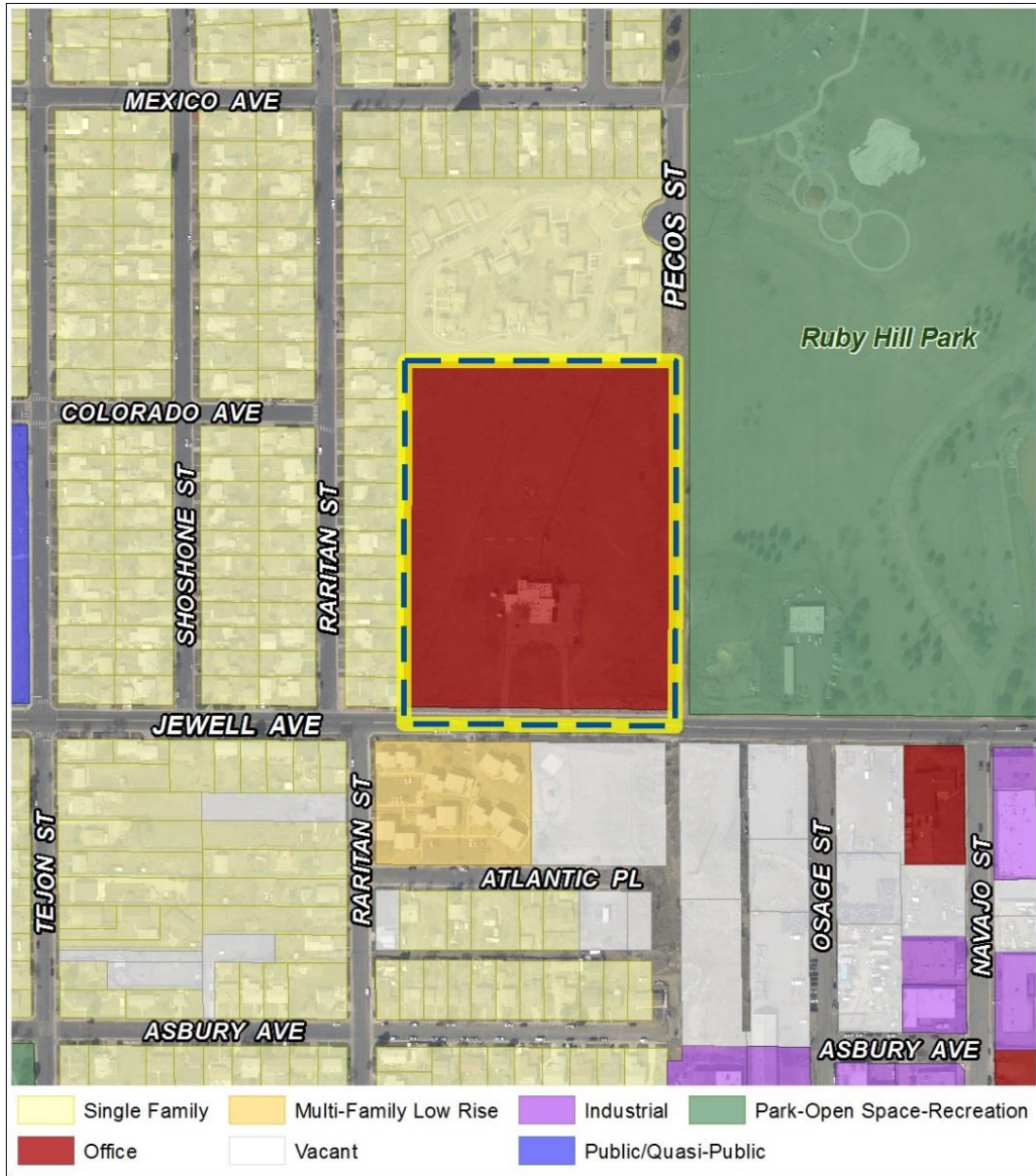
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Office	1-story office. Radio tower	Rectangular oblong blocks to west and south. Grid interrupted by curvilinear concept in DHA housing to north. ~6,000 sq. ft. single unit lots are prevalent.
North	R-1	Single-unit residential	1-story and split level DHA homes with common yards and surface parking.	
South	R-2-A	Multi-unit residential	2-story garden-style suburban apartments.	
East	OS-A	Ruby Hill Park	N/A	
West	E-SU-Dx	Single unit residential	1 and 2-story single family houses	

1. Existing Zoning



The current zone district applied to the site is E-SU-Dx which stands for **E**dge Neighborhood Context, **S**ingle **U**nit with the **x** option, allowing both urban and suburban house forms with a minimum zone lot area of 6,000 square feet and a maximum height of 2.5 stories and 35 feet. To the north and south of the site are Former Chapter 59 Zone Districts of R-1 (north) a single family district and R-2-A (south) a multi-family district. Ruby Hill park, located to the east of the site, is zoned OS-A, which stands for Open Space – A. I-MX-3, an industrial mixed use district with 3 stories of maximum height, is located to the southeast of the site.

2. Existing Land Use Map



3. Existing Building Form and Scale
(Google Street View)



Jewell Avenue, looking east



Jewell Avenue, looking west



Pecos Street (north of site) looking south

Summary of City Agency Referral Comments

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

Asset Management: Approved - No Comments

Environmental Health – Approved - DEH is not aware of environmental concerns that would impact the rezoning and does not object to the request.

Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of radon mitigation systems in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of

the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Public Works – City Surveyor: Approved

Parks and Recreation – Approved

Development Services, Transportation – Approved; DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Public Review Process

- The Applicant and City staff conducted an extensive public involvement process. A summary of the process is attached to this report.
- The RNOs identified on page 1 were notified of this application. A joint letter of support has been received from the Ruby Hill, Godsman, and Overland RNOs.
- CPD staff provided informational notice of receipt of the rezoning application to affected members of City Council and registered neighborhood organizations (RNOs) on September 30th, 2016
- A letter of support has been received from the Denver Housing Authority.
- A letter of support has been received from Chris Nevitt, former City Councilman
- The property has been legally posted for a period of 15 days announcing the November 2nd, 2016 Denver Planning Board public hearing, and written notification of the hearing has been sent to all affected registered neighborhood organizations and City Council members.
- The Denver Planning Board unanimously recommended approval of the proposed rezoning at their November 2nd, 2016 meeting.
- Following the LUTI Committee review, the rezoning application is typically referred to the full City Council for final action at a public hearing.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

DZC Section 12.4.10.9

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
3. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions; The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
4. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

Denver Comprehensive Plan 2000

The proposed rezoning is consistent with several strategies within the Comprehensive Plan, including:

- Environmental Sustainability Strategy 2-F: “Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place” (p. 37).
 - The proposed rezoning applies to an infill site with existing infrastructure.
- Land Use 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” (p. 60).

- The proposed rezoning will encourage compatible uses and development consistent with neighborhood character.
- Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated” (p. 99).
 - The proposed rezoning will encourage desirable uses that are compatible with the neighborhood and Ruby Hill Park, and can be accommodated on the large underutilized subject site.
- Denver Legacies Strategy 3-B: “Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver’s diverse housing needs and public transportation alternatives.” (pg. 99)
 - The proposed rezoning encourages a mix of uses while improving safe access to public transit.
- Mobility Strategy 8-A: “Ensure safe and convenient access and accommodation of bicycle riders, pedestrians and transit riders.” (pg. 80)
- Environmental Sustainability Strategy 4-D: “Promote convenient public transit for the community, including buses, light rail and other alternatives to single-occupancy vehicles.” (pg. 41)
- Mobility Land Use Strategy 3-C: “Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.” (pg. 77)
 - The subject site is served by RTD bus service and the proposed rezoning requires a public pedestrian walkway be built to enhance safe access to bus services for the site and surrounding neighbors.

The Map Amendment application cited additional Comprehensive Plan 2000 strategies that are consistent with the applicant’s anticipated development project, but are not relevant to the proposed rezoning.

Blueprint Denver

According to the 2002 Plan Map adopted in *Blueprint Denver*, this site has a concept land use of Open Space Limited and is located within an Area of Stability.



Area of Change / Area of Stability

The subject site is in an Area of Stability. In general, “The goal for Areas of Stability is to maintain the character of an area while accommodating some new development and redevelopment” (p. 120). The proposed rezoning is consistent with the goals for Areas of Stability, as the zone district will limit building heights to be consistent with the surrounding neighborhood, limit uses to those compatible with the residential character of the neighborhood, replace the existing telecommunications tower with an improved design, and maintain a large amount of open space on the site while encouraging redevelopment of an underutilized and unimproved property.

Future Land Use

The subject site is designated as Open Space Limited on the Blueprint Denver Land Use Map. While this designation is not specifically defined in Blueprint Denver, Parks and Open Spaces are generally described as areas that provide “a welcome respite from the intensity of urban living” and “...range from active neighborhood and community parks with recreation fields and centers to larger preserves of natural open areas that provide space for wildlife habitat.” (pg.40) The proposed rezoning will preserve a majority of the site as open space.

Street Classifications

Blueprint Denver classifies Jewell Avenue as a Residential Collector. According to *Blueprint Denver*, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas” (pg 51). Residential Streets are “designed to emphasize walking, bicycling and land access over mobility” and “create connections that emphasize walking, bicycling, and vehicular connections to Denver’s local parks.” (pg 51) The proposed rezoning is consistent with the definition of Residential Collector, as the zone district will allow both residential and commercial land uses, improve pedestrian connectivity, and facilitate greater access to Ruby Hill park.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to PUD-G 14 will result in the uniform application of the zone district building, form, use, and design regulations.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City primarily through implementation of the City’s adopted plans including *Comprehensive Plan 2000*, and *Blueprint Denver*.

4. Justifying Circumstance

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”

Ruby Hill park, located adjacent to the site, has received significant investment and improvements over the years, including a new bike park and a ski / snowboard hill. In addition, there are plans to add the Levitt Pavilion, a 7,500 hundred seat amphitheater within the park. The redevelopment of this site to allow a greater mix of uses while maintaining a large amount of open space will be consistent with the changing character of Ruby Hill as a community destination.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

Neighborhood Context Description

The proposed PUD-G 14 is consistent with the Urban Edge Neighborhood Context's varied development pattern, provides a greater mix of uses and improves the transition from commercial to residential uses.

Zone District Purpose and Intent

The proposed PUD-G 14 is consistent with the E-MX-2x and G-RO zone districts' purposes and intents. The PUD-G 14 will encourage safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods while also providing opportunities for residential and offices uses in low to moderate scale residential building forms.

6. Additional review criteria for rezoning to PUD District

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
 - The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code to respond to "Unique and extraordinary circumstances".
 - The subject site has an existing radio transmission tower and office use, is located within a lower density residential neighborhood, and is adjacent to a city park. The combination of the site's current uses and location requires a customized approach to ensure compatibility with the surrounding character while allowing a reasonable use of the property.
 - The PUD District provides significant public benefit not achievable through application of a standard Zone District, including:
 - The PUD District limits development to the middle of the site and to only 3.08 acres of the 9.48 acre site (32% of the Property).
 - The PUD District requires significant setbacks. These regulations will ensure that any development maintains the open space character of the site, provides a buffer for surrounding neighborhoods, and is respectful of and consistent with the intent and purpose of the Ruby Hill Park View Plane Ordinance.
 - The PUD District enables the development of a modest mix of uses, including uses that may generate employment opportunities.
 - The PUD District requires, as development occurs, an improved pedestrian walkway connecting the neighborhood to the north with the RTD bus stop located south of the subject site on W. Jewell Avenue.

- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
 - The PUD District complies with all standards and criteria stated in Division 9.6.
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
 - The PUD District is necessary because there is no zone district available that requires the large setbacks, public pedestrian connectivity through the site, surface parking location requirements, and unique mix of uses, including a telecommunications tower, office, and a limited number of other non-residential uses.
- D. The PUD District establishes permitted uses that are compatible with existing land uses adjacent to the subject property;
 - The PUD District limits uses non-residential, such as retail, medical office, and hotel uses, and allows others that are compatible with the adjacent residential neighborhoods.
- E. The PUD District establishes permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan.
 - The PUD District requires large setbacks from adjacent properties, limits building height to the same as adjacent single unit residential zone districts, and requires a replacement telecommunications tower with additional design standards and prohibits the use of guy wires.

Staff Recommendation

Based on the analysis set forth above, CPD staff finds that the application for rezoning the property located at 1601 W. Jewell Ave. (#2014I-00073) to PUD-G 14 zone district meets the requisite review criteria. Accordingly, staff recommends approval of the rezoning.

Planning Board Recommendation

Following the public hearing, the Planning Board voted unanimously to recommend that the Denver City Council approve the rezoning application.

Attachments

1. Application
2. PUD-G 14
3. Summary of neighborhood involvement process
4. Support letters



REZONING GUIDE

Rezoning Application for PUD Page 1 of 3

Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	PUBLIC BROADCASTING OF COLORADO, INC.	Representative Name	BRUCE O'DONNELL STARBOARD REALTY GROUP
Address	7409 ALTON COURT	Address	770 SHERMAN ST, #108
City, State, Zip	CENTENNIAL, CO 80112	City, State, Zip	DENVER, CO 80203
Telephone	303-871-9191	Telephone	720-441-3310
Email	JGENTRY@CPR.ORG	Email	BODONNELL@STARBOARDREALTYGROUP.COM
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1601 W. JEWELL AVE., DENVER, CO 80223		
Assessor's Parcel Numbers:	0521300008000		
Area in Acres or Square Feet:	9.478 ACRES, MORE OR LESS		
Current Zone District(s):	E-SU-0X		
PROPOSAL			
Proposed Zone District:	<input checked="" type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD	
Proposing SubAreas:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Intent of PUD:	SEE PUD DOCUMENT G14 1.3		
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	E-MX-2X, G-RO-3		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary:	Deviation	Why deviation is necessary	
	SEE PUD-G14	AND EXHIBITS A-H	
	HERE TO		

Last updated: September 29, 2015

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201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria DZC Sec. 12.4.10.9</p>	<p><input checked="" type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input checked="" type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6.</p> <p><input checked="" type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input checked="" type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached as a Microsoft Word document)
- Proof of Ownership Document(s)
- Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Deviations from Standard Zone District

Please list any additional attachments:

SEE EXHIBITS A-H, ATTACHED

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as ap- proved	Property owner representative written authori- zation? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO

Last updated: September 29, 2015

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REZONING GUIDE

Rezoning Application Page 3 of 3

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Public Broadcasting of Colorado, INC. 7409 S. Alton Court Centennial, CO 80112	1601 W. Jewell Ave. Denver, CO 80223	100%	 Max Wycisk, President	5/3/16	A	YES
					A	
					A	
					A	
					A	

Last updated: February 4, 2015

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Denver, CO 80202

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June 17, 2016

Mr. Curt Upton
Community Planning & Development
City of Denver
200 West Colfax Ave., Second Floor
Denver, CO 80202

RE: Cover letter for Colorado Public Radio's PUD application for property generally located at 1601 W Jewell Avenue, Denver

On behalf of Public Broadcasting of Colorado, Incorporated dba, Colorado Public Radio ("CPR"), please find attached to this letter a map amendment application to allow for rezoning in accordance with the PUD-G14 District Plan. The PUD-G14 application pertains to property CPR owns located at 1601 W. Jewell Avenue in Denver (the "Property"). CPR is requesting a PUD to allow us to replace the existing tower and give us the opportunity to explore best use of the land that is also compatible with the surrounding residential neighborhood and Ruby Hill Park.

CPR currently operates out of a donated building in Centennial but recent growth caused us to explore future opportunities, including the Property on Ruby Hill. Since the land is currently zoned residential, we approached the city over a year ago and began discussions on how best to re-zone it. After consulting with the city, we launched a series of meetings with Denver's Department of Community Planning and Development (CPD) and the Residential Neighborhood Organizations (RNOs) that are adjacent to the Property, including Ruby Hill, Godsman and Overland.

With the help of an independent mediator, we met with city officials and neighborhood groups eight times, three of which included a working group tasked to discuss neighborhood concerns, options and possibilities for redevelopment of the Property. The resulting discussion led to the drafting of the attached PUD-G14 that fits CPR's requirements, reflects the neighborhoods' needs and is in alignment with the Property's unique characteristics, particularly its adjacency to Ruby Hill Park.

Key aspects of the PUD-G14 include:

1. A PUD based upon a hybrid of the E-MX-2 and G-RO zoning
2. Area setbacks and a build-within zone for the building
3. Two different land development areas, one for a building (Building Envelope) and the other a minimally impacted area that will retain much of the natural vegetation
4. A tower footprint allowing a 400' tall radio transmission tower (Tower Envelope)
5. Parking along the eastern edge of the property
6. Building height limitations consistent with initial residential zoning

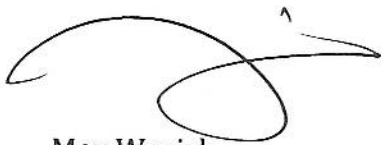
For the neighbors and users of Ruby Hill Park, development of the Property would enable a number of public benefits, including better pedestrian connectivity, significant setbacks and natural landscaping to keep a park-like atmosphere, and parking that could be used by Ruby Hill Park users.

The-PUD-G14 was unanimously approved by the three neighborhood groups in January, 2016. ATTACHMENTS F and G provide additional detail about the process and support from our independent mediator and the neighborhood groups.

In conjunction with the PUD-G14, CPR is also requesting an application for variances from the Ruby Hill Park View Plane ordinance (the "Request"). This Request is needed because the current view plane ordinance effectively precludes any reasonable and viable use of the Property beyond its current use. The Request application and supporting documentation is provided under separate cover.

Thank you for your attention to and thoughtful consideration of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Wycisk', with a stylized flourish extending to the right.

Max Wycisk
President

List of Exhibits

- Exhibit A:** Statement of Compliance with General Review Criteria (DZC Sec. 12.4.10.7)
- Exhibit B:** Statement of Compliance with Additional Review Criteria for Non-Legislative Rezoning (DZC Sec. 12.4.10.8)
- Exhibit C:** Property Legal Description and Map Exhibits
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record
- Exhibit F:** Letters of Support From:
1. RNOs: Ruby Hill, Godsman & Overland Park
 2. Denver Housing Authority
 3. Chris Nevitt
- Exhibit G:** Summary of Community Engagement and Public Outreach Process
- Exhibit H:** Signature Authority Authorization Resolution of Board of Directors of Public Broadcasting of Colorado, Inc.

EXHIBIT A

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

Colorado Public Radio (“CPR”) on behalf of Public Broadcasting of Colorado, Incorporated, proposes to rezone the approximately 9.5 acres located at 1601 W. Jewell from E-SU-DX to PUD (the “Property”) in order to facilitate the replacement of the existing telecommunications (radio) tower and the modest redevelopment of the Property.

In addition to a replacement telecommunications tower, PUD – G14 allows for building construction within a setback established building envelope. Development standards include a two story (35’) height limitation, and a maximum of 100,000 sq. ft. of building area; with a parking solution, natural areas and pedestrian connections requested by neighbors. These attributes of the PUD are further detailed herein.

A. REVIEW CRITERION DZC § 12.4.10.7.A- The proposed official map amendment is consistent with the City’s adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2000 and Blueprint Denver (2002).

1. The proposed map amendment is consistent with many objectives of *Denver Comprehensive Plan 2000* including:

- a) Environmental Sustainability Strategy 2-F: “Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place” (p. 37). *PUD-G14 applies to an infill site surrounded by existing infrastructure*
- b) Land Use 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” (p. 60). *PUD- G14 brings compatible uses and development consistent with neighborhood character in that it keeps an open feel and limited building heights as requested and approved by surrounding neighbors.*
- c) Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated” (p. 99). *The Property subject to PUD-G14 is well positioned to accommodate the moderate increase in density prescribed by the PUD, while bringing desirable and even RNO requested uses that are a good fit with Ruby Hill Park, Levitt Pavilion and the surrounding neighborhoods.*
- d) Environmental Sustainability Strategy 2-G: “Sharing parking at activity centers” (pg. 40) *PUD-G14 specifically enables shared parking. This PUD locates surface parking between Ruby Hill Park and the PUD boundary area in response to feedback from the neighbors and Denver Parks and Recreation. This location will enable shared parking on the Property.*
- e) Environmental Sustainability Strategy 4-D: “Promote convenient public transit for the community, including buses, light rail and other alternatives to single-occupancy vehicles.” (pg. 41) *The Property is served by RTD bus service and the PUD requires*

that, as development occurs, a pedestrian path be built to enhance safe access to bus service for neighbors.

- f) Mobility Land Use Strategy 3 - 3-C: “Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.” (pg. 77) *The Property is served by RTD bus service and the PUD requires that as development occurs a pedestrian path be built to enhance safe access to bus service for neighbors.*
- g) Mobility Strategy 8-A: “Ensure safe and convenient access and accommodation of bicycle riders, pedestrians and transit riders.” (pg. 80) *The Property is served by RTD bus service and the PUD requires that a pedestrian path be built to enhance safe access to bus service for neighbors.*
- h) Denver Legacies Strategy 3-A: “Identify areas in which increased density and new uses are desirable and can be accommodated.” (pg. 99) *PUD-G14 implements this strategy by allowing reuse and reinvestment in an underutilized site.*
- i) Denver Legacies Strategy 3-B: “Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver’s diverse housing needs and public transportation alternatives.” (pg. 99) *The intent of PUD-G14, among other things, encourages a mix of uses that will allow development at densities and uses supported by the neighborhoods while providing safe access to public transit.*
- j) Denver Legacies Strategy 14-B: “Encourage developing communities to create shared community spaces that will serve the needs of and be accessible to a variety of organizations and groups.” (pg. 105) *The PUD will encourage shared uses and facilities with Ruby Hill Park and Levitt Pavilion.*

2. The proposed map amendment is consistent with many objectives of *Blueprint Denver* including:

The Property currently is located in a ***Blueprint Denver*** Area of Stability and classified as Open Space Limited. Open Space Limited is a designation utilized for commercial and civic uses to include the CPR Property, water storage reservoirs and cemeteries. Ruby Hill Park is located immediately east of the Property, single family residential is located to the west and north of the Property, and multifamily residential and industrial uses are located to the south and southeast of the Property. A popular RTD bus stop is located on W. Jewell Avenue to the south of the Property and the South Platte River and bike path are located a short distance farther east of the Property.

The Property consists of an underutilized single story 6,000 square foot office building and an aging telecommunications tower. Also within the Property is an informal, unimproved, and unlit walking path that connects the residential neighborhood to the north to the RTD bus stop located on W. Jewell Avenue to the south of the Property. The regulatory constraints on the Property prohibit any redevelopment of the Property; a direct result of these constraints is the stagnation and deterioration of the Property. The proposed PUD provides for the potential development of low impact uses (such as office and broadcasting; along with limited residential and retail uses) and a replacement telecommunications tower. Development is limited to 35’ in

height feet and 2 stories and only 100,000 square feet for the entire Property, in a specified building envelope created by setbacks. Moreover, in order to maintain the open space character and feel of the Property, the PUD limits building development to occur within only 3.08 acres of the 9.48 acre Property (or within only 32% of the Property). It warrants emphasis that the PUD, including its use, design, and development standards, is the result of thorough and respectful negotiations with neighbors, evidenced by the favorable support of the PUD given by the Ruby Hill, Godsman and Overland RNOs.

The stated goal of Areas of Stability “is to maintain the character of these areas yet accommodate some new development and redevelopment to prevent stagnation.” (p.5). To this end, **Blueprint Denver** acknowledges that there may be places where investment would be desirable to make the area an asset to and supportive of the surrounding neighborhoods. (pp. 23, 121-122) **Blueprint Denver** generally thinks of Areas of Stability as belonging predominantly to one of two categories: a “Committed Area” or “Reinvestment Area.” Committed Areas are stable neighborhoods with generally adequate infrastructure that may benefit from minor infill development. Reinvestment Areas are neighborhoods with a character that is desirable to maintain but that would benefit from reinvestment through modest infill and redevelopment or major projects in a small area. **Blueprint Denver** does not identify such areas and expressly states that many neighborhoods will not cleanly fit into the committed or reinvestment approach. (pp. 122-123)

The City’s own actions over the past several years demonstrate that investment in this area – whether characterized as a committed or reinvestment approach—is desirable and a benefit to the surrounding neighborhoods. For much of its history, Ruby Hill Park was in a state of stagnation and underutilized by nearby residents and the general public. This began to change in 2007 with the City’s development of the hugely successful winter urban terrain park within the park, known as the Ruby Hill Rail Yard. The City has since invested in a new pavilion and playground equipment and picnic tables for the Park and currently is working on the development of an urban mountain bike course and partnering with a non-profit to develop an amphitheater with capacity for 7,500 concert-goers, the “Levitt Pavilion”).

The modest redevelopment of the Property under the PUD will compliment the City’s efforts to activate and improve Ruby Hill Park and provide benefits to the Ruby Hill, Godsman and Overland Park neighborhoods and the general public consistent with many strategies and principles set forth in **Blueprint Denver**. First, redevelopment of the Property under the PUD will provide a buffer and transition between the single family neighborhoods located to the north and west of the Property and the multifamily and industrial uses located to the south and southeast of the Property; low impact uses such as office with limited retail and service uses are allowed under the PUD and the PUD establishes significant setback and siting requirements to retain the open space feel and character of the Property (pp. 25, 76).

Second, the PUD requires that an improved and well-lit pedestrian walkway be provided (as development occurs) to formally connect the neighborhood to the north of the Property to the RTD bus stop located south of the Property. This will further **Blueprint Denver's** goals of improving pedestrian access and linkages to other forms of transportation (in this case, a popular bus stop and the South Platte River bike path). (pp. 107, 125)

Third, location of parking under the standards set forth in the PUD will facilitate the shared use of parking for users of the Property and Ruby Hill Park. (p. 107). Further, CPR took the residents' concerns regarding traffic and parking to heart and agreed to establish PUD standards that limit parking to the east side of the Property, thereby keeping service and delivery areas away from residential uses. (p. 60)

Fourth, the replacement of the functionally aging building and tower on the Property with modern structures on the Property is consistent with **Blueprint Denver's** emphasis on reinvesting in substandard and deteriorating infrastructure. (p. 60).

Fifth, **Blueprint Denver** envisions potential conflicts between uses being eased by among other things: vegetated screens or buffers and site arrangements to keep service areas screened and away from residential uses. Ruby Hill and Overland Park residents expressed their desire during CPR's public outreach efforts on the PUD for redevelopment of the Property to be setback from their homes and for the open space feel of the Property to be retained. In response to these public comments, CPR has included in the PUD siting, setback, and landscaping requirements that will ease potential conflicts between uses on the Property and existing neighborhoods and the Park. These standards limit development to the middle of the Property while maintaining open areas within large setback areas on three sides of the Property, allowing parking to be located on the east side, which neighbors requested.

In addition to the foregoing, **Blueprint Denver** notes that "zoning should be adopted that makes relatively few current uses non-confirming but resolves the incompatibility of parts of the current zoning map with Plan 2000's vision." (p. 87) **Blueprint Denver** goes on to acknowledge that the City may discover that the plan did not predict the growth and evolution of a neighborhood or the city correctly, (p. 38), and provides that it may be appropriate to change the zoning in Areas of Stability to create a better match between existing land uses and the zoning. (p. 75). Thus, **Blueprint Denver** anticipates the necessity for rezoning in situations like this one where zoning of the Property does not reflect the historical use of the Property as a broadcast and tower site.

In summary, **Blueprint Denver** provides that "The role of regulation in Areas of Stability is to ensure that land uses and densities are compatible with stable residential neighborhoods. Another role is to make sure that beneficial commercial development in reinvestment areas is not impeded and that any redevelopment that occurs is attractive and supportive of transit, walking and bicycling. Regulation also aims to prevent or mitigate negative impacts from non-residential development, especially where these uses are adjacent to residential development." (p. 123)

Blueprint Denver is designed to ensure that commercial investment in redevelopment areas is not impeded and redevelopment is supportive of transit. The process undertaken to develop this PUD and the resulting PUD document is an excellent example of a successful collaborative effort between a property owner and its neighbors to implement these objectives.

- B. REVIEW CRITERION DZC § 12.4.10.7.C - The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.**

The regulations and restrictions established by this PUD will be uniformly applied to each kind of building that may be developed within the PUD area.

- C. REVIEW CRITERION-The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment will further the public health, safety, and general welfare of the City by, among other things: facilitating the improvement, as development of the Property occurs, of a publicly accessible pedestrian walkway that will provide safe and convenient access through the Property from the residential area located north of the Property to the RTD bus stop located on W. Jewell Ave to the south of the Property; establishing significant setback requirements to buffer any redevelopment within the Property from adjacent residential and park uses; and requiring that the City's existing landscaping standards apply to certain areas within the Property and natural vegetation be maintained within other areas of the Property based on feedback from neighbors and Denver Parks and Recreation. The PUD also establishes standards to ensure that any replacement telecommunications tower will be aesthetically more appealing to neighboring properties and park users than the existing guyed telecommunications tower including standards that limit the diameter of the base of the tower, prohibit guyed towers, and require a self-supporting latticed and pyramidal tower.

EXHIBIT B

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezonings (DZC § 12.10.8)

A. CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area.

The 9.5 acre Property is located in a part of Denver that has until recently lacked public investment when compared to other neighborhoods. Over the past several years, however, the City has invested significantly in Ruby Hill Park, benefiting the surrounding neighborhoods. For much of its history, Ruby Hill Park was in a state of stagnation and underutilized by nearby residents and the general public. This began to change in 2007 with the City's development of the hugely successful winter urban terrain park within the park, known as the Ruby Hill Rail Yard. The City has since invested in a new pavilion and playground equipment and picnic tables for the Park.

Current important enhancements to the neighborhood to include:

Ruby Hill Mountain Bike Course: The Denver Parks and Recreation Department is under construction today building a technical mountain biking course on the west edge of Ruby Hill Park, immediately adjacent to the CPR property. This course will attract users from throughout the region, creating an additional activity center at Ruby Hill that will benefit from the mix of uses allowed in the PUD, as well as the PUD enabled enhanced multi modal connections and parking opportunities.

Levitt Pavilion: Within Ruby Hill Park, a public private partnership is underway between the City of Denver and Levitt Pavilion to build a 7,500 seat outdoor amphitheater and concert venue that will produce an estimated 200 public concerts and shows annually. This change presents a major opportunity for the neighborhood as a regional cultural attraction and economic generator. Such changes create synergistic opportunities for CPR and Levitt once the PUD can be implemented.

Multi Modal Connectivity Plans: With the expansion of light rail, and the adoption of Station Area Plans, there is increasing focus on creating safe east-west connections from west of the Platte river near Ruby Hill to the transit infrastructure on the east side of the river. These plans include a bike and pedestrian crossing of the Platte near W. Jewell Ave, proximate to the CPR site.

Together, these activities demonstrate that the Property and its surroundings are changing to a degree that warrant the rezoning of the Property, and that reinvestment in the Property is desirable and a benefit to the surrounding neighborhoods.

These changes are indicative of a trend in the area whereby quality public investment and planning is fostering private reinvestment in the area. Microbreweries and cafes are appearing in the industrial areas north and east of Ruby Hill and west of the river. Likewise, reinvestment in the housing stock throughout this part of Denver is evident.

These changes signify the evolution of how land is utilized in urban infill settings and how the Property can evolve collaboratively through neighborhood supporting reinvestment. Through and in response to community engagement, CPR has identified synergistic opportunities with Levitt Pavilion and Denver Parks and Recreation to plan for neighborhood and park enhancing reinvestment to include: (i) shared parking with Levitt and Ruby Hill Park; and (ii), collaborative opportunities with the Levitt Pavilion. In addition, redevelopment of the Property will create improved bike and pedestrian connectivity with detached sidewalks, a trail, and lighting to create and encourage safe convenient pedestrian opportunities.

For these reasons it is in the public interest to encourage redevelopment of and reinvestment in this changing area.

B. CRITERION DZC § 12.4.10.8.B – The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

General Character

The Development Standards for PUD-G14 are based on the E-MX-2X Zone District, which is a zone district that is a part of the Urban Edge Neighborhood Context. The Urban Edge Neighborhood Context is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. Commercial buildings in the Urban Edge Neighborhood Context are typically Shopfront and General forms that typically contain a single type of use.

- *The PUD blends elements of both urban and suburban neighborhood contexts in that it maintains an open park like setting due to its adjacency to Ruby Hill Park, while incorporating building form and massing consistent with more urban settings. It is anticipated that primarily a single anchor user, with the possibility of ancillary mixed uses be subject to the PUD and occupy the property. PUD-G14 is therefore consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

Street and Block / Access

The Urban Edge Neighborhood Context consists of a regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. Orthogonal streets provide connection and a mixed presence of alleys. Block sizes and shapes are consistent and include attached, detached and non-existent sidewalks, treelawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

- *The area surrounding and providing access to the PUD-G14 District consists of a regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. The PUD requires detached sidewalks and treelawns where none exist today; as well as street and surface parking, and landscaping in the front setback. PUD-G14 is therefore consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

Building Placement and Location

Building orientation along a block face may be inconsistent or consistent. Commercial buildings typically have consistent orientation and front setbacks deep enough to allow for a mix of landscaping and some parking.

- *PUD-G14 will have front setbacks deep enough to allow for significant landscaping and some parking. Building orientation will be unique to the PUD, but is consistent with neighborhood objectives and input. PUD-G14 is therefore consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

Building Height

The Urban Edge Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

- *Building heights within the PUD are limited to two stories. This low scale building requirement for PUD-G14 is therefore consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

Mobility

There is reliance on the automobile with some pedestrian and bicycle activity and low to medium level of access to the multi-modal transportation system.

- *PUD-G14's Development Standards anticipate reliance on cars, but also create opportunities for pedestrian and bicycle activity with paths, lighting and detached sidewalks thereby also improving access to the multi-modal transportation system. PUD-G14 is therefore consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.*

The proposed map amendment will allow for substantial reinvestment in the neighborhood that is in keeping with the existing context of a radio broadcast facility with significant undeveloped land and pedestrian connections proximate to neighborhoods, Ruby Hill Park and an industrial area. As such, the map amendment has the unanimous support of the three RNOs nearest the Property – Ruby Hill, Godsman and Overland.

Design elements imbedded in the zoning such as building height and orientation, and quality parking solutions; as well as limitations on permitted uses, will help create a quality community the City and its residents will be proud of.

PUD-G14 Permitted Uses

The permitted uses in this PUD are based on the **General Urban Neighborhood Context** and the G-RO-3 Use Table and were agreed and are supported by neighbors through a series of public meetings held to define the Use Standards in this PUD-G14.

DZC 6.1.1 General Character

... Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure.... Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets. *PUD-G14 Achieves these character goals by allowing the variety of building forms found in E-MX-2X, allowing a mixture of uses within the same structure and allows low scale commercial development that is embedded within existing residential areas.*

6.2.2.1 G-RO-3 General Purpose

C. ... The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms. *PUD-G14 accomplishes this using the E-MX-2X Development Standards such as the 2 story height limitation.*

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods

6.2.2.2 G Residential Office 3 (G-RO-3)

G-RO-3 is a multi-unit and office district allowing urban house, duplex, row house, and apartment building forms. The tallest building form has a maximum height of three stories. *PUD-G14's two story height limit better respects and fits into the surrounding neighborhood character.*

PUD General Purpose and Intent Pursuant to DZC Section 9.6.1.1

A. The general purpose of a Planned Unit Development Zone District ("PUD District") District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements of the Denver Zoning Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable and multiple variances, waivers, and conditions can be avoided.

- *The Property is characterized by unique and extraordinary circumstances including: being located at the highest point in the City and County of Denver, being sandwiched between an established neighborhood to the north and west and Ruby Hill Park to the east, having limited access only available from the south, having an existing 400' tall telecommunications tower on site, and being located in a view plane ordinance that effectively prohibits any redevelopment of the property. These unique and extraordinary circumstances warrant a flexible and customized approach to zoning that: provides CPR and the City with a mechanism to respond to the concerns and desires raised by the surrounding neighborhoods during CPR's extensive public outreach, preserves the open space quality of the Property and provides benefits to the park; and maintains the purposes of the view plane ordinance.*

B. “Unique and extraordinary circumstances” that justify use of a PUD District include, but are not limited to, the following:

1. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;

- *The Property has special physical characteristics including the need to accommodate a 400’ self-supporting tower that will require specialized construction practices, an existing informal trail crossing it, limited access only from the south, a uniquely large (9.48 acres) lot that includes the highest point in Denver, its inclusion in the Ruby Hill Park View Plane Ordinance, and topography; all of these characteristics are considered and responded to in the proposed PUD.*

2. Where a customized zoning approach is necessary to protect and preserve the character of a historic structure or historic district;

- *Not applicable*

3. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or

- *Not applicable*

4. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.

- *Careful phasing within the PUD District will be required as the existing tower must remain operational until the replacement tower is constructed and operational.*

C. A PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.

- *As demonstrated in Section B of this Exhibit B, this PUD is consistent with the Urban Edge neighborhood context. In addition, the PUD, in addressing neighborhood input to create a site specific zoning responsive to and integrated into the community is a priority that would not have been achieved if only economic feasibility was the driving force of the rezoning.*

D. In return for the flexibility in site design with respect to the arrangement, heights, and setbacks of buildings, densities, open space and circulation elements, development under a PUD District should provide significant public benefit not achievable through application of a standard Zone District, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

- *PUD-G14 provides significant public benefit not achievable through application of a standard Zone District. Including:*
 1. *The PUD limits development to the middle of the Property and to only 3.08 acres of the 9.48 acre site (32% of the Property). With the exception of the 400' replacement telecommunications tower, which will be subject to design guidelines set forth in the PUD and a design review process already required by the Denver Zoning Code, all buildings and structures within the Property will be limited in height to 2 stories and 35 feet. The PUD requires significant setback areas on 3 sides of the Property, requiring natural landscaping areas in some areas and formalized landscaping in other areas based on feedback from the neighborhoods and the City. These regulations will ensure that any development within the Property maintains the open space character of the Property, provides a buffer for surrounding neighborhoods, and is respectful of and consistent with the intent and purpose of the Ruby Hill Park View Plane Ordinance.*
 2. *The PUD enables the development of a modest mix of uses, including uses that may generate employment opportunities.*
 3. *The PUD allows for the realization of synergies with the future Levitt Pavilion and Ruby Hill Park in general, including the possibility for shared parking.*
 4. *The PUD requires, as development occurs, an improved pedestrian walkway connecting the neighborhood to the north with the popular RTD bus stop located south of the Property on W. Jewell Avenue.*
 5. *Three RNOs, Ruby Hill, Godsman and Overland participated in an 8 month public outreach process to craft both the Development Standards and the Use Standards for the PUD, resulting in customized zoning that limits development of the Property to something that is compatible with nearby areas, Ruby Hill Park, and the Ruby Hill View Plane Ordinance, and, as detailed in Exhibit A of this PUD Application, consistent with the goals and objectives of the Comprehensive Plan.*

Exhibit C
Property Legal Descriptions and Map Exhibits



EXHIBIT C

THAT PART OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH/SOUTH CENTERLINE OF SAID SECTION, 40 FEET NORTH OF THE SOUTH QUARTER CORNER, THENCE NORTH ALONG SAID CENTER LINE 726.7 FEET; THENCE WEST AT RIGHT ANGLES 569.4 FEET; THENCE SOUTH AT RIGHT ANGLES 726.7 FEET; THENCE EAST AT RIGHT ANGLES 569.42 FEET TO THE POINT OF BEGINNING.

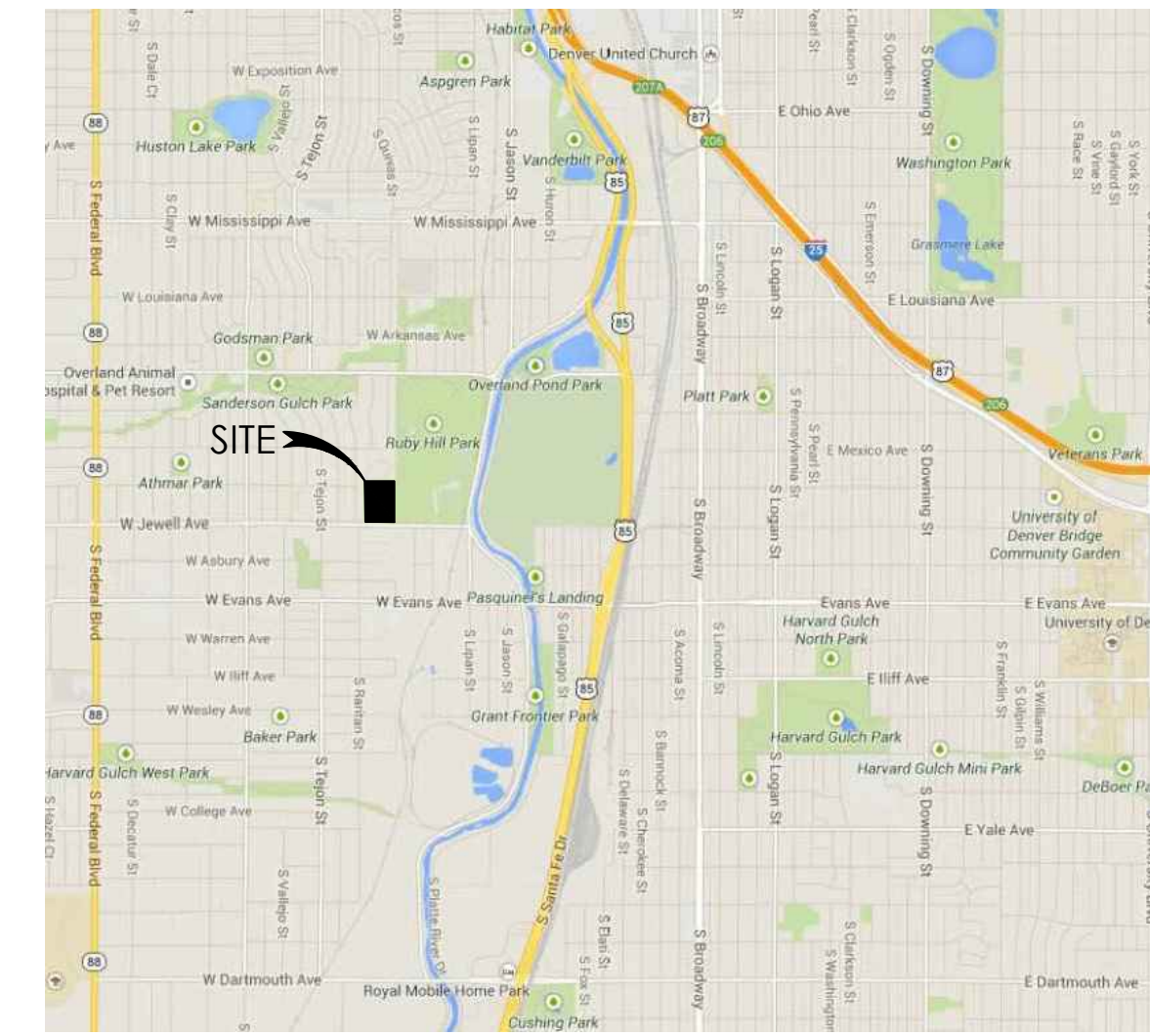
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

CAMERON M. WATSON, PLS
COLORADO LICENSE NUMBER 38311
FOR AND ON BEHALF OF POINT CONSULTING, LLC
8341 S. SANGRE DE CRISTO, SUITE 102
LITTLETON, CO 80127
(720) 258-6836
cwatson@pnt-llc.com



BOUNDARY & TOPOGRAPHIC SURVEY

SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21 TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN CITY AND COUNTY OF DENVER, STATE OF COLORADO



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION (DEED):

THAT PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH/SOUTH CENTERLINE OF SAID SECTION, 40 FEET NORTH OF THE SOUTH QUARTER CORNER, THENCE NORTH ALONG SAID CENTER LINE 726.7 FEET; THENCE WEST AT RIGHT ANGLES 569.4 FEET; THENCE SOUTH AT RIGHT ANGLES 726.7 FEET; THENCE EAST AT RIGHT ANGLES 569.42 FEET TO THE POINT OF BEGINNING.

CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

LEGAL DESCRIPTION (AS SURVEYED):

A PARCEL OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE SIXTH P.M., CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHWEST ONE-QUARTER OF SECTION 21 AND CONSIDERING THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER TO BEAR S00°21'39"W WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE ALONG THE SAID EAST LINE N00°21'39"E, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY FOR W. JEWELL AVE;
THENCE ALONG SAID NORTH RIGHT-OF-WAY 40.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SAID SOUTHWEST ONE-QUARTER N89°09'36"W, A DISTANCE OF 569.42 FEET;
THENCE PARALLEL TO THE EAST LINE OF THE SAID SOUTHWEST ONE-QUARTER N00°21'39"E, A DISTANCE OF 726.7 FEET;
THENCE S89°28'31"E, A DISTANCE OF 569.40 FEET TO A POINT ON THE EAST LINE OF THE SAID SOUTHWEST ONE-QUARTER;

THENCE ALONG SAID EAST LINE S00°21'39"W, A DISTANCE OF 726.70 FEET TO THE POINT OF BEGINNING;

CONTAINING 412,891 SQUARE FEET OR 9.478 ACRES, MORE OR LESS.

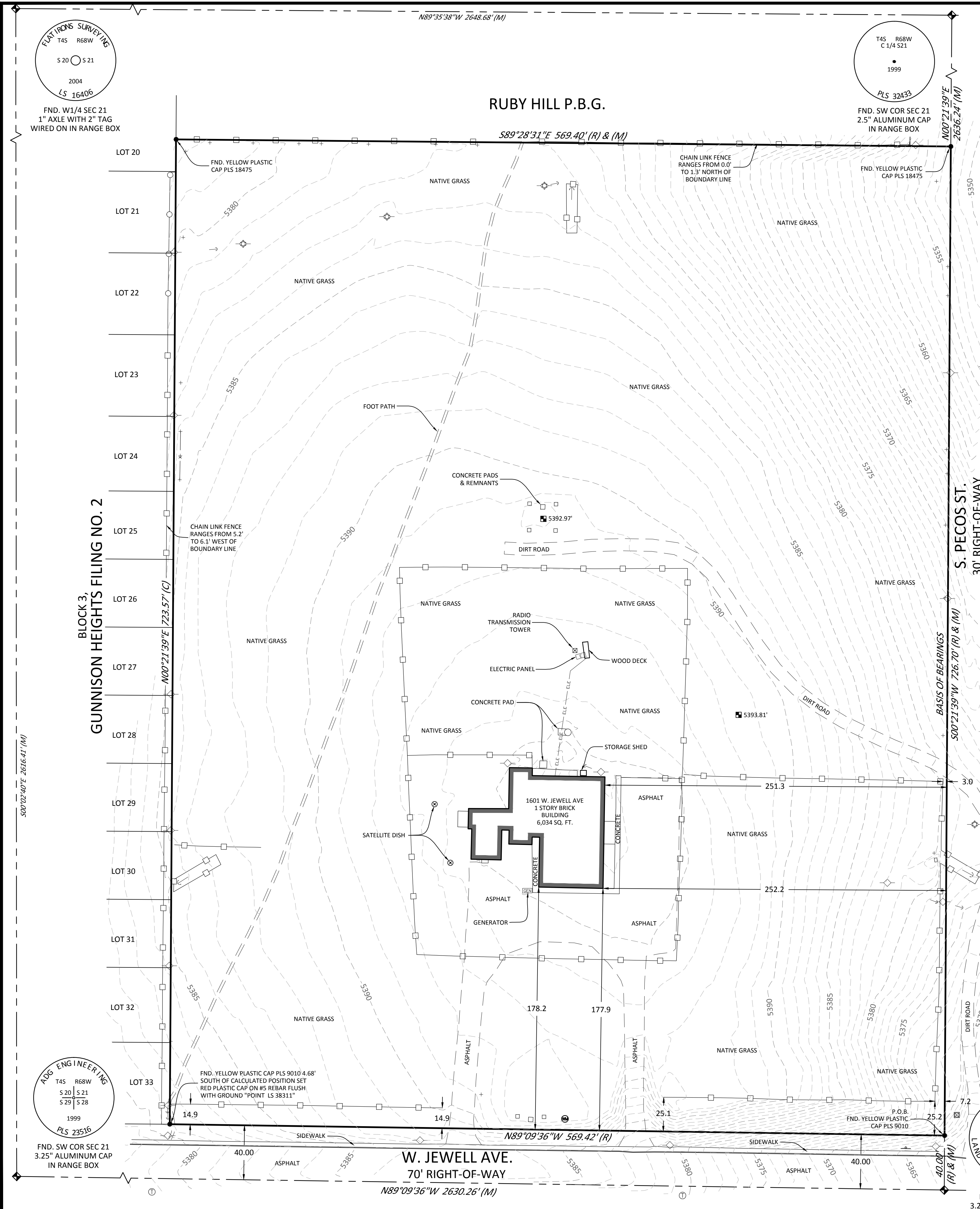
SURVEYOR'S NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. BOUNDARY INFORMATION WAS DETERMINED FROM RECORDED MAPS AND DEEDS.
- BASIS OF BEARINGS: S 00°21'39" W BEING THE EAST LINE OF THE SOUTHWEST ONE-QUARTER SECTION 21, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS MEASURED BETWEEN THE MONUMENTS FOUND AND SHOWN HEREON.
- FLOOD ZONE DESIGNATION: ACCORDING TO FLOOD INSURANCE RATE MAP (F.I.R.M.) NUMBER 0800460192H, WITH AN EFFECTIVE DATE OF NOVEMBER 20, 2013, THE ENTIRE PROPERTY LIES ENTIRELY WITHIN THE FOLLOWING ZONE DESIGNATION:

ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- UNIT OF MEASURE: U.S. SURVEY FOOT
- OBSERVED PARKING SPACES: NONE.
- THE UTILITIES SHOWN HEREON WERE LOCATED FROM SURFACE EVIDENCE. FOR EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES, POT-HOLING IS RECOMMENDED. THE SURVEYOR HAS NOT PHYSICALLY OR ACTUALLY LOCATED ANY UNDERGROUND UTILITIES.
- THE SUBJECT PROPERTY CONTAINS 412,891 SQUARE FEET OR 9.478 ACRES, MORE OR LESS.
- PUBLISHED PROPERTY ADDRESS: 1601 W. JEWELL AVE, DENVER, CO.
- BENCHMARK: CITY AND COUNTY OF DENVER BENCHMARK NO. 512 BEING A CCD BRASS CAP LOCATED IN THE TOP OF CURB AT THE SOUTHEAST CORNER OF W. JEWELL AVE AND S. RARITAN ST. APPROXIMATELY 9' SOUTH OF THE SOUTH P.C.
ELEVATION = 5374.61' (NAVD 88 VERTICAL DATUM)

DEPOSIT CERTIFICATE:

DEPOSITED THIS _____ DAY OF _____, 20____, AT _____ M., IN BOOK _____ OF THE COUNTY SURVEYOR'S LAND SURVEY PLATS/RIGHT-OF-WAY SURVEYS AT PAGE _____, CITY AND COUNTY OF DENVER RECORDS.



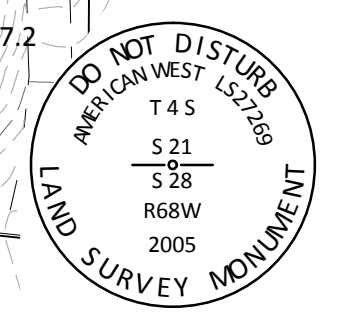
MAP LEGEND

- FIRE HYDRANT
- WATER VALVE
- WATER METER
- SANITARY MANHOLE
- TELEPHONE MANHOLE
- PHONE PEDISTAL
- LIGHT POLE
- POWER POLE
- GUY WIRE & ANCHOR
- T-POST & WIRE REMNANTS
- BENCHMARK
- MEASURED
- RECORD
- CALCULATED
- SECTION CORNER
- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- ELECTRIC LINE
- FENCE - CHAIN LINK
- FENCE - WOOD
- EDGE OF ASPHALT
- MAJOR CONTOUR
- MINOR CONTOUR

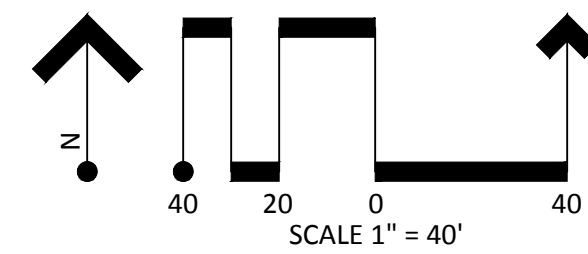
CERTIFICATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE BY ME OR UNDER MY DIRECT SUPERVISION AND ADHERES TO THE REQUIREMENTS SET FORTH IN THE COLORADO REVISED STATUTES FOR LAND SURVEYS (38-51-106 C.R.S.). THE FIELD WORK WAS COMPLETED ON JANUARY 22, 2014.

CAMERON M. WATSON, PLS
COLORADO LICENSE NUMBER 38311
FOR AND ON BEHALF OF POINT CONSULTING, LLC
8341 S. SANGRE DE CRISTO, SUITE 102
LITTLETON, CO 80127
(720) 258-6836
cwatson@ptc-llc.com



P.O.C.
FND. S1/4 SEC 21
3.25" ALUMINUM CAP
0.5" DOWN IN RANGE BOX



DESCRIPTION	ORIGINAL PREPARATION
DATE	02.03.14
BOUNDARY & TOPO SURVEY	COLORADO PUBLIC RADIO
	1601 W. JEWELL AVE DENVER, COLORADO
COVER SHEET	JOB NO. 14-01.002
PREPARED UNDER THE DIRECT SUPERVISION OF CAMERON M. WATSON, PLS 8341 S. Sangre De Cristo Suite 102 LITTLETON, CO 80127 720-258-6836 www.ptc-llc.com PLANNING ENGINEERING LANDSCAPE ARCHITECTURE LAND SURVEYING	

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative



December 7, 2015

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
44 Cook Street, Suite 1000
Denver, CO 80206
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent Public Broadcasting of Colorado, dba: Colorado Public Radio, for the purpose of submitting and processing a rezoning application for the 9.5 acre property owned by Public Broadcasting of Colorado, Inc. and located at 1601 W. Jewell Avenue Denver, CO 80223.

Sincerely,

A handwritten signature in blue ink, appearing to read "Max Wycisk", with a large loop and a trailing line.

Max Wycisk
President & Authorized Representative

EXHIBIT E

Proof of Ownership, Assessors Record

Denver Property Assessment and Taxation System (3.2.3)

1601 W JEWELL AVE

Owner	Schedule Number	Legal Description	Property Type	Tax District
PUBLIC BROADCASTING OF 7409 S ALTON CT CENTENNIAL , CO 80112-2301	0521300008000 PIN 161489911	PT SE/4 SW/4 SEC 21-4-68 BEG ON C-LI SD SEC 40FT N OF S 1/4COR TH N 726.7FT TH W 569.4FT TH S 726.7FT TH E 569.42FT TO POB	COMMERCIAL - OFFICE BUILDING	DENV

Assessment

Actual Value Year: 2015 Actual Value: \$1,488,600

Property

Year Built: 1954 Square Footage: 5735

Comparables

Schedule Number / Parcel Id Address Sale Month/Year Sales Price PIN

No comparables available for this property.

EXHIBIT F
Letter of Support

Ruby Hill Neighborhood Association
Godsman Neighborhood Association
Overland Neighborhood Association

March 3, 2016

*Brad Buchannan, Manager, Community Planning and Development
Members of Denver Planning Board
Members of Denver City Council*

We, the neighbors of the Ruby Hill, Godsman and Overland Park Registered Neighborhood Associations (RNO) are writing in support of Colorado Public Radio's PUD application.

Last summer, CPR and the City approached our neighborhood leadership to begin a dialog regarding the possibility of building CPR new headquarters and replacing the 400' tall radio transmission tower on the ten acres CPR owns at the top of the hill, adjacent to Ruby Hill Park, Raritan Street and Jewel Avenue. CPR and the City proposed having this conversation prior to a formal application being submitted by CPR for a zoning change, thus enabling the neighborhoods to have input prior to the typical adversarial rezoning process.

Our neighborhoods selected a small working group that met in June, July, August and September of 2015 discussing concerns, options and possibilities for development of the CPR property. The development would require a change from the existing residential zoning on the CPR property to a hybrid PUD that will allow for better use of the property, with development that fits in with the neighborhood.

Once we reached basic points of consensus on the major issues and concerns, Ruby Hill/Godsman and Overland Park RNOs scheduled full neighborhood meetings. During our first meeting on September 15, 2015, CPR and our working group shared the process we'd been engaged in, CPR's vision and the specific ideas for the property.

From this meeting a formal *Working Group* formed, comprised of neighbors, CPR staff, City representatives, and architects. This *Working Group* met regularly to begin brainstorming ideas, discussing needs in the neighborhood, and parameters for inclusion in a rezoning.

On December 1st, 2015 CPR and the *Working Group* convened a second meeting to update the larger Neighborhood Associations about their progress. After a discussion and Q&A, the meeting ended with our Neighborhood Associations unanimously voting to support the key aspects of CPR's vision for the property and the PUD, including:

- A PUD based upon a hybrid of the E-MX-2 and G-RO zoning,
- Area setbacks and a build-within zone for the building,
- Two different land development areas, one being for the building, the other a minimally impacted area that will retain much of the natural vegetation,
- A tower footprint allowing a 400' tall radio transmission tower,
- Parking along the eastern edge of the property, and
- Building Height limitations consistent with initial residential zoning.

CPR has made a commitment to continue involving the *Working group* once they file for the PUD and as they move forward with their plans. The *Working Group* has agreed to continue

representing and acting as liaisons for our larger neighborhoods, from development to construction and thru to completion.

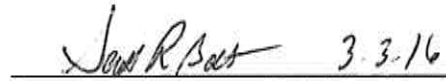
We appreciate the City and CPR for having approached us first and engaging in dialog before actually submitting the PUD application. This process has been a welcome collaboration and should serve as a model for what is possible for developments in other neighborhoods. Our three RNOs fully support CPR's rezoning application and the PUD you will be considering and ask that you view the rezoning favorably.

Sincerely,



3-3-16

Sharona Thompson, Ruby Hill Neighborhood Association President



3.3.16

Scott Bolt, Godsman Neighborhood Association President



Mara Owen, Overland Neighborhood Association President



May 3, 2016

Mr. Brad Buchanan
Manager, Community Planning and Development
City and County of Denver
200 West Colfax Ave. Second Floor
Denver, CO 80202

Ms. Julie Underdahl
Chair, Denver Planning Board
City and County of Denver
200 West Colfax Ave. Second Floor
Denver, CO 80202

SUBJECT: LETTER OF SUPPORT COLORADO PUBLIC RADIO PUD REZONING AT RUBY HILL

Dear Brad and Julie:

As Executive Director of the Housing Authority of the City and County of Denver (DHA) please accept this letter of support for Colorado Public Radio's (CPR) rezoning application, rezoning their 10-acre property at the top of Ruby Hill to PUD. The PUD will allow the replacement of CPR's existing tower. It will also allow an office building, performance center, recording studio and community gathering place to be built on the site. This southwest Denver neighborhood will benefit from this important community based reinvestment.

We believe CPR has concluded a substantial community engagement and public outreach process concerning the proposed rezoning which began in June of 2015. DHA staff was a member of the community planning team and participated in the community engagement process--including but not limited to outreach to affected Registered Neighborhood Organizations (RNO's), local businesses, management and residents of DHA Dispersed South office and family development immediate north of the proposed CPR office site.

CPR has been thoughtful and listened to neighborhood input. Many attributes of the PUD directly reflect input and requests from the neighborhoods, including the PUD's allowed uses: as well as setbacks, the location of parking, building heights and overall building size. Equally, the PUD also provides for a formal and lighted pedestrian path from our Dispersed South family development north of CPR across CPR's property connecting to Jewell and a bus stop.

In closing, DHA encourages favorable approval of CPR's rezoning application and urges the Planning Board's approval and subsequent adoption by the City. If you have any questions, please do not hesitate to contact me at 720.932.3106 or Ms. Stella Madrid, Intergovernmental Affairs Officer at 720.932.3107 or smadri@denverhousing.org who participated in the planning efforts on behalf of DHA.

Sincerely,

Ismael Guerrero, DHA
Executive Director

Date: May 17, 2015
From: Chris Nevitt, citizen and former City Councilman for the Ruby Hill neighborhood
To: Brad Buchanan, Manager for Denver Community Planning & Development
Chair Julie Underdahl and Members of the Denver Planning Board
Members of the Denver City Council
Subject: Support for Colorado Public Radio Rezoning Atop Ruby Hill

I am writing you in no official capacity but only as a Denver citizen and the former Councilman for the Ruby Hill neighborhood. I wish to express my strong support for Colorado Public Radio's proposed rezoning of their property atop Ruby Hill. My support is based not only on the substance of their proposal, but also on the quality of the public outreach and community input process that led up to this proposal.

First, CPR's property atop Ruby Hill is currently home to a tiny service building and an enormous radio antennae. Current zoning and other regulations preclude almost any development program on the site. The PUD zoning that CPR has proposed, in collaboration with the community, will allow for more flexible retention of the radio tower facility, as well as construction of a new headquarters building for CPR, complete with office space, performance and recording studios. This will bring a host of welcome new jobs and residents to the Ruby Hill neighborhood, provide a valuable community asset, and help activate Ruby Hill Park as a cultural amenity, not just a recreational one.

In addition to the objective virtues of CPR's rezoning proposal, CPR is also to be commended for their outreach and engagement with the Ruby Hill community. Rather than develop a building program and zoning proposal beforehand, then seeking community input and support, CPR, in collaboration with the City, began with the community and an open-ended conversation about values, goals, and vision. In this way, community interests and concerns were addressed from the very beginning, and the community has played a central role in shaping CPR's development program in all its respects, from uses and building heights, to building locations, set-backs, parking, and pedestrian access.

This process was begun at the end of my tenure as south Denver's City Councilman and concluded under my worthy successor, Councilman Jolon Clark. I can certainly say for my part that this process was an eye-opening pleasure – a sharp departure from the anxious, adversarial, and community corrosive experience that has been all-too common with major rezoning initiatives. This more involved, community front-loaded process may not be appropriate for many of the more ordinary development proposals we see in Denver, but for sensitive locations and potentially controversial development programs like this one, I hope that what CPR has done might serve as a template.

Once again, I support CPR's rezoning proposal for their property atop Ruby Hill.

A handwritten signature in blue ink, appearing to be 'Chris Nevitt', written in a cursive style.

EXHIBIT G

Summary of Community Engagement and Public Outreach Process

Community Mediation Concepts

“Helping People Talk to People”

A NONPROFIT ORGANIZATION PROVIDING MEDIATION SERVICES

FOR THE CITY AND COUNTY OF DENVER

303-717-2167 • Steve@FindSolutions.org

FindSolutions.org & PoliceMediation.org



DATE: April 12, 2016
TO: Brad Buchannan and Denver City Council
SUBJECT: Colorado Public Radio Pre-Development Process

Brad,

Remember when we talked last April about finding a proactive way to address potential conflicts around rezoning and neighborhood development? Shortly after that conversation you asked me to work with Colorado Public Radio prior to their submitting any application for the development of their ten acres adjacent to Ruby Hill Park. Your department was very supportive and CPR was very willing to engage in this process.

It might be helpful to outline a quick history of this process. There will be future opportunities to use this process to hear, listen and understand all party's perspectives, which will make future rezoning or developments into a much more collaborative process.

May 2015

- Met with CPR leadership to understand their what were their essential requirements to move their headquarters to the Ruby Hill site, outlined the pre-application process and got CPR's buy-in.
- Met with CPD, Parks & Rec and Public Works to understand the City's questions, concerns and perspective regarding CPR's development on the site.
- Met with Councilman Nevitt to ensure his involvement and support of the pre-application process, the importance of this project to his district and keep his office involved throughout the process.
- Identified the three effected RNO's, contacted their presidents and explained the pre-application process and why this would be so important to their neighborhoods. Their response to a collaborative process was, "Yes! We'd love to be involved." We also invited College View neighborhood to be involved even though they not directly impacted. They choose not to participate.
- Denver Housing Authority was invited and provided a representative to our working group meetings.

June, July 2015

- Met together with the neighborhood presidents, CPR, City and Council to begin developing a working group at this point of about fifteen people.
- Established a timeline that took us to re-zoning approval in the Spring, 2016.
- Scheduled a joint Ruby Hill/Godsman/Overland Park neighborhood meeting. Flyered the neighborhoods in both English and Spanish. Met with a good group of neighbors, explained what CPR was proposing, the pre-application process and asked for a handful of neighbors who would meet throughout August, September and November to discuss and reach agreements on what would comprise a CPR-PUD. We asked for 5-7 and got 14. We took the whole group!
- Caught Councilman Clark up to speed and involved their office.

September, October and November 2015

- Our working group of neighbors, DHA, CPD, Parks, Council, and CPR, all gathered around tables monthly and discussed what was necessary, important and desired in any rezoning.
- This group discussed and came to agreement on key components of a rezoning, which would eventually become a PUD. We also discussed areas that were set aside for later discussions.
 - A PUD based upon a hybrid of the E-MX-2 and G-RO zoning,

- Area setbacks and a build-within zone for the building,
- Two different land development areas, one being for the building, the other a minimally impacted area that will retain much of the natural vegetation,
- A tower footprint allowing a 400' tall radio transmission tower,
- Parking on the east side of the property, away from the neighbors, but where it can be shared parking with Levitt Pavilions and the Ruby Hill Park, and
- Building Height would remain no more than 35 feet, the same as the current residential zoning.
- We went on to discuss ideas for the project, but that would not be a part of the PUD.
 - Community meeting space for the neighborhoods,
 - Bee friendly and natural landscaping,
 - Creative parking lot design sensitive to water run-off,
 - Green (LEED) building design and construction,
 - A creative and welcoming design,
 - Trails and property amenities that could be used by the community, and
 - Buffering & natural landscape.
- Neighborhood meetings
 - We held separate neighborhood meetings for Overland Park and Ruby Hill/Godsman to share our progress, answer questions, gather feedback and make certain we were proceeding correctly.

December – we got snowed out!

January 2016 – We scheduled a large three-neighborhood meeting. The work was done and we had the elements of a proposed PUD rezoning. Now it was time to check-back. The neighbors, CPR and CPD explained the recommendations and our rationale. After questions and robust discussion, the three neighborhoods voted unanimously to recommend to City Council that they approve the PUD rezoning for CPR's project.

February 2016 – Curt and CPR wrote the PUD.

March 2016 – We convened the working group to review the draft PUD which was discussed and unanimously approved.

CPR has requested that the working group continue representing the Ruby Hill / Godsman and Overland Park neighborhoods throughout the process, thus ensuring a collaborative outcome.

First, I would encourage you to wholeheartedly and enthusiastically support Colorado Public Radio as they formally apply for this rezoning. Not because I have any vested interest, but because I believe a participatory and collaborative process by anyone choosing to rezone or develop should be encouraged by the City.

Second, I would encourage you to see this collaborative process as a template for future projects that have the potential to be contentious. It is a much better use of everyone's time, energy and collective creativity.

Thank you for the opportunity,



Steve Charbonneau
Executive Director
Community Mediation Concepts

Exhibit H

**Signature Authority Authorization Resolution of Board of Directors
of Public Broadcasting of Colorado, Inc.**



**RESOLUTION OF THE BOARD OF DIRECTORS
OF PUBLIC BROADCASTING OF COLORADO, INC.**

The directors of Public Broadcasting of Colorado, Inc., a Colorado non-profit corporation (the "Corporation"), doing business as "Colorado Public Radio" do hereby adopt the following resolution as of June 15, 2016.

BE IT RESOLVED, that it is deemed to be in the best interest of the Corporation that Max Wycisk, acting as President, or Jenny Gentry, acting as Senior Vice President (each an "Authorized Officer"), are each hereby authorized and empowered, in the name and on behalf of the Corporation, to execute and deliver such contracts, agreements, certificates, documents and instruments as may be necessary to conduct the normal affairs of the Corporation; and

RESOLVED FURTHER that the Board of Directors of the Corporation hereby ratifies any and all actions that may have been taken by the Authorized Officers, acting in their capacities for and on behalf of the Corporation prior to the date of this Resolution.

A handwritten signature in blue ink that reads "Carolyn Daniels".

Secretary of the Board, Carolyn Daniels

PUD-G 14



1601 West Jewell Avenue

2015I-00073

Contents

PUD-G 14

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CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 14 ESTABLISHED

The provisions of this PUD-G 14 apply to the land depicted on the Official Zoning Map with the label PUD-G 14, and more generally described as approximately 9.48 acres of land within a portion of the south 1/2 of Section 21, Township 4 south, Range 68 west of the 6th principal meridian (P.M.). The PUD-G 14 is a single area with no subareas established.

SECTION 1.2 PUD-G 14 GENERAL PURPOSE

The general purpose of PUD-G 14 is to facilitate redevelopment of the site in a manner that is compatible with the established residential character of the Ruby Hill Neighborhood and contributes to the vitality of Ruby Hill Park.

SECTION 1.3 PUD-G 14 SPECIFIC INTENT

More specifically, PUD-G 14 is intended to:

- 1.3.1 Allow a broadcasting facility and telecommunications tower on the site to encourage investment and improvements to the site, including the replacement of the existing tower.
- 1.3.2 Allow office and other uses of similar intensity at a scale that is compatible with the surrounding residential neighborhood.
- 1.3.3 Preserve and improve open space on a portion of the site and establish pedestrian connectivity within and through the site.

CHAPTER 2. URBAN EDGE NEIGHBORHOOD CONTEXT DESCRIPTION

All development within this PUD-G 14 shall conform to the Denver Zoning Code, Division 4.1, Neighborhood Context Description , as amended from time to time.

CHAPTER 3. DISTRICTS

Development in this PUD-G 14 shall conform to the Denver Zoning Code, Division 4.2, Districts, as specifically applicable to the E-MX-2x Zone District, as amended from time to time, except as modified in this PUD-G 14.

Uses and Required Minimum Parking in this PUD-G 14 shall conform to the Denver Zoning Code, Division 6.4, Districts, as specifically applicable to the G-RO-3 Zone District, as amended from time to time, except as modified in this PUD-G 14.

CHAPTER 4. DESIGN STANDARDS

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Division 4.3, Design Standards, as specifically applicable to the E-MX-2x Zone District, as amended from time to time, with the following modifications and exceptions:

SECTION 4.1 PRIMARY BUILDING FORM STANDARDS

Development in this PUD-G 14 shall comply with the Primary Building form standards in Section 4.3.3 of Denver Zoning Code, with the following exceptions, additions and modifications:

4.1.1 Building Height

- A. Maximum building height shall comply with Division 4.3.3 Primary Building Form Standards, as specifically applicable to the E-MX-2x Zone District.

4.1.2 Siting

A. Required Build-To

There shall be no required build-to in this PUD-G 14.

B. Setbacks

1. South Zone District Boundary (min) shall be 150 feet
2. West Zone District Boundary (min) shall be 80 feet
3. North Zone District Boundary (min) shall be 230 feet
4. East Zone District Boundary (min) shall be 80 feet

C. Parking

1. Surface Parking shall be located a minimum of 150 feet from the West Zone District boundary.

D. Setback Permitted Encroachments

1. Section 4.3.7.4.B.2 shall be modified as follows:
 1. Off Street Parking Area shall be a permitted encroachment for the E-MX-2x Zone District and all Building Forms in the E-MX-2x Zone District.
 2. Surface Parking shall be allowed within the East Zone District Boundary setback and North Zone District Boundary setback as specified in section 4.1.2.B of this PUD-G 14, except as limited in Section 4.1.2.C of this PUD-G 14. Surface parking shall not be allowed within the West or South Zone District Boundary setbacks.

4.1.3 Gross Floor Area Limitation

1. The square footage of all buildings combined in this PUD-G 14 shall not exceed a maximum of 100,000 square feet of gross floor area.

4.1.4 Design Elements

A. Ground Story Activation

1. Additional Transparency shall be provided facing the pedestrian walkway within the setback required in Section 6.2.2.B of this PUD-G 14 of (min) 40%. Transparency Alternatives for Primary Streets in Section 4.3.6.2 of the Denver Zoning Code shall be allowed adjacent to the West Zone District Boundary, in addition to Primary and Side streets.
2. An entrance, which may be emergency or employee-only, shall be provided facing the pedestrian walkway required in Section 6.2.2.B of this PUD-G 14.

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

SECTION 5.1 USES

- 5.1.1 Primary, accessory and temporary uses allowed in this PUD-G 14 shall be those same uses allowed in the G-RO-3 Zone District, as stated in the Denver Zoning Code, Section 6.4, Uses and Required Minimum Parking, , as amended from time to time, with the following exceptions, additions, and modifications:
- A. “Parking, Garage” and “Parking, Surface”, as defined in Article 11 of the Denver Zoning Code, shall not be permitted (NP) as a Primary Use.
 - B. “Eating and Drinking Establishments”, as defined in Article 11 of the Denver Zoning Code , shall be a Permitted Use with Limitations and require a Zoning Permit Informational Notice (L-ZPIN). Limitation 11.4.8 within Article 11 of the Denver Zoning Code, shall apply as modified within Section 6.3 of this PUD-G 14.
 - C. “Bed and Breakfast Lodging”, as defined in Article 11 of the Denver Zoning Code, shall not be permitted (NP).
 - D. “Dental / Medical Office or Clinic”, as defined in Article 11 of the Denver Zoning Code, shall not be permitted (NP).
 - E. “Antennas Not Attached to a Tower”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitation 11.5.2 shall apply, as modified in Section 6.3 of this PUD-G 14.
 - F. “Communication Services”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitation 11.5.1 shall apply, as modified in Section 6.3 of this PUD-G 14.
 - G. “Telecommunications Towers”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitation 11.5.2 shall apply, as modified in Section 6.3 of this PUD-G 14.
 - H. “Telecommunications Facilities - All Others”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Use with Limitations and require a Zoning Permit (L-ZP). Limitation 11.5.2 shall apply, as modified in Section 6.3 of this PUD-G 14.
 - I. “Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use”, as defined in Article 11 of the Denver Zoning Code, shall be a Permitted Accessory Use with Limitations and require a Zoning Permit Informational Notice (L-ZPIN). Limitation 11.7 within Article 11 of the Denver Zoning Code shall apply.

SECTION 5.2 REQUIRED MINIMUM PARKING

- 5.2.1 All uses established in this PUD-G 14 shall comply with the Denver Zoning Code, Section 6.4, Uses and Required Minimum Parking, as specifically applicable to uses allowed in the G-RO-3 Zone District, as amended from time to time, as modified by Section 5.1 of this PUD-G 14.

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

6.1.1 Applicability

Development in this PUD-G 14 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 10 OF THE DENVER ZONING CODE

6.2.1 Applicability

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Article 10, General Design Standards, as specifically applicable to the E-MX-2x Zone District, as amended from time to time, with the following exceptions, additions and modifications:

6.2.2 General Site Design and Facility Standards

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Division 10.3 Multiple Buildings on a Single Zone Lot, with the following exceptions, additions and modifications:

- A. Section 10.3.4, "Pedestrian Access and Circulation", shall apply to this PUD-G 14 even if only a single building is developed.
- B. A pedestrian walkway connecting Jewell Avenue to the adjoining site to the north shall be provided within the 80 foot West Zone District boundary setback, as site development occurs. The walkway shall be illuminated in accordance with Section 10.7, "Outdoor Lighting", of the Denver Zoning Code. A public access easement over the walkway shall be granted by the property owner prior to Site Development Plan approval.

SECTION 6.3 ARTICLE 11 OF THE DENVER ZONING CODE

6.3.1 Applicability

Establishment of uses in this PUD-G 14 shall comply with the Denver Zoning Code, Article 11, Use Limitations and Definitions, as specifically applicable to the G-RO-3 Zone District, as amended from time to time, with the following exceptions and modifications:

6.3.2 Eating and Drinking Establishments Use Limitations

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Division 11.4, Commercial Sales, Service and Repair Primary Use Limitations, with the following exceptions/ additions:

1. All Eating and Drinking Establishment Uses in this PUD-G 14 shall not exceed a combined maximum of 5,000 square feet of gross floor area.
2. The floor area of all Eating and Drinking Establishment Uses shall be located a minimum of 150 feet from a Residential Zone District.

6.3.3 Communications and Information Use Limitations

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Division 11.5, Industrial, Manufacturing and Wholesale Primary Use Limitations, as amended from time to time, with the following exceptions/additions:

1. Section 11.5.2.1.C.3 Towers in Nonresidential Zone Districts, shall be modified as follows:
 - a. A Tower is permitted and does not need to comply with the Zone District regulations in Section 4.1 of this PUD-G 14, but shall comply with the standards in section 6.3.3 of this PUD-G 14.
 - b. No single dimension of the base of a tower in this PUD-G 14 shall exceed 35 feet.
2. Section 11.5.2.1.D. Specific Requirements -- All Towers, Antennas and Telecommunications Support Facilities, shall be modified with the following exceptions/additions:
 - a. A tower shall be a self-supporting latticed tower. From the tower base, all sides of the tower shall angle inwards as they rise so as to create a pyramidal shape with a reduction in mass and width as height is increased.
 - b. Up to one FM antenna may be attached to a tower. Additional antennas with diameters not to exceed 4 feet each may be attached to a tower.
 - c. Section 11.5.2.1.D.3, regarding the mass of antennas, shall not apply to this PUD-G 14.
3. Section 11.5.2.1.E. Specific Requirements -- Towers, shall be modified with the following exceptions / additions:
 - a. 11.5.2.1.E.1 Setbacks. A Tower shall be located a minimum of 370 feet from the south Zone District boundary, 200 feet from the north Zone District boundary, 200 feet from the west Zone District boundary, and 250 feet from the east Zone District boundary.
 - b. 11.5.2.1.E.2 Height. The Tower shall be limited to a maximum height of 400 feet.
 - c. 11.5.2.1.E.6 Separation Requirements. The Tower in this PUD-G 14 does not need to comply with the tower separation requirements.
 - d. Tower Type. Guyed towers shall not be allowed in this PUD-G 14.
 - e. Only one tower shall be allowed in this PUD-G 14. However, the tower located on the site as of the effective date of this PUD may remain in place and continue to operate until a new tower has been constructed and put into operation, at which point, the existing tower shall be removed. Removal shall be completed no later than 30 days after the new tower is put into operation.
4. Section 11.5.2.2.B, regarding the identification of backhaul providers, shall not apply to this PUD-G 14.
5. Section 11.5.2.2.C, regarding the requirement to provide a vicinity map, shall not apply to this PUD-G 14.
6. Section 11.5.2.6, Telecommunications Towers In and Adjacent to Residential Zone Districts or within 500 feet of Another Tower, shall not apply to this PUD-G 14.

SECTION 6.4 ARTICLE 12 OF THE DENVER ZONING CODE

6.4.1 Applicability

All development in this PUD-G 14 shall comply with the Denver Zoning Code, Article 12, Procedures and Enforcement, as amended from time to time, with the following exceptions/additions:

A. Official Map Amendment

This PUD-G 14 may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in the Denver Zoning Code, Section 9.6.1.4, Amendment to Approved PUD District Plans.

SECTION 6.5 ARTICLE 13 OF THE DENVER ZONING CODE

6.5.1 Applicability

Development in this PUD-G 14 shall comply with the Denver Zoning Code, Article 13, Rules of Measurement and Definitions, as amended from time to time, with the following exceptions/additions:

1. Section 13.1.5.7.B shall be modified as follows:
 1. The setback in Section 4.1.2.B.1 of this PUD G-14 is measured perpendicular to the South Zone District Boundary at the North edge of the West Jewell Avenue right-of-way.
 2. The setbacks in Section 4.1.2.B.2, 3, and 4 are measured perpendicular to the West Zone District Boundary, North Zone District Boundary, and East Zone District Boundary, respectively, abutting another zone lot. The South Zone District Boundary setback and North Zone District Boundary setback extend across the full width of the PUD area, overlapping with the West Zone District Boundary and East Zone District Boundary setbacks. The West Zone District Boundary setback and East Zone District Boundary setback extend across the full length of the PUD area, overlapping with the South Zone District Boundary and North Zone District Boundary setbacks.

CHAPTER 7. RULES OF INTERPRETATION

Subject to Chapter 8 of this PUD G-14, whenever a section of the Denver Zoning Code is referred to in this PUD-G 14, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 14, this PUD-G 14 shall control.

CHAPTER 8. VESTED RIGHTS

This PUD-G 14 shall be established in accordance with Denver Zoning Code sections 9.6.1.2.C and 9.6.1.5, and vested property rights shall be created 90 days after the effective date of the ordinance approving this PUD-G 14. The property rights vested through approval of this PUD-G 14 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth in the Denver Zoning Code, as amended from time to time, except as modified by this PUD-G 14.

Community Mediation Concepts

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DATE: April 12, 2016
TO: Brad Buchannan and Denver City Council
SUBJECT: Colorado Public Radio Pre-Development Process

Brad,

Remember when we talked last April about finding a proactive way to address potential conflicts around rezoning and neighborhood development? Shortly after that conversation you asked me to work with Colorado Public Radio prior to their submitting any application for the development of their ten acres adjacent to Ruby Hill Park. Your department was very supportive and CPR was very willing to engage in this process.

It might be helpful to outline a quick history of this process. There will be future opportunities to use this process to hear, listen and understand all party's perspectives, which will make future rezoning or developments into a much more collaborative process.

May 2015

- Met with CPR leadership to understand their what were their essential requirements to move their headquarters to the Ruby Hill site, outlined the pre-application process and got CPR's buy-in.
- Met with CPD, Parks & Rec and Public Works to understand the City's questions, concerns and perspective regarding CPR's development on the site.
- Met with Councilman Nevitt to ensure his involvement and support of the pre-application process, the importance of this project to his district and keep his office involved throughout the process.
- Identified the three effected RNO's, contacted their presidents and explained the pre-application process and why this would be so important to their neighborhoods. Their response to a collaborative process was, "Yes! We'd love to be involved." We also invited College View neighborhood to be involved even though they not directly impacted. They choose not to participate.
- Denver Housing Authority was invited and provided a representative to our working group meetings.

June, July 2015

- Met together with the neighborhood presidents, CPR, City and Council to begin developing a working group at this point of about fifteen people.
- Established a timeline that took us to re-zoning approval in the Spring, 2016.
- Scheduled a joint Ruby Hill/Godsman/Overland Park neighborhood meeting. Flyered the neighborhoods in both English and Spanish. Met with a good group of neighbors, explained what CPR was proposing, the pre-application process and asked for a handful of neighbors who would meet throughout August, September and November to discuss and reach agreements on what would comprise a CPR-PUD. We asked for 5-7 and got 14. We took the whole group!
- Caught Councilman Clark up to speed and involved their office.

September, October and November 2015

- Our working group of neighbors, DHA, CPD, Parks, Council, and CPR, all gathered around tables monthly and discussed what was necessary, important and desired in any rezoning.
- This group discussed and came to agreement on key components of a rezoning, which would eventually become a PUD. We also discussed areas that were set aside for later discussions.
 - A PUD based upon a hybrid of the E-MX-2 and G-RO zoning,

- Area setbacks and a build-within zone for the building,
- Two different land development areas, one being for the building, the other a minimally impacted area that will retain much of the natural vegetation,
- A tower footprint allowing a 400' tall radio transmission tower,
- Parking on the east side of the property, away from the neighbors, but where it can be shared parking with Levitt Pavilions and the Ruby Hill Park, and
- Building Height would remain no more than 35 feet, the same as the current residential zoning.
- We went on to discuss ideas for the project, but that would not be a part of the PUD.
 - Community meeting space for the neighborhoods,
 - Bee friendly and natural landscaping,
 - Creative parking lot design sensitive to water run-off,
 - Green (LEED) building design and construction,
 - A creative and welcoming design,
 - Trails and property amenities that could be used by the community, and
 - Buffering & natural landscape.
- Neighborhood meetings
 - We held separate neighborhood meetings for Overland Park and Ruby Hill/Godsman to share our progress, answer questions, gather feedback and make certain we were proceeding correctly.

December – we got snowed out!

January 2016 – We scheduled a large three-neighborhood meeting. The work was done and we had the elements of a proposed PUD rezoning. Now it was time to check-back. The neighbors, CPR and CPD explained the recommendations and our rationale. After questions and robust discussion, the three neighborhoods voted unanimously to recommend to City Council that they approve the PUD rezoning for CPR's project.

February 2016 – Curt and CPR wrote the PUD.

March 2016 – We convened the working group to review the draft PUD which was discussed and unanimously approved.

CPR has requested that the working group continue representing the Ruby Hill / Godsman and Overland Park neighborhoods throughout the process, thus ensuring a collaborative outcome.

First, I would encourage you to wholeheartedly and enthusiastically support Colorado Public Radio as they formally apply for this rezoning. Not because I have any vested interest, but because I believe a participatory and collaborative process by anyone choosing to rezone or develop should be encouraged by the City.

Second, I would encourage you to see this collaborative process as a template for future projects that have the potential to be contentious. It is a much better use of everyone's time, energy and collective creativity.

Thank you for the opportunity,



Steve Charbonneau
Executive Director
Community Mediation Concepts

Ruby Hill Neighborhood Association
Godsman Neighborhood Association
Overland Neighborhood Association

March 3, 2016

*Brad Buchannan, Manager, Community Planning and Development
Members of Denver Planning Board
Members of Denver City Council*

We, the neighbors of the Ruby Hill, Godsman and Overland Park Registered Neighborhood Associations (RNO) are writing in support of Colorado Public Radio's PUD application.

Last summer, CPR and the City approached our neighborhood leadership to begin a dialog regarding the possibility of building CPR new headquarters and replacing the 400' tall radio transmission tower on the ten acres CPR owns at the top of the hill, adjacent to Ruby Hill Park, Raritan Street and Jewel Avenue. CPR and the City proposed having this conversation prior to a formal application being submitted by CPR for a zoning change, thus enabling the neighborhoods to have input prior to the typical adversarial rezoning process.

Our neighborhoods selected a small working group that met in June, July, August and September of 2015 discussing concerns, options and possibilities for development of the CPR property. The development would require a change from the existing residential zoning on the CPR property to a hybrid PUD that will allow for better use of the property, with development that fits in with the neighborhood.

Once we reached basic points of consensus on the major issues and concerns, Ruby Hill/Godsman and Overland Park RNOs scheduled full neighborhood meetings. During our first meeting on September 15, 2015, CPR and our working group shared the process we'd been engaged in, CPR's vision and the specific ideas for the property.

From this meeting a formal *Working Group* formed, comprised of neighbors, CPR staff, City representatives, and architects. This *Working Group* met regularly to begin brainstorming ideas, discussing needs in the neighborhood, and parameters for inclusion in a rezoning.

On December 1st, 2015 CPR and the *Working Group* convened a second meeting to update the larger Neighborhood Associations about their progress. After a discussion and Q&A, the meeting ended with our Neighborhood Associations unanimously voting to support the key aspects of CPR's vision for the property and the PUD, including:

- A PUD based upon a hybrid of the E-MX-2 and G-RO zoning,
- Area setbacks and a build-within zone for the building,
- Two different land development areas, one being for the building, the other a minimally impacted area that will retain much of the natural vegetation,
- A tower footprint allowing a 400' tall radio transmission tower,
- Parking along the eastern edge of the property, and
- Building Height limitations consistent with initial residential zoning.

CPR has made a commitment to continue involving the *Working group* once they file for the PUD and as they move forward with their plans. The *Working Group* has agreed to continue

representing and acting as liaisons for our larger neighborhoods, from development to construction and thru to completion.


We appreciate the City and CPR for having approached us first and engaging in dialog before actually submitting the PUD application. This process has been a welcome collaboration and should serve as a model for what is possible for developments in other neighborhoods. Our three RNOs fully support CPR's rezoning application and the PUD you will be considering and ask that you view the rezoning favorably.

Sincerely,




3-3-16

Sharona Thompson, Ruby Hill Neighborhood Association President



3.3.16

Scott Bolt, Godsman Neighborhood Association President



Mara Owen, Overland Neighborhood Association President



May 3, 2016

Mr. Brad Buchanan
Manager, Community Planning and Development
City and County of Denver
200 West Colfax Ave. Second Floor
Denver, CO 80202

Ms. Julie Underdahl
Chair, Denver Planning Board
City and County of Denver
200 West Colfax Ave. Second Floor
Denver, CO 80202

SUBJECT: LETTER OF SUPPORT COLORADO PUBLIC RADIO PUD REZONING AT RUBY HILL

Dear Brad and Julie:

As Executive Director of the Housing Authority of the City and County of Denver (DHA) please accept this letter of support for Colorado Public Radio's (CPR) rezoning application, rezoning their 10-acre property at the top of Ruby Hill to PUD. The PUD will allow the replacement of CPR's existing tower. It will also allow an office building, performance center, recording studio and community gathering place to be built on the site. This southwest Denver neighborhood will benefit from this important community based reinvestment.

We believe CPR has concluded a substantial community engagement and public outreach process concerning the proposed rezoning which began in June of 2015. DHA staff was a member of the community planning team and participated in the community engagement process--including but not limited to outreach to affected Registered Neighborhood Organizations (RNO's), local businesses, management and residents of DHA Dispersed South office and family development immediate north of the proposed CPR office site.

CPR has been thoughtful and listened to neighborhood input. Many attributes of the PUD directly reflect input and requests from the neighborhoods, including the PUD's allowed uses: as well as setbacks, the location of parking, building heights and overall building size. Equally, the PUD also provides for a formal and lighted pedestrian path from our Dispersed South family development north of CPR across CPR's property connecting to Jewell and a bus stop.

In closing, DHA encourages favorable approval of CPR's rezoning application and urges the Planning Board's approval and subsequent adoption by the City. If you have any questions, please do not hesitate to contact me at 720.932.3106 or Ms. Stella Madrid, Intergovernmental Affairs Officer at 720.932.3107 or smadri@denverhousing.org who participated in the planning efforts on behalf of DHA.

Sincerely,

Ismael Guerrero, DHA
Executive Director

Date: May 17, 2015
From: Chris Nevitt, citizen and former City Councilman for the Ruby Hill neighborhood
To: Brad Buchanan, Manager for Denver Community Planning & Development
Chair Julie Underdahl and Members of the Denver Planning Board
Members of the Denver City Council
Subject: Support for Colorado Public Radio Rezoning Atop Ruby Hill

I am writing you in no official capacity but only as a Denver citizen and the former Councilman for the Ruby Hill neighborhood. I wish to express my strong support for Colorado Public Radio's proposed rezoning of their property atop Ruby Hill. My support is based not only on the substance of their proposal, but also on the quality of the public outreach and community input process that led up to this proposal.

First, CPR's property atop Ruby Hill is currently home to a tiny service building and an enormous radio antennae. Current zoning and other regulations preclude almost any development program on the site. The PUD zoning that CPR has proposed, in collaboration with the community, will allow for more flexible retention of the radio tower facility, as well as construction of a new headquarters building for CPR, complete with office space, performance and recording studios. This will bring a host of welcome new jobs and residents to the Ruby Hill neighborhood, provide a valuable community asset, and help activate Ruby Hill Park as a cultural amenity, not just a recreational one.

In addition to the objective virtues of CPR's rezoning proposal, CPR is also to be commended for their outreach and engagement with the Ruby Hill community. Rather than develop a building program and zoning proposal beforehand, then seeking community input and support, CPR, in collaboration with the City, began with the community and an open-ended conversation about values, goals, and vision. In this way, community interests and concerns were addressed from the very beginning, and the community has played a central role in shaping CPR's development program in all its respects, from uses and building heights, to building locations, set-backs, parking, and pedestrian access.

This process was begun at the end of my tenure as south Denver's City Councilman and concluded under my worthy successor, Councilman Jolon Clark. I can certainly say for my part that this process was an eye-opening pleasure – a sharp departure from the anxious, adversarial, and community corrosive experience that has been all-too common with major rezoning initiatives. This more involved, community front-loaded process may not be appropriate for many of the more ordinary development proposals we see in Denver, but for sensitive locations and potentially controversial development programs like this one, I hope that what CPR has done might serve as a template.

Once again, I support CPR's rezoning proposal for their property atop Ruby Hill.

A handwritten signature in blue ink, appearing to be 'Chris Nevitt', written in a cursive style.