



TO: Denver City Council
FROM: Courtney Levingston, AICP, Senior City Planner
DATE: September 24, 2020
RE: Official Zoning Map Amendment Application #2019I-00031

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00031.

Request for Rezoning

Address: 55, 65, 101 S. Colorado Blvd., 51, 97, 101 Colorado Blvd., 98 Harrison St.

Neighborhood/Council District: Cherry Creek / Council District 10

RNOs: Cherry Creek North Association, Cherry Creek East Association, Cranmer Park – Hilltop Association, Green Cherry Creek, Capitol Hill United Neighborhoods, Hilltop Heritage Association, Inter-Neighborhood Cooperation (INC)

Area of Property: 57,504 sq. ft. / 1.32 acres

Current Zoning: PUD 56, G-MU-3, G-RH-3

Proposed Zoning: G-RO-5, G-MU-5

Property Owners: Cherry Creek Gateway Owners, LLC., Betty Vincent

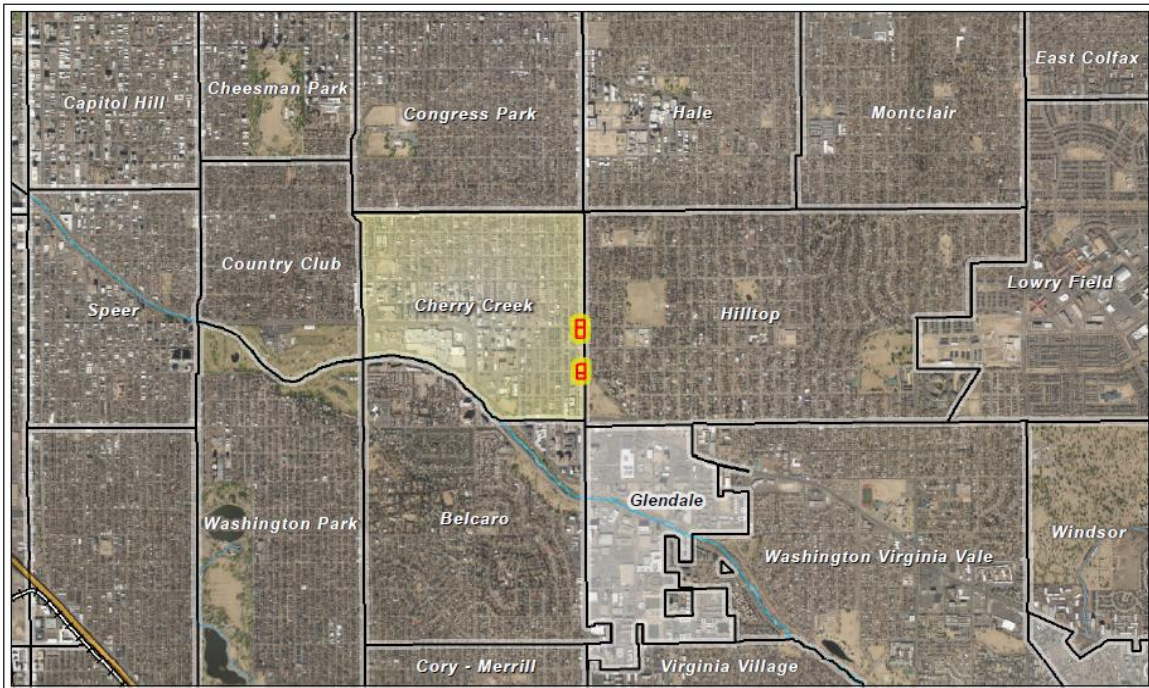
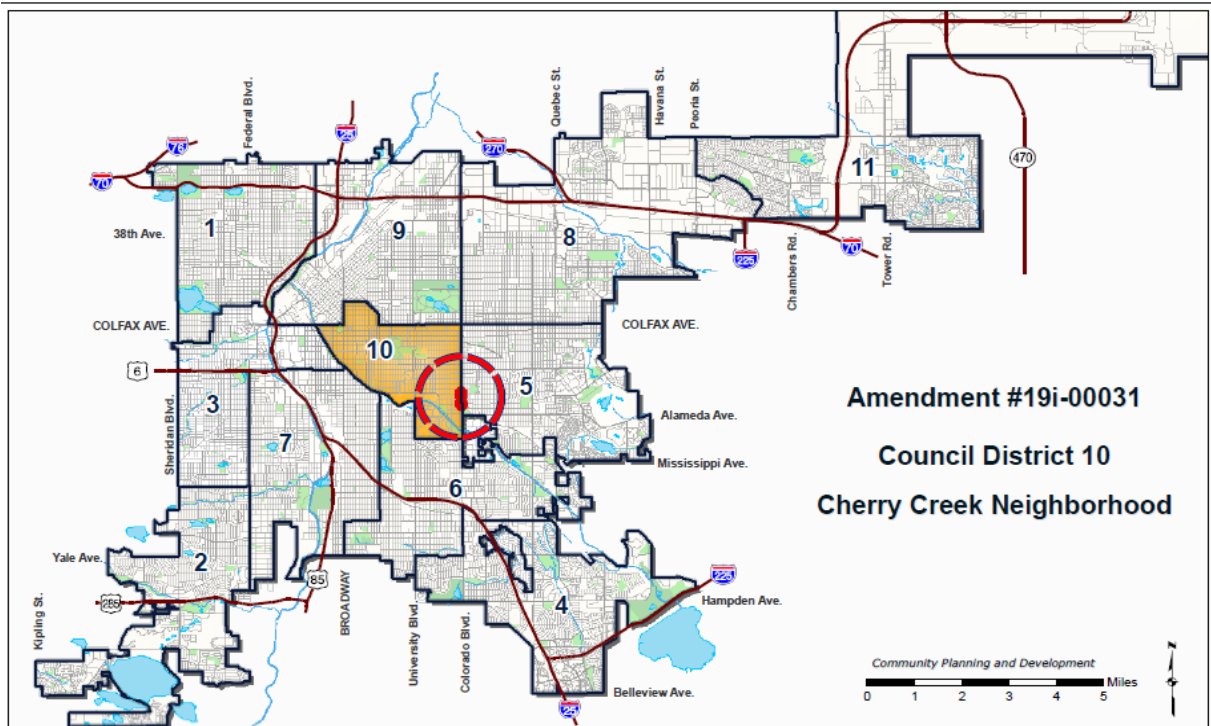
Owner Representative: Doug McKinnon

Summary of Rezoning Request

- The subject properties are in the Cherry Creek statistical neighborhood abutting Colorado Blvd. to the east. There are 4 sites in the rezoning: the northwest and southwest corners of 1st Ave. and Colorado Blvd. and the northwest and southwest corners of Bayaud Ave. and Colorado Blvd.
- The applicant is requesting G-MU-5 in order to develop the vacant property at 101 Colorado Blvd. (northwest corner of Colorado Blvd. and 1st Ave.) and the property at 101 S. Colorado Blvd. with a 4 story multi-unit residential building. The property at 101 S. Colorado Blvd. has an existing 2-story 4-unit residential building.
- The applicant is requesting G-RO-5 in order to redevelop the parcels at 97 Colorado Blvd., 98 Harrison St. and 51 Colorado Blvd. (collectively, the site at the southwest corner of Colorado Blvd. and 1st Ave.) and the properties at 55 and 65 S. Colorado Blvd. (collectively, the site at the northwest corner of S. Colorado Blvd. and Bayaud Ave.), however the final use has not been determined at this time.
- The G-MU-5 (**G**eneral Urban, **M**ulti-unit, **5** story) zone district allows a range of residential primary uses and some civic/institutional primary uses in the urban house, duplex, garden court, town house and apartment building forms up to 5 stories in height.
- The G-RO-5 (**G**eneral Urban, **R**esidential **O**ffice, **5** story) allows a range of multi-unit residential and office primary uses in the urban house, duplex, row house, town house, and apartment building forms up to 5 stories in height. Further details of the requested zone districts can be

found in the proposed zone district section of the staff report (below) and in Article 6 of the Denver Zoning Code (DZC).

Existing Context





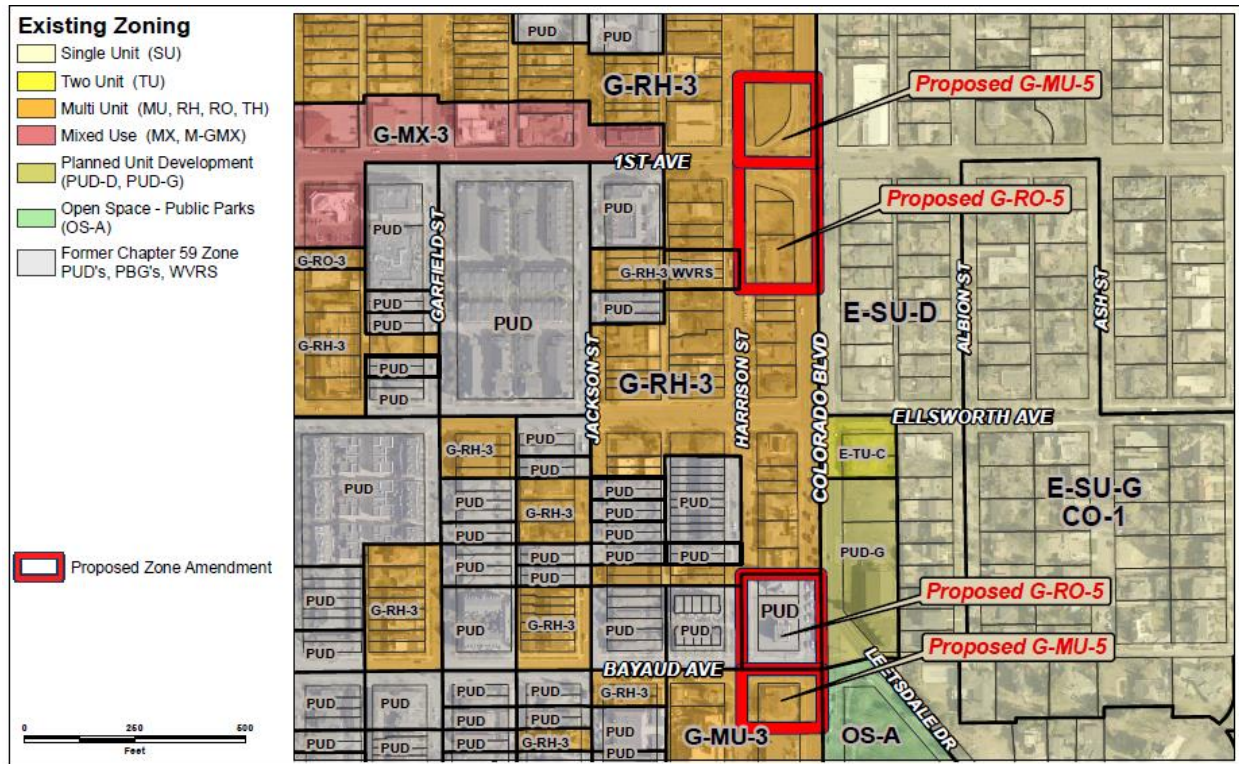
The area is primarily composed of a mixture of multi-unit residential buildings and single-unit residential to the west. Commercial uses can be found along 1st Ave. to the west.

The subject sites at E. 1st Ave and Colorado Blvd. are less than ¼ mile from Burns Park to the southeast and the subject sites at Bayaud Ave. and S. Colorado Blvd. are directly to the west of Burns Park. Pulaski Park and the Gates Tennis Center is ¼ mile away to the west. Additionally, the Cherry Creek Trail is ½ mile southwest of the sites and the Cherry Creek Shopping Center is located the same distance to the west. The subject sites are also abutting Colorado Blvd. to the east, which provides north-south bus transit service to the immediate area via Route 40 along Colorado Blvd.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 56, G-RH-3, G-MU-3	Undeveloped land, multi-unit residential, vacant residential and commercial	Both multi-unit residential buildings are brick 2-story 4-plexes. The vacant residential building is a 1.5-story single unit house converted to multi-unit. Vacant 1-story general commercial form building	Generally regular grid of streets interrupted to the southwest by Cherry Creek Drive and Leetsdale Drive to the southwest. With the exception of the half block between S. Harrison St. and Colorado Blvd., block sizes and shapes are generally consistent and rectangular. Typically, to the west, sidewalks are detached where property has been redeveloped over time, except attached sidewalks remain along the east side of Harrison St. Sidewalks do not exist on Colorado Blvd.
North	G-RH-3	Single-unit residential	2-story suburban house	
South	G-RH-3, G-MU-3	Multi-unit residential	3-story row house	
East	E-SU-D, PUD G, OS-A	Church, parking lot, Single-unit homes, vacant church, public park	1 and 2-story single unit homes, 2-story church building	
West	G-RH-3, G-RH-3 with waivers, PUD 32, G-MU-3	Single-unit residential, Multi-unit residential	(From north to south) 1-story single unit house; 3-story garden court form multi-unit building; two 1-story single unit houses; 3-story 4-unit row house; 1-story single unit home; 3.5-story (41') garden court row houses	Historically, for the half-block between Harrison St. and Colorado Blvd. vehicular access was taken off of Colorado Blvd. Over time, vehicular access has shifted to Harrison St. with front loading garages. To the west are rear-loaded garages with alleys.

1. Existing Zoning

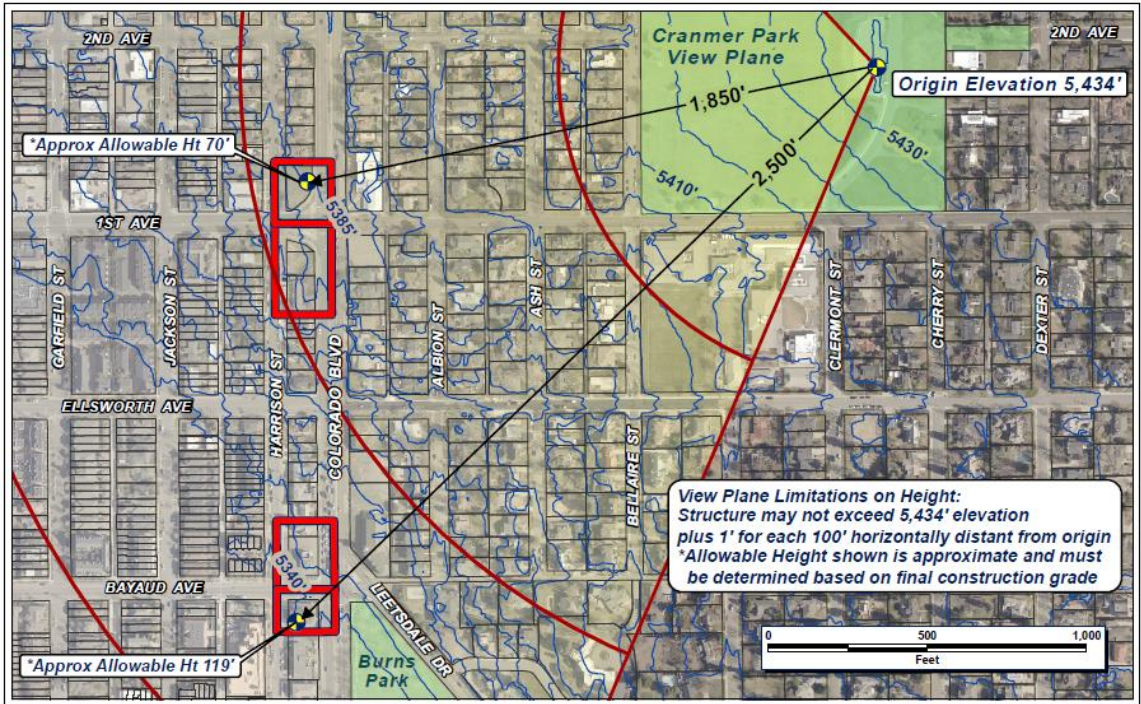


The sites at the northwest and southwest corners of Colorado Blvd. and 1st Ave. (101 Colorado Blvd., 98 Harrison St. 97 Colorado Blvd. and 51 Colorado Blvd.) are currently zoned G-RH-3. G-RH-3 is a residential district allowing the urban house, duplex, and row house primary building forms. It has a maximum height of 35' plus allowed exceptions. As G-RH-3 is itself a protected district, additional setbacks are not required. Surface parking between the building and street is not allowed. For more details of the zone district, see DZC Article 6.

The site at the northwest corner of S. Colorado Blvd. and Bayaud Ave. (55 and 65 S. Colorado Blvd.) is zoned Former Chapter 59 (FC59) PUD 56. Approved in 1981, PUD 56 is based upon the FC59 B-1 zone district and was intended to serve as a transition between the heavy traffic of Bayaud Ave., S. Colorado Blvd. and the multi-family residential to the west. PUD 56 has a maximum height of 40' and allows various commercial/office uses. Please see the attached PUD 56 zoning ordinance for more information.

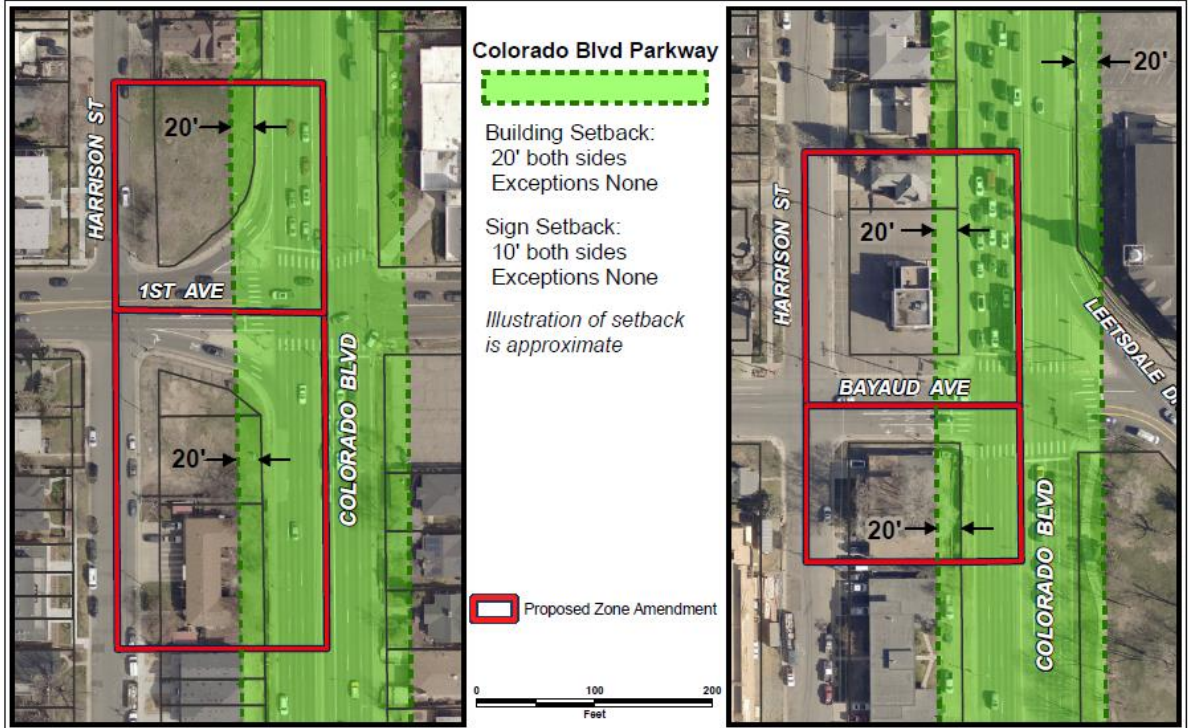
The site at the southwest corner of S. Colorado Blvd. and Bayaud Ave. (101 S. Colorado Blvd) is currently zoned G-MU-3. G-MU-3 is a multi-unit zone district allowing urban house, duplex, garden court, town house and apartment primary building forms. It has a maximum building height of 3 stories and 40 feet for the apartment primary building form plus allowed exceptions. The zone district is a residential district, not allowing for new commercial uses to be established. It establishes additional standards for the town house, garden court and apartment building forms that are adjacent to protected districts. Surface parking between the building and street is not allowed. For more details of the zone district, see DZC Article 6.

2. Cranmer Park Mountain View Plane



The subject properties are located within the Cranmer Park View Plane. The requested 5-story districts have a maximum height of 65' under the townhouse and apartment primary building forms, plus allowed height exceptions. As the view plane regulations are based upon the base elevation of the site as it relates to the distance from the reference point in Cranmer Park, the most restrictive of the sites would have a 67' maximum building height.

3. Colorado Boulevard Designated Parkway



The Parkway ordinance (D.R.M.C. Section 49-16) designates Colorado Blvd. as a parkway subject to Denver Parks and Recreation’s rules and regulations for adjacent property within setbacks. There is a required 20-foot parkway setback for buildings and a 10-foot parkway setback for signs, measured from the property line.

4. Existing Land Use Map



5. Existing Building Form and Scale



Site: 101 Colorado Blvd. – Looking northwest from Colorado Blvd. & 1st Ave.



Above: Site - 98 Harrison St., 97 Colorado Blvd., 51 Colorado Blvd. – from Colorado Blvd. & 1st Ave



Above: Site-51 Colorado Blvd. – Looking east from Harrison St.



Above: Site-65 and 55 S. Colorado Blvd. – looking northwest from S. Colorado Blvd. and Bayaud Ave.



Above: Site - 101 S. Colorado Blvd.– from S. Colorado Blvd. and Bayaud Ave.

Source: Google Maps

6. Affordable Housing Agreements

Concurrent with the rezoning, voluntary affordable housing agreements have been formalized with the city. The affordable housing agreements contemplate both for-sale and for-rent unit scenarios, as a future product type has not been determined. Commitments of the agreements include:

- Minimum of 10% of all units will be income-restricted units (IRU's) for a period of 65 years.
- 100% of the IRU's will be a minimum of two-bedroom units, with sizes matching the distribution of sizes of the market rate units.

- If the units are for-rent:
 - 50% of the rental IRU’s will be restricted to 60% Area Median Income (AMI) or less.
 - 50% of the rental IRU’s will be restricted to 80% Area Median Income (AMI) or less.
- If the units are for-sale:
 - 50% of the for-sale IRU’s will be restricted to 100% Area Median Income (AMI) or less.
 - 50% of the for-sale IRU’s will be restricted to 80% Area Median Income (AMI) or less.

The map amendment application is for the requested G-MU-5 and G-RO-5 districts and for a site-specific development plan. The applicant worked with Denver Department of Housing Stability (HOST) staff and determined how many units would be required under a build alternative plan based on the contemplated project in connection with the rezoning. Under the build alternative, if the project contemplated in connection with the rezoning were all residential, 5 income-restricted units at 80% AMI would be required. In this case, the voluntary affordable housing commitment of 10% is approximately 17 income-restricted units, with half of those units at a deeper affordability level 60% AMI (if rental units).

Proposed Zoning

The requested G-MU-5 zone district is a multi-unit zone district allowing urban house, duplex, garden court, town house and apartment primary building forms. It has a maximum building height of 5 stories and 65’ feet for the apartment primary building form. The zone district is a residential district, not allowing for new commercial uses to be established. It establishes additional standards for the Town House, Garden Court and Apartment building forms that are adjacent to protected districts. For additional details of the requested zone district building form standards, see DZC Section 6.3.3.

The requested G-RO-5 zone district is a multi-unit and office district allowing the urban house, duplex, town house, and apartment primary building forms. It has a maximum building height of 5 stories and 65’ feet for the apartment primary building form. G-RO-5 allows for complementary commercial and office uses to be integrated into the area, however, retail and restaurant uses are not allowed.

The primary building forms allowed in the existing zone district and the proposed zone districts are summarized below.

Design Standards	PUD 56 (Existing)	G-RH-3 (Existing)	G-MU-3 (Existing)	G-MU-5 (Proposed)	G-RO-5 (Proposed)
Primary Building Forms Allowed	n/a	Urban House, Duplex, Row House	Urban House, Duplex, Garden Court, Town House, Apartment	Urban House, Duplex, Garden Court, Town House, Apartment	Urban House, Duplex, Town House, Apartment
Height in Stories / Feet (max)	40’	Row House form- 3 stories in front 80% & 1 story rear 20% /	Apt. form – 3 stories/40’*	Apt. form – 5 stories/65’*	Apt. form – 5 stories/65’*

		30' front 80% & 19' rear 20%**			
Primary Street Build-to (min % within min/max)	n/a	n/a	Apt. form – 60% min 10' min/20' max	Apt. form – 60% min 10' min/20' max*	Apt. form – 60% min 10' min/20' max*
Minimum Zone Lot Size/Width	n/a	Row House form 6,000 sq. ft./ 50' width*	6,000 sq. ft./ 50' width*	6,000 sq. ft./ 50' width*	6,000 sq. ft./ 50' width*
Primary Street Setbacks (min)	20'	Block sensitive or 20'	Block Sensitive or 10'	10'	10'
Setback – side interior (min)	33'****	5'	10' (adj. to protected district)	10' (adj. to protected district)	10' (adj. to protected district)
Setback – rear (min)	2'	20' (no alley)	20'	20'	20'
Upper story setback above 27' adjacent to a protected district	n/a	n/a	25'	25'	25'

*Standard varies between building forms

**1' of additional height for every 5' increase in Zone Lot width over 50' up to a max 35'

**** PUD 56's 33' side interior setback applies to the structure at 65 S. Colorado Blvd. The vacant residential structure constructed in 1939 at 55 S. Colorado Blvd. which is part of the PUD but not shown on the PUD is setback 5'.

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:

Assessor: Approved – No Response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments:

- The Denver Department Public Health & Environment (DDPHE) concurs with the request and is not aware of environmental concerns that should be considered for the rezoning.
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system 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.

- If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.
- 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 DDPHE 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.

Denver Parks and Recreation: Approve Rezoning Only – Will require additional information at Site Plan Review

Proposed areas for rezoning are along Colorado Boulevard Parkway. There is a 20' building setback (from the property line) along the portion in question. The 20' requirement will be enforced for any proposed development.

Public Works – R.O.W. - City Surveyor: Approved – No comments

Development Services - Transportation: Approved – See Comments Below

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.

Development Services – Wastewater: Approved – See Comments Below

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

Development Services – Project Coordination: Approve Rezoning Only – will require additional information at site plan review.

Development Services – Fire Prevention: Approved – No comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/6/2020
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	7/21/2020
Planning Board public hearing: Recommend Approval (9-0)	8/5/2020
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	8/4/2020
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	8/18/2020
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	9/7/2020
City Council Public Hearing:	9/28/2020

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**

- Over the past 18 months, the applicant has conducted outreach and engagement with the Cherry Creek East Association (CCEA), Cherry Creek North Neighborhood Association (CCNNA), and the Cranmer Park/Hilltop Civic Association. A list of specific outreach dates and activities is included in the application.
- The good neighbor agreements between the applicant and the RNO's are included with the application. These private agreements are recorded and will be applicable to future ownership and expire after 50 years or if the properties are rezoned once again. The agreements are attached at the end of the application.
- The good neighbor agreements commit the owner to the following:
 - on-going communication with CCNNA and CCEA related to future redevelopment projects;
 - providing a copy of the traffic studies to the RNO's;
 - screening trash, utilities and integrating rooftop mechanical (in accordance with city requirements);
 - landscaping and pedestrian lighting.
 - To the extent reasonably feasible, the owner has committed to the RNO's that he will work with the City and CDOT to implement the vision of the Cherry Creek Area plan in terms of the Cherry Creek Gateway with public art elements, detached sidewalks, safe and attractive pedestrian crossing.
 - The future building height to 4 stories/60' maximum and below-grade parking.
 - For the property at 101 Colorado Blvd., the good neighbor agreement commits to a maximum 32,500 square foot building with no more than 32 residential units with a minimum unit size of 900 sq. ft.
 - For the properties at 97 Colorado Blvd. and 98 Harrison St., the good neighbor agreement limits the building to 57,500 sq. ft. with no more than 64 total residential units with a minimum unit size of 900 sq. ft. The agreement prohibits dental/medical office use on the property.
 - The property at 101 S. Colorado Blvd. the good neighbor agreement limits the building to 25,000 sq. ft. in size with no more than 25 units with a minimum unit size of 900 sq. ft.
 - The properties at 55 and 65 S. Colorado Blvd are limited by the good neighbor agreement to a future building size of 45,000 sq. ft. for both residential and office uses. The agreement limits a future development to 45 residential units' maximum with a minimum unit size of 900 sq. ft. The agreement prohibits dental/medical office use on the properties.

Although the good neighbor agreement is recorded, the city was not a party to these private agreements. As such, the contents of the good neighbor agreements are not enforced by the city.

- The Cranmer Park/Hilltop Civic Association has reviewed the application and provided a letter in support of the rezoning.

- The CCNNA and CCENA have provided a joint letter of support, attached.
- **Other Public Comment**
 - 5 letters in support of the rezoning, 3 from Cherry Creek East residents, 1 from a business owner in Cherry Creek and 1 from a Cherry Creek North resident. The letters expressed support for redevelopment and investment and acknowledged the effort the applicant put forth in listening to and engaging with the surrounding neighborhood.
 - 4 letters in opposition were received from Cherry Creek East residents. Concerns ranged from increase traffic, height, the inclusion of affordable housing and the RNO's process to determine support for the request.
 - A comment was submitted after the Planning Board hearing clarifying the good neighbor agreement.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to the subject properties:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Cherry Creek Area Plan (2012)*
- *The Boulevard Plan (1991)*
- *Housing an Inclusive Denver (2018)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element. The proposed rezoning to G-MU-5 would allow for multi-unit residential uses and the G-RO-5 district would allow for multi-unit and some office uses at an increased density, adjacent to Colorado Blvd., which is designated as a transit priority street in *Blueprint Denver* and a high-capacity transit corridor in *Denver Moves: Transit*. The map amendment request is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*

- Equitable, Affordable and Inclusive Goal 2 Strategy D – *Increase the development of senior-friendly and family friendly housing, including units with multiple bedrooms in multi-family developments* (p. 28).
- Equitable, Affordable and Inclusive Goal 3 Strategy B – *Use land use regulations to encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 28).

The proposed rezoning would enable the development of additional affordable housing units with access to bus transit service along Colorado Blvd. and is consistent with Equitable, Affordable and Inclusive Goal 1, Strategy A. As previously mentioned, the proposed rezoning has an associated affordable housing agreement. The terms of the agreement include a provision for all IRU's to be a minimum of two-bedroom units which are conducive for families. The subject sites are also adjacent to Colorado Blvd. an identified high priority transit corridor. The proposed rezoning enables the development of additional income-restricted multi-unit housing with larger, family-friendly units and is consistent with Equitable, Affordable and Inclusive Goal 2 Strategy D and Goal 3 Strategy B of the *Comprehensive Plan 2040*.

The map amendment application is also consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p.54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high-and medium-capacity transit corridors* (p. 54).
- Environmentally Resilient Goal 9, Strategy B – *Improve Denver's air by reducing the use of single-occupancy vehicles, advancing renewable energy sources, expanding the use of transit, promoting innovative and alternative technologies and supporting mixed-use, walkable neighborhoods* (p.54).

The proposed G-MU-5 and G-RO-5 zoning would allow for responsible growth via infill multi-unit housing and limited application of complementary office and commercial uses at an intensity consistent with the desire for walkable, mixed-use neighborhoods with access to high-capacity transit as expressed in *Comprehensive Plan 2040*. The requested map amendment is enabling future growth to be focused along Colorado Blvd. a high-capacity transit corridor which leads to the improvement of air quality through decreasing the reliance on single-occupancy vehicles (SOV's). SOV's contribute to air pollution and greenhouse gas emissions. The proposed amendment is consistent with *Comprehensive Plan 2040's* goals related to climate and resiliency.

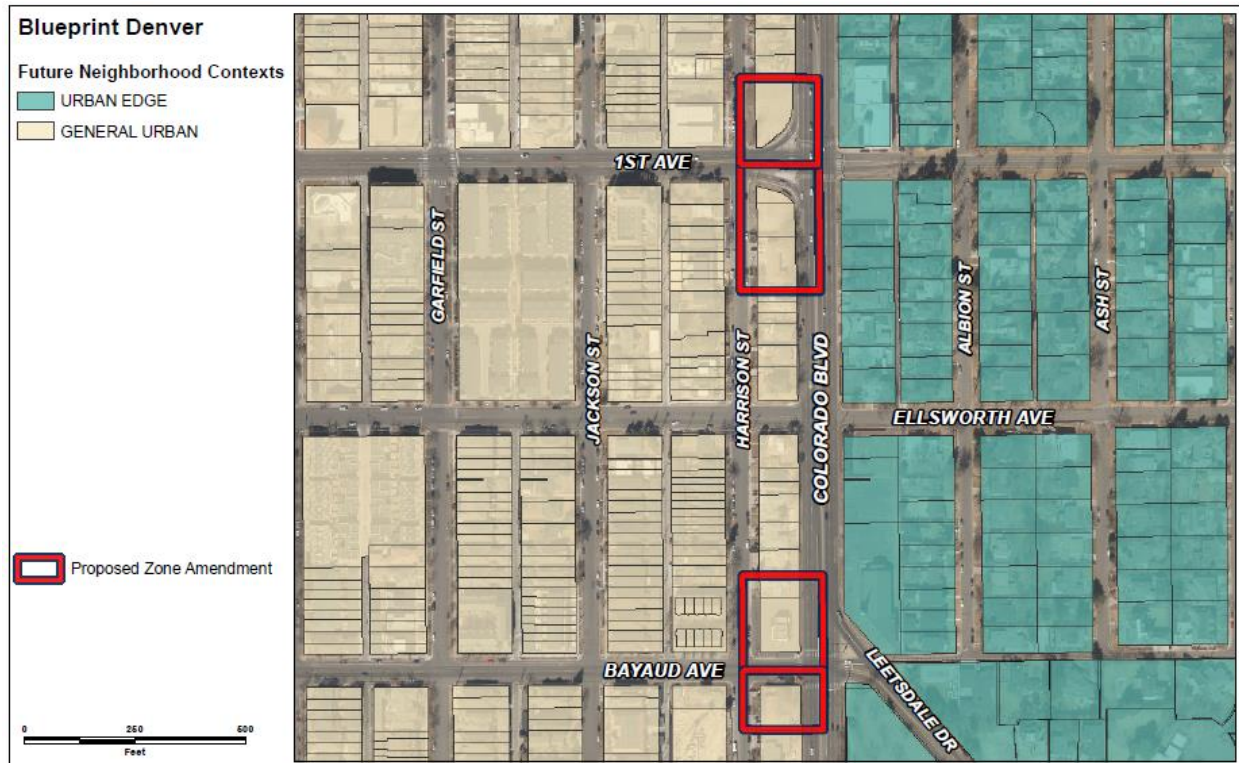
The proposed rezoning would allow for additional uses appropriate for the surrounding neighborhood and facilitate infill development that will create amenities and improve the public realm for the surrounding area consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy C – *Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm* (p. 34).

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a low-medium residential place within the General Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as containing “Residential in this context varies from mixed-use multi-unit buildings to compact single unit homes. Development should be sensitive to the existing neighborhood character and offer resident a mix of uses with good street activation and connectivity. Residents are well served by transit and enjoy access to daily needs, amenities and entertainment

options” (p. 238). The proposed G-MU-5 and G-RO-5 zone districts are part of the General Urban context and are intended to “promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.” (DZC 6.2.2.1). Since the proposed districts allow for mixed-use and residential multi-unit buildings with allowable building forms that are sensitive to the general urban residential character and contribute to street activation, the proposed rezoning within the General Urban context is appropriate and consistent with the plan.

Future Places



The Future Places Map shows the subject property as part of a Low-Medium Residential Area. *Blueprint Denver* describes the aspirational characteristics of Low-Medium Residential Areas in the General Urban context as “primarily residential, with a mix of unit types. Single-and two-unit homes are interspersed with lower scale multi-unit buildings. Limited neighborhood serving commercial can be found, particularly at intersections. Heights are generally up to 3 stories” (p. 246). The proposed district of G-MU-5 is a multi-unit residential district and G-RO-5 provides opportunities for residential and office uses in low to moderate scale residential building forms. Both districts have a maximum height of 5 stories.

As *Blueprint* is a citywide plan, the building heights identified (in this case 3 stories) were not intended to set exact maximum heights (p.66). As such, *Blueprint* provides factors to consider in conjunction with the general height recommendations to determine whether additional height is appropriate, including “adjacency to transit and achieving plan goals for community benefits, including affordable housing” (p. 66). The proposed districts that allow building heights of up to 5 stories is appropriate for a Low-Medium Residential Area in this location, given its adjacency to Colorado Blvd., a high-capacity transit corridor, and that community benefits are achieved through a voluntary affordable housing commitment.

Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a Low-Medium Residential Area. Low-Medium Residential Areas are considered all other areas of the city and anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). *Blueprint Denver* discusses the other growth areas by stating, "the remaining growth areas are smaller but still play a key role in meeting the diversity of jobs and housing needed for our dynamic city...The remaining parts of Denver, mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to G-MU-5 and G-RO-5 will allow for growth where it will help strengthen and complement the existing character of the surrounding area.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Colorado Blvd. as a Residential Arterial from Alameda Ave to 6th Ave. "Arterial streets are designed for the highest amount of through movement and the lowest degree of property access" (p.154). The use and built form characteristics of Residential streets are described as, "Primarily residential uses, but may also include schools, civic uses, parks and small retail nodes and other similar uses" (p.160). 1st Ave is designated as a Mixed-Use Collector. Mixed-Use Collectors "are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets" (p. 154). In addition, they have a "varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented

typically multi-story, usually with high building coverage with a shallow front setback.” (p. 159). Bayaud Ave. is designated as a residential collector. The proposed G-MU-5 and G-RO-5 districts are consistent with these descriptions, with the collector streets providing connections from the properties to the arterial, which is intended for more intense development.

Strategies

The proposed rezoning is consistent with the following strategy from *Blueprint Denver*:

- Land Use and Built Form: General Policy 2, Strategy C – *Allow increased density in exchange for desired outcomes, such as affordable housing, especially in transit rich areas* (p. 72).

The Plan’s glossary defines transit rich areas as, “areas with access to high-frequency transit including rail and/or transit priority streets” (p. 301). The proposed G-MU-5 and G-RO-5 zone districts would allow higher density redevelopment than what is currently allowed under the existing G-RH-3, G-MU-3 and FC 59 PUD 56 zoning adjacent to Colorado Blvd., an identified transit priority street. In exchange, the voluntary affordable housing agreement in connection with the rezoning achieves the desired outcome of increasing affordable housing in a defined transit rich area. Therefore, the rezoning is consistent with the above-cited *Blueprint Denver* strategy.

The proposed rezoning is also consistent with the following strategy from *Blueprint Denver*:

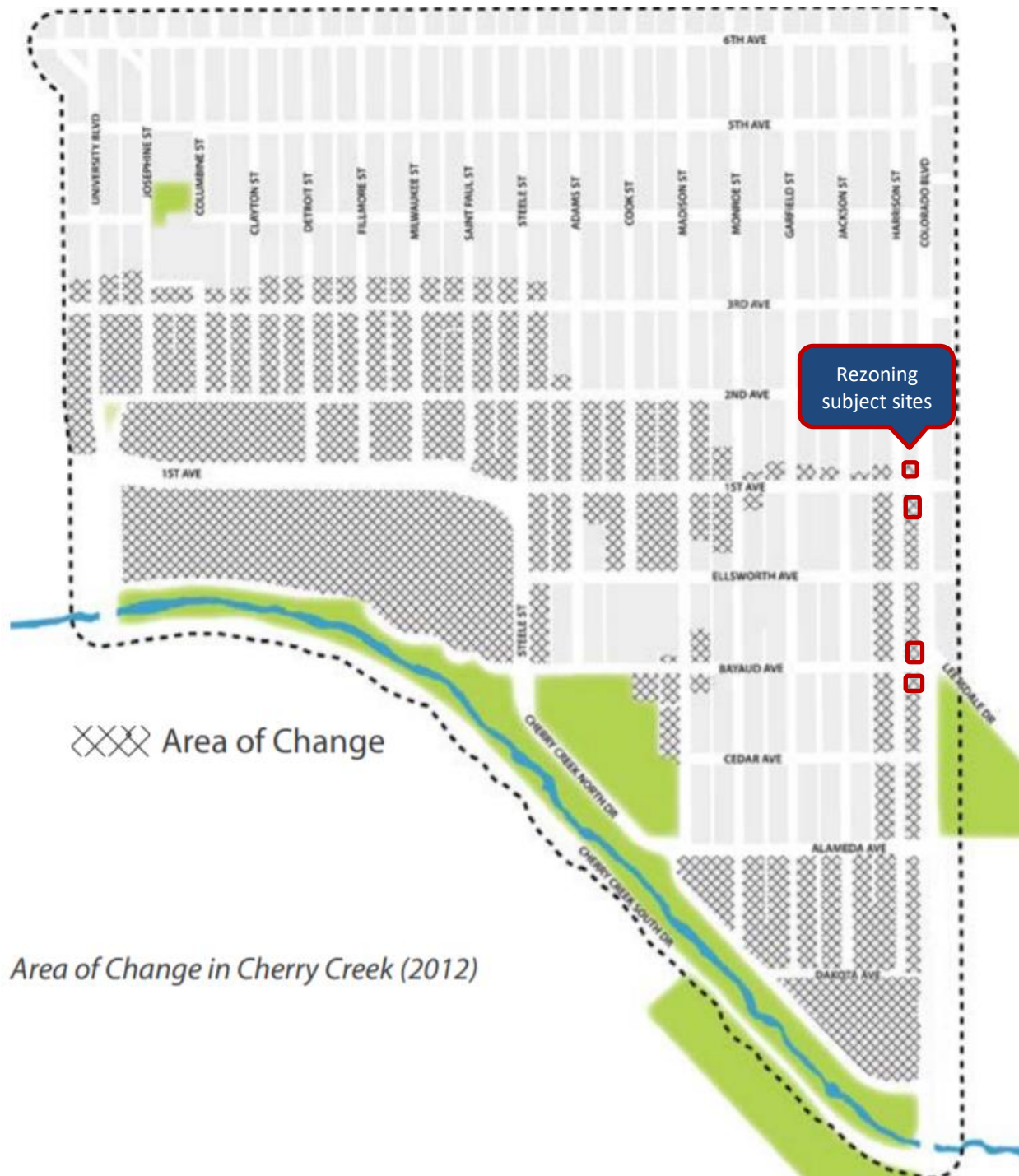
- Land Use and Built Form: General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code* (p. 73).

A portion of the rezoning (55 and 65 S. Colorado Blvd.) retains Former Chapter 59 PUD zoning. The proposed map amendment would bring the property into the Denver Zoning Code. This is consistent with the city’s goal to bring the entire city into the DZC.

Therefore, the proposed rezoning to G-RO-5 and G-MU-5 is consistent with the policies, context, place, growth strategy, street type and strategy recommendations of *Blueprint Denver*.

Cherry Creek Area Plan

The Cherry Creek Area Plan (CCAP) was adopted by City Council in 2012 and applies to the subject properties. As the plan was adopted prior to the *Blueprint Denver* update, the CCAP builds off of the previous growth management paradigm of “Areas of Change” and “Areas of Stability”, providing guidance on where growth should occur in Cherry Creek. The Plan organizes the neighborhood into sub-areas and provides recommendations for each of these smaller neighborhood areas. The subject properties are primarily located in the Cherry Creek East sub-area with one property, 101 Colorado Blvd., located in the Cherry Creek North sub-area.



The overarching framework recommendations guide growth to targeted areas of Cherry Creek. The subject sites are located in an Area of Change. As previously mentioned the Area of Change/Stability concepts have been replaced with a more nuanced approach in the recent Blueprint update, but the recommendations are still relevant in terms of the communities' desire to target growth and change

expressed in an adopted plan. Cherry Creek Area Plan notes that, “overall these areas [Areas of Change] benefit from new development, reinvestment and more intense use” (p. 29). Moreover, the plan recommends that the city “modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways” (p. 29). The requested rezoning to G-RO-5 and G-MU-5 is such a change in zoning regulations that would enable reinvestment and development in the most appropriate areas as expressed in the plan.

The plan specifically calls out sidewalk improvements along the west side of Colorado Blvd. as a focus location. “Prioritize improvements in the sidewalk network as development occurs” (p. 16). The rezoning to G-RO-5 and G-MU-5 will enable redevelopment that will be required to install sidewalks along the west side of Colorado Blvd., thus implementing the plan.

Under Recommendation D.2.B Reinvesting in the Future, Development Opportunities, the subject sites are identified as “key development opportunities.” Updated land use and regulatory strategies are needed in these areas (p.48). The application asserts that rezoning to G-MU-5 and G-RO-5 will implement this recommendation as it will facilitate the development/redevelopment of key development sites.

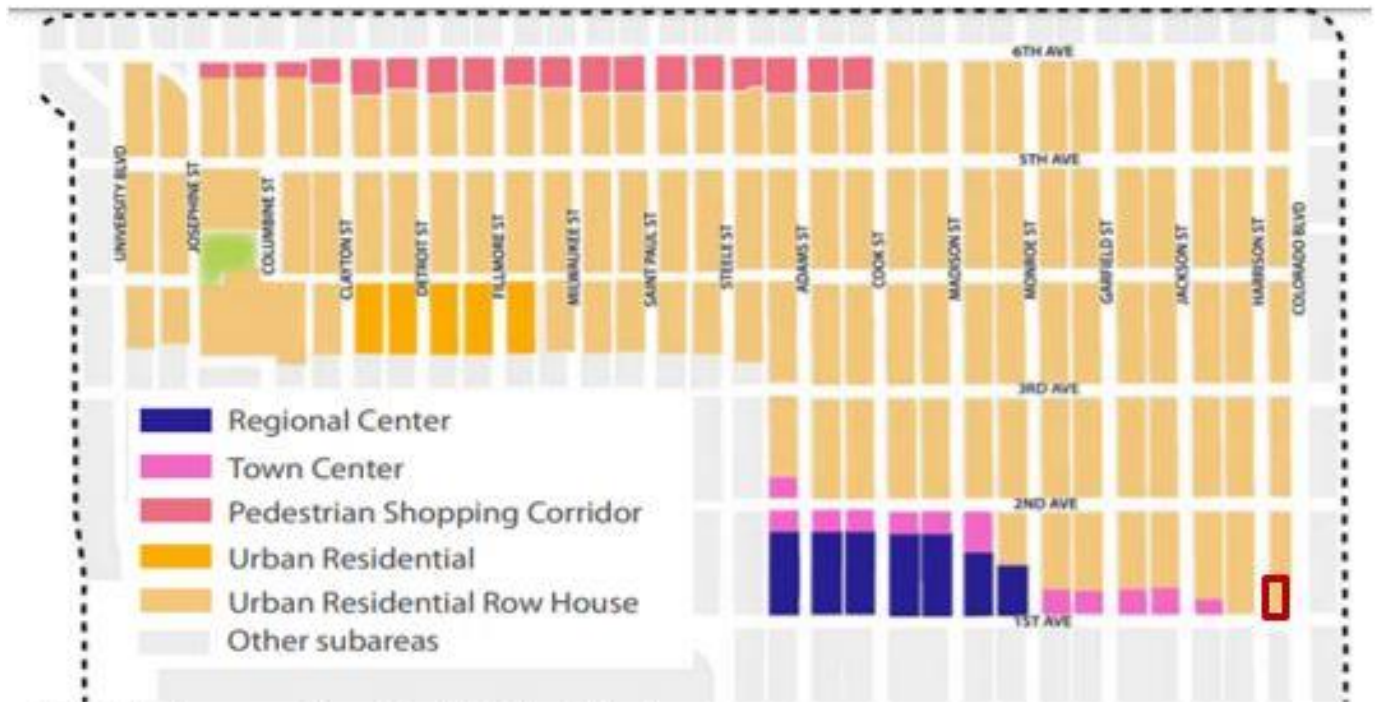


Cherry Creek North Sub-Area

The plan recommends a future land use of Urban Residential Row House at a maximum of 3 stories for the site at 101 Colorado Blvd. In the Urban Residential Row House area, the plan recommends to “continue to support a mix of housing types including single family, accessory dwelling units, duplexes and row houses” (p. 68).

The G-MU-5 district requested at 101 Colorado Blvd. enables the urban house and duplex building forms which are consistent with the future land use map recommendations. It does not allow the row house building form. However, G-MU-5 does allow the garden court, town house, and apartment building forms. This is a broader mix of housing types that explicitly recommended in the plan but the plan does not contain an exclusive list of recommended housing types.

In terms of building height, the maximum building heights map recommends a maximum of 3 stories. The G-MU-5 district allows a maximum of 5 stories. The subject site is located on the very southeast edge of Cherry Creek North. While the request exceeds the height recommendations as shown in the plan from 2012, the request is consistent with other recommendations for the vacant parcel within the Cherry Creek North sub-area as well as other plan goals as described earlier. The additional height will be mitigated by adjacent protected district standards and will enable new development that will respect predominant urban form of detached sidewalks, block-sensitive setbacks, limited curb cuts, and building entry features that are visible from the street (p.68).



Future land use map - Cherry Creek North neighborhood



Maximum building heights map - Cherry Creek North neighborhood

Cherry Creek East Sub-Area

The plan recommends a future land use of Urban Residential at a maximum of 3 stories for the subject site. The plan defines Urban Residential as “supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units” (p. 72).



The plan map recommends a future land use of Urban Residential at a maximum of 3 stories for the sites located at 55, 65, and 101 S. Colorado Blvd.; 51 and 97 Colorado Blvd.; and 98 Harrison St. The plan defines Urban Residential as “supporting a variety of housing types including low and mid-rise multifamily, row houses, duplex, single family and accessory dwelling units” (p. 72). The G-MU-5 district requested at 101 S. Colorado Blvd. enables mid-rise multi-family residential consistent with the future land use map recommendations. The G-RO-5 district requested at the other two Cherry Creek East sub-area sites would allow for mid-rise multi-family residential with some office uses. G-RO-5 is a residential district with residential primary building forms and the application argues that it is not completely inconsistent with the future land use map. In terms of building height, the maximum building heights map recommends a maximum of 3 stories. Both the G-RO-5 and G-MU-5 are 5 story maximum districts. An increase above the 3-story building height recommendation is justified by the other plan guidance described above and the unique approach recommended for the east side of Harrison Street as described below.

The plan highlights that the existing condition of Harrison Street as a half block creates a significant challenge for redevelopment. “Properties on the east side of Harrison have seen a continued lack of private investment. Existing buildings have deteriorated, and vacant lots remain undeveloped. Challenges include adjacency with the heavily travelled Colorado Boulevard and its parkway setbacks, parcel depth,

and access. Though there is a desire for change along Harrison to spark private investment, multiple property owners with varied goals, narrow block depth, lack of sidewalks, and high traffic volumes are all challenges” (p.71). The plan goes on to recommend addressing Harrison Street challenges associated with Colorado Blvd., recognizing the importance of the subject properties in revitalizing Harrison Street. The subject sites are a mix of vacant parcels, deteriorated lots and have not seen investment under the current G-RH-3, PUD 56 and G-MU-3 zoning. The proposed rezoning will respond to a challenging half block and enable reinvestment as the Cherry Creek Plan envisioned.

Additional recommendations for Cherry Creek East include the following (p. 72, 73):

- **Encourage private reinvestment along perimeter streets.** Encourage the redevelopment of the existing vacant lots at the corner of 1st and Colorado.
- **Rezone PUDs.** As opportunities arise with new development or property owner interest, property owners and neighborhood representatives will work together with the City to determine an appropriate Denver Zoning Code district that serves to implement this plan.

The cited vacant lots at the corner of 1st and Colorado are included in this application and redevelopment would be facilitated by their rezoning. Both 55 and 65 S. Colorado Blvd. are part of the Former Chapter 59 PUD 56. The plan recommends that these properties are rezoned into the new code. G-RO-5 is proposed for these properties, which is a Denver Zoning Code district and is consistent with the small area plan’s recommendation.

Overall, it is acknowledged that the request to rezone the subject sites to G-MU-5 and G-RO-5 builds upon the land use categories as previously envisioned and increases the height for these subject sites. However, the plan guidance should be evaluated in tandem with the numerous recommendations to target and encourage redevelopment at these key opportunity sites. Moreover, the challenge of the half-block condition between Colorado Blvd. and Harrison Street creates significant constraints to fully implement the plan. When looking at all the *Chery Creek Area Plan’s* recommendations, on balance, the request is consistent with the plan.

The Boulevard Plan

The Boulevard Plan was adopted by City Council in 1991 and outlines a vision, goals and objectives for future development along S. Colorado Blvd. between 1st Ave. and Iliff Ave. At the time of adoption, the plan articulated a vision of S. Colorado Blvd. as a “regionally distinct transportation, business and residential corridor accommodating a wide range of development types and sizes which serve the shopping, business and entertainment needs of nearby residents, as well as providing destination opportunities for a wider community” (p. 3). One of the goals of the plan related to land use was to continue an appropriate mix of land uses along the Boulevard (p. 29). The requested rezoning to G-MU-5 and G-RO-5 enhances the mix of uses along Colorado Blvd. enabling selected office and commercial focused mixed use as well as multi-unit residential, supporting and diversifying the existing mixture of housing and employment options.

Housing an Inclusive Denver

Housing an Inclusive Denver is not adopted as a supplement to *Denver Comprehensive Plan 2040*, but the plan was adopted by City Council in 2018. *Housing an Inclusive Denver* provides guidance and strategies

for the city to create and preserve strong and opportunity-rich neighborhoods with diverse housing options that are accessible and affordable to all Denver residents (p. 6). Core goals of the plan include: creating affordable housing in vulnerable areas and in areas of opportunity; preserving affordability and housing quality; promoting equitable and accessible housing; and stabilizing residents at risk of involuntary displacement (p. 7). To that end, the plan includes several recommendations, including to “promote development of new affordable, mixed-income and mixed-use rental housing” (p. 83).

As previously described, the affordable housing agreement associated with this rezoning commits a future development to provide a minimum of 10% of income-restricted units (IRUs) with half of those units affordable at 60% Area Median Income (AMI) or less and the other half of the IRU’s affordable at 80% or less, if rental or half of the units affordable at 80% AMI or less and the other half at 100% AMI or less if for-sale, with a covenant length of 60 years. Given this commitment, the proposed rezoning would enable and facilitate additional mixed-income and mixed-use affordable housing opportunities consistent with the *Housing an Inclusive Denver* recommendation.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MU-5 and G-RO-5 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city’s adopted plans and enabling the creation of a more walkable area, supporting growth adjacent to a future high-capacity transit corridor where mobility options are available. This encourages the use of transit and decreases reliance on single-occupancy vehicles leading to improved air quality. The application asserts that the rezoning enables development which will “increase connectivity to sidewalk and bike lane network, improve access and safety for RTD Bus Line connection on Colorado Blvd., promote traffic calming at 1st Ave. and Colorado Blvd. and improve traffic safety at Bayaud and Colorado due to the extended Bike Lanes and improved Pedestrian crossing opportunities. Provide enhanced Pedestrian connectivity to healthy activities including use of Burns Park/Pulaski Park/Gates Tennis Center as well as improved walkability to various Supermarket, Dining and Retail locations.” This promotes and increases walkability and physical activity which has been linked to improved health outcomes, like decreased obesity.

4. Justifying Circumstances

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: a. Change or changing conditions in a particular area, or in the city generally; or A City adopted plan; or That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” While the application asserts that the fact that the vacant parcels on the northwest and southwest corners of 1st Ave. and Colorado Blvd. have never been developed and the northwest corner of Bayaud Ave. and Colorado Blvd. has remained vacant for over 15 years as satisfying the

justifying circumstances criteria, Staff finds the absence of development is insufficient as a justifying circumstance.

Moreover, the application goes on to argue that given the changing conditions of increasingly heavy transportation usage of Colorado Blvd. and the increased need for affordable housing in Denver, the current zoning is not sufficient, and a map amendment is justified.

Additionally, this area and the Cherry Creek neighborhood at large has seen change over the past 10 years. Specifically, the Gardens at Cherry Creek was constructed at the southwest corner of S. Harrison Street and E. Cedar Ave., approximately 450' south of the subject site at 101 S. Colorado Blvd. This is a 5 story/ 70' tall multi-unit building. In 2017, Jackson Street Apartments were constructed, which are approximately ½ mile south of the subject site at 101 S. Colorado Blvd. an 8 story multi-unit building was constructed. Starting after 2012, directly southwest of 101 S. Colorado Blvd., the entire block of 1-story, single-unit homes between Cedar Ave. and Bayaud Ave on S. Harrison St. were demolished and replaced with two 3 story multi-unit residential buildings. Furthermore, about a half mile west at 1st and S. Steele St. a new 12 story mixed-use building was constructed in 2013. These changed conditions justify the requested rezoning and satisfy the criteria.

The properties located at 55 and 65 S. Colorado Blvd. are currently zoned PUD 56, which is a Former Chapter 59 PUD zoning. These properties were not rezoned with the adoption of the Denver Zoning Code in 2010 as custom zoning was largely excluded. Rezoning the properties into a Denver Zoning Code district (G-RO-5) is in the public interest to ensure more consistent and higher quality development outcomes, justifying the proposed rezoning for that site.

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

The requested G-MU-5 and G-RO-5 zone districts are within the General Urban Neighborhood Context which is characterized by “multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets” (DZC 6.1.1). The proposed G-MU-5 and G-RO-5 zone districts are consistent with the General Urban Neighborhood context description, as the proposed districts would facilitate the development of multi-unit housing along a residential arterial and select commercial office uses at an intersection while keeping with the general residential character.

According to the general purpose stated in the Denver Zoning Code, the intent of the Residential districts is “to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms” (DZC 6.2.2.1.A). “The Residential Office (RO) district provide opportunities for residential and office uses in low to moderate scale residential building forms” (DZC 6.2.2.1.C). In particular, the G-MU-5 zone district is “a multi-unit district allowing urban house, duplex, garden court, town house and apartment primary building forms. The tallest building form has a maximum height of five stories” (DZC 6.2.2.2.C). Additionally, the G-RO-5 zone district is “a multi-unit

and office district allowing urban house, duplex, row house, town house and apartment building forms. The tallest building form has a maximum height of 5 stories” (DZC 6.2.2.2.H). The proposed rezoning is consistent with the General Purpose and Specific Intent statements, as it will allow for multi-unit residential of up to 5 stories within the character of the General Urban Neighborhood Context in a location where these uses, housing types, and building heights are recommended by the preponderance of the plan recommendations.

Attachments

1. Application
2. Existing PUD 56 zoning ordinance
3. Public Comments