



TO: Land Use, Transportation and Infrastructure Committee
FROM: Sara White, AICP, Senior City Planner
DATE: January 18, 2018
RE: Official Zoning Map Amendment Application #2017I-00124

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00124.

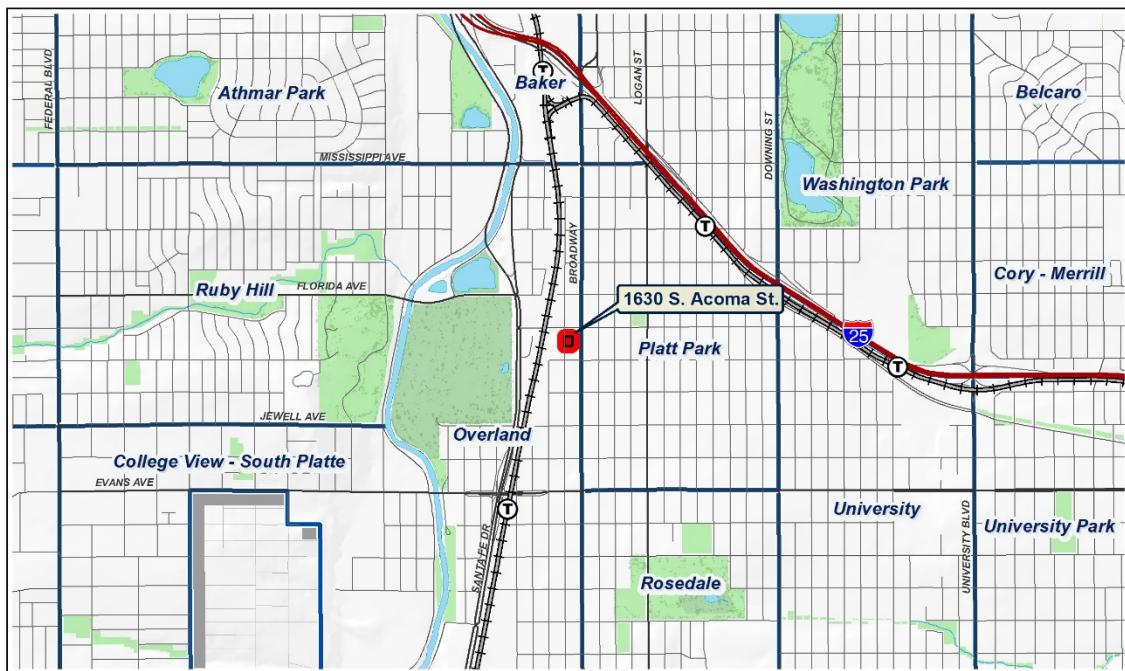
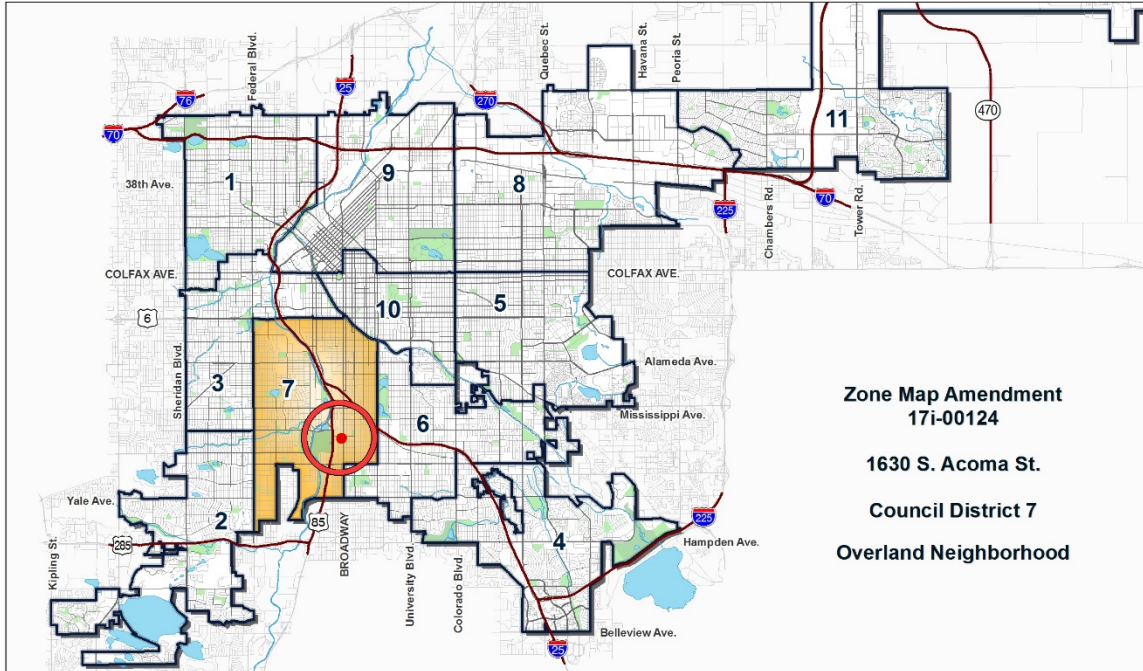
Request for Rezoning

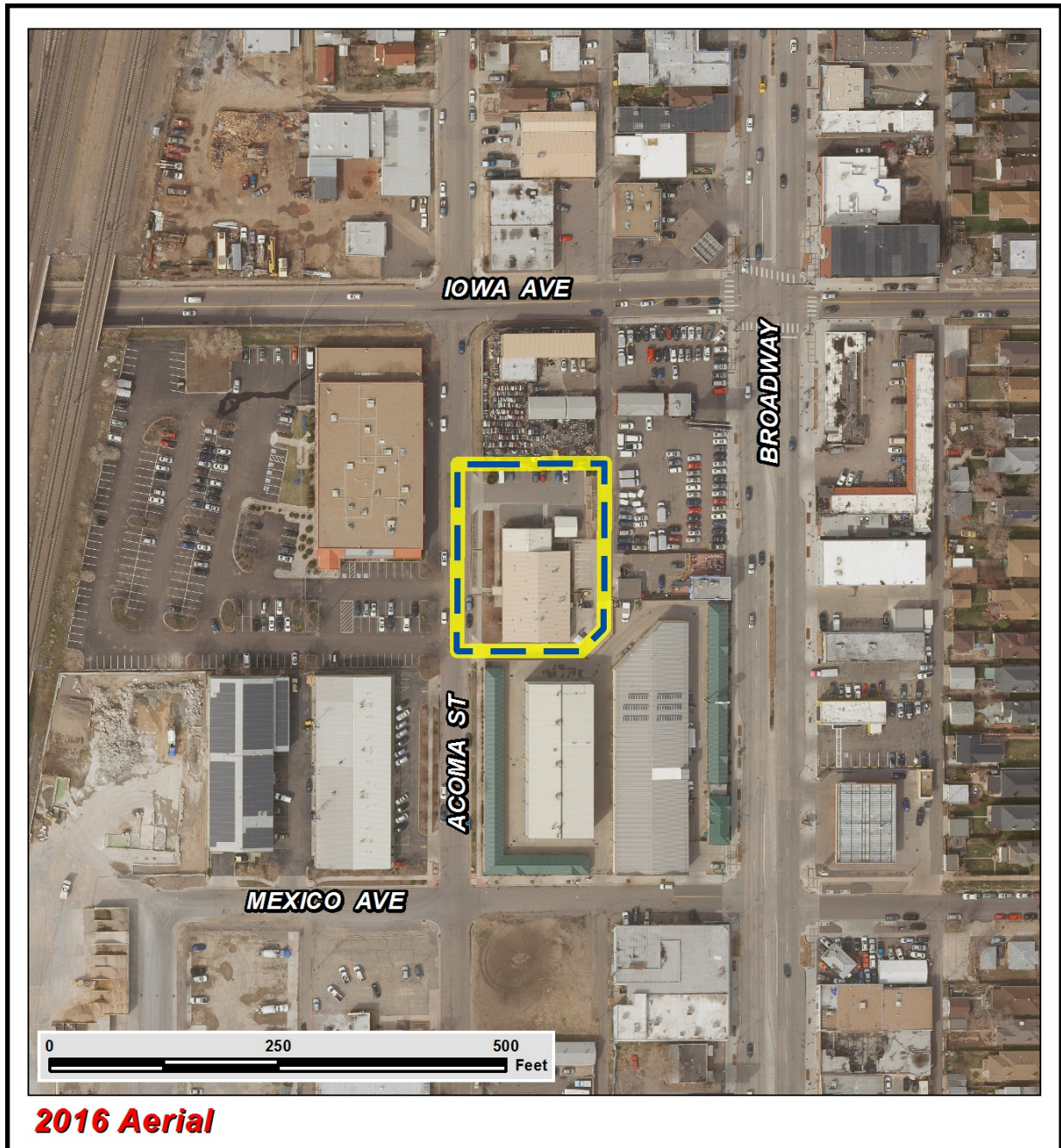
Address:	1630 S Acoma St
Neighborhood/Council District:	Overland Park/Council District 7
RNOs:	Denver Neighborhood Association, Inc., Inter-Neighborhood Cooperation (INC), Platt Park People's Association (3PA), Overland Park Neighborhood Association
Area of Property:	.57 acres (24,993 square feet)
Current Zoning:	I-A UO-2
Proposed Zoning:	I-MX-5
Property Owner(s):	Urban Peak Shelter, LLC
Owner Representative:	Cory Rutz, Otten Johnson

Summary of Rezoning Request

- The subject property is located in the Overland Park statistical neighborhood, near the intersection of W. Iowa Ave. and S. Acoma St. It is comprised of one parcel and occupied by a 1 story structure that operates as a short-term shelter for youth experiencing homelessness.
- The existing zoning is I-A UO-2. The UO-2 overlay zone permits billboard signs, but there are no billboards currently located on the property and the application does not propose to maintain this overlay.
- The property owner is requesting the zone change to I-MX-5 to allow construction of a mixed-use building to house a 40-bed shelter, Urban Peak's administrative offices, job-readiness training programs, counseling and related supportive services for youth engaged in Urban Peak's programs, and intermediate/long-term supportive housing units housing for up to approximately 76 youth. The proposed supportive housing would not be permitted under the current zoning, as no new residential uses may be established in the I-A zone district.
- The requested zone district, I-MX-5, is defined as Industrial Context, Mixed-Use, 5-story maximum height, which accommodates industrial and general building forms and is intended to provide a transition between heavier industrial uses in the I-A and I-B zones with development

that takes a more pedestrian-oriented form characterized by buildings built up to the street and an active Street Level.



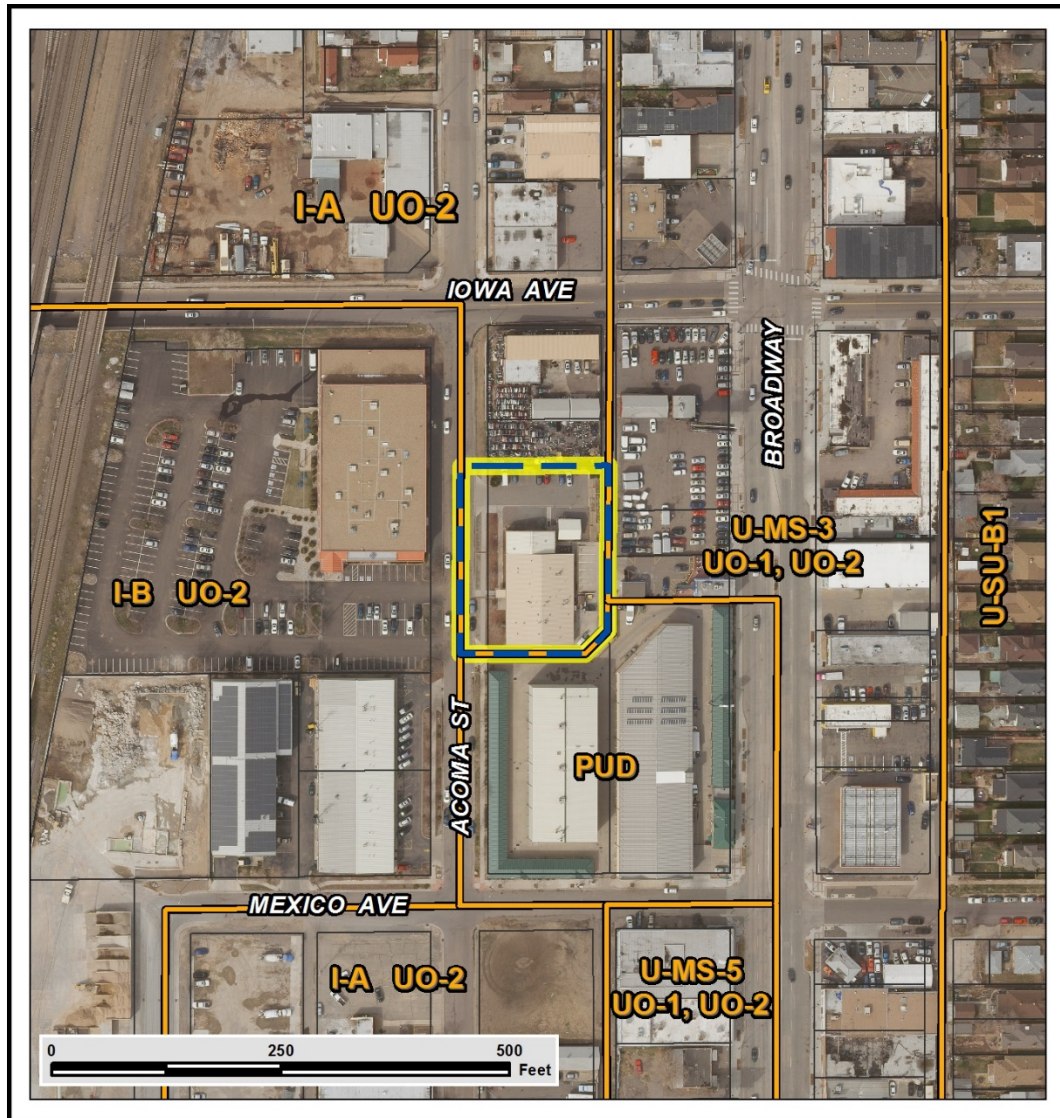


Existing Context

The site is located just south of Iowa on Acoma Street, one block west of Broadway. The area is characterized by a mix of commercial uses along Broadway and heavy and light industrial uses west of Broadway. Transit access includes bus routes on South Broadway. It is a few blocks north of the Evans light rail station, but outside of the ½ mile radius.

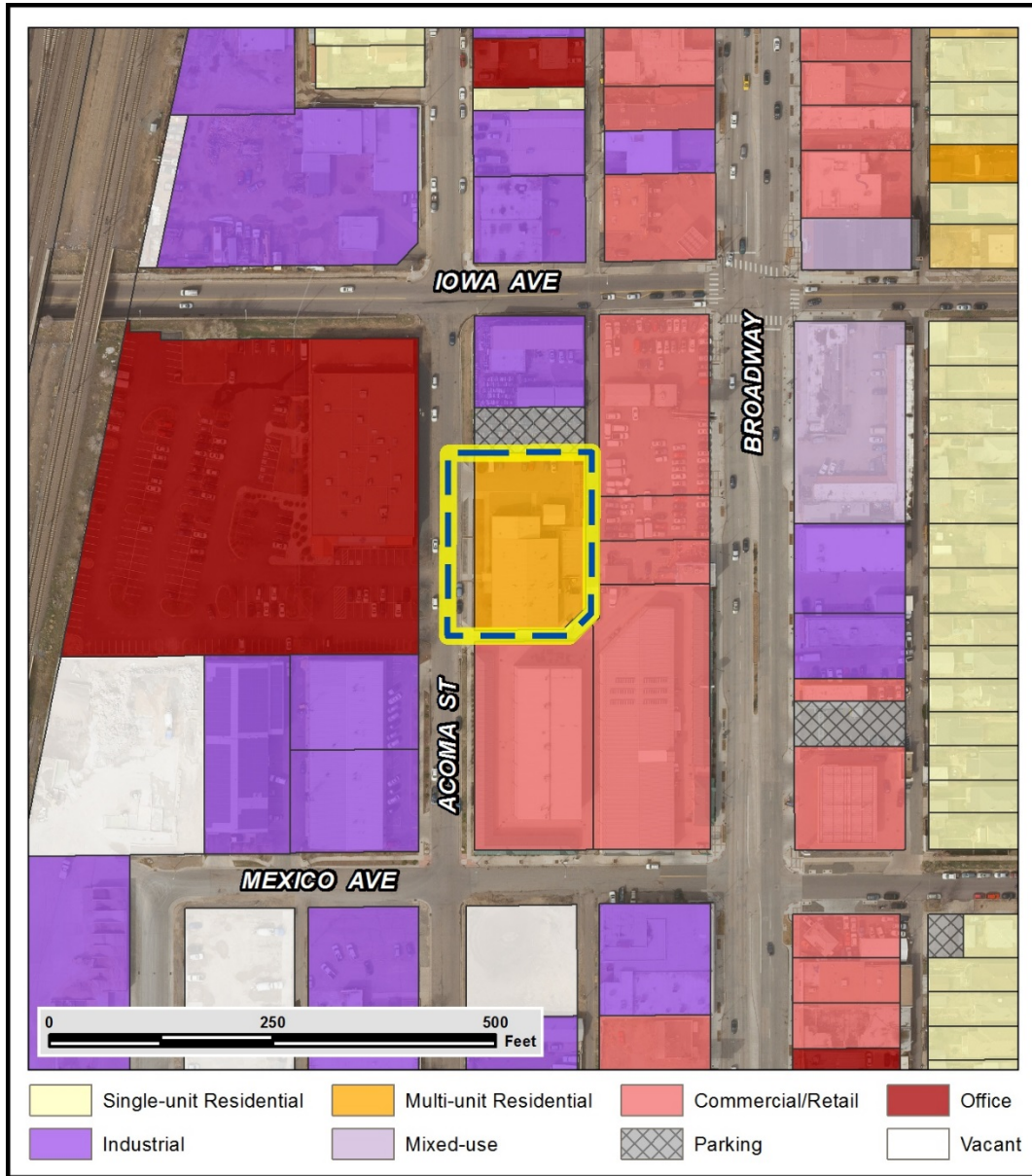
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A, UO-2	Shelter for the Homeless	One single-story commercial structure	Consists of a regular pattern of rectangular block shapes in an orthogonal grid, except where broken by the rail line at a diagonal. Alley access is available for most sites, except for where the street grid starts to shift due to the rail tracks.
North	I-A, UO-2	Mix of small industrial uses and some single-family residential	One and two story industrial structures, one and two story single-family houses	
South	PUD 454 and I-A, UO-2	Fine-grained mix of small industrial and commercial uses	Mini-storage facility, mix of one story industrial and commercial structures	
East	U-MS-3, UO-1, UO-2	Mix of commercial and retail uses	Car sales lot, mix of 1-3 story buildings along S. Broadway.	
West	I-B UO-2	Some commercial office uses directly across Acoma, mix of industrial uses and railroad tracks.	2 story office building, 1 story industrial buildings, vacant lots, railroad tracks	



1. Existing Zoning

The subject site is currently zoned I-A UO-2. The I-A zone district is an industrial district intended for light industrial uses. There is no maximum height; development is limited by a maximum Floor Area Ratio (FAR) of 2. No new residential uses may be established in the district. The UO-2 Billboard Use Overlay District allows “outdoor general advertising signs,” or billboards, pursuant to the use limitations of Denver Zoning Code Sec. 10.10.20, Outdoor General Advertising Devices in the Billboard Use Overlay District.



2. Existing Land Use Map

As shown above, existing land uses in the area are a mix of industrial and commercial. Several vacant parcels are in use for what appears to be automobile storage or parking.

3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images. (Source: Google Maps)



45-degree aerial of site, looking northeast.

Subject site,
looking east



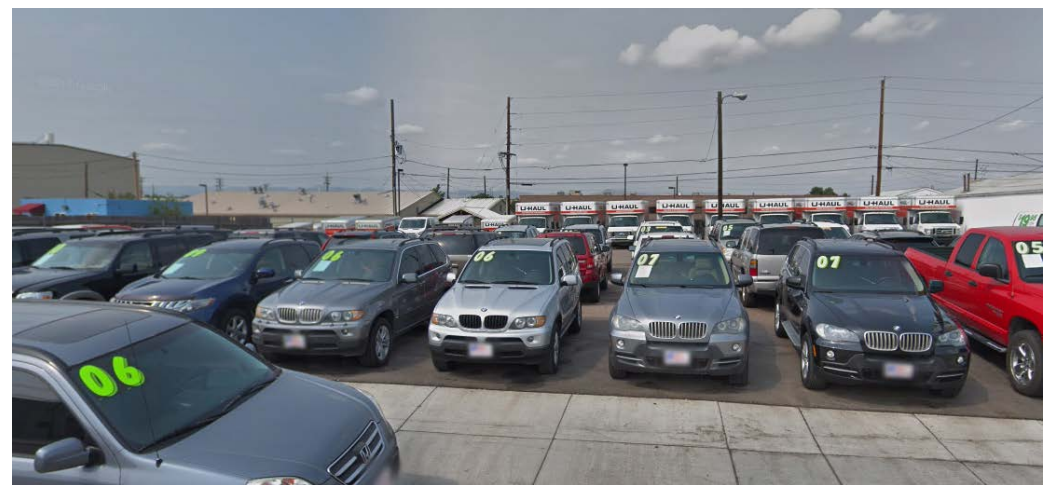
Property
across Acoma
Street from
subject site,
looking
northwest



Properties
across Acoma
Street from
the subject
site, looking
southwest



Rear of
subject site
viewed from
Broadway
looking west



Property to
south of
subject site,
viewed from
intersection
Acoma and
Mexico,
looking
northeast



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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Comments

GIS: Approved – No Comments

Environmental Health (Dave Erickson): Approved - See Comments

Notes. The Denver Department of Environmental Health (DEH) concurs with the rezoning request and is not aware of environmental conditions of concern on the property.

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, DEH 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.

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.

Parks and Recreation: Approved – No Comments

Public Works – ROW – Surveyor: Approved – No Comments

Public Works – Wastewater: Approved – No Comments

Development Services: Approve Rezoning Only - Will require additional information at Site Plan Review, See comments

Shelter for the homeless within the I-MX-5 zone district must comply with the Limitations within Section 11.2.10, and also requires a ZPIN.

Office of Economic Development: Approved – No Comments

City Attorney’s Office: Approved – No Comments

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	11/1/2017
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council and registered neighborhood organizations:	12/18/2017
Planning Board public hearing, voted unanimously to recommend approval	1/3/2018
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:	TBD
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	1/23/2018
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	TBD
City Council Public Hearing (tentative):	3/5/2018

- **Registered Neighborhood Organizations (RNOs)**
 - The RNOs identified on page 1 of this report were notified of this application.
 - A letter of support from the Overland Park Neighborhood Association dated October 6, 2017 was submitted with the application.
 - A letter of opposition from the Platt Park People’s Association (3PA) was received on January 2. The opposition is primarily on the basis of height.
- **Planning Board**
 - Planning Board voted unanimously to recommend approval of the proposed rezoning. There was deliberation about the appropriateness of a 5 story zone district, but the Board felt with a lack of plan guidance, the proposed site is a good place to direct slightly greater density, as it is in close proximity to a transit corridor on Broadway in addition to the two nearby rail stations.
 - Three members of the public signed up to speak in favor of the proposal, none spoke in opposition.
- **Other Public Comment**
 - A letter of support from a property owner in Platt Park was received and is attached. The commenter supports the proposed uses and finds the rezoning consistent with desired mixed-use development in the area.
 - A letter of opposition was received from a property owner along South Broadway and is attached. The commenter would support rezoning to I-MX-3 but states that the requested 5-story zoning is out of context.

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 plans apply to this property:
Denver Comprehensive Plan 2000 (2000)
Blueprint Denver (2002)
Overland Neighborhood Plan (1993)
Shattuck District Plan (2003)

Denver Comprehensive Plan 2000

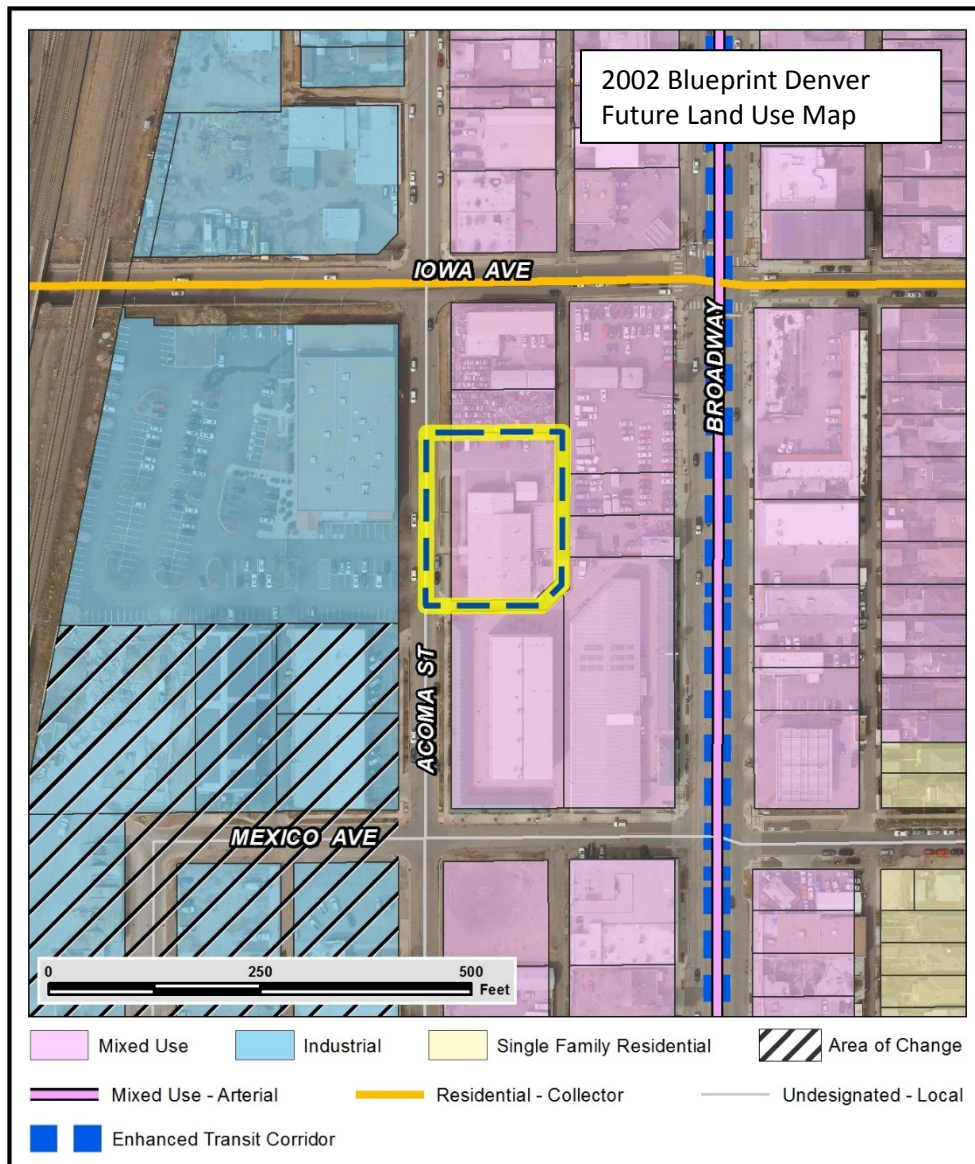
The proposal is consistent with many Denver Comprehensive Plan objectives, strategies and recommendations, including:

- Land Use Strategy 4-A: *Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.*
- 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)*
- Mobility Strategy 4-E: *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 78)*
- Legacies Strategy 3-A: *Identify areas in which increased density and new uses are desirable and can be accommodated. (p 99)*

The proposed I-MX-5 zone district will increase the feasibility of development on this smaller industrial site, in keeping with the existing fine-grained mix of uses in the immediate area. It will help create further opportunities for mixed-use development in an area that has already seen some redevelopment of former industrial structures into residential uses, and will promote redevelopment near to transit, both bus and rail.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Mixed Use and is located in an Area of Stability.



Future Land Use

According to Blueprint Denver, future development in areas with the concept land use of "Mixed-Use" will be characterized by higher intensity development with "residential and non-residential uses within walking distance of one another" and a mix of employment and housing uses. (p 41)

This proposed rezoning to I-MX-5 is consistent with Blueprint Denver's concept land-use for this area, as it allows for a mix of industrial, commercial, civic and residential uses to develop in a

pedestrian-oriented pattern, with buildings up to the street and an active street level. It will also support redevelopment that provides a buffer between very intense industrial and transportation uses to the west of the subject site and the commercial pedestrian shopping district along Broadway to the east.

Area of Change / Area of Stability

As noted above, Blueprint Denver designates the subject site and immediately surrounding area as an “Area of Stability.” In general, “The goal for Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment” (p. 120). Blueprint Denver identifies several strategies in Areas of Stability, including revitalizing neighborhood centers and providing basic services, and compatibility between existing and new development (p. 25).

The rezoning application is consistent with the Blueprint Denver Area of Stability recommendations. The rezoning allows the existing use to continue, while accommodating reinvestment in the property.

Street Classifications

South Acoma Street is an Undesignated Local street in Blueprint Denver. Iowa, which the site would be primarily served by, is a Residential Collector street. According to Blueprint, collector streets are designed to provide a balance between mobility and land access. (p 51). The addition of the “residential” qualifier identifies streets that are designed to emphasize walking, bicycling and land access over mobility. (p 55). The design features of local streets are typically tailored to providing local access, and mobility is typically incidental, involving relatively short trips at lower speeds to and from other streets. The two streets serving this site are appropriate to serve development in this area. Additionally, Broadway is designated by Blueprint Denver as an Enhanced Transit Corridor.

Small Area Plan: Overland Neighborhood Plan (1993)

The Overland Neighborhood Plan identifies that commercial and industrial business have been grouped into corridors. The plan identifies concerns about providing adequate transition from industrial uses to residential communities. This site is not near residential areas but it is in an area that transitions from industrial to commercial. The most specifically applicable recommendation in this plan is Action Recommendation LZ-2, which recommends that commercial and industrial businesses invest in their sites, including beautification and clean-up (p. 13). Reinvestment in the site will be enabled by this rezoning. Based on the foregoing, the proposed rezoning is consistent with the Overland Neighborhood Plan.

Small Area Plan: Shattuck District Plan

The vision identified in the Shattuck District Plan includes a “neighborhood where people live and work, where housing is affordable, where there are sufficient employment opportunities, where wages are sufficient and public revenues are being produced, where there are households in numbers sufficient to

enhance the climate for businesses on Broadway, where there is a mix of businesses, goods and services available to the neighborhood, and where the quality of life is generally good.” (p. 22) Additional relevant plan goals are to “Put underutilized commercial / industrial parcels into more productive uses” and to “Create a good mix of land use types incorporating households, employers, and consumer goods and services.”

Given that the desired mix of land uses include residential units and that the current zoning does not allow for new residential, a rezoning is necessary to implement these strategies. The proposed I-MX-5 allows development that furthers the goals of the Shattuck District Plan, while allowing some of the existing industrial character to remain.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-5 will result in the uniform application of zone district building form, use and design regulations in this larger Industrial Neighborhood Context.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by implementing the mixed-use concept land use recommendations of multiple plans as described above. Additionally, it establishes modern site design requirements that will enhance the walkability of future development. The proposal also would facilitate expansion of a current community-serving use, which focuses specifically on vulnerable youth populations.

4. Justifying Circumstance

This application for rezoning proposes that the change is justified because 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 (DZC, Sec. 12.4.10.8.A.4). The application identifies redevelopment of the South Broadway corridor as a change in the area. Additional residential units, as well as commercial revitalization are some of the changes occurring. Staff agrees that rezoning the property from its current I-A Zone District is appropriate as this area transitions into a vibrant, mixed-use community envisioned by multiple plans affecting the subject site.

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

Neighborhood Context Description

The Industrial Context consists of areas of industrial uses typically characterized by irregular patterns of larger blocks. The requested I-MX-5 zone is within the Industrial Mixed-Use District of the Industrial Neighborhood Context, intended for a more urban context with a rectangular street grid and alley access. The proposed rezoning is consistent with the neighborhood context and description.

Zone District Purpose and Intent

The Industrial Mixed-Use zone districts are “intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level” (p 9.1-2) and serve as a transition between heavier industrial development in the I-A District and mixed-use areas. The specific intent of the requested I-MX-5 district is to be applied to “industrially-dominated areas served primarily by collector streets with a maximum building height of 5 stories.”

The requested rezoning is consistent with the intent of the Industrial Mixed-Use Districts because the site and its immediate context are characterized by a more pedestrian-friendly street pattern and a mix of industrial, residential and commercial uses. None of the adopted plans make recommendations on building heights on the proposed site. Although the site is bordered to the east by 3-story zoning, the surrounding I-A and I-B zone districts are FAR-based and could potentially achieve heights up to 8 stories under the current zoning if developed with small floorplate size. Given this, the proposed I-MX-5 zoning can still be considered as an appropriate transition to buffer the adjacent 3-story pedestrian shopping area along Broadway from the more intensive industrial uses allowed to the west.

Attachments

1. Application
2. Public Comments

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Urban Peak Shelter LLC	Representative Name	Cory Rutz, Otten Johnson Robin
Address	730 21st Street	Address	950 17th Street #1600
City, State, Zip	Denver, CO 80205	City, State, Zip	Denver, CO 80202
Telephone	(303) 974 2900	Telephone	(303) 575 7555
Email	christina.carlson@urbanpeak.org	Email	crutz@ottenjohnson.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, 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.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1630 S. Acoma Street, Denver, CO 80223		
Assessor's Parcel Numbers:	0522609049000		
Area in Acres or Square Feet:	24,993 square feet		
Current Zone District(s):	I-A		
PROPOSAL			
Proposed Zone District:	I-MX-5		

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 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>

REQUIRED ATTACHMENTS

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

- Legal Description (required to be attached in Microsoft Word document format)
- 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)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

Letter of Support from Overland Park Neighborhood Association

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	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	Has the owner authorized a representative in writing? (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)	YES
Urban Peak Shelter LLC	1630 S. Acoma Street, Denver, CO 80223	100%	<i>Cory Ruby</i>	<i>10/17/17</i>	B	Yes

Last updated: February 22, 2017

 Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • rezoning@denvergov.org

Legal Description

Lot 7 through 14, Block 9, Overland Park Subdivision,

Except a portion of Lot 14, Overland Park Subdivision lying in the southwest quarter of Section 22, Township 4 South, Range 68 West of the 6th principal meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Beginning at the southeast corner of said Lot 14:
thence westerly along the southerly line of said Lot 14 a distance of 23.00 feet;
thence at a deflection angle to the right of 135 degrees, more or less, a distance of 32.53 feet,
more or less, to said easterly line of Lot 14;
thence southerly along said easterly line a distance of 23.00 feet to said southeast corner of Lot 14, City and County of Denver, State of Colorado.

Also known by the street name and number of: 1630 S. Acoma Street, Denver, Colorado 80223-3602

Assessor's schedule or parcel number 0522609049

October 17, 2017

MUNSEY L. AYERS
303 575 7555
MUNSEY@OTTENJOHNSON.COM

BY E-MAIL

Community Planning & Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Re: 1630 S. Acoma Street Redevelopment

Community Planning & Development:

This firm represents Urban Peak Shelter, LLC, a Colorado limited liability company, together with its affiliates (“**Urban Peak**”), with respect to certain real property located at 1630 S. Acoma Street (the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of Urban Peak’s application for rezoning of the Property from Light Industrial District (I-A) to Industrial Mixed Use Five District (I-MX-5) (the “**Rezoning Application**”) under the Denver Zoning Code (“**DZC**”).

For almost three decades, Urban Peak has provided critical services for youth ages fifteen through twenty-four who are experiencing (or who are at imminent risk of experiencing) homelessness. In 2016, Urban Peak served more than 1,800 of the City’s most vulnerable young people with short-term shelter, clothing, food, social service referrals, GED classes, job-readiness training, and longer-term supportive housing.

While Urban Peak operates various properties within the City from which various of these services are provided, the Property currently operates as a short-term “shelter” for youth experiencing homelessness. The purpose of the Rezoning Application, from an operational standpoint, is to enable redevelopment of the Property as a five-story mixed-use building that will house an improved 40 bed shelter (continuation of the existing use with improved facilities) that will be consolidated with Urban Peak’s administrative offices, educational and job-readiness training programs, counseling and related supportive services for youth engaged in Urban Peak’s programs, and intermediate/long-term supportive housing units housing for up to approximately 76 youth (in addition to the long-term supportive housing units Urban Peak already operates in other locations within the City). Urban Peak’s street outreach and drop in center functions will continue to operate from Urban Peak facilities in other locations, and Urban Peak will continue to operate its existing supportive housing units in their present location.

Approval of the Rezoning Application will facilitate redevelopment of the Property in a manner which will enable Urban Peak to better serve more youth and, by consolidating supportive functions and housing, to produce better outcomes for those youth. As Urban Peak’s operational headquarters, the Property will house forty to fifty staff members at the new facility, which will integrate case management and support services with the facility’s primary residential purpose. This will provide a “center of gravity” for delivery of services to

October 10, 2017

Page 2

homeless youth such that the youth will not be required to move from one location to another in order to participate in Urban Peak's programs. Youth residing at the facility will be able to access the full spectrum of Urban Peak's supportive services without leaving the building. Redevelopment of the Property pursuant to the Rezoning Application will generate operational efficiencies and allow Urban Peak to better fulfill its mission to "ignite the potential in youth to exit homelessness and create self-determined, fulfilled lives."

Criteria for Rezoning

The DZC provides that the City Council may approve a proposed map amendment if: (a) the amendment complies with three "general review criteria"; (b) satisfies at least one "justifying circumstance"; (c) and is otherwise consistent with the neighborhood context and zone district definitions. DZC § 12.4.10.7–8. The Rezoning Application satisfies all of these criteria as follows:

General Review Criteria: Consistency with Adopted Plans. DZC § 12.4.10.7.A. The City has adopted four plans that guide the use and development of this Property: *Denver Comprehensive Plan 2000*, *Blueprint Denver*, *Overland Neighborhood Plan*, and *Shattuck District Plan*. Additional guidance can be found in the *Broadway Corridor Transportation and Urban Design Study*, *Overland Neighborhood Assessment*, *Evans Station Area Plan*, and *I-25 & Broadway Station Area Plan*.

Approval of the Rezoning Application and redevelopment of this Property will advance several objectives identified in *Denver Comprehensive Plan 2000*, including:

- Land Use and Transportation, Strategy 4-A. Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

Denver Comprehensive Plan 2000 envisions dense, mixed-use development along major transportation corridors. Approval of the Rezoning Application and redevelopment of the Property will enable a mix of office uses, short-term emergency housing uses, and longer-term supportive housing uses, thereby providing a mix of residential, commercial, and civic uses. The Property's proximity to transportation infrastructure, discussed in more detail below, make it an ideal location for transit-oriented redevelopment contemplated by *Denver Comprehensive Plan 2000*.

- Accommodating New Development, Strategy 3-B. Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area.

The Property is conveniently located one block west of South Broadway, a designated "enhanced transit corridor," 0.8 walking miles from RTD's Evans Station, 1.0 mile from the Louisiana & Pearl Station, and 1.2 miles from the I-25 & Broadway Station. This location provides multimodal transportation options for Urban Peak's staff and its resident-clients, the majority of whom will transition into the workforce through Urban Peak's job-readiness training program. These young people will have access to areas of economic

October 10, 2017

Page 3

opportunity via Lines C and D to downtown Denver, Englewood, and Littleton. Overall, this project promotes walkability in the South Broadway area and will increase transit patronage.

- Compact Urban Development, Strategy 3-A. Identify areas in which increased density and new uses are desirable and can be accommodated.

The Property is located in an area where increased density is desirable and can be accommodated without generating negative effects on nearby properties.

Density is desirable at this location because of the Property's proximity to South Broadway and three RTD light rail transit stations. The *Broadway Corridor Transportation and Urban Design Study* (published 2001) identified the lack of housing and mixed-use development as key factors limiting the redevelopment of South Broadway at that time. City Council has since adopted two area plans—the *Evans Station Area Plan* in 2009 and the *I-25 and Broadway Station Area Plan* in 2016—that envision dense, mixed-use development to the north and south of this Property. The *Evans Station Area Plan* calls for eight-story buildings directly north of Evans Station along the light rail line, and five-story development east along Evans Avenue and north along South Broadway. Similarly, the *I-25 and Broadway Station Area Plan* envisions sixteen-story development west of the light rail line, and five- to sixteen-story buildings between the rail lines and South Broadway.

- Preferred Housing Development, Strategy 6-E. Identify and capitalize on opportunities to develop housing along transit lines.

As discussed above, the Property is located one block west of Route 0 bus stops on South Broadway, 0.8 walking miles from the Evans Station, 1.0 mile from the Louisiana & Pearl Station, and 1.2 miles from the I-25 & Broadway Station.

Urban Peak's proposed redevelopment of the Property also complies with the letter and spirit of *Blueprint Denver*, which designates the Property as a mixed-use "Area of Stability." *Blueprint Denver* describes mixed-use development as a "key concept" to successfully implementing the City's vision of integrated land use and transportation policies. *Blueprint Denver* defines mixed-use development as "urban centers where residential, retail and commercial areas are intertwined." Currently, the Property is zoned for exclusively industrial use. Approval of the Rezoning Application and redevelopment of the Property with a mix of housing, social services and office space better reflects the City's vision as articulated in *Blueprint Denver* than the current single-use industrial zoning.

Another "key concept" of *Blueprint Denver* is transit-oriented development. To achieve the City's goals, *Blueprint Denver* suggests strategies to successfully encourage future development along "enhanced transit corridors," or areas with easy access to multimodal transportation. One such enhanced transit corridor is South Broadway, and *Blueprint Denver* specifically calls for "adjacent urban residential and mixed-use development" along South Broadway "to activate Broadway businesses." This redevelopment, only one block west of South Broadway, presents an opportunity for the kind of transit-oriented development that *Blueprint Denver* expressly envisioned for this corridor.

The neighborhood-level plans for this location are quite dated, but nonetheless provide general support for approval of the Rezoning Application and redevelopment of this Property. The *Overland Neighborhood Plan* (adopted 1993) calls for land use actions to “encourage commercial ... businesses to invest in beautification programs for their own businesses....” Consistent with this recommendation, the contemplated new structure will be a significant aesthetic improvement over the current facility. Both the *South Broadway Corridor Study* (published 2001) and the *Shattuck District Plan* (adopted 2003) call for rezoning the entire area between South Santa Fe Drive and South Broadway from single-use industrial, which does not allow for new residential development, to mixed-use commercial, so as to create flexibility for “future property owners to respond to long-term development trends.” Again, these plans encourage the type of redevelopment Urban Peak plans for the Property and support approval of the Rezoning Application.

General Review Criteria: Uniformity of District Regulations and Restrictions. DZC § 12.4.10.7.B. Approval of the Rezoning Application will result in the uniform application of building form, use, and design regulations. The Property, once redeveloped, will adhere to all applicable regulations on building height, siting, design elements, and pedestrian access. Urban Peak seeks no further variance from these regulations.

General Review Criteria: Public Health, Safety, and Welfare. DZC § 12.4.10.7.C. Approval of the Rezoning Application will further the public health, safety, and welfare by implementing the City’s adopted land use policies. Furthermore, redevelopment of this Property pursuant to the Rezoning Application will advance specific public policy priorities identified by the City Council in the areas of homelessness prevention and remediation, the integration of case management and support services, as well as housing assistance for low-income and special needs populations.

Urban Peak’s current facility on the Property provides forty beds of short-term shelter housing for around forty youth ages fifteen through twenty-one who are experiencing homelessness. By co-locating its staff with its resident-clients, Urban Peak will be able to more efficiently deliver social services and fulfill its vision for all Colorado youth to have “safe housing, supportive relationships, and the opportunity for self-sufficiency and success.” Consolidating functions at the Property will create a “center of gravity” for the youth participating in Urban Peak programs, such that the youth will no longer be required to travel to and from other Urban Peak locations to receive supportive services and, accordingly, will spend more time in the facility and engaged in Urban Peak’s programs. The new facility will increase Urban Peak’s capacity to provide supportive services, and will improve the outcomes for the youth receiving such services.

Additional Review Criteria: Justifying Circumstances. DZC § 12.4.10.8.A. Approval of the Rezoning Application is further justified by changes to the surrounding area that warrant redevelopment of the Property.

A Light Industrial District is “an employment area containing offices, businesses, and light industrial uses” where “no new residential uses may be established in order to promote a stable employment base for the City.” DZC § 9.1.2.1.B. Light Industrial districts have no maximum building height, only a maximum floor area ratio of two to one. DZC § 9.1.4.A. By contrast, an Industrial Mixed Use District “accommodates a variety of industrial, commercial, civic, and residential uses,” and is “intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.” DZC § 9.1.2.1.A. There is a maximum building height of seventy feet in the I-MX-5 district. DZC § 9.1.4.A.

October 10, 2017

Page 5

As noted in the *Shattuck District Plan* and *Overland Neighborhood Plan*, the single-use industrial zoning of this area dates back to the middle of the last century when most of the small-scale industrial buildings were constructed. The Shattuck Chemical Company operated a uranium processing facility just south of the Property until 1982. Between 1950 and 1990, the Overland neighborhood lost nearly half of its population as a result of suburbanization, CDOT's expansion of South Santa Fe Drive, and the expansion of industrial uses, among other factors.

Recently, however, the redevelopment of the South Broadway corridor has catalyzed change to this area. The U.S. EPA completed remediation on the Shattuck site in 2006, and the City recently approved plans to build 224 apartments on the former Superfund site. Restaurants, bars, coffee shops, antique stores, and art galleries now dominate South Broadway between I-25 and Evans Avenue.

Following approval of the Rezoning Application and redevelopment of the Property under the requested I-MX-5 zoning, the new five-story facility will be subject to the maximum height allowed under the I-MX-5 designation (seventy feet), and will be consistent with its current surroundings and anticipated development along South Broadway both in terms of uses and density. Various properties along South Broadway from West Mexico Avenue south to East Jewell Avenue are already zoned for five-story mixed-use structures. At the intersection of South Broadway and East Jewell Avenue, many lots are zoned for eight-story mixed-use development.

In short, the Property's current single-use Light Industrial District (I-A) designation no longer reflects either the current actual uses in this area or the evolving trend toward mixed-use development that the City envisions along the South Broadway corridor. The requested I-MX-5 zoning better reflects current and future uses in this area.

Additional Review Criteria: Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements. DZC § 12.4.10.8.B. The proposed rezone from I-A to I-MX-5 is consistent with the industrial mixed-use neighborhood context description in the DZC, and comports with the purpose and intent of the I-MX-5 designation.

The DZC states:

The Industrial Context consists of areas of light industrial, heavy industrial, and general industrial areas, as well as areas subject to transition from industrial to mixed-use. ... Forms are often tall single-story buildings or multi-story buildings with tall ceilings that accommodate industrial processes.... Industrial uses are primarily located along or in proximity to highway or arterial streets.... Building heights range from 1-8 stories which utilize simple forms to maximize open floor space....

DZC § 9.1.1.

The Rezoning Application is consistent with the DZC's definition of an Industrial Context. The Property is within an area of transition between traditional industrial uses to its west and predominantly commercial, residential and mixed uses to its east. To the west, between South Acoma Street and the Southwest Corridor Light Rail Line, there exists a combination of Heavy Industrial (I-B) and Light Industrial (I-A) districts. To the

October 10, 2017

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east and south, there are Urban Main Street (U-MS) and Commercial Mixed Use (C-MX) districts along South Broadway. Therefore, the Rezoning Application and intended redevelopment are consistent with the transitional nature of the Industrial Context.

The general purpose and intent of an Industrial Mixed Use District is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” DZC § 9.1.2.1.A.1.b.–c. The redeveloped facility on the Property will serve both purposes. Consolidation of Urban Peak’s supportive services and administrative offices in a single location, upgrading of the shelter facilities, and the addition of intermediate/long-term supportive housing units housing for up to approximately 76 youth experiencing homelessness will address and fulfill an important civic purpose within a mixed-use context that is specifically designed to improve operational efficiencies and improve outcomes for the youth engaged in Urban Peak’s programs. The redeveloped facility also will provide a transitional role between the historically industrial properties to the west and the evolving mixed-use areas along South Broadway and to the Property’s north and south.

With regard to transportation, areas with the Industrial Mixed Use designation are intended to develop in a pedestrian-oriented pattern. DZC § 9.1.2.1.A.1.a. The I-MX-5 designation should be applied to industrially dominated areas served primarily by collector streets. DZC § 9.1.2.1.A.3. As discussed above in conjunction with adopted plans, this Property is located in close proximity to three RTD light rail stations and frequent bus service along South Broadway. Finally, although the Property is located on South Acoma Street, which is a local road, it is served by two nearby more intense streets: West Iowa Avenue is a residential collector, and South Broadway is a mixed-use arterial road. In addition to light rail and pedestrian options, this location also provides excellent vehicular access.

Urban Peak has engaged in outreach with the registered neighborhood organizations for the area in which the Property is located, and will continue to do so as the Rezoning Application is processed. In that regard, a copy of the Overland Park Neighborhood Association’s letter in support of the Rezoning Application is enclosed.

The Rezoning Application complies with all DZC criteria, and redeveloping the Property will enable Urban Peak to consolidate certain of its functions and better serve more young people in need of its assistance. From an urban planning perspective, Urban Peak’s proposed redevelopment of the Property pursuant to the Rezoning Application will make a unique contribution to the surrounding area, and will encourage the kind of mixed-use, transit-oriented development the City desires for the future of this area.

Sincerely,

Munsey L. Ayers
for the Firm

MLA
Enclosures

1411641.2

OTTENJOHNSON
ROBINSON NEFF + RAGONETTI_{PC}

December 14, 2017

MUNSEY L. AYERS
303 575 7555
MUNSEY@OTTENJOHNSON.COM

BY E-MAIL [SARA.WHITE@DENVERGOV.ORG]

Sara White
Senior City Planner
Community Planning & Development
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

Re: Application 2017I-00124; 1630 S. Acoma Street Rezoning (the “**Rezoning Application**”)

Dear Ms. White:

As requested in your November 17, 2017 letter, this letter provides supplemental information in support of Urban Peak’s Rezoning Application. Specifically, your letter requested and this letter provides further analysis demonstrating that five story buildings (as permitted in the I-MX-5 zone district) are fully consistent with pertinent provisions of (1) previously adopted plans; and (2) the neighborhood context, zone district purpose, and intent. Capitalized terms used but not otherwise defined in this letter have the meanings set forth in the our October 17, 2017 cover letter submitted with the Rezoning Application.

As more fully described below, the key points addressing your request are:

1. Sites in the vicinity with I-A and I-B zoning, including the Property, could be developed under the status quo regulatory regime with buildings having heights exceeding three floors and in some instances eight or more floors. At least ten large lots within three blocks of the Property could be redeveloped with structures of five stories or more. The same is true of sites in the vicinity that have C-MX-8 zoning. As such, the requested rezoning of the Property from I-A to I-MX-5 has, from a regulatory framework perspective, the effect of *limiting* the maximum building height and providing predictability that building height on the Property could not exceed five floors.
2. The topography of the area west of Broadway and east of the railroad tracks drops in elevation relative to Broadway and the area to the east of Broadway by as much as fifteen feet. The Property’s elevation is approximately eleven feet below the elevation at Broadway, roughly the equivalent of one story of building height. This topographic fact provides natural mitigation of the impact that taller buildings west of Broadway will have on sight lines to the west from properties along and east of

Broadway. As such, a five story building on the Property will have an impact on sight lines from the east that is roughly equivalent to that of a four story building.

3. Each of the *Evans Station Area Plan*, the *Broadway Station Area Plan* (collectively, the “**Station Area Plans**”) and *Blueprint Denver* address transitional building heights that are entirely consistent with the I-MX-5 zoning that Urban Peak proposes for the Property. While the Property is not within either of the Station Area Plans, the Station Area Plans effectively bracket the Property and other sites located west of Broadway to the north and south of the respective Station Area Plans, and the logic of the transitional heights under the respective Station Area Plans applies. Both Station Area Plans contemplate five story structures being located in close proximity to and approximately the same distance from Broadway as the Property, and also contemplate taller structures further west of Broadway. Among other factors, the logic of these transitional building heights is consistent with the topographic changes to the west of Broadway as discussed in point 2 above.

General Review Criteria: Consistency With Adopted Plans.

The adopted plans applicable to the Property generally encourage, and certainly do not preclude or explicitly discourage, “transition” consistent with the proposed I-MX-5 zoning between less intensive, residential uses to the east and more intensive uses west of Broadway.

Regarding transitions around industrial areas generally, *Blueprint Denver* states:

Special attention to [site] design, screening and buffering is necessary where industrial districts abut districts that include residential use. ... One of the challenges ... is the presence of industrial ... buildings near residences. This close proximity detracts from the visual appeal and livability of a residential area.... Transitions between conflicting uses can be eased by requiring ... transitional height limits.

The Property does not directly abut a residential district, but it abuts a pedestrian-heavy Main Street 3 (U-MS-3) district along Broadway and is in proximity to the Platt Park neighborhood. The five story height limitation of the proposed I-MX-5 zoning will provide a visual buffer between more intense industrial uses to the west and less intense neighborhood commercial and residential areas to the east that is entirely consistent with the “transitional height limit” objectives that *Blueprint Denver* contemplates. The objective of appropriate height transitions between the intense industrial uses adjacent to and east of the rail line and the lower scale residential and commercial uses to the east is carried through in both Station Area Plans that bracket the Property and other sites in the vicinity.

The *Evans Station Area Plan* contemplates eight story buildings along the Southwest Corridor Light Rail Line, three story buildings east of Broadway, and five story buildings west of Broadway and along both sides of Acoma Street for the entire planning area north of Evans Avenue. See Appendix A,

Evans Station Area Plan – Land Use and Urban Design. The five story guidance extends to within approximately one and a half blocks south of the Property.

The *I-25 and Broadway Station Area Plan* contemplates sixteen story buildings on both sides of the Southwest Corridor Light Rail Line, and five story, eight story, and twelve story buildings west of Broadway heading south. The height transition to the south contemplates twelve story buildings at the northeast corner of Mississippi and Broadway, which extends to within approximately six blocks north of the Property (approximately $\frac{3}{4}$ of a mile due north of the Property). See Appendix B, I-25 and Broadway Station Area Plan – Proposed Building Height Map.

Upon approval of the Rezoning Application and consistent with the guidance set forth in *Blueprint Denver* and the Station Area Plans that bracket the Property and other properties west of Broadway located between the Station Area Plans, development of the Property pursuant to the I-MX-5 zoning will result in a rational and effective transition between the higher intensity present industrial uses west of the Property and rail transit activity on the Southwest Corridor Light Rail Line on one hand, and the Broadway commercial corridor and residential uses in the Platt Park neighborhood east of Broadway on the other hand.

Topographic Considerations.

The topography of the area supports a transitional building height at the Property of five stories and at other parcels to the west of five or more stories. The elevation loss from Broadway to the rail track is as much as approximately fifteen feet. The Property's elevation is approximately eleven feet lower than the elevation at Broadway. See Appendix C. A five story building on the Property will have an impact on sight lines from the east that is roughly equivalent to that of a four story building. From Broadway to the South Platte River, the elevation drops by as much as approximately 40 feet.

This topographic fact is consistent with the logic of the transitional building heights described in the Station Area Plans and supports extension of those transitional building height principles to the Property and other properties in the vicinity of the Property. It provides natural mitigation of the impact that taller buildings west of Broadway will have on sight lines to the west from properties along and east of Broadway.

Additional Review Criteria: Consistency With Neighborhood Context, Zone District Purpose, and Intent Statements.

The Industrial Context Description contemplates that “[b]uilding heights range from 1-8 stories [and] utilize simple forms.” The DZC does not impose a building height limit in the I-A or I-B zone districts, but instead effectively limits building height through a floor area ratio (“FAR”) mechanism that is driven by site planning constraints and the percentage of site area allocated to the building footprint.

Applying the FAR limitation and reasonable assumptions regarding possible building footprints as a percentage the site area, many properties zoned I-A or I-B in the vicinity of the Property, including the Property itself, could be developed under the existing regulatory framework with buildings of between three and eight floors. In fact, the maximum number of stories for buildings that could be developed on certain of the sites within this area is not limited by FAR, but instead by the Washington Park View Plane, which limits building heights based on a site's elevation relative to a reference elevation of 5,323.9, which would enable buildings of eight or more floors. *See note * at Appendix D.*

By way of example, the chart at Appendix D (the "**Development Potential Chart**") identifies ten large lots within three blocks of the Property that could be redeveloped with structures of five stories or more. Given the City's zone lot process, virtually any grouping of adjacent parcels within the area could be assembled under common ownership and included in a single zone lot to enable development of buildings of five to eight stories. As such, the proposed rezoning to I-MX-5 actually limits the Property to five story buildings and provides certainty that buildings in excess of five floors won't be developed on the site.

The Development Potential Chart shows that, even under the maximum ground coverage scenario, all of the sites in the chart could, by incorporating building step backs and other architectural features that would result in lower square footage floor plates on the upper stories, contain at least a three story structure under the current zoning. Recognizing that various factors would impact site planning considerations and resulting building footprint percentages of a site, the Development Potential Chart includes columns in the furthest right which address potential scenarios that account for the effect of required set backs, on-site surface parking, landscaping and other factors that would limit the percentage of a site allocated to the building footprint and drive the maximum number of stories allowed under the FAR limitation. These lower lot coverage percentage scenarios assume a basically rectangular building without step back or other architectural features to soften building massing, although integration of such features may be likely and could further increase the number of stories in a manner that would still comply with FAR based limitations.

Specific to the Property, the chart also compares redevelopment scenarios for the Property under the I-A FAR limit versus the I-MX-5 height limit. Rezoning the Property from I-A to I-MX-5 will not increase the maximum allowed number of stories because the I-A regulations do not limit building height. The proposed redevelopment contemplates a five story, 57,000 square foot building. Under the current I-A regulations, the Property could theoretically be redeveloped with a building having up to five floors averaging approximately 9,997 square feet per floor, a total floor area of 49,986 square feet, and site coverage of roughly 40% of the site area. Urban Peak's contemplated redevelopment following approval of the Rezoning Application would increase the floor area by approximately 7,000 square feet above the 49,986 square feet that could be developed under the current I-A zoning, but would limit the maximum number of floors to five, which is less than could be theoretically developed under the I-A zoning.

Sara White
December 14, 2017
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We appreciate your comments and the opportunity to address them thoughtfully. We look forward to working with your office closely and continuously through this process. While I'm transmitting this by email, a mailed original will follow.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Munsey L. Ayers', written in a cursive style.

Munsey L. Ayers
for the Firm

MLA

1448301.4

APPENDIX A

EVANS STATION AREA PLAN – LAND USE AND URBAN DESIGN

Evans Station Area Plan – Land Use and Urban Design

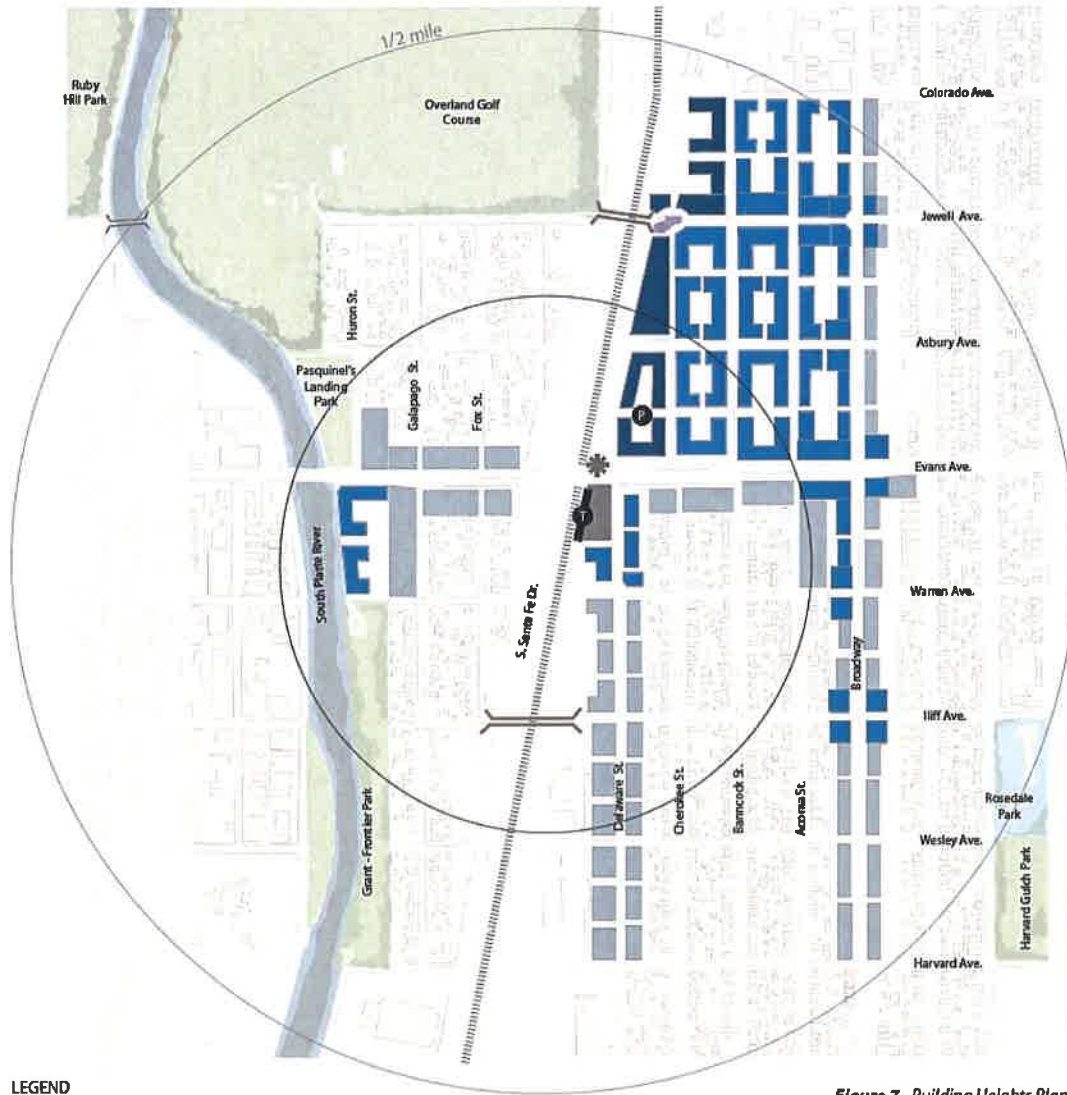
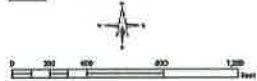


Figure 7. Building Heights Plan

LEGEND

- 8 stories
- 5 stories
- 3 stories
- 1-2.5 stories
- Plaza / Pedestrian Bridge
- Transit Plaza
- Public/Quasi-Public
- Bicycle/Pedestrian Bridge
- P Transit Parking
- T Transit Station
- ✳ Station Tower/Vertical Pedestrian Connection
- SW Corridor



APPENDIX C

ELEVATION MAP



N
SITE SPOT ELEVATIONS
SCALE = NTS

Note: All spot elevations are based on Google Earth data, +/- 1 ft.

URBAN PEAK HEADQUARTERS
12/13/2017

S H O P O U R Y S
A R C H I T E C T S

APPENDIX D

DEVELOPMENT POTENTIAL CHART

Site	Zoning	Lot Size (square feet)	Maximum GFA ¹	Maximum Stories per Code	Maximum Ground Level/Floor Area per Code ²	Potential Stories Assuming Uniform Floor Plates Equal to Stated Percentage of Maximum Ground Level Floor Area ³ :		
						100%	50%	25%
1474 S. Acoma St.	I-A	34,375	68,750	n/a	26,775	2.57	4	8*
1475 S. Acoma St.	I-A	59,870	122,668	n/a	52,570	2.28	4	8*
1501 S. Acoma St.	I-A	29,680	59,360	n/a	22,785	2.61	4	8*
1575 S. Acoma St.	I-A	52,277	104,554	n/a	44,550	2.35	4	8*
1617 S. Acoma St.	I-B	131,157	262,314	n/a	116,820	2.25	4	8*
1630 S. Acoma St.	I-A	24,993	49,986	n/a	18,900	2.64	4	8*
1630 S. Acoma St.	I-MX-5	24,993	n/a	5	24,993	5.00	5	5
1700 S. Bannock St.	I-A	37,487	74,974	n/a	29,400	2.55	4	8*
1705 S. Acoma St.	I-A	75,000	150,000	n/a	60,900	2.46	4	8*
1751 S. Bannock St.	I-B	76,643	153,286	n/a	67,943	2.26	4	8*
1777 S. Bannock St.	C-MX-8	54,577	n/a	8	54,577	8.00*	8*	8*
1805 S. Bannock St.	C-MX-8	202,876	n/a	8	202,876	8.00*	8*	8*

¹ Based on maximum FAR of 2.0 per DZC § 9.1.3.3(A).

² Square footages are estimated based on setbacks of 20 feet from a primary street and 10 feet from side streets. DZC § 9.1.3.3(C), (D). The I-MX and C-MX districts do not have minimum setbacks unless adjacent to a protected district. *Id.*

³ Calculations in the 100% ground level column assume uniform square footage on each floor. By incorporating step backs and other architectural features resulting in smaller floor plates for upper floors, the mathematical result can be rounded up to 3 floors. With incorporation of similar architectural features, the number of floors in the 50% and 25% columns could be similarly increased.

* The Washington Park View Plane regulation establishes a reference elevation of 5,323.9. By way of example, sites in the Property's vicinity have elevations of +/- 5,270, which is +/- 53.9 feet below the reference elevation, and typically are within the 60 foot (or higher) vertical range per the Washington Park View Plane map. The resulting maximum height would be 113.9 feet (53.9 + 60.0 = 114.9), or +/- 11 floors assuming a standard office building ceiling height of 10 feet.



URBAN PEAK

Real life. Real change.

730 21st Street
Denver, CO 80205
P: 303-974-2932
F: 303-295-6116
www.urbanpeak.org

October 11, 2017

TO: City of Denver, Community Planning & Development
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

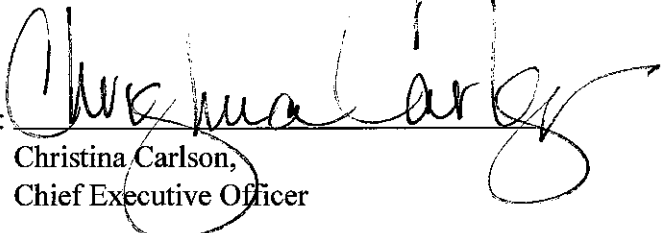
RE: Application for Zone Map Amendment – 1630 S. Acoma Street

The undersigned (“Owner”), which owns the property located at 1630 S. Acoma Street in Denver, Colorado (the “Property”), hereby authorize Otten Johnson Robinson Neff + Ragonetti, P.C. (“Representative”), to submit on behalf of Owner all applications and supporting materials required or requested in connection with the proposed I-MX-5 rezoning of the Property and any related development approvals in connection therewith.

Please address all communications to Representative pursuant to the contact information provided by Representative to the City.

Urban Peak Shelter, LLC a Colorado
limited liability company

By: Urban Peak Denver
a Colorado nonprofit corporation,
its sole member

By: 
Christina Carlson,
Chief Executive Officer

STATEMENT OF AUTHORITY

Pursuant to C.R.S. § 38-30-172, the undersigned hereby executes this Statement of Authority on behalf of Urban Peak Denver, a Colorado nonprofit corporation ("Urban Peak Denver"), sole member of Urban Peak Shelter, LLC, a Colorado limited liability company (the "Entity"), and states as follows:

1. The name of the Entity is Urban Peak Shelter, LLC.
2. The Entity is a Colorado limited liability company.
3. The mailing address for the Entity is 730 21st St., Denver, CO 80205.
4. The name and position of the person authorized to execute instruments conveying, encumbering, or otherwise affecting title to property on behalf of the Entity is Christina Carlson, Chief Executive Officer of Urban Peak Denver, sole member of the Entity.
5. The authority of the foregoing person to bind the Entity is limited to any action required or reasonably necessary in connection with the proposed I-MX-5 rezoning of the real property located at 1630 S. Acoma Street in Denver, Colorado, and any related development approvals in connection therewith, as approved and authorized by the Board of Directors of Urban Peak Denver at its January 26, 2017 meeting.

EXECUTED as of the 16 day of October, 2017.

Urban Peak Shelter, LLC,
a Colorado limited liability company

By: Urban Peak Denver,
a Colorado nonprofit corporation,
its sole member

By: Christina Carlson
Christina Carlson, Chief Executive Officer

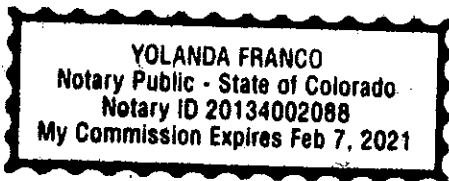
STATE OF COLORADO)
) ss.
CITY AND COUNTY OF Denver)

The foregoing instrument was acknowledged before me this 16 day of October, 2017, by Christina Carlson, as Chief Executive Officer of Urban Peak Denver, a Colorado nonprofit corporation, as sole member of Urban Peak Shelter, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: Feb 7, 2021

Yolanda Franco
Notary Public



1433988.2

WARRANTY DEED

Grantor(s) URBAN PEAK DENVER, a nonprofit corporation duly organized and existing under and by virtue of the laws of the State of Colorado, whose legal address is 730 21st Street, of the City of Denver, County of Denver and State of Colorado,

for the consideration of TEN DOLLARS (\$10.00), in hand paid, hereby sells and conveys to URBAN PEAK SHELTER, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Colorado, whose legal address is 730 21st Street, in the City of Denver, County of Denver and State of Colorado, the following real property in the City of Denver, County of Denver and State of Colorado, to wit:

LOT 7 THROUGH 14, BLOCK 9, OVERLAND PARK SUBDIVISION,

EXCEPT A PORTION OF LOT 14, OVERLAND PARK SUBDIVISION LYING IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14:
THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 14 A DISTANCE OF 23.00 FEET;
THENCE AT A DEFLECTION ANGLE TO THE RIGHT OF 135 DEGREES, MORE OR LESS, A DISTANCE OF 32.53 FEET, MORE OR LESS, TO SAID EASTERLY LINE OF LOT 14;
THENCE SOUTHERLY ALONG SAID EASTERLY LINE A DISTANCE OF 23.00 FEET TO SAID SOUTHEAST CORNER OF LOT 14, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

also known by street and number as: 1630 Acoma Street, Denver, Colorado 80223-3602

assessor's schedule or parcel number: 522609049

with all its appurtenances, and warrants the title to the same.

Signed this 13th day of September, 2006.

URBAN PEAK DENVER, a Colorado nonprofit corporation
By [Signature]
Craig Archibald, Chief Executive Officer

STATE OF COLORADO

City and County of Denver

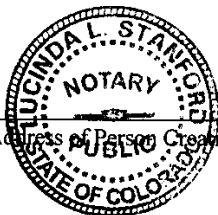
The foregoing instrument was acknowledged before me this 18 day of September 2006, by Craig Archibald, as Chief Executive Officer of Urban Peak Denver, a Colorado nonprofit corporation, for and on behalf of said corporation.

Witness my hand and official seal.

My commission expires:

November 19, 2008

[Signature]
Notary Public



Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)

*My Commission Expires Nov. 19, 2008



October 6, 2017

Ella Carney Stueve
Associate City Planner
Community Planning and Development
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

Dear Ms Stueve,

The Overland Park Neighborhood Association (OPNA) is writing this letter in support of the Urban Peak Rezoning application.

OPNA has been part of an ongoing dialogue and robust neighborhood engagement process regarding the proposed rezoning of their property on South Acoma Street to an I-MX-5 zone district. This proposed project offers a significant investment to our neighborhood and the new building will be both a significant aesthetic improvement as well as an economic and social investment in the area.

At our public monthly meeting on September 28, 2017 the membership voted unanimously to support the rezoning application and continue to have Urban Peak accomplish their mission in our area. As a neighborhood, we are extremely supportive of the Urban Peak mission, and the amazing work they have been able to accomplish.

We are extremely pleased to see the high level of care and the strong neighborhood outreach throughout this process and we feel this project will positively affect the neighborhood. The Overland Park Neighborhood Association is in support of this rezoning and we encourage you to support it as well.

Sincerely,

Overland Park Neighborhood Association

From: Charles Knight
To: [White, Sara E. - CPD PS Citywide Planning](#)
Cc: [Clark, Jolon M. - CC City Council Elected](#); sk@nestrealestate.net; [Charles Knight \(DU\)](#)
Subject: Rezoning of 1620 South Acoma Street (Urban Peak)
Date: Friday, December 08, 2017 4:33:08 PM

Sara White
Senior City Planner
Community Planning and Development
201 W. Colfax Avenue, Dept 205
Denver, CO 80202

Dear Ms. White:

I live at 1620 S. Pearl Street and my wife and I own rental properties at 1789 S. Pearl Street and 1219 S. Grant Street. As a longtime property owner and resident of Platt Park, I would like to offer my enthusiastic support for Urban Peak's proposed rezoning of the property at 1630 South Acoma from the single-use Light Industrial District (I-A) to Industrial Mixed Use Five District (I-MX-5).

I am in strong support of this rezoning application because of its alignment with the City's guiding principles for more dense, mixed-use development along our major transportation corridors like South Broadway. This location close to RTD bus service on South Broadway and walking distance to the Evans, Louisiana & Pearl and I-25 & Broadway light rail stations calls for more dense development, including housing, on this site and surrounding ones. This project fits with the type of transit-oriented development that Blueprint Denver outlined for this corridor more than a decade ago and makes even more sense today.

Urban Peak's proposed mix of housing, social services and office space fits perfectly in this rapidly changing neighborhood and is a welcome change from the overabundance of marijuana grow houses located there now. I believe the proposed five-story design is consistent with the future development in the years ahead as this corridor continues to evolve from industrial to mixed use residential, office, retail and service. I understand that various properties along South Broadway from West Mexico Avenue south to East Jewell and north towards the Gates Project are already zoned for five, and in some cases, eight stories. Although this may be the first request in this area to go higher, it won't be the last.

I also support the proposed rezoning because this project will support Urban Peak's important work with our city's most vulnerable youth. The addition of supportive housing on this site is critical in addressing the affordable housing challenges that fact our entire region and make this project by Urban Peak even more important as a citywide matter of concern. By co-locating the housing and shelter with administrative and operations staff on site, there will be more effective case management, supportive services and oversight - which will result in better outcomes for youth and an improved relationship with the local community. Urban Peak is the only shelter and housing provider for youth in the entire City. My understanding is that the project economics of permanent supportive housing and tax credit development requires this additional density for the project to work and if the zoning change is denied, the project may not go forward. Urban Peak's inability to expand and provide much needed affordable housing for this population would be very unfortunate, particularly when there is such a great need.

Thank you for your consideration of this request. Please let me know if you have any questions or need additional information.

Regards,

Charles K. Knight
Abaco Investment Group, LLC
1620 S. Pearl Street
Denver, CO 80210
ckk@abacollc.com

cc: Councilman Jolon Clark



DEVELOPMENT

SENT VIA E-MAIL

To: Community Planning and Development
From: Tim Schlichting / LCP Development
Date: December 20, 2017

Re: 1630 S. Acoma Street Rezoning Application

Community Planning & Development:

The purpose of this letter is to register our company's opposition to Rezoning Application 2017I-00124, proposing that 1630 S. Acoma Street (the "**Property**") be rezoned from Light Industrial District (I-A) to Industrial Mixed-Use Five District (I-MX-5) (the "**Rezoning Application**") under the Denver Zoning Code ("**DZC**"). LCP Development, in partnership with Mercury Real Estate Partners, is redeveloping the property one block away at 1616 S. Broadway to a mixed-use residential for-sale condominium building with ground-level retail/commercial space. Our redevelopment project is located in the U-MS-3 Zone District which is a 3-story district that runs along this area of the south Broadway corridor and adjoins the applicant's property. A member of our partnership met with Karen Blumenstein and Ben Greene, board members of the applicant's organization, on December 11, 2017 to discuss the proposed rezoning.

While our company and partners are supportive of the applicant's current and proposed future use of the Property, we believe the proposed rezoning to five stories is inappropriate in the neighborhood context and would be more appropriate at three stories. Our basis for this position is that the proposed I-MX-5 rezoning does not comply with the general review criteria (DZC § 12.4.10.7.A) as required to approve a proposed zone map amendment. Furthermore, the rezoning application inaccurately claims "justifying circumstances" and consistency with neighborhood context and zone district definitions (DZC § 12.4.10.7-8), which is false in our opinion. Below are our three primary exceptions to the Rezoning Application:

Review Criteria - Station Area Plans (DZC § 12.4.10.7.A)

The Rezoning Application makes multiple references to both the Evans Station Area Plan (2009) and the I-25 & Broadway Station Area Plan (2016) as relevant supporting documents. Neither referenced plan considers the Property to be included within its station area. For instance, the Evans Station Area Plan explicitly states that the "plan will be used to guide decision regarding appropriate public and private investment within ½ mile of the Evans light rail station." Likewise, the Property is well outside of both the "Core Station Area" as well as the "Area of Influence" as defined by the I-25 & Broadway Station Area Plan. Given the Property's location and distance from light rail stations, we believe the property's influence on Station Areas is overstated.

Transit-Oriented-Development

The Rezoning Application asserts that the Property location and future redevelopment is considered transit-oriented-development (TOD), referencing Mobility Strategy 3-B and Transportation and Land Use Strategy 4-A from Denver Comprehensive Plan 2000. The Comp Plan defines TOD as a concentration of mixed-use development near transit stops. The widely accepted definition of TOD is development within a half-mile of a transit station, as evidenced by both the I-25 & Broadway and Evans Station Area plans. The Rezoning Application acknowledges that the Property is approximately 0.8 walking miles to Evan Station, which is the closest rail transit station. Likewise, the Property is outside of a mile radius from both the I-25 & Broadway Station as well as the Louisiana & Pearl Station. As a result, future redevelopment at the Property is inherently not TOD.

Justifying Circumstances (DZC § 12.4.10.8.A)

The letter included in the Rezoning Application states that rezoning is “justified by changes to the surrounding area,” asserting that “redevelopment of the South Broadway corridor has catalyzed change to this area.” We agree that redevelopment in the area is driving change, and we view our project and substantial investment at the southeast corner of Broadway and Iowa to be catalytic for other future redevelopment projects. However, it is important to note that all property along this section of South Broadway, between Arizona Ave. on the north and Mexico Ave. on the south, is zoned for no more than three stories and maximum building heights of 45 feet. The letter claims that the applicant’s new facility “will be consistent with its current surroundings and anticipated development along South Broadway in terms of uses and density.” That statement could be considered accurate if the Property were located further south or north, but is not consistent with the Property’s location near the intersection of S. Acoma and Iowa Avenue.

The letter correctly points out that “light industrial districts have no maximum building height, only a maximum floor area ratio (FAR) of two to one.” The letter fails to address the fact that the FAR restriction in the I-A zone district would force a very small floorplate if the building were five stories. For example, with the site area of about 25,000 square feet, the current 2:1 FAR limitation would allow a maximum buildable area of 50,000 square feet, which would equate to a floorplate of less than 10,000 square feet in a five-story building. Our understanding is that a five-story building with this FAR limitation would not accommodate the applicant’s desired facility program. Therefore, it appears that the applicant is wanting the zoning change in order to allow more height and density, and the suggestion that the rezoning request is simply to permit the applicant’s use seems disingenuous. Again, we believe that granting this request would result in an out-of-context urban plan for the reasons cited above.

Conclusion

The Rezoning Application does not comply with all the DZC criteria as stated. Specifically, the implication that the Property location is TOD and that five-story massing is contextually appropriate within the neighborhood and to surrounding properties are not accurate. With significant and continued investment in the area being made by our company, we are supportive of rezoning the Property to Industrial Mixed-Use Three (I-MX-3) District, and request that the application for rezoning the Property to Industrial Mixed-Use Five (I-MX-5) be denied.

If you have any questions regarding this letter, or regarding our company’s position as a stakeholder in the neighborhood, please feel free to contact me directly.

Sincerely,

Tim Schlichting
LCP Development, Principal
303.797.9119
tschlichting@lcpdevelopment.net

White, Sara E. - CPD PS Citywide Planning

From: Ashley E. Arroyo <ashleyarroyo@yahoo.com>
Sent: Tuesday, January 02, 2018 10:14 PM
To: Rezoning - CPD
Cc: White, Sara E. - CPD PS Citywide Planning; Tippetts, Heidi L. - CPD PS Comprehensive Planning; Dalton, Kyle A. - Community Planning and Development; Showalter, Sarah K. - CPD PS Comprehensive Planning; 3PA Board
Subject: Re: Notice of Receipt of Official Map Amendment Application #2017I-00124: 1630 S Acoma St

To Planning Board:

The Platt Park People's Association (3PA) has voted to oppose this Rezoning Application. It does not meet the review criteria contained in DZC Sec. 12.4.10.7 and 12.4.10.8. The proposed rezone is on a block and surrounded by adjacent blocks that have a maximum height of 3 stories. The most dense blocks of S. Broadway which are adjacent to the Broadway Station currently have only 4 story buildings and are not adjacent to this site, which tapers away from the light rail station into close proximity to residential areas. The proposed official map amendment is not consistent with the applicable neighborhood context. The land surrounding this property is changing, but it is changing for the better--the old S. Broadway motel on the corner of Iowa and S. Broadway was recently scraped and a condominium building is under construction. This project will be 3 stories. The proposed official map amendment does nothing to further the public health, safety and general welfare of the City. In fact, it does just the opposite by placing a large, 5 story building into a space where it is completely out of place and intrudes on Platt Park residents. This property was not intended to be developed for 5 stories or it would have been rezoned to such in 2010. The proposed zone district creates irregularities and destroys the uniformity of District Regulations and Restrictions. Finally, the proposed official map amendment is inconsistent with the City's adopted plans for this area. As such, we request that the Planning Board deny this proposed rezoning request.

Thank you,
3PA Board

From: Rezoning - CPD <Rezoning@denvergov.org>
To:
Cc: "White, Sara E. - CPD PS Citywide Planning" <Sara.White@denvergov.org>; "Tippetts, Heidi L. - CPD PS Comprehensive Planning" <Heidi.Tippetts@denvergov.org>; "Dalton, Kyle A. - Community Planning and Development" <Kyle.Dalton@denvergov.org>; "Showalter, Sarah K. - CPD PS Comprehensive Planning" <Sarah.Showalter@denvergov.org>
Sent: Wednesday, November 1, 2017 11:20 AM
Subject: Notice of Receipt of Official Map Amendment Application #2017I-00124: 1630 S Acoma St

NOTICE OF COMMUNITY PLANNING AND DEVELOPMENT RECEIPT OF OFFICIAL MAP AMENDMENT (REZONING)			
APPLICATION #	#2017I-00124	LOCATION	1630 S Acoma St
APPLICANT	Cory Rutz Otten Johnson Robinson Neff + Ragonetti PC 950 17 th St #1600 Denver, CO 80202		
PROPOSED ACTION TO REZONE FROM	I-A	TO	I-MX-5
CASE MANAGER	Sara White Senior City Planner	PHONE/EMAIL	(720) 865-2824 / Sara.White@denvergov.org
PLANNING BOARD PUBLIC HEARING INFORMATION			
Once scheduled, information on the Planning Board public hearing will be available at: http://www.denvergov.org/content/denvergov/en/community-planning-and-development/planning-and-design/planning-board.html			
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS			

Inter-Neighborhood Cooperation (INC) Attn: JJ Niemann president@denverinc.org PO Box 300684 Denver, CO 80218	Platt Park People's Association (3PA) Attn: Joe Beierl board@3pa.org PO Box 100848 Denver, CO 80250
Overland Park Neighborhood Association Attn: Mara Owen mkowen18@gmail.com, tpasqua@gmail.com 2255 S. Acoma St. Denver, CO 80223	Denver Neighborhood Association, Inc. Attn: Bradley L. Zieg bradleyzieg@msn.com, secy.denverna@gmail.com 1285 Dexter St. Denver, CO 80220
CITY COUNCIL MEMBERS AT-LARGE	
Robin Kniech Robin.Kniech@denvergov.org City and County Bldg., Room 432 Denver, CO 80202	Deborah Ortega Deborah.Ortega@denvergov.org City and County Bldg., Room 492 Denver, CO 80202
CITY COUNCIL MEMBER – COUNCIL DISTRICT #7	
Jolon Clark City & County Bldg., Room 405 Denver, CO 80202	

The application for the above-referenced Official Map Amendment and the City's map amendment process may be viewed at www.DenverGov.org/ProposedRezoning.

Any questions regarding this amendment may be directed to the Case Manager above. For more information about the map amendment process, visit www.DenverGov.org/Rezoning.

RNOs are encouraged to submit the "RNO Position Statement.pdf" located at <http://www.DenverGov.org/Rezoning/> by email to Plan Implementation at Rezoning@denvergov.org prior to the Planning Board Hearing.

WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PLANNING BOARD HEARING AND AT THE PUBLIC HEARING BEFORE CITY COUNCIL.