



**TO:** Denver City Council  
**FROM:** Abe Barge, AICP, Senior City Planner  
**DATE:** September 10, 2015  
**RE:** Official Zoning Map Amendment Application #2014I-00020  
Portions of 2500 Lawrence Street and 1185 26th Street  
Rezoning from G-MU-3 UO-3 to G-RX-5 with waiver to 3 stories

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2014I-00020 for a rezoning from G-MU-3 UO-3 to G-RX-5 with waiver to a maximum height of 3 stories or 45 feet.

### Request for Rezoning

Application:	#2014I-00020
Address:	2500 and 1185 26th Street (note that 1185 26 <sup>th</sup> Street was formerly addressed at 2600 Lawrence Street)
Neighborhood/Council District:	Five Points / Council District 8
RNOs:	Arapahoe Square Neighborhood Association Ballpark Neighborhood Association Curtis Park Neighbors Denver Neighborhood Association, Inc. Denver Urban Resident Association Five Points Business District Inter-Neighborhood Cooperation (INC) United Community Action Network Inc.
Area of Property:	56,976 square feet or 1.31 acres
Current Zoning:	G-MU-3 UO-3
Proposed Zoning:	G-RX-5 with waiver to reduce the maximum height to 3 stories or 45 feet (see page 2 for more information on the use of waivers)
Property Owner(s):	Denver Housing Authority
Owner Representative:	Shawn Mather, Tres Birds Workshop

### Summary of Rezoning Request

- The subject sites of the proposed map amendment are located in the Five Points statistical neighborhood, near the intersection of 26<sup>th</sup> Street and Larimer Street. The parcels on which the subject sites are located are bounded by Lawrence Street to the northwest, 25<sup>th</sup> Street to the southwest, Arapahoe Street to the southeast and 27<sup>th</sup> Street to the northeast.
- The subject sites include two portions of the assessor's parcels addressed as 2500 Lawrence and 1185 26<sup>th</sup> Street (note that 1185 26<sup>th</sup> Street was formerly addressed at 2600 Lawrence Street).
- 2500 Lawrence includes two small greenhouses associated with a small urban garden and 1185 26<sup>th</sup> Street is vacant.
- The G-MU-3 zone district and UO-3 Historic Structure Use Overlay District currently apply to the subject sites, which are under the same ownership.
- The property owners are working with Treehouse Brokerage and Tres Birds Workshop to request a map amendment from G-MU-3 UO-3 to G-RX-5 with a waiver to reduce the maximum number of stories from 5 to 3 and reduce the maximum height from 70 to 45 feet. The requested rezoning does not include continuation of the UO-3 overlay. The rezoning is intended to allow for three corner ground-floor commercial use areas as part of a larger two-block redevelopment that will include all of the parcels at 2500 Lawrence and 1185 26<sup>th</sup> Street.
- The current G-MU-3 zone district with UO-3 overlay allows for primarily residential uses in the Urban House, Duplex, Garden Court, Row House and Apartment building forms with a maximum building height of 3 stories or 40 feet. It does not allow for commercial uses.
- The proposed map amendment to the G-RX-5 zone district is intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods. G-RX-5 allows for limited ground floor commercial uses and upper-story residential or lodging uses in the Shopfront building form with a maximum height of 5 stories (waived to 3 stories as described below).

### Use of Waivers

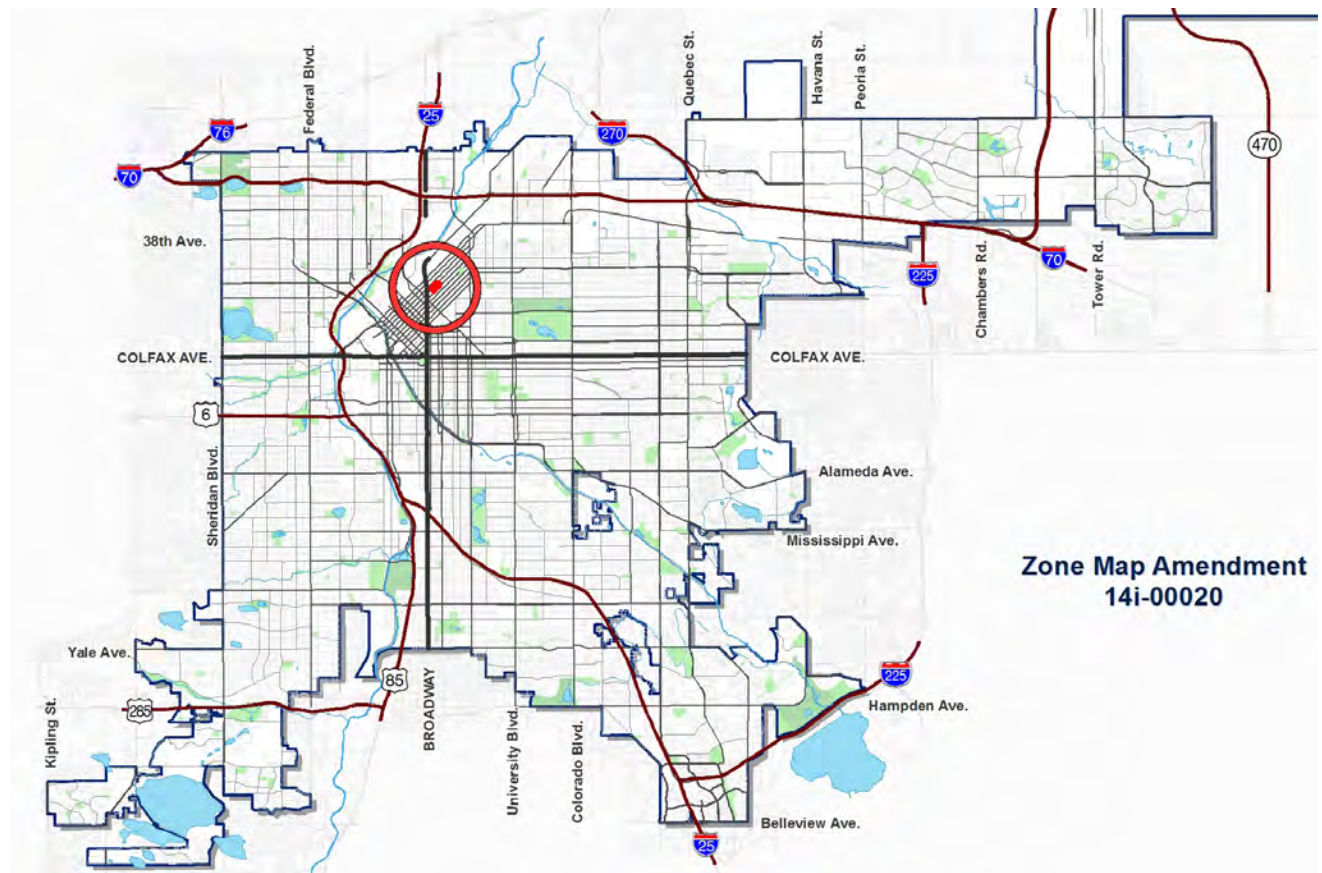
Section 12.4.10.6 of the Denver Zoning Code enables official map amendment applications to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for a waiver of the G-RX-5 maximum height from 5 stories, or 70 feet to 3 stories, or 45 feet.

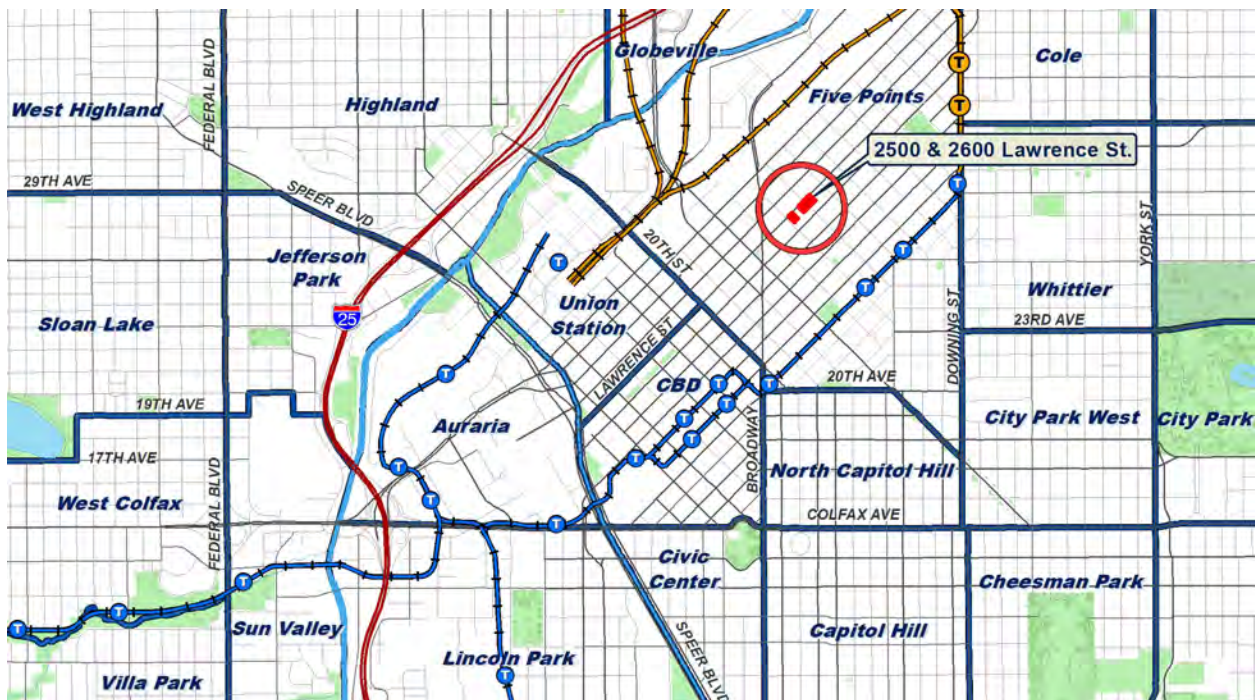
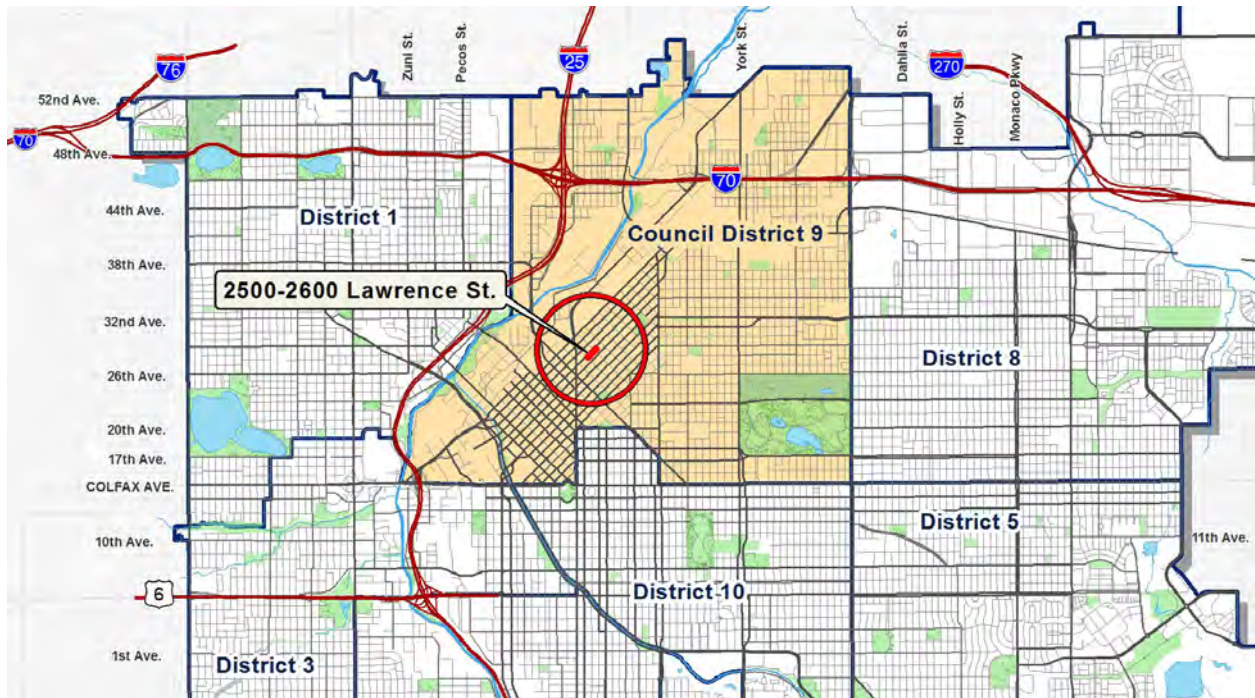
CPD policy calls for the use of waivers in situations where the waiver helps to solve an issue that CPD is committed to resolve through a future text amendment. CPD believes the waiver request included in this application is consistent with the waiver policy because the department is committed to investigating the creation of a new 3-story residential mixed-use district (RX-3) that would allow limited commercial uses in a predominantly residential 3-story building form.

Before determining that G-RX-5 with waivers would be an appropriate request for the subject sites, CPD and the applicant investigated a range of potential zone districts, including:

- **G-MU-3:** Does not allow for the “complementary commercial uses” envisioned by the *Northeast Downtown Neighborhoods Plan*, as described later in this report (note that this is the zone district currently applied to the subject sites).
- **G-RX-5:** Allows for the “complementary commercial uses” envisioned by the *Northeast Downtown Neighborhoods Plan*, but also allows 5-story building height that is taller than adjacent residential areas and plan recommended maximum building height of 3 stories.
- **G-RX-5 with waiver to 3-stories or 45 feet:** Allows for the “complementary commercial uses” envisioned by the *Northeast Downtown Neighborhoods Plan* while ensuring that height is compatible with adjacent 1-3 story buildings and the plan recommendations for height at this site. (note that this is the rezoning requested in this application).

### Property Location & Council District Maps





**Existing Context**

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	G-MU-3 UO-3	Primarily vacant property with small urban garden use and temporary weekend food truck, flea market and entertainment events	Primarily vacant with two 1-story greenhouse buildings	Generally, block sizes and shapes are consistent and rectangular. Although most lots on the surrounding blocks are subdivided into parcels of under 6,000 square feet each, the subject sites are located on two block-sized parcels.
Northwest	G-MU-3 UO-3 & R-3 UO-3	Row house, single-family residential, vacant land and surface parking	1-3 story houses mixed with 3-story row house/apartment buildings	The street grid around the sites follows the regular Downtown pattern with streets running from northwest to southeast and southwest to northeast. However, Broadway cuts through this grid running directly north to south just over a block from the subject sites, creating a series of irregular parcels.
Southwest	G-MU-3 UO-3	School	3-story school building with playground	
Southeast	U-MX-3, U-MX-2, U-RH-2.5	Row house and single-family residential	Primarily 1-2 story houses	Building setbacks in the surrounding area typically allow for a shallow landscaped front yard area, but side interior and side street setbacks are limited. Most parking is located to the rear of buildings.
Northeast	R-3 UO-3	Apartment, commercial, and low-rise residential buildings	3-story walk-up apartments and 2-story commercial buildings.	

The subject sites are located in the Curtis Park portion of the Five Points statistical neighborhood. They are located generally one block southeast of a mixed-use commercial area along Larimer Street and one block east of a mixed-use commercial area along Broadway. Building heights typically range from 1-3 stories, with primarily single-family and multi-family residential uses, as well as nearby commercial and light industrial uses.

The site and surrounding blocks generally feature detached sidewalks with an irregular pattern of street trees. While some parcels are used as surface parking lots, most parking is located to the rear of buildings. The surrounding streets carry one lane of traffic in each direction. RTD bus route 44 serves Lawrence Street and the light rail station at 25<sup>th</sup> Street and Welton Street is located within six blocks. A B-Cycle station is located near the corner of 25<sup>th</sup> and Lawrence Streets.

**1. Existing Zoning**

The subject sites were mapped as G-MU-3 with the UO-3 overlay as part of the 2010 Denver Zoning Code Update. G-MU-3 allows for Urban House, Duplex, Row House, Garden Court, and Apartment building forms. The tallest building form has a maximum height of 3 stories or 40 feet. The minimum front setback ranges from 10-20 feet (note that the block-sensitive setback does not apply to the subject sites), and the minimum side interior setbacks range from 3-7.5 feet, depending on the building form used. The minimum required build-to percentage is 60% between 10-20 feet and the minimum percentage of transparency is 30% on the Primary Street and 25% on the Side Street for the Apartment building form. Permitted uses include single-family and multi-family, as well as group living and community/public service uses. Commercial uses are not permitted.



The UO-3 overlay allows additional use flexibility to encourage re-use of designated Denver Landmark structures. However, no designated structures exist on the subject sites. The rezoning would not including continuation of the UO-3 overlay.

**2. View Planes**

No view planes apply to the subject sites.

**3. Urban Design Standards & Guidelines**

No design standards and guidelines apply to the subject sites.

#### 4. Existing Land Use Map

As illustrated on the Existing Land Use Map below, the subject sites are vacant or host an agricultural land use. Surrounding land uses include single-family, multi-family low rise, public/quasi public (DPS University Preparatory School), office, commercial and industrial land uses. A number of properties are vacant or occupied by surface parking lots.

#### Existing Land Use Map



\*Note that alley right-of-way illustrated on the northeastern parcel was vacated in June, 2015

**5. Existing Building Form and Scale**



The southwestern subject site is located at the corner of 25<sup>th</sup> Street and Lawrence Street. The site includes greenhouse structures and a B-Cycle station. Note that 25<sup>th</sup> Street between Lawrence and Arapahoe Streets is currently private, but a process to dedicate the street to the City and County of Denver is underway.



The northeastern subject site occupies the northeast and southeast corners of the intersection of 26<sup>th</sup> and Lawrence Streets. This view to the southeast shows temporary facilities used for the “Big Wonderful” weekend flea market and entertainment event with Downtown Denver in the background.



1-3 story houses and row house/apartment buildings line Lawrence Street across from the subject sites.



A traditional 2-story commercial building is located at the northeast corner of 27<sup>th</sup> and Arapahoe Streets near the subject sites.



3-story walk-up apartments line 27<sup>th</sup> Street between Lawrence and Arapahoe near the subject sites.



Mixed-use commercial and light industrial buildings are located between Lawrence and Larimer, to the northwest of the subject sites.



## Summary of City Agency Referral Comments

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

**Asset Management:** Approved – No Comments

**Development Services – Wastewater:** Approved – The applicant should note that redevelopment of this site may require additional engineering. The extent of the required design and wastewater improvements will be determined once this property begins the redevelopment process.

**Public Works – City Surveyor:** Approved – However, since an easement was retained for the sanitary sewer in the alley, the Sustainability Park developers will not be able to build anything on top of the sewer until the easement has been relinquished (note that they alley right-of-way on the northeastern parcel at 1185 16<sup>th</sup> Street was vacated in June, 2015)

**Development Services – Transportation:** Approved - DS 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.

**Parks and Recreation:** Approved – No Comments

**Environmental Health:** Approved – The Denver Department of Environmental Health (DEH) is not aware of environmental concerns that would affect the proposed 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, DEH suggest developers consider installation of a radon mitigation system in structures planned for human occupation or frequent use. It can be more cost effective to install a radon system during new construction rather than after construction is complete. Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

## Public Review Process

- CPD staff provided Informational notice of receipt of the rezoning application to affected registered neighborhood organizations and members of City Council on March 25, 2015.
- The property was legally posted for a period of 15 days announcing the July 15, 2015, Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- Written notification of the August 5, 2015 City Council committee meeting was sent to affected registered neighborhood organizations and members of City Council on July 22, 2015.
- The property is currently posted to announce the September 14, 2015 City Council public hearing, and written notification was sent to all affected registered neighborhood organizations and City Council members.
- Registered Neighborhood Organizations (RNOs)
  - The RNOs identified on page one were notified of this application. At the time of this staff report, one letter of support has been received from Curtis Park Neighbors.
- At the time of this staff report, no other public comment has been received.

## Criteria for Review / Staff Evaluation

The criteria for review of this map amendment application are found in DZC, Sections 12.4.10.13 and 12.4.10.14, as follows:

### **DZC Section 12.4.10.13**

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

### **DZC Section 12.4.10.14**

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

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Northeast Downtown Neighborhoods Plan (2011)*

## **Denver Comprehensive Plan 2000**

Denver's *Comprehensive Plan 2000* identifies a set of broad guiding principles that unite to form a coherent and compelling vision of a livable city.

The Plan describes the Hope VI housing redevelopment near the subject sites as representing a "transformation of an older public housing development in Denver's Curtis Park neighborhood into a mixed-use, mixed-income neighborhood that will be a model community for future rehabilitation efforts." (pg. 111). The Plan also states that "exciting new mixed-use and pedestrian-oriented areas will develop, offering a higher concentration of housing, retail, services, employment and transportation, all within walking distance." (pg. 96)

Additional relevant *Denver Comprehensive Plan 2000* strategies include:

- Environmental Sustainability Strategy 2-F – *Conserve land by: promoting infill development with Denver at sites where services and infrastructure are already in place.* (pg. 39)
- Environmental Sustainability Strategy 4-A – *Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.* (pg. 41)
- 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.* (pg. 60)
- 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.* (pg. 60)
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.* (pg. 78)

The proposed map amendment is consistent with the vision and strategies outlined in *Comprehensive Plan 2000* because it promotes the development of a sustainable community through a compatible mix of land uses at an infill location where services and infrastructure are already in place.

## **Blueprint Denver**

The 2002 *Blueprint Denver* plan supplements *Comprehensive Plan 2000* with a more specific vision for land use and transportation throughout Denver.

### **Blueprint Denver Future Land Use**

According to the Future Land Use Map adopted in *Blueprint Denver*, the site has a concept land use of Urban Residential. Such areas are "higher density and primarily residential but may include a noteworthy number of complementary commercial uses." (pg. 41) The Plan also notes that "retail or other similar active uses on the main floor" are an option for Urban Residential Areas. (pg. 66)

The proposed map amendment supports the *Blueprint Denver* Urban Residential concept land use designation by allowing for a limited number of complementary commercial uses in a primarily residential area that forms a transition between mixed-use commercial districts and residential neighborhoods.

### Blueprint Denver Future Land Use Map



### **Blueprint Denver Area of Change / Area of Stability**

*Blueprint Denver* classifies all properties throughout the city as being within an “Area of Change” or “Area of Stability.” Areas of Change identify the places where development and redevelopment would be most beneficial, while Areas of Stability identify places where limited change is expected during the next 20 years. The subject sites are in an Area of Change, with Areas of Stability nearby to the southeast. In general, the goal for Areas of Change is to “channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips.” Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the City as a whole. (pg. 127)

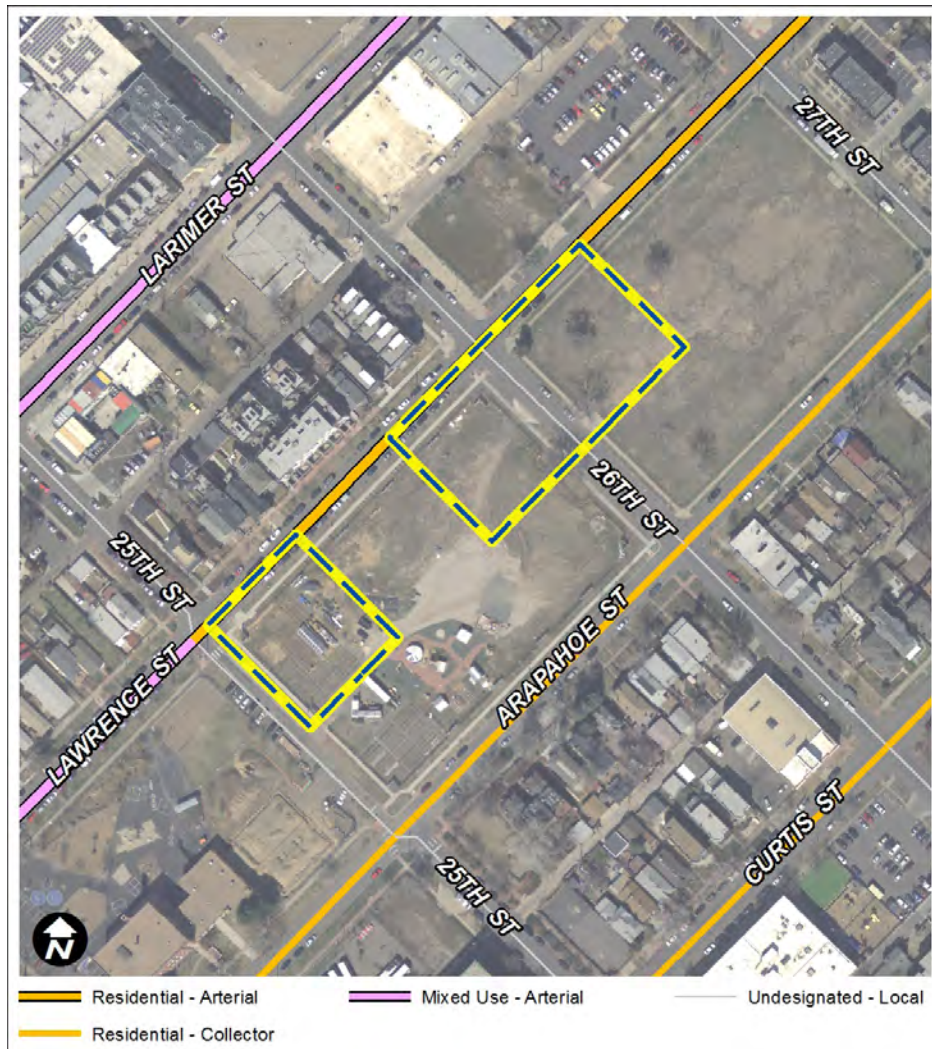
The proposed map amendment supports objectives for Areas of Change by allowing for limited mixed-use redevelopment at an appropriate, focused location.

### **Blueprint Denver Street Classifications**

*Blueprint Denver* recognizes and retains the City’s existing classification system of arterials, collectors and local streets, and also presents criteria to better classify the function of the City’s streets. This includes assigning a street type such as “residential” or “mixed-use.” *Blueprint Denver* classifies Lawrence Street adjacent to the subject sites as an Arterial street with a Residential type and both 25<sup>th</sup> and 26<sup>th</sup> Streets as Undesignated Local streets. Local Streets serve “primarily to provide access to housing in residential neighborhoods” (pg. 195) and Arterial streets “serve higher-density and higher-intensity land uses adjacent to the streets.” (pg. 194)

The proposed map amendment supports *Blueprint Denver* goals for street character and function by allowing for a limited number of higher-intensity land uses adjacent to a Residential Arterial (Lawrence Street).

### Blueprint Denver Street Classification Map



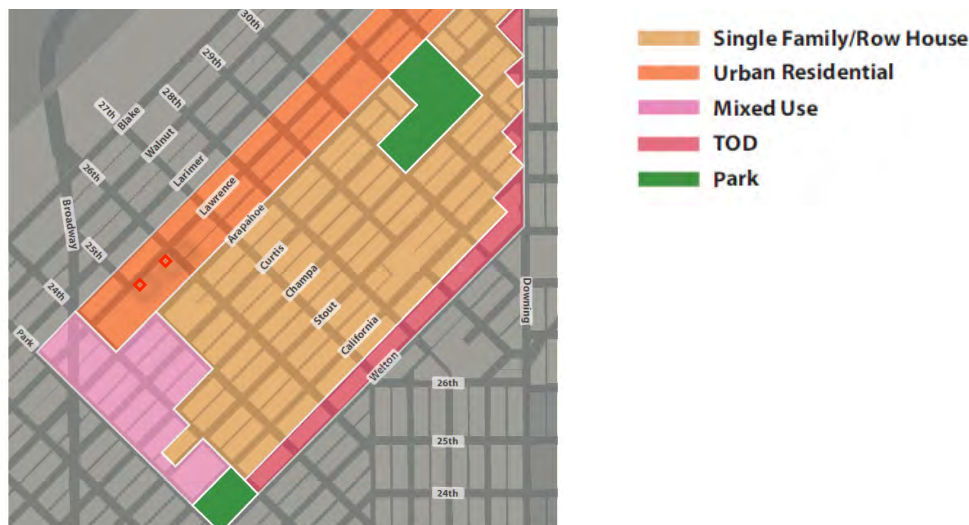
### Area Plan: Northeast Downtown Neighborhoods Plan

The adopted 2011 *Northeast Downtown Neighborhoods Plan* applies to the subject sites. As illustrated below, the Plan's Concept Land Use Map classifies the subject sites as Urban Residential. Such areas are:

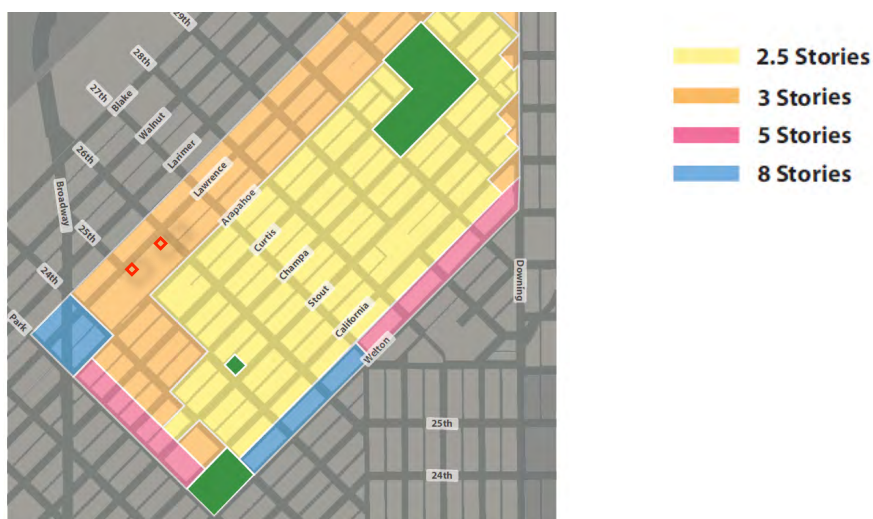
“...higher density and primarily residential but may include a noteworthy number of complementary commercial uses. In Northeast Downtown, urban residential uses tend to be located in areas that transition from historic residential neighborhoods to more intense mixed-use neighborhoods.” (pg. 16)

As illustrated below, the Plan also includes a Concept Height Map that indicates a maximum height of 3-stories for the subject sites.

#### Northeast Downtown Neighborhoods Plan Concept Land Use Map



#### Northeast Downtown Neighborhoods Plan Concept Height Map



Additional relevant *Northeast Downtown Neighborhoods Plan* strategies include:

- In areas with established residential neighborhood character, including Curtis Park, “Allow a mix of land uses consisting primarily of residential uses with limited neighborhood-serving commercial.” (pg. 20)
- In Curtis Park, promote “development of vacant land, including both large properties and interior neighborhood vacant lots.” (pg. 77)
- Single-family residential will remain the predominant land use within Curtis Park, but “the blocks between Lawrence and Arapahoe have a designation of urban residential to reflect the more dense residential land uses that comprise the Villages at Curtis Park development.” (pg. 80)

The proposed map amendment is consistent with the objectives of the *Northeast Downtown Neighborhoods Plan*. The G-RX-5 zone district allows for limited neighborhood-serving commercial land uses on parcels that are primarily vacant. The requested waiver to a 3-story maximum height is consistent with the Plan’s concept height for the blocks between Lawrence and Arapahoe.

## **2. Uniformity of District Regulations and Restrictions**

The proposed map amendment will result in uniform application of the G-RX-5 zone district building form, use, and design regulations, with the exception of the requested waiver to a maximum height of 3 stories or 45 feet. However, the waiver provides uniform height with the surrounding G-MU-3 district, and is consistent with CPD policy to allow for the use of waivers in situations where the waiver helps to solve an issue that CPD is committed to resolve through a future amendment, as described on page 2.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the City’s adopted land use plans including *Comprehensive Plan 2000*, *Blueprint Denver*, and the *Northeast Downtown Neighborhoods Plan*.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under Denver Zoning Code Section 12.4.10.14.A.4, “The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.”

Changes that have occurred since the 2010 adoption of the current G-MU-3 UO-3 zone district include:

- The adoption of the *Northeast Downtown Neighborhoods Plan*
- The continuing development of the nearby portion of Larimer Street into an active commercial area
- The development of new row house and multi-family buildings on adjacent blocks that do not include the “complementary commercial use” envisioned for the Urban Residential concept land use identified in *Blueprint Denver* and the *Northeast Downtown Neighborhoods Plan*.



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

### Neighborhood Context Description

The proposed G-RX-5 zone district is within the General Urban Neighborhood Context. Denver Zoning Code Division 6.1 notes that low-scale commercial areas are embedded within residential areas, which are primarily located along local and residential arterial streets. The context includes “low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character.” (pg. 6.1-1)

The proposed map amendment’s allowance for low-scale embedded commercial areas is consistent with the Denver Zoning Code General Urban Neighborhood Context.

### Zone District Purpose and Intent

Denver Zoning Code Section 6.2.2 states that the general purpose of mixed-use residential zone districts within the General Urban Neighborhood Context is to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.” They are also “intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods” and improve “the transition between commercial development and adjacent residential neighborhoods. “ (pg. 6.2-4)

The proposed map amendment is consistent with the Denver Zoning Code purpose and intent statements for mixed-use residential districts because it allows for development that will help activate the public realm and improve the transition between commercial and residential neighborhoods.

### **Planning Board Recommendation**

The Denver Planning Board held a public hearing on July 15, 2015, to consider this application. The Planning Board heard testimony from Keith Pryor and John Hayden of the Curtis Park Neighbors in support of the application. By a vote of 6 in favor and 0 against, the Planning Board recommended approval of the application and found that the applicable review criteria had been met (Note that J. Bershof, J. Noble, and B. Morris-Saunders recused).

### **Staff Recommendation**

Based on the analysis set forth above, CPD staff finds that the map amendment application for portions of the parcels at 2500 Lawrence and 1185 26<sup>th</sup> Street (#2014I-00015) to the G-RX-5 zone district, with height waiver to 3 stories, or 45 feet, meets the requisite review criteria, including CPD policy for the use of waivers. Accordingly, staff recommends approval of the application.

### **Attachments**

1. Application
2. Letter of support from Curtis Park Neighbors, dated December 15, 2014

## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input 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 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 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. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></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 type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input 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:	
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

# REZONING GUIDE

Rezoning Application Page 3 of 3

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

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO
Denver Housing Authority C/O Ismael Guerrero	777 Grant Street Denver, CO 80203 720 932 3000 iwolfe@denverhousing.org	100%	<i>Ismael Guerrero</i>	02/20/15	(A)	Yes

Last updated: June 20, 2014

 Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

Denver Property Assessment and Taxation System (3.2.3)

## 2600 LAWRENCE ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
HOUSING AUTHORITY OF THE CITY 777 GRANT ST DENVER , CO 80203	0227634023000 PIN 160835480	L 1 TO 6 INC BLK 47 CASE & EBERTS ADD & L 1 TO 16 INC BLK86 CURTIS & CLARKES ADD	VACANT LAND	DENV

### Assessment

Actual Value Year: 2014 Actual Value: \$1,504,500

### Property

Year Built: 0 Square Footage: 0

### Comparables

Schedule Number / Parcel Id	Address	Sale Month/Year	Sales Price	PIN
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No comparables available for this property.

Denver Property Assessment and Taxation System (3.2.3)

## 2500 LAWRENCE ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
HOUSING AUTHORITY OF THE PO BOX 40305 DENVER , CO 80204- 0305	0234206001000 PIN 160957232	ALL OF BLK 85 INC VAC ALLEY THEREIN & ADJ NELY 1/2 VAC 25TH ST CURTIS & CLARKES ADD & GEO W BROWNS ADD TO DENVER	VACANT LAND	DENV

### Summary

<b>Style:</b>	OTHER	<b>Reception No:</b>	<b>Year Built:</b>	0000	
<b>Recording Date:</b>		<b>Building Sqr. Foot:</b>	0	<b>Document Type:</b>	
<b>Bedrooms:</b>		<b>Sale Price:</b>		<b>Baths Full/Half:</b>	0/0
<b>Mill Levy:</b>	83.054	<b>Basement/Finish:</b>	0/0	<b>Zoning Used for Valuation:</b>	GMU
<b>Lot Size:</b>	117,000				

Note: Valuation zoning may be different from City's new zoning code.

### Assessment

	Actual	Assessed	Exempt
Current Year			
Land	\$4,680,000	\$372,530	\$372,530
Improvements	\$0	\$0	
<b>Total</b>	<b>\$4,680,000</b>	<b>\$372,530</b>	
Prior Year			
Land	\$4,680,000	\$372,530	\$372,530
Improvements	\$0	\$0	
<b>Total</b>	<b>\$4,680,000</b>	<b>\$372,530</b>	

## LEGAL DESCRIPTION

### PARCEL 1:

THE SOUTHWESTERLY ONE-HALF OF LOT 12 AND LOTS 13 THROUGH 16, INCLUSIVE, BLOCK 85, CURTIS AND CLARKE'S ADDITION TO THE CITY OF DENVER, TOGETHER WITH THE VACATED ALLEY AND THE NORTHEASTERLY ONE-HALF OF VACATED 25<sup>TH</sup> STREET, CONTIGUOUS THERETO, ALL AS VACATED BY ORDINANCE NO. 8, SERIES OF 1942, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING AN AREA OF 0.496 ACRES, (21,599 SQUARE FEET), MORE OR LESS.

### PARCEL 2:

LOTS 1 THROUGH 5, INCLUSIVE, BLOCK 85, CURTIS AND CLARKE'S ADDITION TO THE CITY OF DENVER, TOGETHER WITH THE VACATED ALLEY CONTIGUOUS THERETO, AS VACATED BY ORDINANCE NO. 8, SERIES OF 1942, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING AN AREA OF 0.407 ACRES, (17,715 SQUARE FEET), MORE OR LESS.

### PARCEL 3:

LOTS 12 THROUGH 16, INCLUSIVE, BLOCK 86, CURTIS AND CLARKE'S ADDITION TO THE CITY OF DENVER, TOGETHER WITH THE VACATED ALLEY CONTIGUOUS THERETO, AS VACATED BY ORDINANCE NO. 15-0310, SERIES OF 2015 SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING AN AREA OF 0.405 ACRES, (17,662 SQUARE FEET), MORE OR LESS.

PREPARED BY:  
JOHN R. WEST, JR.  
COLORADO P.L.S. NO. 25645  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVENUE, SUITE 1  
LITTLETON, COLORADO 80122  
303-713-1898

March 03 2015

Letter of Intent for re-zoning at Sustainability Park, Denver, CO.

To: Community Planning & Development  
City and County of Denver

From: Shawn Mather  
Tres Birds Workshop  
3821 Steele St., Unit B  
Denver, CO 80205  
720 635 6468  
sm@tresbirds.com

on behalf of: TreeHouse Brokerage & Development  
3003 East Third Avenue, Suite 201  
Denver, CO 80206

To Whom It May Concern:

We are requesting a re-zone of 2 parcels at 2500 Lawrence and one parcel at 2600 Lawrence St. as described in the attached legal description. We are proposing a re-zone for these parcels from G-MU-3 to G-RX-5 (with a height limitation of 3 stories and 45') as part of a larger strategy for the redevelopment of the 2 block site between Lawrence and Arapahoe and 25<sup>th</sup> and 27<sup>th</sup>.

As part of the effort to make a sustainable and net zero neighborhood, we imagine a community that has 190+ residences over the extent of the 2 blocks. In order to further activate the property, we propose a re-zone activating 3 distinct portions of the site allowing for a 1<sup>st</sup> floor commercial storefront component at these parcels that would mesh well with the multi-family residential build. This "layering" of uses creates a vibrancy for the site and the neighborhood beyond. Please refer to the following attachment as to how this zone map amendment is justified.

We request this on behalf of Treehouse Brokerage and Development. They are purchasing the property from the current owner, Denver Housing Authority. The purchasing party is requesting the re-zone, but DHA supports this approach. A letter of support from the neighborhood group has been provided under separate cover to the Planning Department.

Please feel free to contact me with any questions. Thank you for your time.

Respectfully Submitted,



Shawn Mather  
[sm@tresbirds.com](mailto:sm@tresbirds.com)



May 19, 2015

**Zone map amendment at Sustainability Park, Denver, CO.**

**General Review Criteria:**

The proposed map amendment complies with both Blueprint Denver and recommendations for Curtis Park found within Northeast Downtown Neighborhood Plan.

Per the NE Downtown Neighborhood Plan, the property in question sits within the urban residential zone which serves as a 1 ½ block buffer between the primarily commercial areas along Larimer and the single family/row house zone between Arapahoe and California.

Blueprint Denver defines urban residential neighborhoods as “higher density and primarily residential but may include a noteworthy number of complementary commercial uses”

The proposed map amendment complies with these guidelines for the following reasons.

- The G-RX-5 (with a 3 story height restriction) is consistent with the overall height of the current zoning and the neighboring structures.
- The G-RX-5 designation will be primarily residential but will have a single story of commercial storefront. This aligns well with the definition of urban residential as noted above.
- This designation creates a primarily residential zone with a commercial component that meshes well with the urban residential buffer existing between Larimer and the larger Curtis Park area.

For these reasons we feel that the proposed map amendment is consistent with the approach as set forth in Blueprint Denver and the Northeast Downtown Neighborhood Plan.

**Justifying Circumstances:**

We feel that there are three justifying circumstances for the proposed map amendment that will update the site to reflect the current conditions of the neighborhood. These are as follows:

1. The character of the neighborhood is evolving. Over the past several years development within the Curtis Park Neighborhood and RINO has seen a large number of “urban residential” projects. Many of these developments reflect higher density housing but do not reflect a “complementary commercial use” as noted in the “Northeast Downtown Neighborhoods Plan” (page 16). The proposed map amendment aims to provide discrete areas of commercial storefront that will complement the neighborhood with a proposed commercial presence at street level.

2. Per Blueprint Denver, this site is located in an “area of change” and “a major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.” (Blueprint Denver, page 127). While stimulus to redevelop is not necessary for this neighborhood, the discrete areas of re-zone we are proposing reflect will increase the opportunity for small business development that will benefit the new development as well as the surrounding neighborhood.
- 3 With the creation of a dense neighborhood of 190+ units, we are well on our way to meeting the goal of creating a sustainable neighborhood. However, we feel strongly that the inclusion of discrete pockets of 1 story storefront will help infuse the site with activity adding to the vibrancy of the primarily residential site. Further, these pockets of commercial in a higher density residential zone represent a transitional buffer between the commercial development of Larimer Street to the west and the primarily residential and stable zone of the Curtis Park neighborhood to the east.

**Consistent with neighborhood context and zone district.**

Per the Denver zoning code, the G-MU-3 allows for multi-unit residential in a variety of building forms and is restricted to 3 stories. G-RX-5 is a “residentially dominated district” which allows for secondary commercial components to activate the larger residential zones.

The proposed re-zone complies with these zone districts as follows:

- With the 3 story limit to the G-RX-5 re-zone, the entire 2 block property will consist of multi-unit residential structures with 3 story height limit as called for in the G-MU-3 designation.
- The proposed rezone to G-RX-5 is limited to 3 distinct areas of the overall site. The portion proposed for rezone is roughly 20-25% of the overall site and commercial will be limited to the ground floor of these areas. This designates a commercial storefront that is secondary to the primary residential zone.

The goal of this development is to provide a higher density residential neighborhood with small components of commercial that will serve the overall neighborhood. This is consistent with sections 6.2.2 and 6.2.4 of the Denver Zoning Code.



January 16, 2015  
City and County of Denver  
Community Planning and Development

To whom it may concern,  
The Housing Authority of the City and County of Denver (DHA) authorizes Shawn Mather (tres birds workshop) to represent DHA as it pertains to the Zone Map Amendment (Rezoning) Application. The rezoning application refers to the three parcels contained within 2600 Lawrence Street and 2500 Lawrence Street (legal description attached with application).

A handwritten signature in blue ink, appearing to read 'Chris Parr', is written over a horizontal line that spans the width of the page.

Chris Parr  
Director of Development

## WAIVER AND CONDITION REQUEST FORM

**Rezoning Case Application No.:** 20014I-00020 2500/2600 Lawrence

**Applicant Name:** Denver Housing Authority c/o Ismael Guerrero

Section 12.4.10.12, Denver Zoning Code, authorizes the City Council to adopt waivers or reasonable conditions to an Official Map Amendment at the request of the applicant, provided the applicant approves such waivers or conditions in writing.

List each requested waiver and/or condition in the following tables. Include a justification for each waiver or condition.

### Waivers

Code Reference	Code Provision	Proposed Alternative	Justification
6.3.3.4	Heights of all building forms	No structure erected on the subject property shall exceed Three (3) stories up to Forty Five (45) feet in height	Reduced height aligns with plan objectives and is consistent with potential future development of a G-RX-3 zone district

Once adopted, the waivers and/or conditions cited above shall apply to all successors and assigns, who along with the present owner(s), shall be deemed to have waived all objections as to the constitutionality of these provisions.



Handwritten signature and date: 05/15/15



February 20, 2015

Community Planning and Development  
201 W. Colfax, Suite 205  
Denver, CO 80202

To whom it may concern,

The Housing Authority of the City and County of Denver (DHA) would like to express its' strong support for the re-zoning request submitted by TreeHouse Development in regards to their Sustainability Park development. We are very proud to partner with TreeHouse and be a part of their work in the Curtis Park Neighborhood. DHA considers this project a final phase of our Curtis Park HOPE VI redevelopment effort, and we support TreeHouse in their design to continue and add to this neighborhood revitalization.

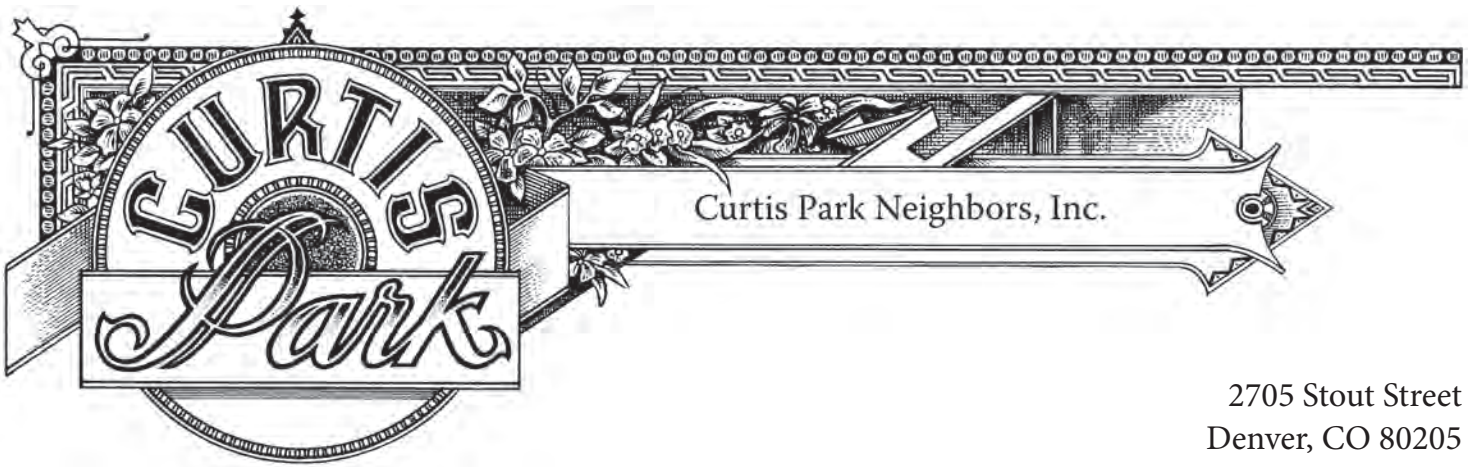
TreeHouse has a profound understanding of the Curtis Park neighborhood and is committed to maintaining the well-being of the community and residents. The proposed project will strive to be a net-zero, carbon neutral community that will become a legacy project and example for future developments. The project plans for 160 for-sale units with designated affordable and price point layering. By applying for a re-zone, TreeHouse will be able to build a "mixed-use" development that will include varied experience programming and layered cultural, social, and community uses. This will include local food growing and produce sales, open space and events all in compliance with the recommended site plan for urban residential.

As a partner to TreeHouse, DHA believes in the project and subsequently the need to rezone pieces of the property to support commercial uses. In addition, we have gained the support of the Curtis Park Community Advisory Committee on the proposal for re-zoning. We hope this conveys the sound support of TreeHouse's proposal and thank you for your time. We are happy to answer any further questions as to our support and partnership with TreeHouse.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ismael Guerrero', with a long horizontal flourish extending to the right.

Ismael Guerrero  
Executive Director



2705 Stout Street  
Denver, CO 80205

December 15, 2014

Denver Community Planning and Development  
Sarah Showalter, Senior City Planner  
201 W. Colfax Avenue, Denver, CO 80202

### CPN Support for Rezoning Three Corner Sites at 25th/Lawrence and 26th/Lawrence

Curtis Park Neighbors (CPN) supports the application for rezoning three corner properties at 25th/Lawrence and 26th/Lawrence, as illustrated on the second page of this letter, to G-RX-5 with a waiver to limit height to 3 stories and 45 feet (consistent with a three-story mixed use district).

We believe that this meets the intentions in the adopted *Northeast Downtown Neighborhoods Plan* which calls for three-story height limit in this area (p.19).

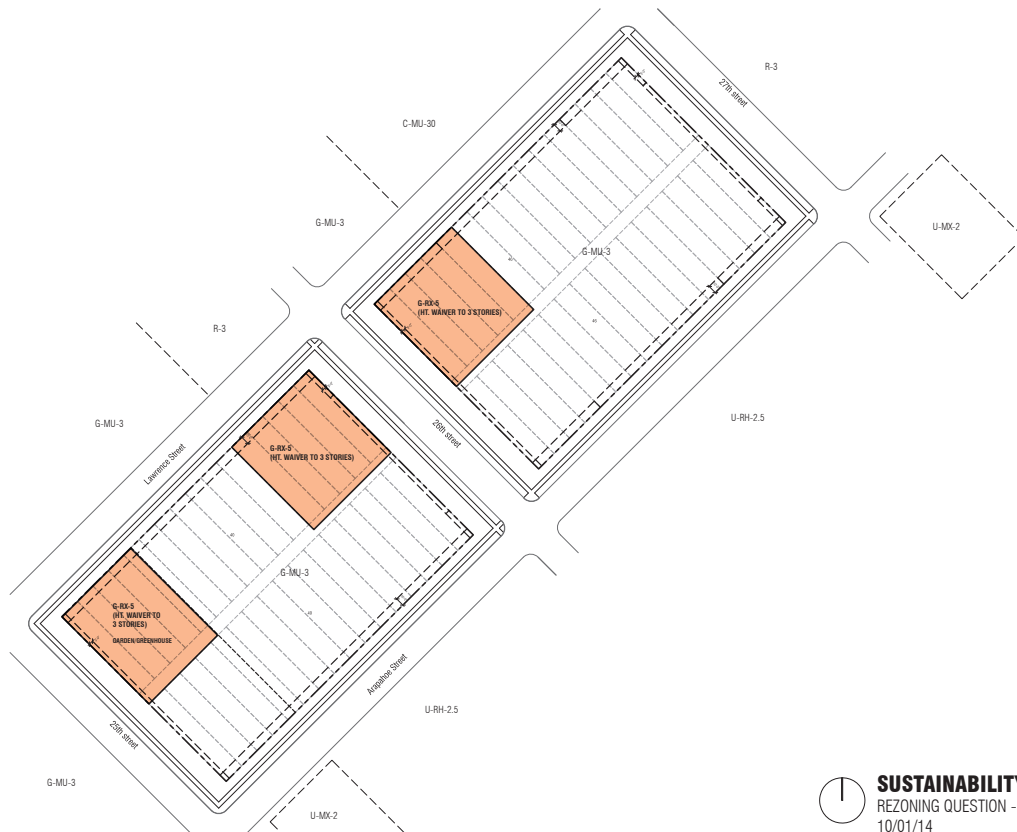
Additionally, the land-use concept in the plan is “Urban Residential” (p. 17), which includes the text (pg. 16): “*primarily residential but may include a noteworthy number of complementary commercial uses. In Northeast Downtown, urban residential uses tend to be located in areas that transition from historic residential neighborhoods to more intense mixed use neighborhoods.*” As the last residential block before the Larimer mixed-use corridor, on blocks that are already transitional, the flexibility provided by this ground-floor-only mixed use allowance will be a benefit to the redevelopment of these blocks being undertaken by the Denver Housing Authority (DHA) and its development partner, Treehouse.

To be clear, CPN’s expectation of DHA and Treehouse is that detailed design and use discussions will continue in-depth with CPN through our Community Advisory Committee. It is with this expectation and understanding that we are providing this extraordinary support for mixed-use within this predominantly residential area. Redevelopment of these blocks in to achieve CPN’s and DHA’s long-held vision will be enhanced by the flexibility allowed by this zoning change when pursued in the context of this close collaboration.

This position was adopted by the Curtis Park Neighbors Board of Directors by e-mail vote and discussion, as recommended by the Community Advisory Committee, concluding December 14th, 2014. The vote was 8 in favor, 2 opposed.

Joel Noble  
President, Curtis Park Neighbors

cc: Councilman Albus Brooks  
cc: Chris Parr, Denver Housing Authority  
cc: Jonathan Alpert, Treehouse



 **SUSTAINABILITY PARK**  
REZONING QUESTION - OPTION 02  
10/01/14

 tres birds workshop  
3511 Shields Street, Unit B  
Denver, CO 80203

Proposed rezoning locations

