



TO: Denver Planning Board
FROM: Andrew Webb, Senior City Planner
DATE: August 29, 2018
RE: Official Zoning Map Amendment Application #2016I-00068 to change the zoning of parcels at 1100 Federal Blvd. and 2929 W. 10th Ave. (collectively referred to as 2929 W. 10th Ave.) from PUD #487 to C-MX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2016I-00068.

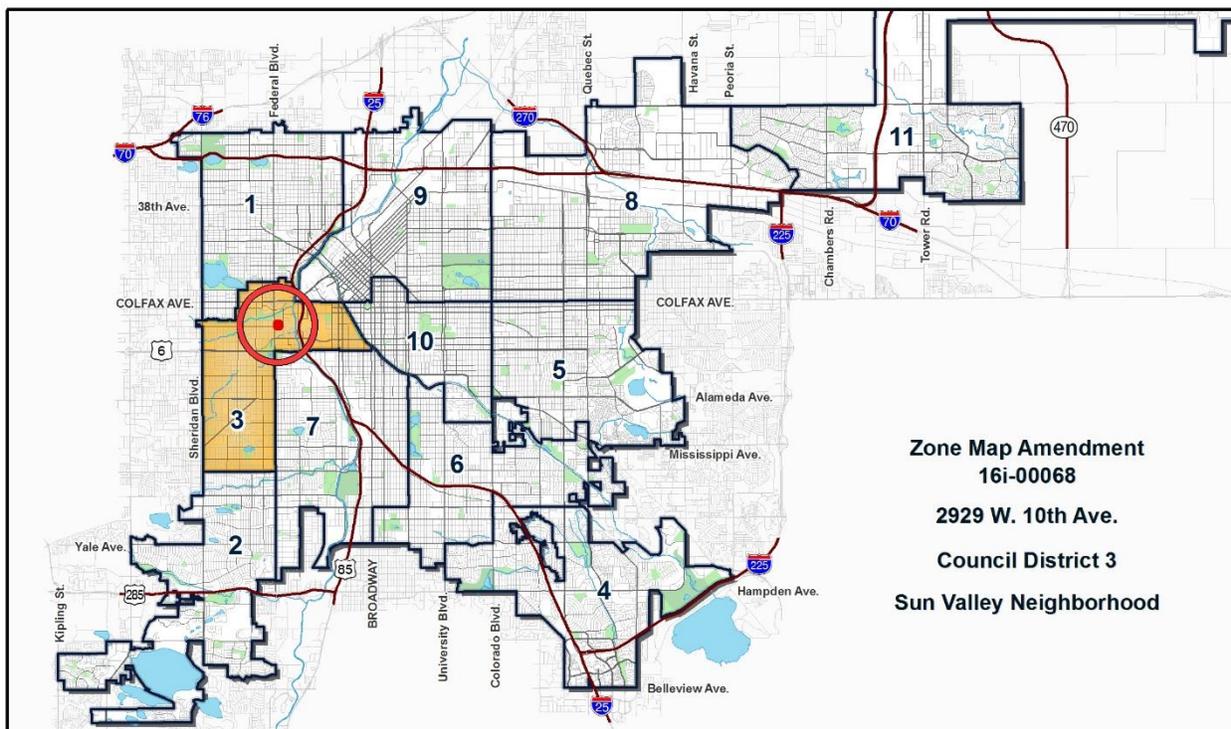
Request for Rezoning

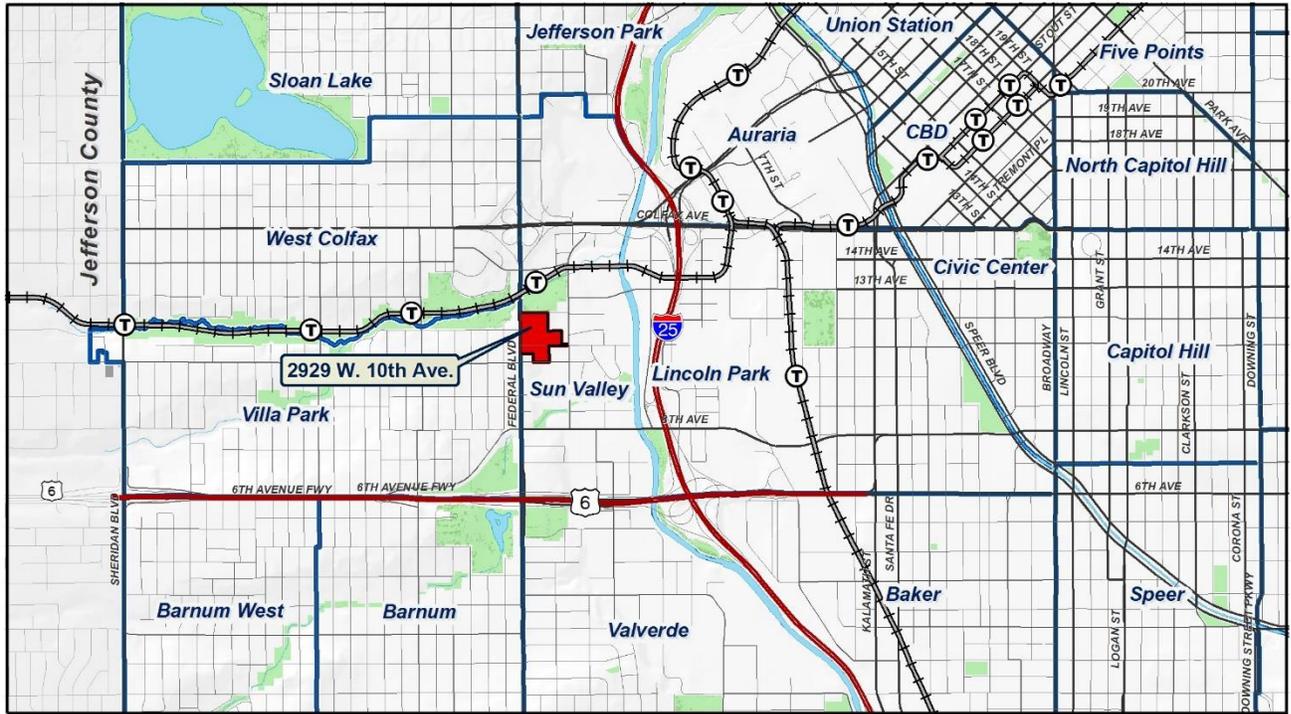
Address: 1100 Federal Blvd. and 2929 W. 10th Ave. (collectively referred to in application as 2929 W. 10th Ave.)
Neighborhood/Council District: Sun Valley, Council District 3
RNOs: Sun Valley Community Coalition, West Denver United, Federal Boulevard Corridor Improvement Partnership, Inter-Neighborhood Cooperation, Center City Denver Residents Organization
Area of Property: 12.18 acres
Current Zoning: PUD # 487
Proposed Zoning: C-MX-5
Property Owner(s): Denver Public Facilities Leasing Trust; Denver Health and Hospital Authority
Applicant: Denver Department of Human Services

Summary of Rezoning Request

- This is a request to rezone a campus of health care and social services facilities located in the Sun Valley statistical neighborhood near the intersection of Federal Blvd. and Holden Pl.
- The campus comprises Denver Human Services' Richard T. Castro Human Services Center, Denver Health's Westside Clinic, a parking garage and a building that formerly housed the Denver Family Crisis Center until that facility's closure in 2016.
- The current zoning on the site is Former Chapter 59 PUD #487.
- The requested C-MX-5 zone district is in the Urban **C**enter context, allowing **M**ixed uses, generally up to **5** stories in height. C-MX districts are intended to encourage a mix of residential and commercial uses with pedestrian-friendly design standards.

- The purpose of the proposed rezoning is twofold: to establish zoning from the current Denver Zoning Code that is in line with surrounding zoning and implements local planning objectives; and to permit adaptive reuse of the site by allowing more flexibility than the current PUD.
- A key catalyst for this proposal is a desire to re-use the former Family Crisis Center, at 2929 W. 10th, which provided shelter for displaced youth until its closure in 2016. The PUD specifies that residential care uses on the site may only serve children under 12. Denver Human Services' Office of Behavioral Health Strategies proposes reopening the building as a residential care facility for adults experiencing mental health crises. Referred to as a "Solutions Center," this proposed facility is one of several city efforts aimed at addressing homelessness and helping people get into stable, longer-term housing.
- The C-MX-5 zone district permits residential care facilities, including shelters, uses as regulated by the DZC's Use Limitations for Group Living uses.
- This is the second rezoning request to impact PUD #487. Approximately 1/4 of the PUD's previous area was rezoned to C-MX-5 in 2017 for similar reasons. This request is for the remaining balance of the PUD.





Existing Context

The existing context for this request is a 12-acre complex of 2, 3 and 4-story office buildings, a 3-story parking garage and surface parking. The complex is situated between Rude Park and Lakewood Gulch to the north, multi-unit housing to the east and south, and Federal Blvd. to the west. It is served by streets at the perimeter of the block, and the interior is served by drive aisles and walkways, including the vacated former alignment of 11th Ave. The immediate area includes several subsidized housing developments, including a large Denver Housing Authority apartment complex. Major industrial uses, including an Xcel Energy substation, are nearby. North of Lakewood Gulch are the Decatur-Federal RTD light rail station and parking lots for Mile High Stadium.

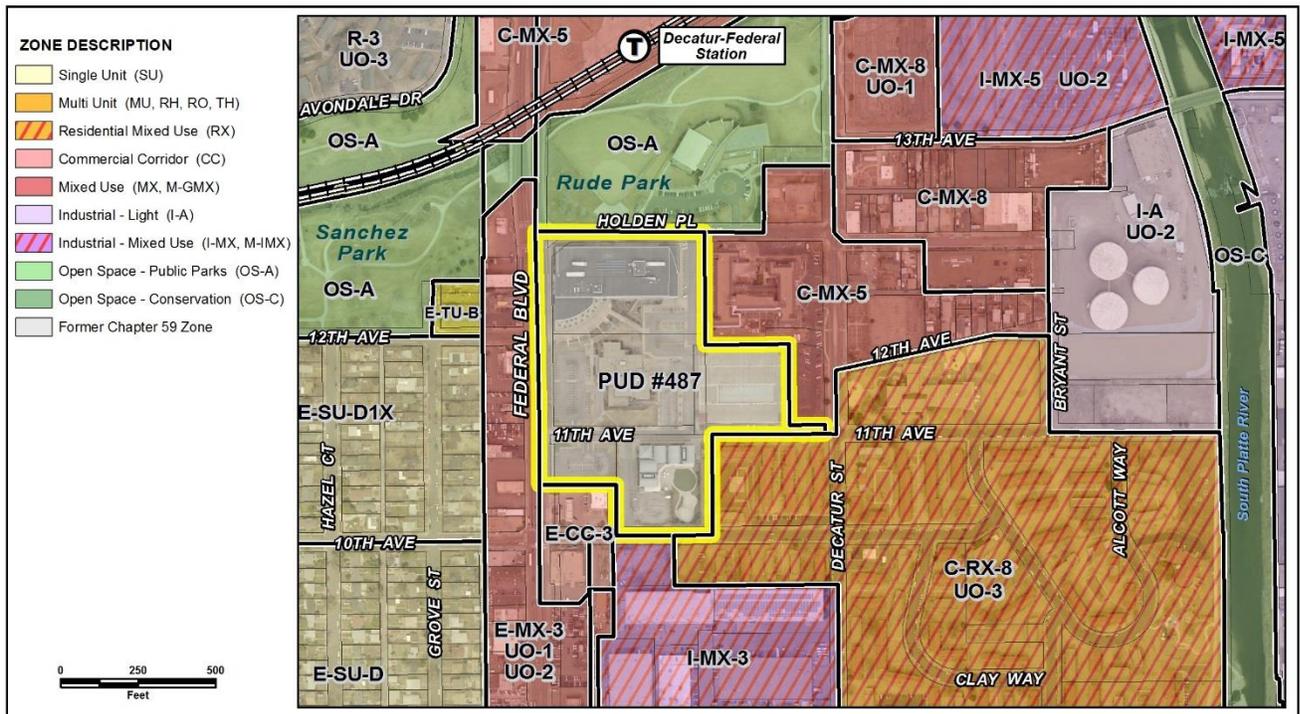


The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 487	Office and Medical uses, Parking	2- and 3-story office buildings, parking garage	Generally rectangular grid of streets, with larger block sizes and no alleys. Site primarily served by internal drive aisles, including former 11 th Ave. alignment.
North	OS-A, C-MX-5	Recreational/Park (Rude), Quasi-Public (Recreation Center)	Mix of apartments, small commercial structures	
South	I-MX-3, E-CC-3	Multi-Unit residential, Industrial	2-story linear apartment complexes arranged around lawns and recreation spaces; larger-scale industrial structures further to the south.	
East	C-MX-5, C-RX-8 UO-3	Single-Unit, Multi-Unit residential, DHA (public housing)	mix of apartment and single-unit housing, elementary school	
West	E-MX-3 UO-1, UO-2. Farther west: OS-A, E-SU-D1x, E-TU-B	Commercial (along Federal), Park (Paco Sanchez), Residential	Federal Blvd. corridor commercial structures, single-unit detached housing	

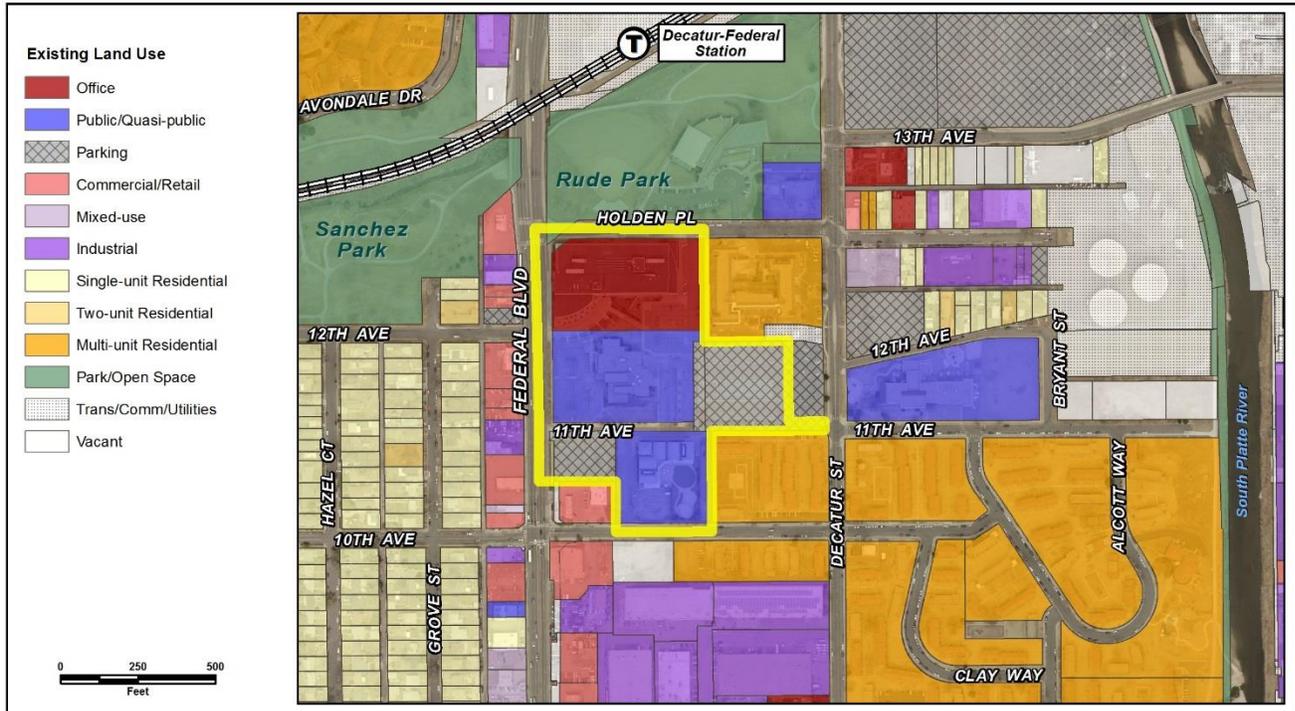
1. Existing Zoning

The current zoning on the site is Former Chapter 59 PUD #487. The site is designated as Subarea 1 in the PUD. A former Subarea 2 of PUD #487 was rezoned to C-MX-5 in 2017, also to allow for expanded uses. The PUD permits Office, Child Care, Medical or Dental Clinic, Parking and a facility described as Residential Care/Family Counseling/Evaluation/Therapy facility limited to overnight stays for youth 0-12 years of age.



2. Existing Land Uses

Assessor data shows the existing uses of the site are offices, medical clinics and surface parking.



3. Existing Building Form and Scale

Existing building forms and scales found in the area are shown in the series of 45-degree aerials and street-view images of key sites on the following pages, sourced from Google Maps.



Aerial View of subject site and surrounding development, looking northeast along Federal Blvd.



View of subject site looking north from 10th Ave. This structure is proposed to be put back into use for adult residential care



View of subject site looking east from Holden Place and Federal Blvd., showing the Federal Blvd. frontage of the campus



Commercial development along Federal Blvd., to the west of the site



Sun Valley Youth Center, commercial kitchen and other uses east of the site, across Decatur St.



Sun Valley Homes public housing on 10th Avenue, typical of development east and south of subject site

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:

Public Works – City Surveyor: Approved. There is a typo in the first description third paragraph. The word "REBARD" should be REBAR. The first description matches with what is recorded at reception number 2005132001. The second description matches with what is recorded at reception number 1982094164. (Note: some discrepancies were later discovered in the legal description by CPD GIS staff and have since been addressed with an update legal description. This staff report will be updated to reflect any modifications of the Surveyor's approval.)

Development Services – Project Coordination: Approved – No Comments

Development Services – Wastewater: There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Asset Management: Approved – No Comments

Department of Public Health and Environment: Approved with comments. The Property is adjacent to a leaking underground storage tank site at 1000 N Federal Blvd. The site is the location of a leaking underground storage tank (LUST) where a confirmed release was noted in 2007. The release was investigated, remediated and monitored through July 2010 when the Colorado Department of Labor and Employment, Division of Oil and Public Safety (OPS) issued a closure letter. Based on information provided by OPS, the LUST site is hydraulically up gradient and could be environmental concern for the Property if

excavations encounter groundwater. Denver Department of Public Health and Environment is not aware of other environmental concerns on the Property and concurs with the rezoning request.

Additional generalized comments followed about radon mitigation, asbestos and lead-based paint, fugitive particulate emissions and the Noise Ordinance.

Public Review Process

Step	Date
CPD Informational Notice of Receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations	4/6/2018
Community Meetings to present project (Solutions Center)	May 2017; 5/1/2018, 6/5/2018
CPD written notice of the Sept. 5 2018, Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	8/20/18
Planning Board Public Hearing	9/5/2018
Land Use, Transportation and Infrastructure Committee	10/2/18
City Council First Reading	10/15//18 (Tentative)
City Council Public Hearing	11/13/18 (Tentative)

Registered Neighborhood Organizations (RNOs)

- The RNOs identified on page 1 of this report were notified of this application. The Sun Valley Community Coalition took a vote on the proposal at their August 7 meeting, during which 7 members (6 adults, 1 youth) voted to support the application, and 12 members (9 adults, 3 youth) voted to oppose it.
- The Coalition provided the following commentary: Members feel that due to the unmet neighborhood needs, the best use of the Family Crisis Center located at 2929 W 10th is as a youth mental health facility that would serve the significant numbers of youth already living in Sun Valley (and surrounding neighborhoods) who have experienced trauma from past homelessness, basic needs insecurity, domestic/relationship violence, child abuse/neglect and/or as refugees as well as those youth that will move to Sun Valley as a result of development which will triple the number of subsidized and affordable units(1,000+). There is general disappointment that the City would not

consider use of that facility for a school with strong mental health component, or other youth mental health services.

While there is appreciation for the City's disclosure of the true reason for the rezoning application which is to repurpose the facility to become The Solution Center providing emergency mental health and substance in-patient care up to 5 days with an additional 30 days transitional housing for 43 individuals experiencing mental health crisis, there continues to be concern as to how this effort promotes the safety and well-being of the neighborhood. It will be next door to over 200 affordable units that primarily house women and children, the Westside Health Clinic which serves a large percentage of children, and in close proximity to additional family housing and within one block of an elementary school.

Members did appreciate that the City postponed the application to engage with the Choice Neighborhood Planning process and its Community Advisory Board, agreeing to provisions that no known registered sex offenders would be admitted and that a Good Neighbor Agreement and Community Advisory Board would be developed. There are still a lot of unknowns. There is also concern that while the City says there are no plans for redeveloping other parcels within the PUD, the rezoning application infers that approval would allow for other kinds of mixed use development in the future. Similarly, Denver Health has stated that while there are no immediate plans for redeveloping its parcels, it is anticipated that the aging and maximumly utilized Westside Health Center will need to be addressed at a future date. The rezoning to CMX-5 provides substantial leeway for future development with no plan in place other than converting the Family Crisis Center and some renovations to the Castro Building to increase capacity. While this administration has stated that it will continue to engage with community development efforts, there is no required process that future administrations will do so. And given that the impacted neighborhood was not included in decisions to repurpose this community asset, it has been expressed by members that there is little to encourage a more hopeful outlook.

On the positive side, those voting to Support the rezoning stated that the Solution Center, recognized that The Solution Center will provide a badly needed service for the greater Denver community - helping to close a service gap and preventing more serious incidents from occurring.

- As of the date of this staff report, no other public comment has been received.

Planning Board

This proposed rezoning was considered by the Denver Planning Board on Wednesday, Sept. 5. The board voted 7:1 to recommend approval.

Criteria for Review / Staff Evaluation

The proposed rezoning is to rezone from PUD 487 Subarea 1 to C-MX-5. 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

Sec. 12.4.10.7, General Review Criteria Applicable to All Zone Map Amendments

A. Consistency with Adopted Plans

The following Adopted Plans apply to the subject properties:

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)
- Decatur-Federal Station Area Plan (2013)

Denver Comprehensive Plan 2000

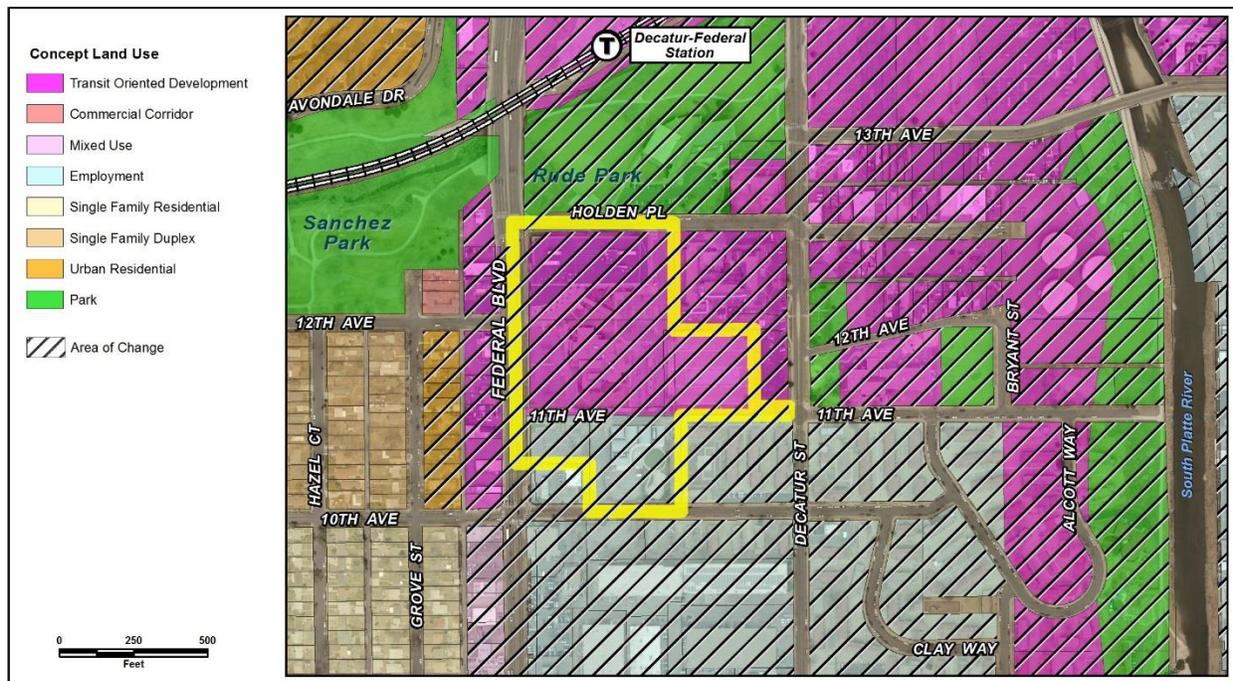
The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place. Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods. Creating more density at transit nodes. (p. 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. (p. 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. (p. 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. (p. 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (p. 78)
- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (p. 99)

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already provided and where additional transit-oriented development (TOD)

investment is planned. The opening of the Decatur-Federal light rail station has helped catalyze opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-MX-5 zone district broadens the variety of uses to include additional commercial uses to allow for residents to access additional services with pedestrian-friendly design standards appropriate for the site considering its opportunity for TOD infill development. The rezoning is consistent with these plan recommendations.

Blueprint Denver



Concept Land Use: According to the Blueprint Denver Plan Map, updated by subsequent adopted plans, this site spans two Concept Land Uses. The northern two-thirds of the site, north of 11th Ave., has a concept land use of Transit Oriented Development (TOD), while the portion of the site south of 11th Ave. is designated as an Employment District.

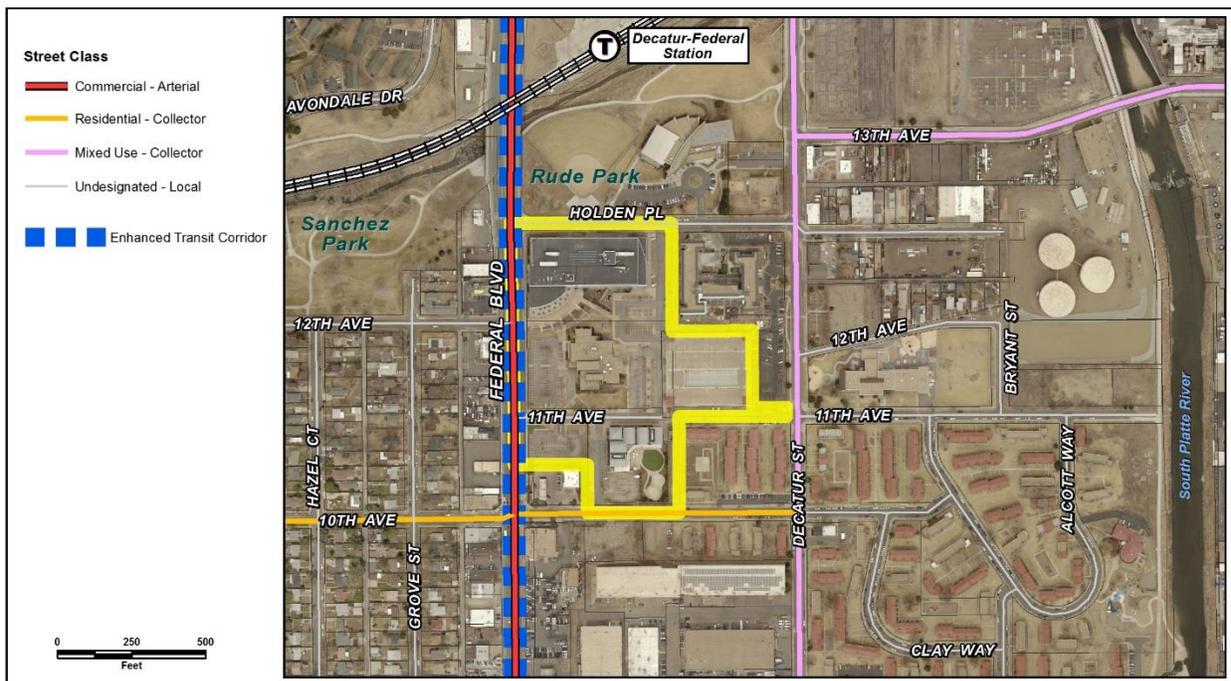
TOD areas are unique in that they “offer an alternative to traditional development patterns by providing housing, services and employment opportunities for a diverse population in a configuration that facilitates pedestrian and transit access” (P. 44). These areas are intended to develop or redevelop with compact, mid- to high-density development featuring a pedestrian-friendly and attractive pedestrian environment. The C-MX-5 zone district is consistent with this future land use classification because it enables a wide variety of commercial, residential, office, public facilities and other similar land uses, and because the C-MX-5 building form standards promote an attractive pedestrian environment.

Employment areas “contain office, warehousing, light manufacturing and high-tech uses such as clean manufacturing or information technology” (p. 39) and are typically located in areas with access to major arterials and/or interstates. The area of the subject site designated for Employment is further described

in the Decatur Federal Station Area Plan as “Employment TOD” (see Decatur Federal Station Area Plan, below), which is intended to have a similar fine-grained, transit- and pedestrian-friendly urban form as it redevelops in the future. The C-MX-5 zone district permits many employment uses, including office, communications, retail and limited manufacturing and industrial uses, while providing the building form standards that will enable the development over time of transit-oriented employment uses in this area. Moreover, the less-intensive employment uses permitted by the C-MX-5 zone will help provide a transition between the more intense uses of the Employment Area envisioned south of 11th Ave. and the more mixed-use oriented Transit-Oriented Development area north of 11th Ave. as this area redevelops in the future.

Area of Change: The subject site is designated by Blueprint Denver as an Area of Change. 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” (p. 127). Rezoning to the C-MX-5 zone district will enable the site to accommodate new uses and services that will improve access to jobs, housing and services. Therefore, the rezoning application is consistent with the Blueprint Denver Area of Change recommendations.

Street Classifications: This site has frontage on several streets, including Decatur Street, Federal Blvd., 10th Ave. and Holden Place. It also spans a one-block stretch of 11th Ave. which runs east from Federal and terminates into parking lots within the subject area.



Blueprint Denver classifies Decatur Street as a Mixed Use Collector. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial area” (p. 51). Mixed Use Streets are “located in high-intensity

mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists” (p. 57).

Blueprint Denver identifies Federal Blvd. as a Commercial Arterial, which typically serves commercial areas and retail strip centers with parking lot access points along the street. Such streets are intended to balance traffic mobility with access to nearby businesses and activities (P. 58). Pedestrian facilities are among the priority design elements recommended for Commercial Arterials.

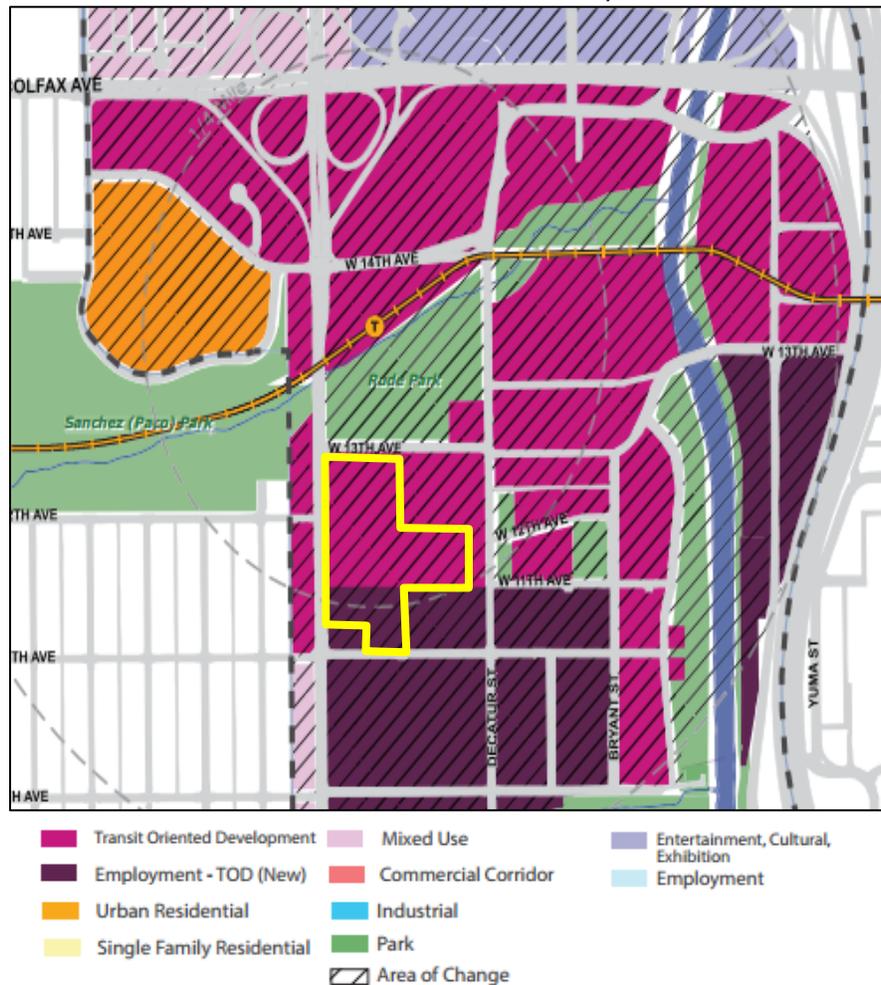
Holden Place and 11th Ave. are designated by Blueprint Denver as Local Streets, which are intended primarily to provide local access. “Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51).

The C-MX-5 zone district is consistent with the recommendations of these future street classifications, as the zone district will allow for a broad mix of uses, and require pedestrian-friendly design within close proximity to the Decatur-Federal light rail station. The existing PUD zone districts do not have any standards related to street level activation such as transparency, or pedestrian entries which would support a mixed-use street (e.g. Decatur) and pedestrian functionality of a commercial arterial (Federal). The rezoning to C-MX-5 at the subject site is consistent with Blueprint Denver’s plan recommendations.

PUD Zoning: Blueprint Denver recommends rezoning obsolete PUDs. “Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted. This issue can be addressed if the city acts on the authority to repeal obsolete PUD zoning and change it to a more appropriate district” (p. 82). Rezoning to a standard zone district will eliminate the inflexibility of the old PUD, consistent with Blueprint Denver’s recommendation.

Decatur-Federal Station Area Plan

The Decatur-Federal Station Area Plan was adopted by City Council in April of 2013, and applies to the subject property. The Plan establishes a long range vision and guiding principles for the development and future of the Decatur-Federal Station area. The elements of this Plan will direct the community toward a vision for a celebrated, connected, innovative and healthy Station Area.



Character Areas: The Decatur-Federal Station Area Plan designates the subject site as the Transit Oriented Development and Employment TOD. Recommendations relevant to the TOD character area are as follows:

- Encourage both a vertical and horizontal mix of land uses including multifamily residential, office, commercial, and public uses (p. 40).

- Attract high quality, mixed income residential communities within the TOD area (a transformative project in this Plan). Encourage housing development that meets the needs of families, young professionals, students and elderly households of various income levels. A variety of residential building forms appropriate for this TOD include row houses, low-, mid-, and high-rise multifamily, and live/work (p. 40).
- Encourage a mix of building heights and variation in building forms to provide visual interest, needed sunlight, air circulation and natural view corridors. Respect maximum building heights of 5 to 12 stories, per the Maximum Building Heights Map (p. 40).

A portion of the subject site (between 10th and 11th Avenues) is part of a larger area designated as Employment Transit Oriented Development. Much of the larger area is currently a public housing complex. The Denver Housing Authority has plans to eventually replace the housing with a new, mixed-income, mixed-use development closer to the RTD station to the north. Much of the area that is now the housing complex is envisioned for fine-grained, transit friendly employment-related development. The Decatur Federal Station Area Plan's recommendations relevant to this character area are comparable to those for the Transit Oriented Development Character Area, and include:

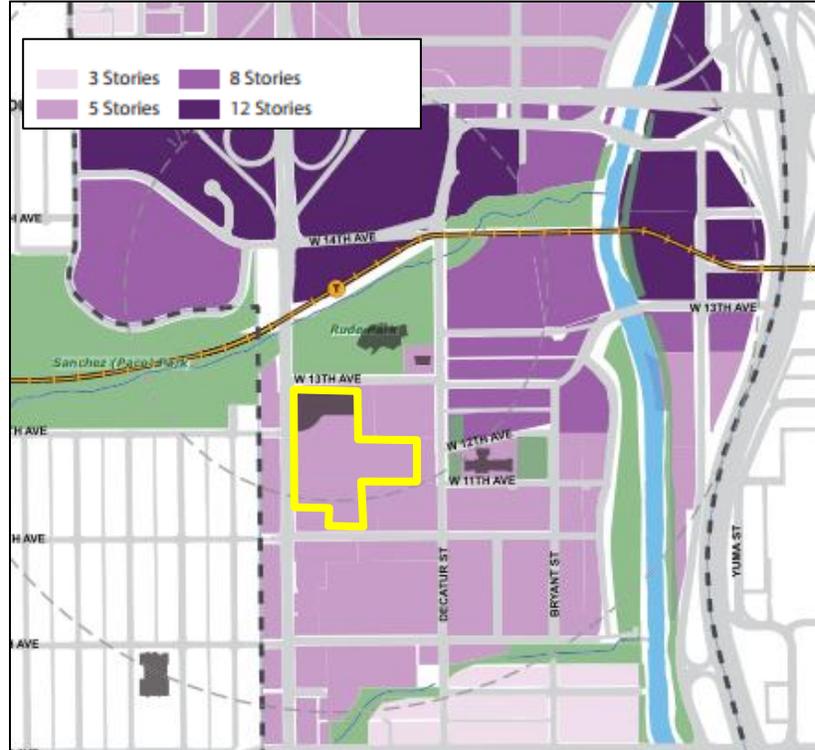
- Encourage a vertical and horizontal mix of land uses, including light industrial, small office, institutional/vocational, commercial, flex and live/work (p. 50).
- Create more compact development patterns with smaller blocks, a connected street grid and consistent building frontages that spatially define streets and open spaces. (p. 50)

The C-MX-5 zone will implement the design objectives and provide for many of the uses envisioned by these designations in the Decatur Federal Station Area Plan.

Area of Change: The Decatur Federal Station Area Plan designates the subject site as an Area of Change which is more specifically described as "locations where Denver intends to direct residential and employment growth taking advantage of existing and planned transit infrastructure" (p. 92). The subject property is located within ¼ mile of the rail station and able to accommodate additional residential and employment growth.

Building Heights: The Decatur-Federal Station Area Plan identified several urban design principles aimed at maximizing development quality and pedestrian amenities, especially within areas identified for TOD and Employment TOD. These included a map of recommended building heights conceived to ensure

appropriate variation and transitions to adjacent areas. The subject site is recommended for maximum building heights of five stories (see map, right). The proposed C-MX-5 zone district is consistent with these recommendations, as it will encourage higher intensity mixed use development with pedestrian-friendly design standards, up to a height of 5 stories (p. 39-40).



B. Uniformity of District Regulations and Restrictions

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

C. 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, the Decatur-Federal Station Area/Sun Valley Neighborhood Plan. Additionally, the allowance for more community serving uses will promote the public health, safety, and general welfare of the City. The improved pedestrian environment created by the C-MX-5 building form standards improves the general welfare of the community.

Sec. 12.4.10.8 Additional Review Criteria for Non-Legislative Rezoning

A. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4.a. Since the approval of the current PUD in 1999, the City and more specifically the Sun Valley neighborhood has undergone significant change. Some of the more notable changes are associated with the planning, construction and opening of the Decatur-Federal light rail

station, creating a shift in transportation opportunity that supports higher-intensity, mixed use development. Large portions of nearby properties located within the station area are pursuing redevelopment and rezoning, signaling an evolution in the surrounding environs. Additionally, many adopted plan recommendations state and further reinforce that redevelopment and reinvestment of the area is desired. As stated in the application, the current zoning does not reflect the City's vision as reinforced by the Decatur-Federal Station Area Plan. Accordingly, Sec. 12.4.10.8.A.4.a. is an appropriate justifying circumstance for the proposed rezoning. Additionally, this proposal is consistent with the criteria set forth in Sec. 12.4.10.8.A.4.c., as it would result in the rezoning of Former Chapter 59 zoning to a district from the Denver Zoning Code.

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

The requested C-MX-5 zone district is within the Urban Center Neighborhood Context. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge (DZC 7.1). The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers. The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Buildings typically have consistent orientation and shallow setbacks with parking at the rear or side of a building. The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. There are also high levels of pedestrian and bicycle use with the greatest access to the multimodal transportation system (DZC, Division 7.1). It is appropriate to apply zoning within the Urban Center Neighborhood Context at this location because of the adopted plan vision described earlier as well as the multimodal transportation context. The proposed rezoning to C-MX-5 will lead to development that is consistent with the zone district purpose and intent.

Attachments

1. Application
2. Existing PUD 487