

4230 N. Elati Street
Rezone Request from I-A, UO-2 to C-RX-8
Review Criteria

- I. Rezone Request – the property owner of 4230 Elati requests a rezone of the property from I-A, UO-2 to C-RX-8.
- II. Property Description – 4230 Elati is located at the northeast corner of the intersection of Elati Street and W. 42nd Ave in Upper Globeville. The property is approximately 0.82 acre (35,875 sq ft) in size and has frontage along both Elati and W. 42nd Ave. A 16,460 sq ft building built in approximately 1973 is located on site and houses a variety of tenants who utilize the site for office space, finishing and storage.
- III. Review Criteria
 - a. General Review Criteria (DZC Section 12.4.10.7): The proposed rezone of 4230 Elati from I-A, UO-2 to C-RX-8 complies with all General Review Criteria.
 - i. Consistency with Adopted Plans – this proposed official map amendment is consistent with the follow adopted plans:

1. Denver Comprehensive Plan 2000

- a. The Denver Comprehensive Plan 2000 seeks to *manage growth and change through effective land-use policies to sustain Denver's high quality of life*. The land use policies emphasize sustainability, housing, connectivity, employment, mobility, preservation and more. The adopted plans discussed below (III.a.i.2-4) were developed in line with this plan.
- b. This proposed rezone is consistent with the following Denver Comprehensive Plan strategies –
 - Environmental Sustainability Strategy (Stewardship of Resources) 2-F (Page 39) - *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.*
 - Environmental Sustainability Strategy (Environmental Policy) 4-A (Page 41) - *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.*
 - Land Use Strategy (Residential Neighborhoods and Business Centers) 3-B (Page 60) - *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.*
 - Land Use Strategy (Land Use and Transportation) 4-A (Page 60) - *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.*

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- Mobility Strategy (Changing Travel Behavior) 4-E (Page 78) - *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Denver's Legacies Strategy (Compact Urban Development) 3-A (Page 99) - *Identify areas in which increased density and new uses are desirable and can be accommodated.*

2. Blueprint Denver: A Blueprint for an Inclusive City (Public Review Draft 2 1/7/2019) –

- a. This plan calls for
- *An equitable city: planning for social equity and guiding change to benefit everyone*
 - *A city of complete neighborhoods and complete networks: connecting Denverites to all of their daily needs*
 - *An evolving city: a measured, commonsense approach to where growth should go and how it should fit in*

The plan establishes ten goals that support all Denver residents related to housing diversity & quality employment opportunities, access to basic services, safe & high quality mobility options, business environment & educational opportunities, identification of where to focus higher intensity growth, enhancement of neighborhoods' sense of place, urban design, recognition of historical assets and cultural heritage, natural environment and health.

- b. Denver's Growth Strategy proposes to strengthen the *existing neighborhoods through carefully planned infill development that enhances the city's unique character.* (Page 51)
- The area surrounding 4230 Elati is designated as Centers and Corridors and High and Medium-High Residential for growth. 4230 Elati is within the High and Med-High Residential area. Within this area across the city, new households are projected to increase by 15% by 2040 and new jobs are projected to increase in these areas by 5% by 2040. A rezone of 4230 Elati to C-RX-8 will be a first step in enabling the ability for multi-family residential development at this infill site in this designated growth area.
- c. 4230 Elati is mapped as an Urban Center (Neighborhood Context – 5.5). Urban Center neighborhood contexts are characterized by the following (4.2 page 137):
- Land Use and Built Form – *A high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms. Block patterns are generally regular with consistent alley access.*
 - Mobility – *High levels of pedestrian and bicycle use and good access to high-capacity transit with minimal reliance on cars.*
 - Quality of Life/Infrastructure – *Smaller public parks and privately owned, publicly accessible outdoor spaces and plazas. Trees are within planters and expanded streetscape planting areas.*

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Additionally, Urban Centers are neighborhoods that are dense and vibrant and serve residents and visitors. Urban Centers are also defined as containing *high intensity residential and significant employment areas. Development typically contains a high mix of uses, with good street activation and connectivity. Residents living in this context are well served by high capacity transit and have access to ample amenities and entertainment options. Urban center areas are easily navigated and accessible due to predictable street grids, well-connected sidewalk networks, and strong connections to medium- and high-capacity transit. These areas offer good walkability and access to amenities. Parking is predominately managed on-street, with off-street demand met with parking garages.*

- The proposed rezoning (C-RX-8) is in the center of an area designated Urban Center and would achieve this neighborhood context and allow for the development of multi-family residential uses, with the commercial uses as a possibility on the first floor (secondary to the residential). The future development could range in height from 2 to 8 stories. The lot is large (0.82-acre) and is a corner lot on an existing alley. Additionally, the site is two blocks from the completed 41st and Fox Light Rail Station and one block away from connectivity to Bicycle priority streets.
- d. Urban Center Places are made up of Centers, Corridors and Residential Areas (High-Medium and High). Residential Areas are made up of predominately residential uses. *Although they are primarily residential, they are supported by a variety of embedded uses needed for a complete neighborhood such as schools, parks, and commercial/retail uses (Page 261).* 4230 Elati is designated a High-Medium Residential area which is characterized by (Page 261):
 - *A mix of uses, including multi-unit residential, but at a slightly lower intensity compared to the high residential areas. Heights are generally up to 8 stories. There is high lot coverage and shallow setbacks.* A rezone of 4230 Elati convert existing industrial zone land and will allow for multi-family residential uses on a 0.82-acre corner lot with alley access, directly north and east of property that has been designated High Residential.
 - *A high degree of walkability and a continuous pedestrian network. Bicycle facilities are often protected and there is good access to transit. Vehicular access is consolidated, and parking is managed on-street as well as in parking garages.* 4230 Elati is one block from Bicycle priority streets and is located two blocks from the completed 41st and Fox Light Rail Station.
 - *Good access to parks and other open spaces. Social spaces are provided in setbacks and key areas. Green infrastructure*

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is often integrated into the streetscape or provided on-site. Regularly spaced street trees in planters or tree lawns. Trees and other plantings should be included on-site where space allows. Future development at 4230 Elati will meet street frontage, landscaping and infrastructure standards and requirements for this area.

- e. Urban Center Street Types – the Urban Center Context contains the following street types: main street, mixed use and residential. These types of streets generally have higher pedestrian activity and are designed to encourage slower vehicular speeds. While 4230 Elati is located on Undesignated Local Streets, it is one block east of a Main Street Arterial (Fox Street) and two blocks south of a Residential Collector (44th Ave). Please note that the exhibit provided in the initial comment letter incorrectly shows the location of 4230 Elati on the Street Types Exhibit.
3. **41st and Fox Station Area Plan (2009)** – *The plan is intended to guide future land use and infrastructure decisions to foster transit oriented development. (Page vii) The vision of the plan is that the area will develop over the coming decades into the focal point of a diverse, transit supportive and environmentally sustainable urban center. The vision includes the following goals (Page vii):*
- a. *Improve pedestrian connections to the station, between neighborhoods, and along major corridors*
 - b. *Create opportunities to add more housing, jobs and services to the station area*
 - c. *Incorporate plazas, parks and open space into redevelopment areas*
 - d. *Capitalize on the station area's proximity to Downtown and location on the Gold Line and Northwest Rail corridors*
 - e. *Balance the needs of new development and existing uses*
 - While 4230 Elati is shown as Proposed Open Space/Parks/Plaza, the definition of this designation is as follows:
 - *1i. Proposed Open Space/Parks/Plazas on the northeast portion of the station area will be needed in response to the conversion of industrial uses to higher density residential. Although parks are conceptually shown on the land use plan, the actual size and locations are not determined. Future park space in the station area will require working with private property owners, additional study by the Parks Department, and developing funding partnerships to pay for park land, improvements, and maintenance. (Page 17 – emphasis added)*
 - As the parks are shown conceptually on the Land Use Plan, we are pursuing a rezone of the property consistent with the Urban Residential, Area of Change designation in Blueprint Denver and the Globeville Neighborhood Plan. Our proposal is consistent with the designation of

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properties directly to the east, on the same block, and with the block to the north of the property (across 43rd).

- The properties immediately to the east (across an alley, and on the same block) show a designation of Urban Residential (2-8 stories). The properties to the west and south (across the street) show a designation of Urban Residential (2-12 stories). The property diagonal to the southwest (across the intersection) show a designation of Pedestrian Shopping District (2-8 stories). The properties to the north (across the street) show a designation of Urban Residential (2-8 stories). We are proposing a rezone that is consistent with the Urban Residential designation shown on portions of our block – Urban Residential (2-8 stories). Per the plan, *these areas are intended as new, moderate density neighborhoods... On the east side of the tracks, this moderate-density residential will provide a range of housing types that help support the pedestrian shopping district and employment base.* (Page 16)
- The proposed C-RX-8 zoning would allow residential development with a maximum height of eight stories, and commercial uses on the first floor.
- The property directly to the east across the alley (4201 N. Delaware Street) is currently processing a rezone to the same zone (C-RX-8).

4. **Globeville Neighborhood Plan (2014)** – 4230 Elati is located within the 41st and Fox Station Area as defined in the Globeville Neighborhood Plan.
 - a. Page 15 - *VISION: The 41st and Fox Station will develop over the coming decades into the focal point of a diverse, transit-supportive, and environmentally sustainable urban center. Many new residents and businesses will be drawn to the convenient location close to downtown and near some of Denver's most vibrant urban neighborhoods.*
 - b. Page 24 – *An Integrated Strategy for Improving Residential and Industrial Compatibility – This Plan's land use strategies (see Strong Chapter) strive to buffer the residential core of the neighborhood from industrial impacts, while also introducing mixed-use development at key locations within Globeville. The urban design recommendations presented in the Unique Chapter are intended to compliment this land use strategy and further enhance industrial and residential compatibility.*
 - c. Page 33 - Concept Land Use and Areas of Change – 4230 Elati is identified as an Area of Change, with the designation of Urban Residential.
 - *Urban Residential: Urban residential areas are higher density and primarily residential but may include complementary commercial uses. A mixture of housing types is present, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures.*

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- d. Page 35 – B5. Establish Recommended Maximum Building Heights – *Establish maximum building heights consistent with the Maximum Recommended Building Heights map to accomplish the following objectives:*
 - *Accommodate mid-to-high rise redevelopment in the 41st and Fox Station Area consistent with the recommendations of the 41st and Fox Station Area Plan.*

4230 Elati is surrounded by 8-story designations to the north and east and 12-story designations to the west and south. The property is shown as Open Space/Parks/Plaza, however per the 41st and Fox Station Area Plan (2009), “although parks are conceptually shown on the land use plan, the actual size and locations are not determined. Future park space in this station area will require working with private property owners, additional study by the Parks Department, and developing funding partnerships to pay for park land, improvements and maintenance” (41st and Fox Station Area Plan page 17 LU 1i). As the park designation is conceptual, we look to the surrounding properties’ designations and maximum building heights and are pursuing a rezone Residential Mixed Use up to 8 stories.

- b. Additional Review Criteria for Non-Legislative Rezoning (DZC Sec. 12.4.10.8): The proposed rezone of 4230 Elati from I-A, UO-2 to C-RX-8 complies with all Additional Review Criteria for Non Legislative Rezoning.

- i. Justifying Circumstances

- 1. *Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.* (DZC Sec. 12.4.10.8.A.4) Specifically, the city adopted the Globeville Neighborhood Plan in 2014, subsequent to the Citywide zoning effort in 2010. Additionally, while not open yet, a new light rail station is on the verge of opening and providing incredible transit opportunities to the area. Multiple rezones have occurred or are pending in the surrounding neighborhood, many changing industrial lands to mixed use and mixed residential – towards the goals of the plans for this neighborhood. Some redevelopment has occurred, in close proximity to the light rail station. Because of these reasons (recently adopted neighborhood plan and changing conditions), we believe a rezone of this property from I-A, UO-2 to C-RX-8 would serve the public interest.

- ii. Consistency with the description of applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

- 1. For many years, this area has been designated as an area of change and growth. With this designation, construction and soon-to-be operational light rail line and the 41st and Fox Station, the opportunities for this area are incredible. To live in an up and coming area that is walking distance to a light rail station that

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is only one stop away from Union Station is very desirable. The planned pedestrian-friendly growth for residential and commercial uses in this distinct area truly set the state for a vibrant, walkable, transit-oriented neighborhood.

A rezone of this property to C-RX-8 is consistent with the stated purpose and intent of the Urban Center Neighborhood Context. Per Denver Community and Development website, "the Urban Center Neighborhood Context consists primarily of mixed-use areas, containing both multi-family residential and commercial uses, often within the same building or on the same block. Urban Centers are found along major corridors, at transit station areas, or near and around downtown." The proposed zone district (C-RX-8) will allow for multi-unit residential possibly commercial uses on the first floor. Future residents and shoppers will have convenient access to the nearby 41st and Fox Station.

The general purpose of the Residential Mixed Use Districts (C-RX-5, -8, -12) is "to promote safe, active, and pedestrian-scaled, diverse areas through building forms that clearly define and activate the public realm", 'to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering', 'to ensure new development contributes positively to established residential neighborhood and character', and accommodates residential uses primarily, with commercial uses being secondary (Denver Zoning Code 7.2.3.1). This proposed rezone of land currently zoned I-A to C-RX-8 is consistent with the purpose of the Zone District as it will allow for residential uses with possibly commercial uses on the first floor, near a transit stop, in a walkable, pedestrian-focused community.

The Specific Intent for Residential Mixed Use 8 (C-RX-8) 'applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired' (Denver Zoning Code 7.2.3.2.B). The property proposed for rezoning is served by local streets that are in close proximity (one block away from) a mixed-use collector (Fox Street) and approximately two blocks away from the 41st and Fox Station. The desired building heights (2-8 stories) and access to transit are consistent with the zone district intent statement.