Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION	
Property Owner Name	Multiple owners
Address	
City, State, Zip	
Telephone	
Email	

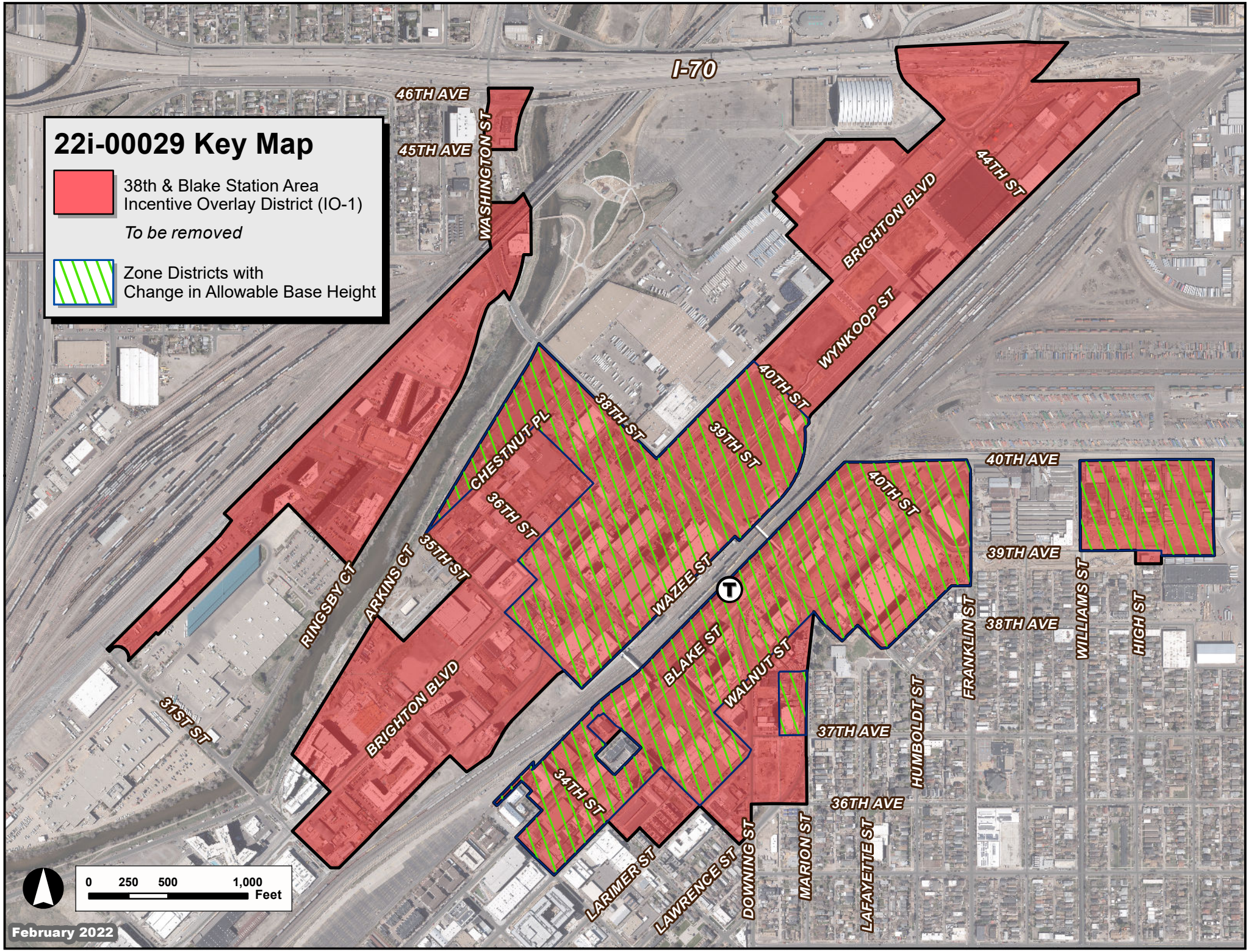
REPRESENTATIVE*	
Representative Name	Community Planning and Development Department
Address	201 W Colfax Ave, Dept 205
City, State, Zip	Denver, CO, 80202
Telephone	720-865-3091
Email	kristofer.johnson@denvergov.org

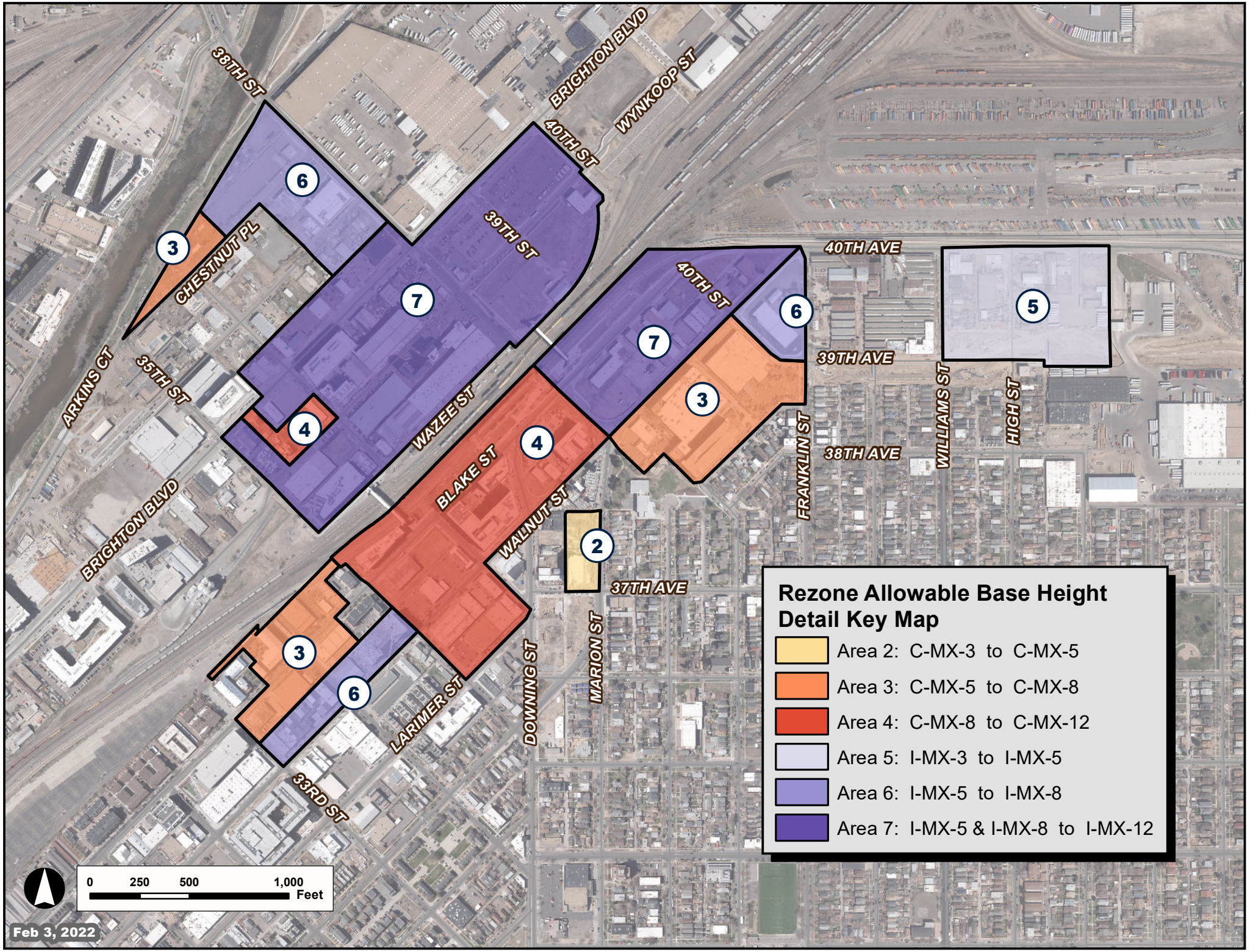
SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	Multiple properties near the 38th & Blake Station area in Council District 9 and including portions of the Elyria Swansea, Globeville, Five Points, and Cole neighborhoods. See attached map and legal descriptions.
Assessor's Parcel Numbers:	Multiple
Area in Acres or Square Feet:	Approximately 268.7 acres
Current Zone Districts:	C-MX-3, DO-7, IO-1; C-MX-3, UO-1, UO-2, DO-7, IO-1; C-MX-5, DO-7, IO-1; C-MX-5, UO-2, DO-7, IO-1; C-MX-5, UO-1, UO-2, DO-7, IO-1; C-MX-8, DO-7, IO-1; C-MX-8, UO-1, DO-7, IO-1; C-MX-8, UO-2, DO-7, IO-1; C-MX-5, UO-1, UO-2, DO-7, IO-1; C-MX-12, DO-7, IO-1; C-MX-12, UO-1, DO-7, IO-1; C-MX-12, UO-2, DO-7, IO-1; I-MX-3, DO-7, IO-1; I-MX-3, UO-2, DO-7, IO-1; I-MX-5, UO-2, DO-7, IO-1; I-MX-8, DO-7, IO-1; I-MX-8, UO-2, DO-7, IO-1

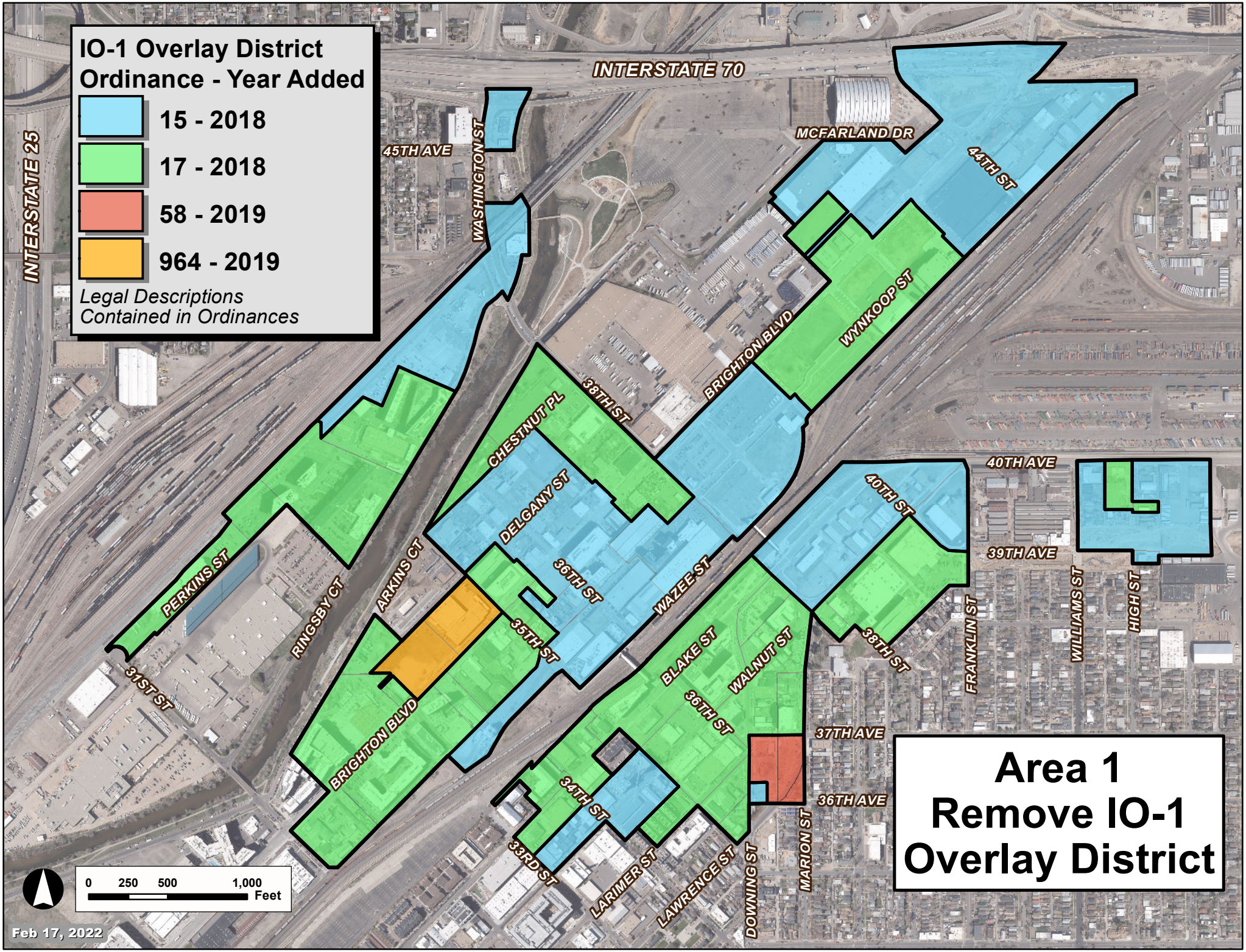
PROPOSAL	
Proposed Zone Districts:	C-MX-3, DO-7; C-MX-3, UO-1, UO-2, DO-7; C-MX-5, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, UO-2, DO-7; C-MX-8, DO-7; C-MX-8, UO-1, DO-7; C-MX-8, UO-2, DO-7; C-MX-5, UO-1, UO-2, DO-7; C-MX-12, DO-7; C-MX-12, UO-1, DO-7; C-MX-12, UO-2, DO-7; I-MX-3, DO-7; I-MX-3, UO-2, DO-7; I-MX-5, UO-2, DO-7; I-MX-8, DO-7;I-MX-8, UO-2, DO-7; I-MX-12, UO-2, DO-7 Removal of the IO-1 Incentive Overlay District and increase of certain underlying zone districts to maintain the maximum incentive height for most properties. Public Review Draft of associated policies, amendments to the Denver Zoning Code, and amendments to the Denver Revised Municipal Code can be found here: www.denvergov.org/affordabilityincentive

REVIEW CRITERIA	
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	☑ 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 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.
	☑ 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.
	☑ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

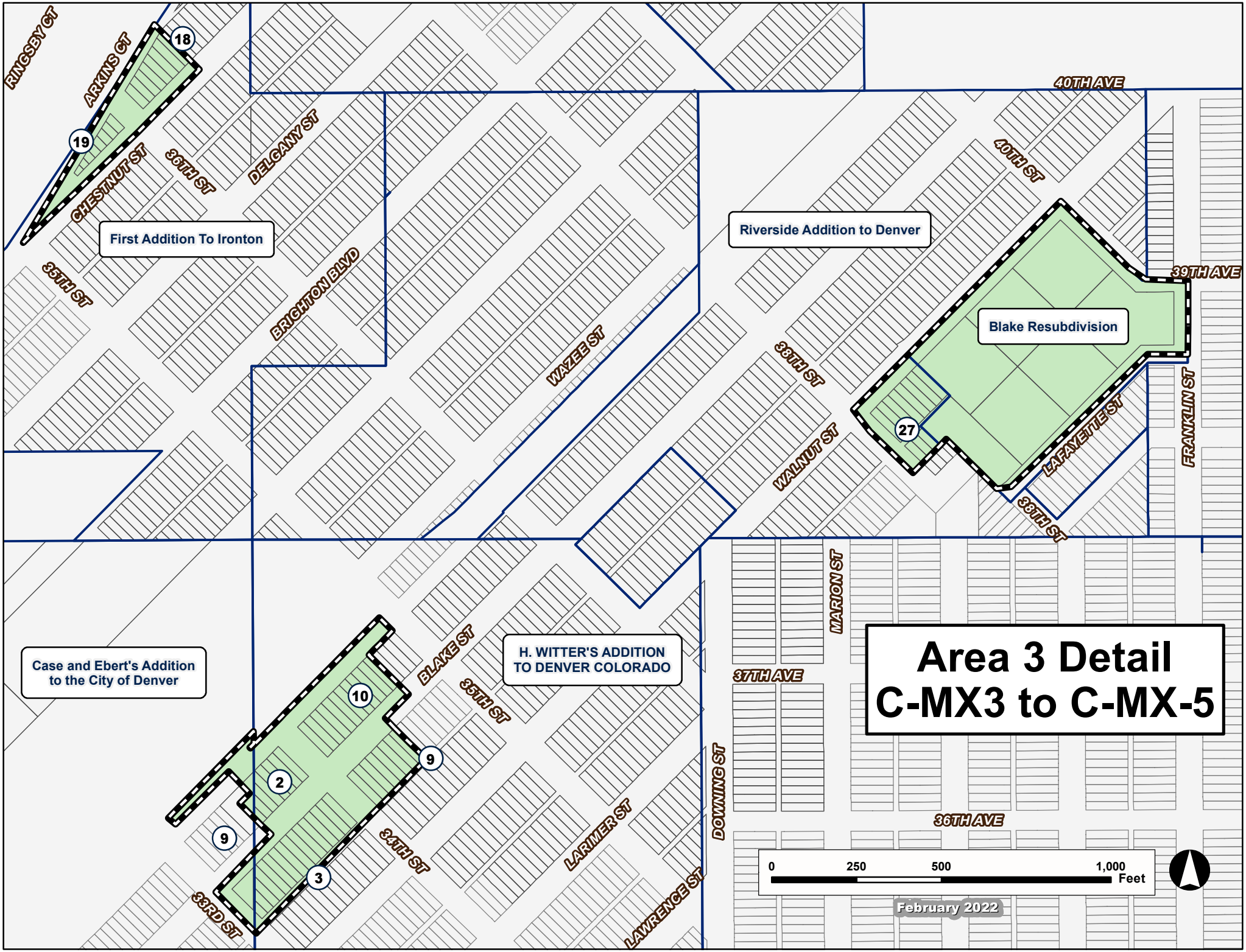
201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org


22i-00029 Key Map
38th & Blake Station Area Incentive Overlay District (IO-1)
To be removed
Zone Districts with Change in Allowable Base Height
I-70
46TH AVE
45TH AVE
WASHINGTON ST
BRIGHTON BLVD
44TH ST
WYNKOOP ST
40TH ST
38TH ST
39TH ST
CHESTNUT PL
36TH ST
35TH ST
ARKINS CT
RINGSBY CT
WAZEE ST
BLAKE ST
WALNUT ST
40TH AVE
39TH AVE
38TH AVE
37TH AVE
36TH AVE
FRANKLIN ST
WILLIAMS ST
HIGH ST
HUMBOLDT ST
MARION ST
LAFAYETTE ST
DOWNING ST
LAWRENCE ST
LARIMER ST
34TH ST
31ST ST
0 250 500 1,000 Feet
February 2022

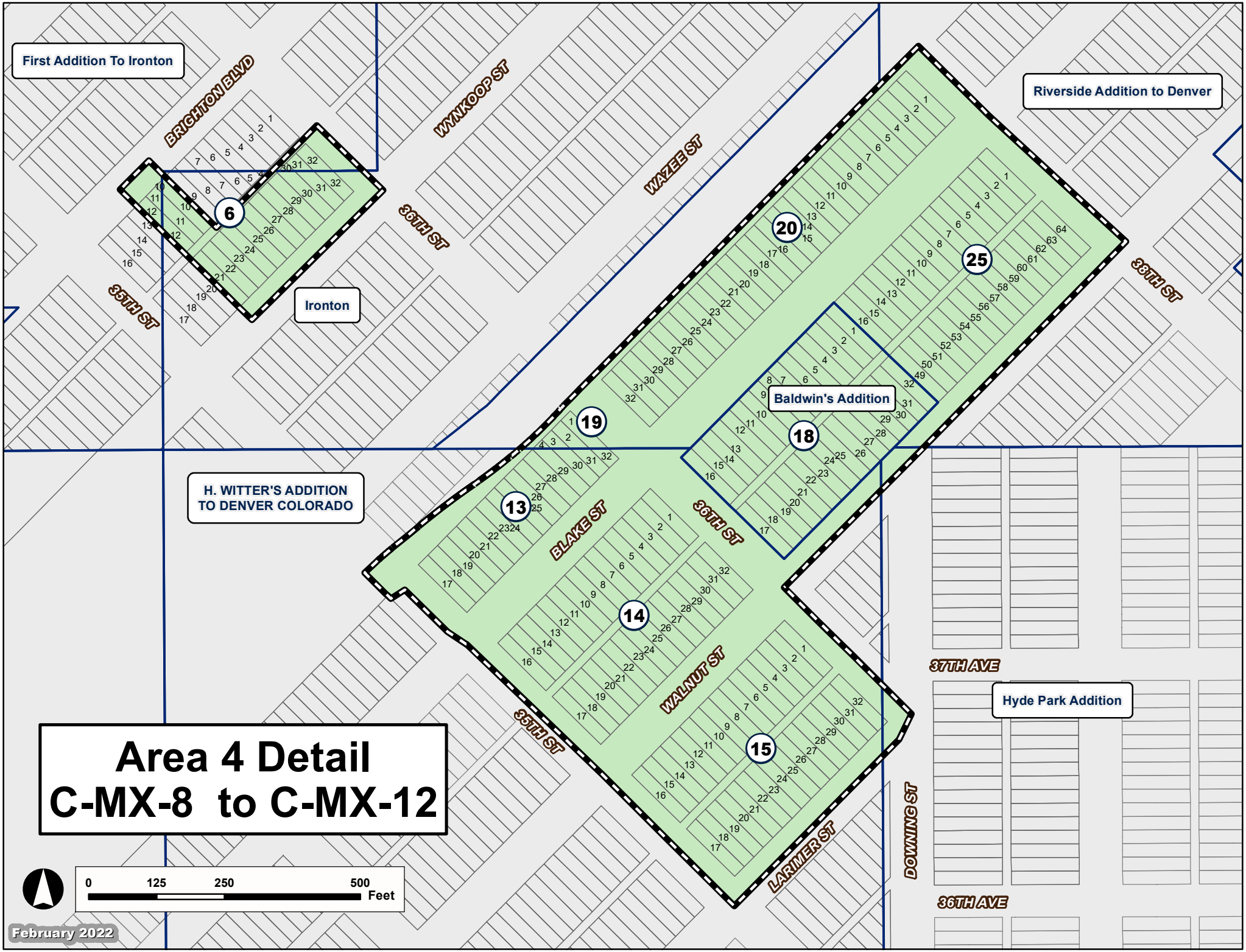

38TH ST
BRIGHTON BLVD
WYNKOOP ST
40TH ST
39TH ST
CHESTNUT PL
ARKINS CT
35TH ST
WAZEE ST
BLAKE ST
WALNUT ST
BRIGHTON BLVD
40TH AVE
39TH AVE
38TH AVE
37TH AVE
FRANKLIN ST
WILLIAMS ST
HIGH ST
MARION ST
DOWNING ST
LARIMER ST
33RD ST
6
3
7
4
5
2
Rezone Allowable Base Height
Detail Key Map
Area 2: C-MX-3 to C-MX-5
Area 3: C-MX-5 to C-MX-8
Area 4: C-MX-8 to C-MX-12
Area 5: I-MX-3 to I-MX-5
Area 6: I-MX-5 to I-MX-8
Area 7: I-MX-5 & I-MX-8 to I-MX-12
0
250
500
1,000
Feet
Feb 3, 2022


IO-1 Overlay District
Ordinance - Year Added
15 - 2018
17 - 2018
58 - 2019
964 - 2019
Legal Descriptions
Contained in Ordinances
INTERSTATE 70
INTERSTATE 25
45TH AVE
WASHINGTON ST
MCFARLAND DR
44TH ST
WYNKOOP ST
BRIGHTON BLVD
38TH ST
CHESTNUT PL
DELGANY ST
36TH ST
WAZEE ST
35TH ST
ARKINS CT
PERKINS ST
RINGSBY CT
31ST ST
BRIGHTON BLVD
40TH AVE
40TH ST
39TH AVE
38TH ST
FRANKLIN ST
WILLIAMS ST
HIGH ST
BLAKE ST
WALNUT ST
36TH ST
37TH AVE
36TH AVE
34TH ST
33RD ST
LARIMER ST
LAWRENCE ST
DOWNING ST
MARION ST
0 250 500 1,000 Feet
Feb 17, 2022
Area 1
Remove IO-1
Overlay District

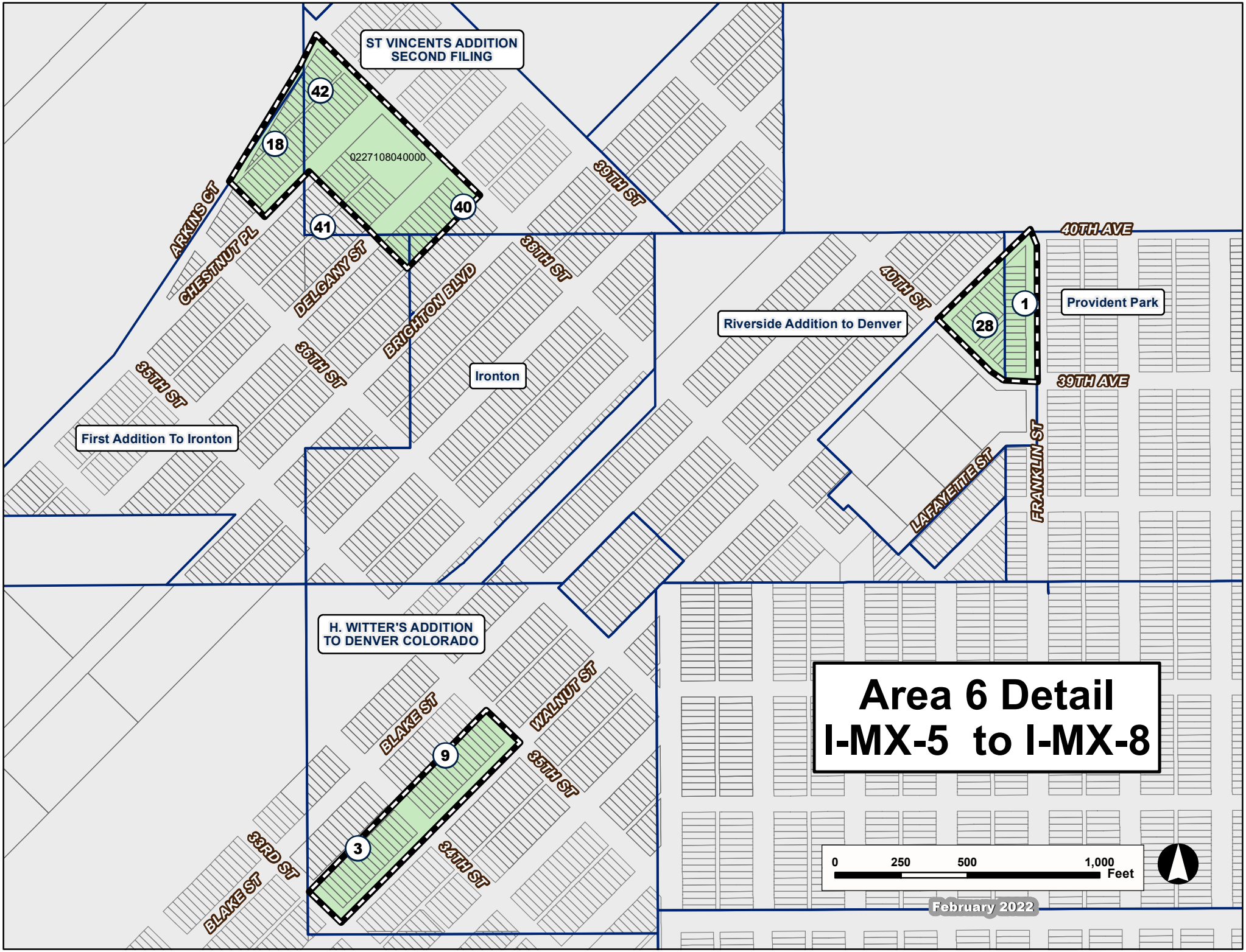
Area 2 Detail
C-MX3 to C-MX-5

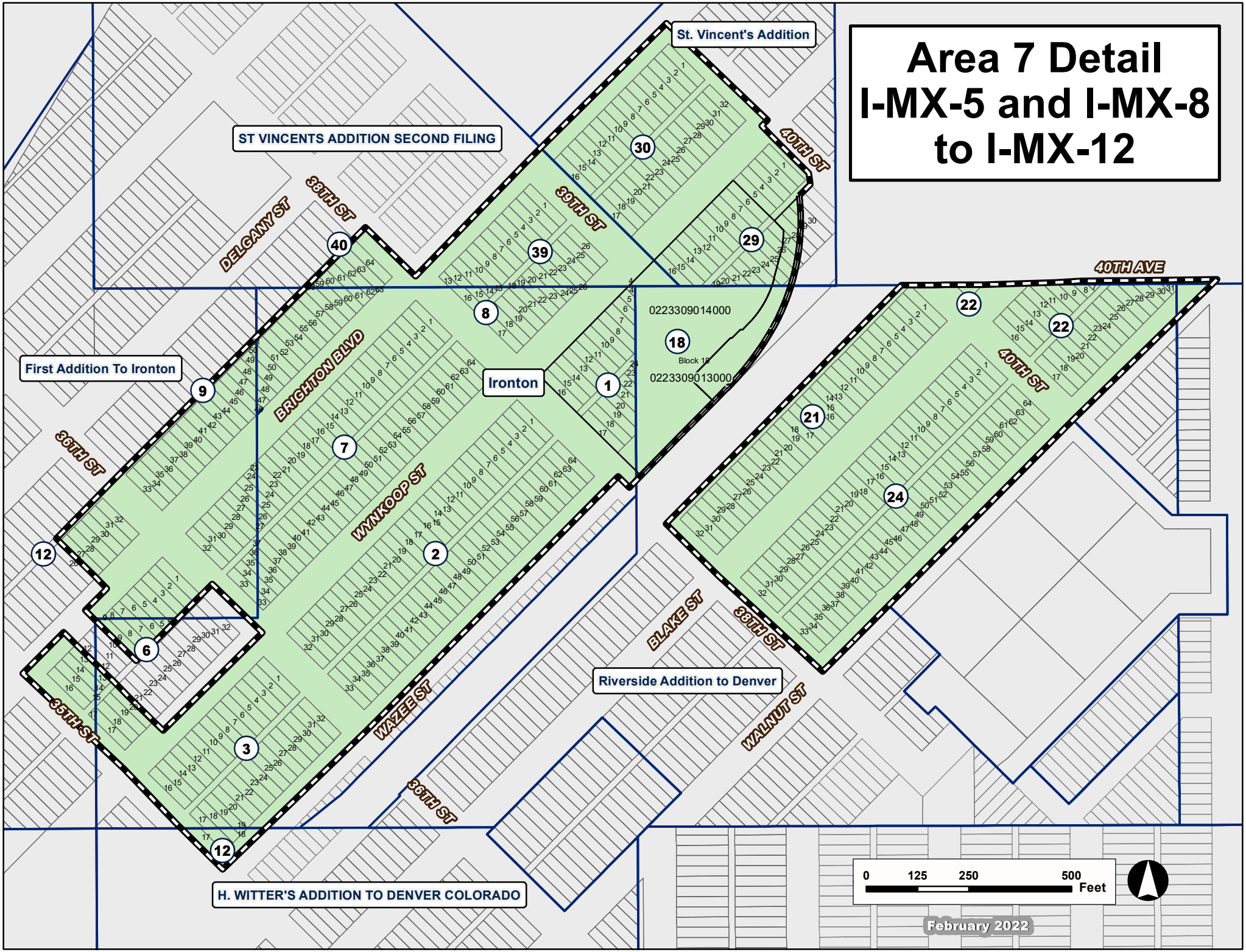


Area 3 Detail
C-MX3 to C-MX-5


First Addition To Ironton
Riverside Addition to Denver
Ironton
Baldwin's Addition
H. WITTER'S ADDITION
TO DENVER COLORADO
Hyde Park Addition
BRIGHTON BLVD
WYNKOOP ST
WAZEE ST
36TH ST
35TH ST
BLAKE ST
WALNUT ST
LARIMER ST
DOWNING ST
37TH AVE
36TH AVE
6
20
25
19
18
13
14
15
Area 4 Detail
C-MX-8 to C-MX-12
0
125
250
500
Feet
February 2022

40TH AVE
39TH AVE
WILLIAMS ST
HIGH ST
RACE ST
Provident Park
Hodgson's Addition to Swansea
4
5
1
2
0223400002000
0 50 100 200 Feet
February 2022
Area 5 Detail
I-MX-3 to I-MX-5


ST VINCENTS ADDITION SECOND FILING
42
18
0227108040000
40
41
ARKINS CT
CHESTNUT PL
DELGANY ST
BRIGHTON BLVD
39TH ST
38TH ST
35TH ST
First Addition To Ironton
Ironton
Riverside Addition to Denver
40TH AVE
40TH ST
1
28
Provident Park
39TH AVE
FRANKLIN ST
LAFAYEITTE ST
H. WITTER'S ADDITION TO DENVER COLORADO
BLAKE ST
WALNUT ST
9
35TH ST
3
34TH ST
33RD ST
BLAKE ST
Area 6 Detail
I-MX-5 to I-MX-8
0
250
500
1,000
Feet
February 2022


Area 7 Detail
I-MX-5 and I-MX-8
to I-MX-12
St. Vincent's Addition
ST VINCENTS ADDITION SECOND FILING
First Addition To Ironton
Ironton
Riverside Addition to Denver
H. WITTER'S ADDITION TO DENVER COLORADO
DELGANY ST
38TH ST
39TH ST
40TH ST
40TH AVE
BRIGHTON BLVD
WYNKOOP ST
36TH ST
35TH ST
BLAKE ST
WAZEE ST
WALNUT ST
0223309014000
0223309013000
Block 18
0 125 250 500 Feet
February 2022

38TH & BLAKE LEGISLATIVE REZONING DESCRIPTION

Denver needs more affordable housing across the income spectrum. In addition to existing affordable housing programs, the City and County of Denver is developing a policy to ensure that as new homes are built in Denver, more affordable homes are built too – both to rent and to buy. This larger effort is the Expanding Housing Affordability (EHA) project. This includes (1) requiring new residential development of ten or more units to provide a portion of units as affordable while providing multiple incentives, including height incentives, and gradually increasing the linkage fee on non-residential development or residential developments of nine or fewer units. This effort will result in changes to the Denver Zoning Code and the Denver Revised Municipal Code. This project is the result of an expansive community and stakeholder outreach process over the last several years and that is still on-going.

Additionally, Community Planning and Development is sponsoring a legislative map amendment, or rezoning, that would bring the existing 38th & Blake Station Area Incentive Overlay District (IO-1) and underlying zone districts into alignment with a new citywide incentive system proposed as part of the EHA project.

The proposal includes zoning height incentives for future development to increase the overall supply of housing, generate additional affordable housing, and off-set some of the costs of providing affordable units on-site. The area around the 38th & Blake Station currently includes a zoning height incentive overlay system that accomplishes similar objectives. The EHA policies and associated amendments to the Denver Zoning Code (DZC) and Denver Revised Municipal Code are anticipated to be adopted by City Council in June 2022. They will apply to all of Denver and establish a consistent incentive approach that will also result in the removal of the IO-1 Overlay District from the DZC. This concurrent legislative rezoning will update the zone districts of properties within the existing 38th & Blake incentive overlay area to conform with the new rules.

PROPOSED TO REZONE FROM	C-MX-3, DO-7, IO-1 C-MX-3, UO-1, UO-2, DO-7, IO-1 C-MX-5, DO-7, IO-1 C-MX-5, UO-2, DO-7, IO-1 C-MX-5, UO-1, UO-2, DO-7, IO-1 C-MX-8, DO-7, IO-1 C-MX-8, UO-1, DO-7, IO-1 C-MX-8, UO-2, DO-7, IO-1 C-MX-5, UO-1, UO-2, DO-7, IO-1 C-MX-12, DO-7, IO-1 C-MX-12, UO-1, DO-7, IO-1 C-MX-12, UO-2, DO-7, IO-1 I-MX-3, DO-7, IO-1 I-MX-3, UO-2, DO-7, IO-1 I-MX-5, UO-2, DO-7, IO-1 I-MX-8, DO-7, IO-1 I-MX-8, UO-2, DO-7, IO-1	**TO**	C-MX-3, DO-7 C-MX-3, UO-1, UO-2, DO-7 C-MX-5, DO-7 C-MX-5, UO-2, DO-7 C-MX-5, UO-1, UO-2, DO-7 C-MX-8, DO-7 C-MX-8, UO-1, DO-7 C-MX-8, UO-2, DO-7 C-MX-5, UO-1, UO-2, DO-7 C-MX-12, DO-7 C-MX-12, UO-1, DO-7 C-MX-12, UO-2, DO-7 I-MX-3, DO-7 I-MX-3, UO-2, DO-7 I-MX-5, UO-2, DO-7 I-MX-8, DO-7 I-MX-8, UO-2, DO-7 I-MX-12, UO-2, DO-7

The 38th & Blake legislative rezoning is proposed to maintain the maximum incentive heights allowed in this area and create more affordable units at lower levels of affordability than is currently required by the existing IO-1.

This will be accomplished through two changes within the rezoning (see Figures 1 and 2):

1) Remove the existing incentive overlay that applies in this area, known as the 38th & Blake Station Area Incentive Overlay District (IO-1).
2) Make appropriate increases to the existing underlying zone districts where necessary, such that the maximum incentive height allowed by the current IO-1 is maintained for most properties. In a few cases, the maximum incentive height may be reduced by one story.

For example, a property with existing 5-story base zoning and the ability to use incentive height up to 12 stories under the current IO-1, would be rezoned to 8-story base zoning and maintain the option to use incentive height up to 12 stories under the new EHA rules (see Figure 3, Scenario 1). A property that already has existing 8-story base zoning would simply have the IO-1 designation removed and still be able to use incentive height up to 12 stories (see Figure 3, Scenario 2).

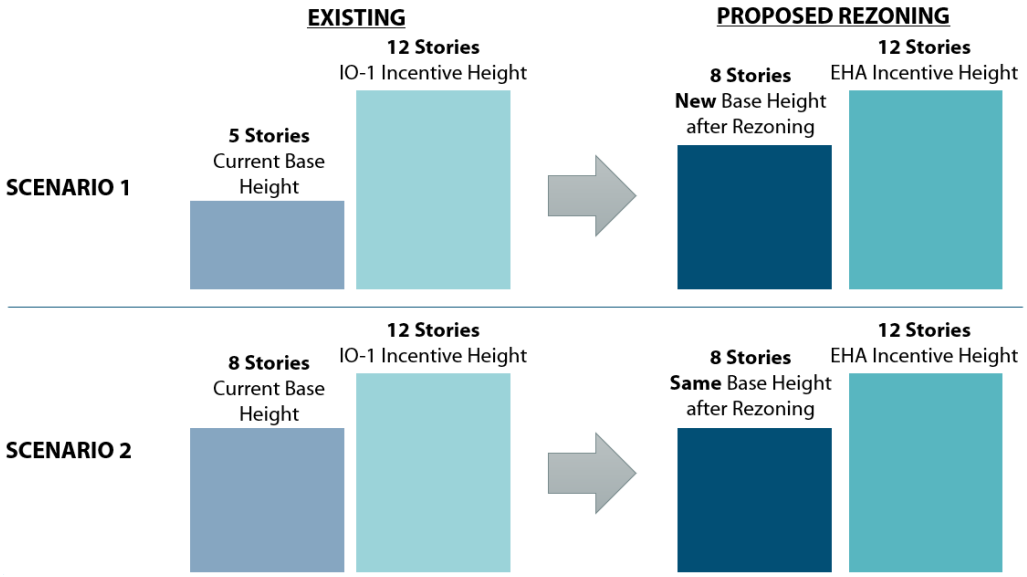


Figure 3 - Proposed 38th & Blake Rezoning Scenarios

LEGISLATIVE REZONING REVIEW CRITERIA

The criteria for review of all rezonings are found in DZC Section 12.4.10.7. These criteria are summarized as follows:

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

Note, because the City Attorney's Office has determined this to be a legislative map amendment proposal, the additional criteria for non-legislative map amendments in DZC Section 12.4.10.8 do not apply.

The following information is a preliminary overview of how the proposed legislative rezoning meets the required criteria. A thorough evaluation and equity analysis will be provided as part of the staff report to Planning Board and City Council for the legislative rezoning and accompanying DZC text amendment.

1. Consistency with Adopted Plans

The following adopted plans apply to this proposed legislative rezoning:

- Comprehensive Plan 2040
- Blueprint Denver
- 38th & Blake Station Area Plan (including height amendments)
- River North Plan
- Elyria Swansea Neighborhood Plan
- Northeast Downtown Neighborhoods Plan

Comprehensive Plan 2040

The proposed rezoning is consistent with Denver's *Comprehensive Plan 2040* goals and strategies, which are organized by vision element.

- **Equitable, Affordable, and Inclusive**
  - Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.
  - Goal 2 – Build housing as a continuum to serve residents across a range of incomes, ages and needs.

  - Goal 3 – Develop housing that is affordable to residents of all income levels.
- **Strong and Authentic Neighborhoods**
  - Goal 1, Strategy A – Build a network of well connected, vibrant, mixed-use centers and corridors.
- **Environmentally Resilient**
  - Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place.
  - Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods
  - Goal 8, Strategy C – Focus growth by transit stations and along high- and medium- capacity transit corridors.

Blueprint Denver

Blueprint Denver is Denver's citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. The area of the rezoning is identified as Regional Center, Community Center, Community Corridor, and High-Medium Residential future places within the Urban Center Neighborhood Context. These centers, corridors, and residential places in the Urban Center context are among the most active and highest growth categories, particularly given their proximity to a major transit facility like the 38th & Blake rail station. The rezoning accounts for this and makes appropriate adjustments to base zone districts to enable a level of development intensity that is equivalent to the current IO-1.

Several recommendations in the Land Use & Built Form section are also clearly met through the rezoning including:

- 02 – Incentivize or require efficient development of land, especially in transit-rich areas, and
- 06 – Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services, and amenities.

The proposed EHA height incentives are partly modeled on the existing IO-1 and will further enhance the provision of affordable housing in all projects regardless of whether they are within the base or incentive height. The proposed rezoning will continue to promote development that supports the complete neighborhood and transportation network vision in *Blueprint Denver*, including neighborhood context, place, street type and growth guidance.

Small Area Plans

The proposed rezoning is consistent with the land use and building height recommendations in the small area plans that apply to this area including the 38th & Blake Transit Station Plan and 2016 Height Amendments, River North Plan, Elyria Swansea Neighborhood Plan, and Northeast Downtown Neighborhood Plan. All of these plans envision the 38th & Blake area as a vibrant, mixed-use neighborhood that combines housing, commercial uses, and light manufacturing near transit in an active and engaging place that supports local businesses and artists. The IO-1 was developed as an outcome of the 38th & Blake Station Area Height Amendments and established a pilot program to encourage additional development in exchange for meeting higher affordable housing requirements. The EHA program and concurrent rezoning build upon this idea to expand incentive height opportunities across the city and generate both more housing units overall and more income-restricted units so residents can live near transit, employment, and other amenities. The proposed rezoning honors the maximum height framework established by the 2016 Height Amendment and IO-1, and brings this area into alignment with the citywide incentive approach.

2. Uniformity of District Regulations and Restrictions

The proposed legislative rezoning will result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety, and General Welfare

The proposed legislative rezoning furthers the public health, safety, and general welfare of the city by bringing this area into alignment with a citywide system that provides a robust commitment to affordable housing as part of the implementation of numerous adopted plans. The Expanding Housing Affordability project responsible for creating the new citywide system includes zoning height incentives to increase the overall supply of housing and generate more affordable housing in mixed-income developments. This approach ensures that residents at a range of income levels will be able to live in areas rich with transit options, employment opportunities, and other neighborhood amenities.

Learn more:

Expanding Housing Affordability

Zone Map Amendment 22i-00029

DRAFT Legal Description
February 25, 2022

Area 1

That the 38th and Blake Incentive Overlay District Designation "IO-1" as established in zone districts described in ordinances: 15 and 17 series of 2018, and 58 and 964 series of 2019, are hereby removed.

Area 2

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
C-MX-3 to C-MX-5, retaining all associated Overlay District Designations except "IO-1"

Hyde Park Addition
Block 1, Lots 16 to 30

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 3

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
C-MX-5 to C-MX-8, retaining all associated Overlay District Designations except "IO-1"

First Addition to Ironton
Block 18, Lots 33 to 40
Block 19, Lots 25 to 32

All of Blake Resubdivision

H. Witter's Addition
Block 2, Lots 25 to 32
Block 3, Lots 1 to 16
Block 9, Lots 9 to 16
Block 10, Lots 17 to 28

Parcels
0227120030000
0227120032000

That portion of parcels
0227120029000
0227120031000
0227126008000
0227127026000
0227120036000
Not within H. Witter's Addition Lots

That portion of Master Parcel 0227126114999 3377 Blake St. containing 57 condo owner parcels EXCLUDING those owner parcels with addresses 3309 and 3317 Blake St. also designated as PUD #190 described in Ordinance #63 series of 1986

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 4

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
C-MX-8 to C-MX-12, retaining all associated Overlay District Designations except "IO-1"

Ironton Addition
Block 6, Lots 10 to 12 and 21 to 32

First Addition to Ironton
Block 6, Lots 10 to 12

Baldwin's Addition

Riverside Addition to Denver
Block 19, Lots 1 to 4
Block 20
Block 25

H. Witter's Addition to Denver
Block 13, Lots 17 to 32
Block 14
Block 15

That portion of parcels
0227115014000
0227115017000
0227120035000
Not within H. Witter's Addition Lots

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 5

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
I-MX-3 to I-MX-5, retaining all associated Overlay District Designations except "IO-1"

Provident Park
Block 4
Block 5

Hodgson's Addition to Swansea
Block1
Block 2

Parcel 0223400002000

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 6

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
I-MX-5 to I-MX-8 retaining all associated Overlay District Designations except "IO-1"

Ironton Addition
Block 40, Lots 8 to 14

First Addition to Ironton
Block 16, Lots 5 to 20 and 41 to 56
Block 40, Lots 11 to 14

St. Vincent's Addition Second Filing
Block 40, Lots 1 to 13
Block 41, Lots 9 to 14 and 51 to 56
Block 42, Lots 1 to 9 and 51 tom 64

H. Witter's Addition to Denver
Block 3, Lots 17 to 32
Block 9, Lots 17 to 32

Riverside Addition to Denver
Block 28, Lots 5 to 22

Provident Park
Block 1, Lots 1 to 17

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 7

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from
I-MX-5 and I-MX-8 to I-MX-12, retaining all associated Overlay District Designations except "IO-1"

Riverside Addition to Denver
Block 21
Block 22
Block 23
Block 24

That portion of parcels
0223310001000
0223310024000
0223310030000
0223310031000
0223310018000
Not within Riverside Addition to Denver Blocks

Parcels
0223309013000
0223309014000

St. Vincent's Addition
Block 29, Lots 1 to 25
Block 30
St. Vincent's Addition Second Filing
Block 39
Block 40, Lots 58 to 64

Ironton Addition
Block 2
Block 3
Block 6, Lots 13 to 15 and 17 to 20
Block 7, Lots 1 to 27 and Lots 33 to 64
Block 8, Lots 13 to 26
Block 9, Lots 46 to 63

First Addition to Ironton
Block 6, Lots 1 to 9
Block 7, Lots 23 to 32
Block 9, Lots 33 to 51
Block 12, Lots 27 to 32

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.