



TO: Denver City Council
FROM: Libby Kaiser, Senior City Planner
DATE: February 2, 2023
RE: 1. Denver Zoning Code (as amended through July 2022) – Text Amendment to create the Cherry Creek East Mixed Use Design Overlay District (DO-9) and the Cherry Creek East Residential Design Overlay District (DO-10)
2. Official Zoning Map Amendment Proposal #2018I-00064

Staff Report and Recommendation

1. Text Amendment

Based on the review criteria for text amendments stated in Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends approval of a text Amendment to create the Cherry Creek East Mixed Use Design Overlay District (DO-9) and the Cherry Creek East Residential Design Overlay District (DO-10) in the DZC.

2. Map Amendment

Based on the review criteria for an official map amendment stated in the DZC, Section 12.4.10 (Map Amendment), staff recommends approval for map amendment #2018I-00064.

Request for Rezoning

Address:	Multiple properties in the Cherry Creek East area
Neighborhood/Council District:	Cherry Creek Neighborhood / Council District 10
RNOs:	Inter Neighborhood Cooperation (INC), Cherry Creek East Association, Cherry Creek North Business Improvement District, Cherry Creek North Neighborhood Association, Capitol Hill United Neighborhoods, Inc., Hilltop Neighborhood Association, Green Cherry Creek, Strong Denver
Area of Property:	DO-9: 22.11 acres; DO-10: 18.08 acres
Current Zoning:	C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-RX-8, G-MX-3, G-RX-5, G-RH-3
Proposed Zoning:	C-MX-3 DO-9, C-MX-5 DO-9, C-MX-8 DO-9, C-MX-12 DO-9, C-RX-8 DO-9, G-MX-3 DO-9, G-RX-5 DO-9, G-RH-3 DO-10 (i.e., apply overlays to existing zone districts)
Property Owner(s):	Multiple, see legislative proposal attachment
Application Sponsor:	Councilmember Chris Hinds

Summary and Purpose

1. Text Amendment

Councilmember Chris Hinds is sponsoring a text amendment to the DZC that would create two design overlays that would be applied to the Cherry Creek East neighborhood. The Cherry Creek East Mixed Use

Design Overlay (DO-9) is intended “to enhance and promote a quality urban environment with a vibrant sense of place, including access to generous pedestrian zones and public space with streets that prioritize the pedestrian realm as a defining element of neighborhood character with buildings that relate to pedestrians in scale and activity.” The overlay proposes 5’ Primary and Side Street Setbacks, but allows a 0’ setback where an Open Space alternative is used. The overlay also defines three Upper Story Setbacks and allows an Open Space alternative for the uppermost setback. Finally, the overlay applies the same Limitation on Visible Parking Above Street Level as exists in the River North Design Overlay (DO-7) and allows an alternative for integrated façade design and adaptable parking floors.

The Cherry Creek East Residential Design Overlay District (DO-10) is intended “to promote pedestrian-friendly Street frontages and enhance neighborhood safety in portions of residential neighborhoods that are comprised primarily of Single Unit, Two Unit, or Row House development.” The overlay modifies the Pedestrian Access Building Element to require an Unenclosed Porch be located along the Primary or Side Street of each Dwelling Unit; increases the percentage of live planting material from 50% to 60% while requiring a minimum amount of tree coverage; and requires a minimum of two outdoor lighting fixtures for each Dwelling Unit.

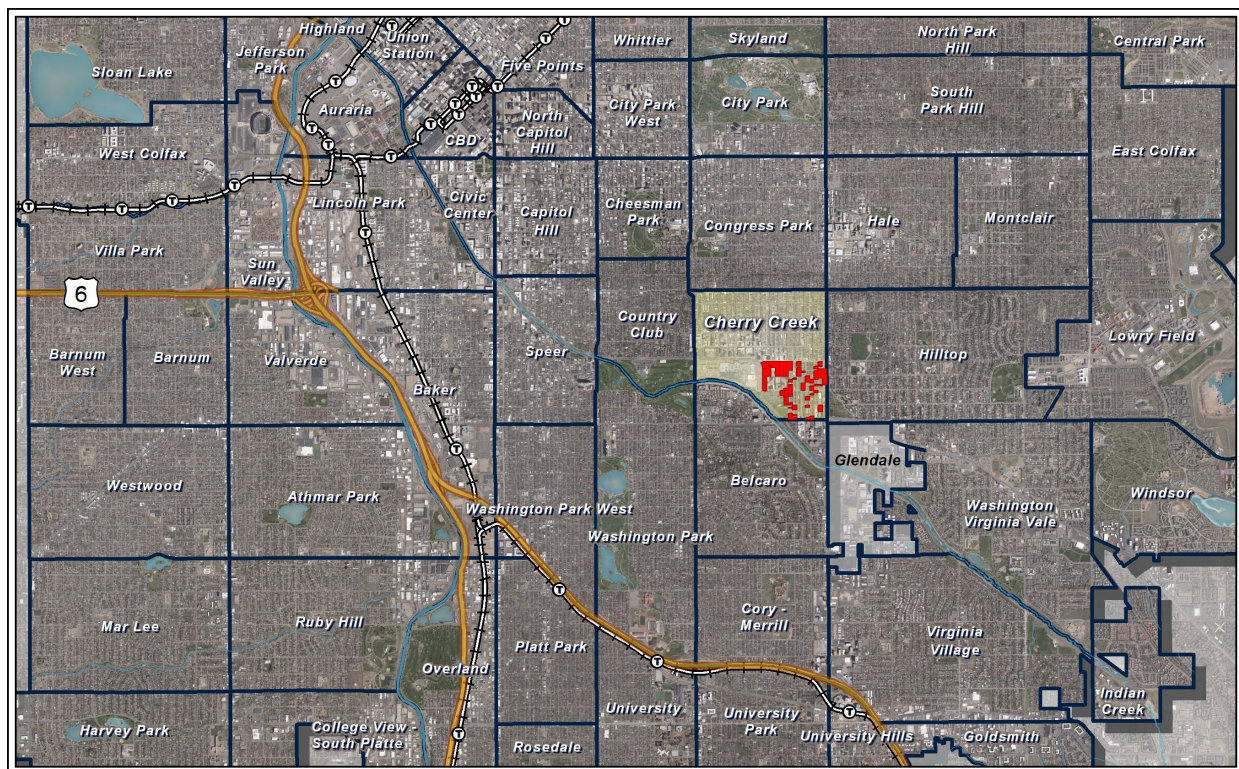
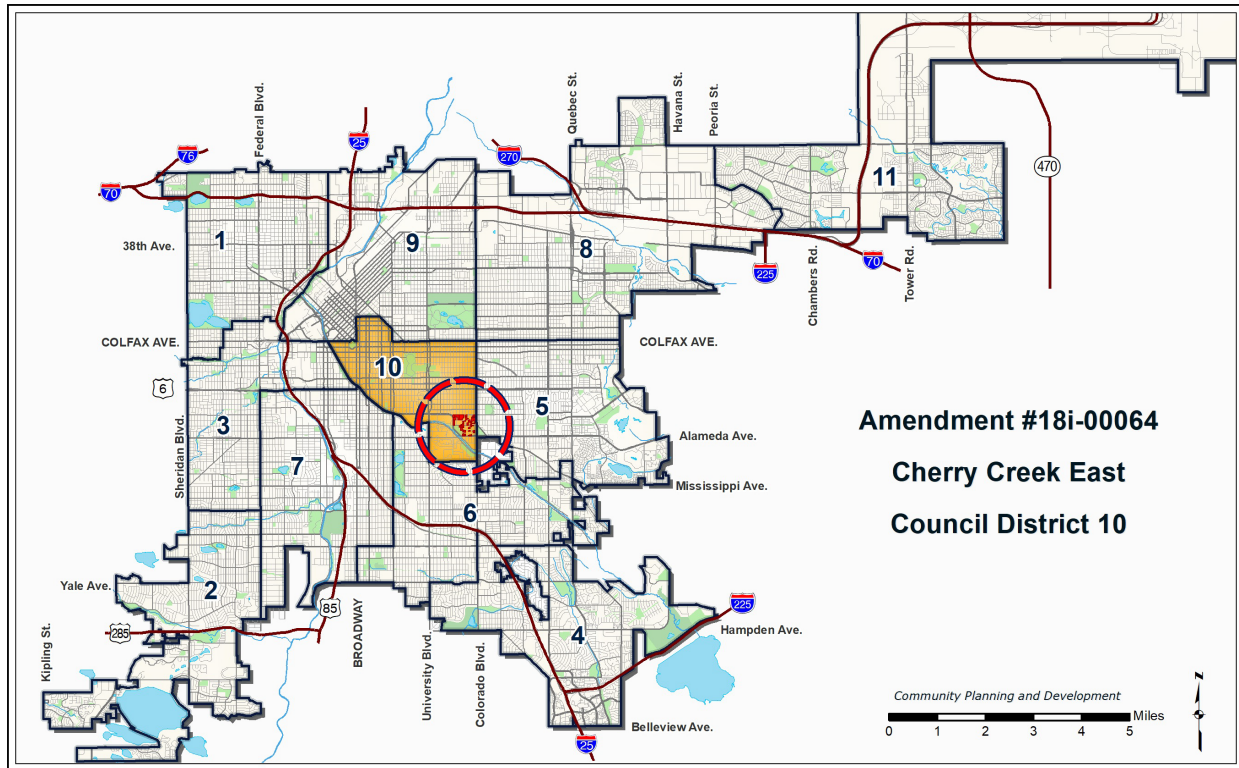
2. Map Amendment

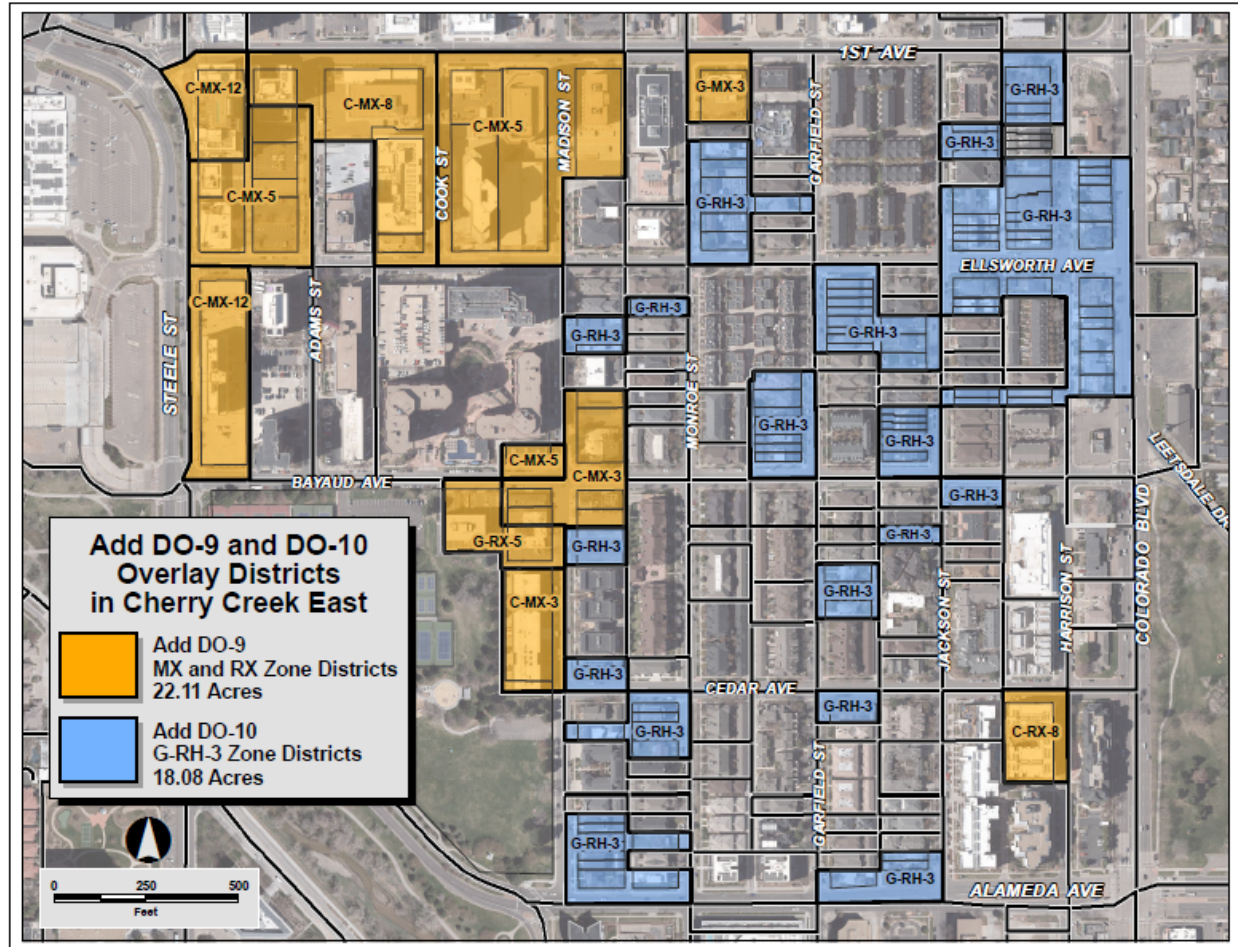
Councilmember Chris Hinds is also sponsoring a map amendment to apply the Cherry Creek East Mixed Use Design Overlay to several properties in the Cherry Creek East area with a range of existing underlying zone districts, including C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-RX-8, G-MX-3, and G-RX-5. The proposed rezoning maintains the same underlying zoning and would apply DO-9 to approximately 22 acres. The Cherry Creek East Residential Design Overlay would be applied to properties with the underlying zone district of G-RH-3, covering approximately 18 acres.

According to DZC Section 12.4.10.2, “Except as otherwise provided in Section 9.4.2.1 and Section 12.3.3.9, no land may be rezoned into any zone district not established in this Code.” According to DZC Section 12.3.3.9.C., “Notwithstanding Section 12.4.10.2, Zone Districts Not Available for Rezoning, creation of a new zone district by text amendment according to Section 12.4.11, Text Amendment, may, with the Manager’s approval, be filed and reviewed concurrent with a map amendment according to Section 12.4.10, Official Map Amendment (Rezoning). In no case, however, shall a map amendment rezoning land into a new zone district be approved until the text amendment creating the new zone district is approved.” CPD approved filing and reviewing this text amendment and map amendment proposal concurrently. Because the DO-9 and DO-10 zone districts have not yet been established, the map amendment proposal shall not be approved until after City Council approves the text amendment to create the DO-9 and DO-10 zone districts.

Further details of the zoning proposal can be found in the proposed zoning section of the staff report (below) and the attached draft text amendment.

Existing Context



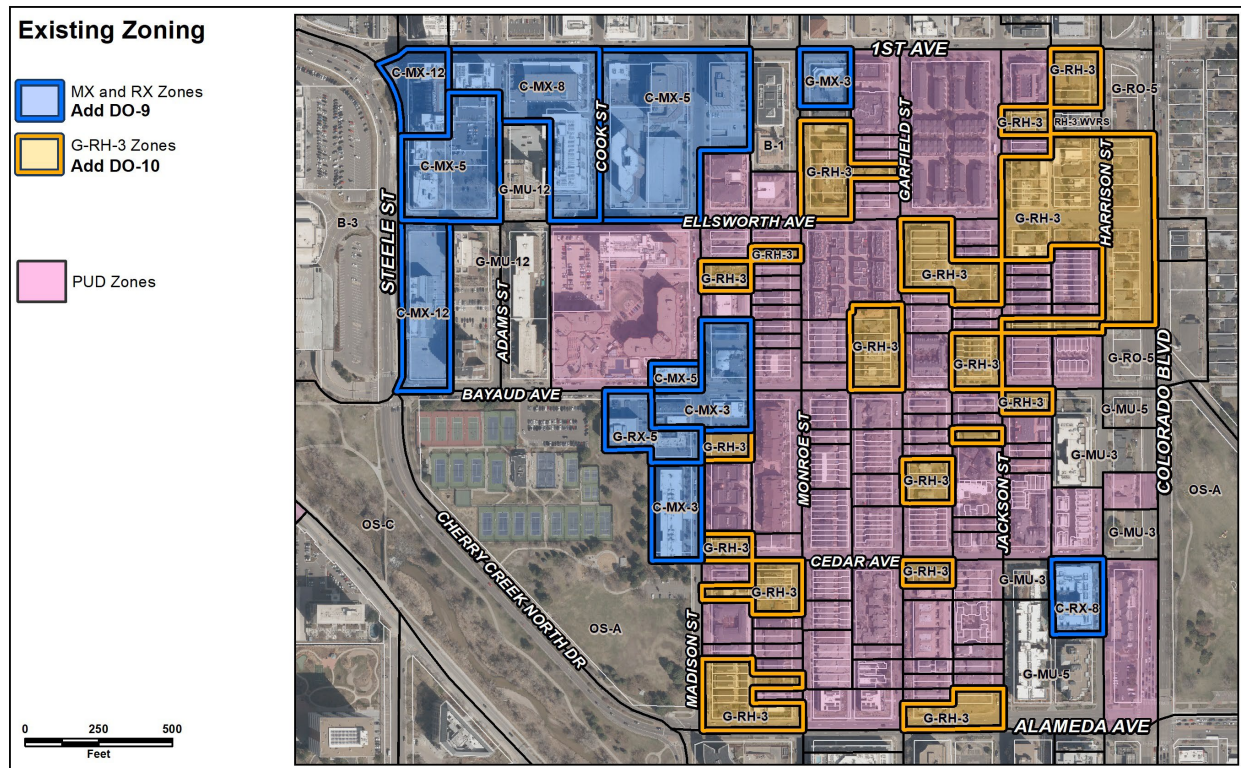


The subject properties are in Cherry Creek East, which is a subarea of the Cherry Creek neighborhood, and is bounded by S. Steele Street, E. Cherry Creek North Drive, E. Alameda Avenue, S. Colorado Boulevard, and E. 1st Avenue. The west side of the subarea includes residential, office, and mixed use buildings that are among the tallest in Cherry Creek, maxing out at 15 stories. The eastern half of the subarea is characterized by 2- to 3-story residential uses, predominately row houses, as well as single-unit and two-unit dwellings and multi-unit buildings. Pulaski Park and the Gates Tennis Center are located in the southwest corner of Cherry Creek East and the Cherry Creek Mall is located to the west across Steele Street.

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

Area	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Mixed Use Overlay Area	C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-RX-8, G-MX-3, and G-RX-5	Office, multi-unit residential, mixed-use, commercial/retail	1- to 15-story commercial and residential buildings	Streets are generally orthogonal with the exception of Cherry Creek Dr. N. which runs diagonally southwest of the subject area. Blocks are generally rectangular and alleys are typical with the exception of a superblock northwest of Bayaud and Madison and the park to the southwest. Building setbacks and street orientation are varied. Parking is provided in surface lots, structures, and on street.
Residential Overlay Area	G-RH-3	Multi-unit residential, single-unit and two-unit dwellings	2- to 2.5-story single-unit and two-unit dwellings, 2- to 3-story townhouses, 3-story multi-unit residential buildings	
North	C-MX-5, G-MX-3, G-MU-5, G-RH-3, B-1 WVRs	Office, mixed-use, commercial/retail, multi-unit residential	1- to 6-story commercial buildings, 3- to 11-story multi-unit residential buildings	
South	C-MX-5, C-MX-8, B-4 WVRs UO-1 UO-2	Office, mixed-use, commercial/retail, multi-unit residential	1-story gas station, 5-story office buildings, 6- to 7-story multi-unit residential buildings	
West	B-3, OS-C	Commercial/retail	2-story Cherry Creek Mall w/ structured parking	
East	OS-A, E-SU-D	Burns (DC) Park, single-unit dwellings	1- to 2.5-story single-unit dwellings	

1. Existing Zoning



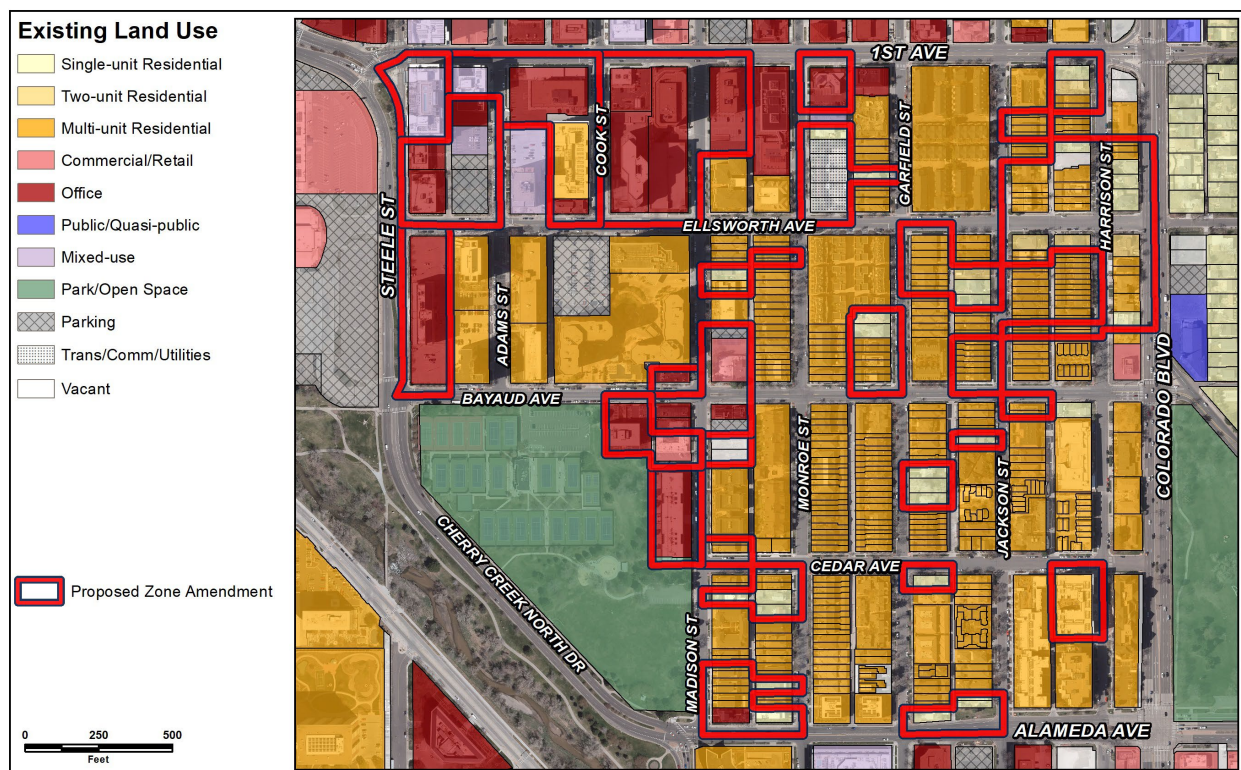
The Cherry Creek East Mixed Use Design Overlay (DO-9) would apply to existing Mixed Use and Residential Mixed Use zone districts in the Urban Center and General Urban contexts with heights ranging from 3 to 12 stories. According to the Denver Zoning Code Sections 6.2.3.1, 6.2.4.1, 7.2.2.1, and 7.2.3.1, the Mixed Use and Residential Mixed Use zone districts in the Urban Center and General Urban contexts 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. In addition, the districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. According to DZC Section 6.3.3, in the Urban Center context, both the Mixed Use and Residential Mixed Use districts allow the Town House and General building forms. The Mixed Use district also allows Drive Thru building forms subject to certain geographic limitations and the Shopfront building form. According to DZC Section 7.3.3, in General Urban context, both the Mixed Use and Residential Mixed Use districts allow the Town House and Shopfront building forms. The Mixed Use district also allows Drive Thru building forms subject to certain geographic limitations and the General building form. These overlays will not affect areas shown in pink on the Existing Zoning map, which are PUD districts from the Former Chapter 59 Zoning Code and to which DZC overlays do not apply.

The Cherry Creek East Residential Design Overlay (DO-10) would apply to the existing G-RH-3 zone district, which stands for General Urban – Row House – 3 Stories. According to DZC Section 6.2.2, the intent of the residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms, and the building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. G-RH-3 allows urban house, duplex, and row house building forms.

2. Large Development Review

The applicability of the large development review process is defined by DZC Section 12.4.12.2. There is no specific development concept for this legislative map amendment proposal, no adopted plan recommends use of the LDR process for this proposal, no infrastructure network or system improvements are anticipated, and there is no existing general development plan that needs to be amended. Therefore, although the area of the rezoning is larger than 5 acres, large development review was found to be inapplicable.

3. Existing Land Use Map



4. Existing Building Form and Scale (Source: Google Maps)

Mixed Use Area



View facing southeast from the corner of 1st Avenue and Steele Street



View facing southeast on 1st Avenue east of Adams Street



View facing southeast on 1st Avenue east of Cook Street



View facing southwest from the corner of Ellsworth Avenue and Madison Street

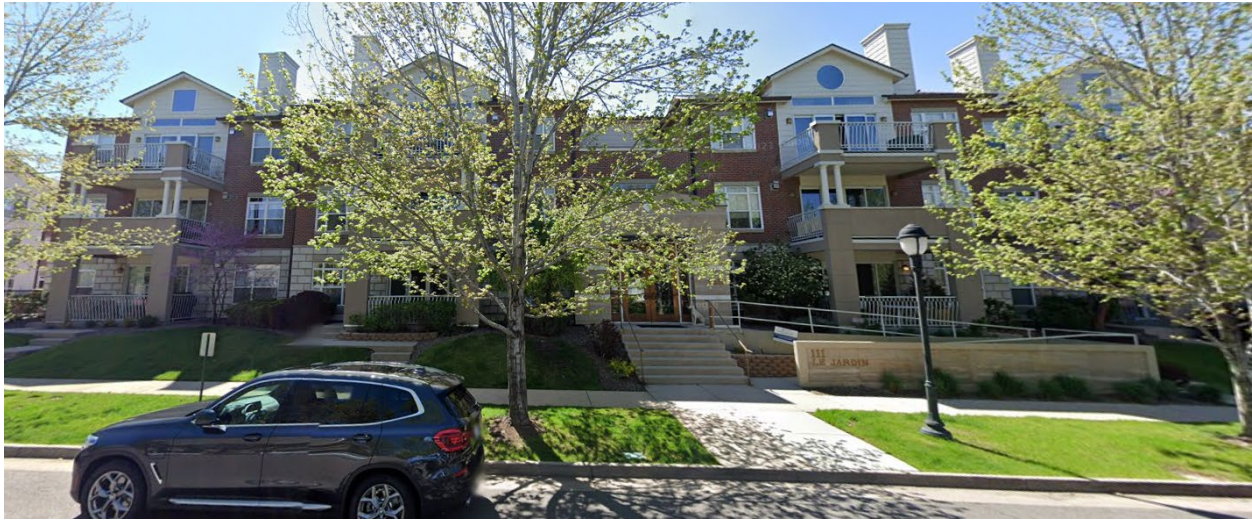


View facing northeast from the corner of Steele Street and Bayaud Avenue

Residential Area



View facing east on Garfield Avenue south of Ellsworth Avenue



View facing east on Monroe Street south of Bayaud Avenue



View facing west on Garfield Avenue north of Bayaud Avenue

Proposed Zoning

The proposed zoning request would retain the existing underlying zone districts and add the design overlays. The Cherry Creek East Mixed Use Design Overlay (DO-9) is intended “to enhance and promote a quality urban environment with a vibrant sense of place, including access to generous pedestrian zones and public space with streets that prioritize the pedestrian realm as a defining element of neighborhood character with buildings that relate to pedestrians in scale and activity.” The design overlay adds to or modifies the existing standards in the underlying zone districts and does not affect any permitted uses or allowed height limits. If the text amendment and rezoning are adopted, the proposed DO-9 zone will require the following:

- A minimum 5’ setback on Primary and Side Streets. This is an increase in the 0’ setback allowed in the underlying zone districts.

- As an alternative to the 5' setback, a minimum 7 percent of the gross area of a Zone Lot shall be provided as Private Open Space.
- On buildings where any portion is greater than 6 stories:
 - A 10' Primary and Side Street Upper Story Setback above 3 stories or 45'
 - A 15' Primary and Side Street Upper Story Setback above 9 stories or 125'
 - As an alternative to the Upper Story Setback above 9 stories, a minimum 3 percent of the gross area of a Zone Lot shall be provided as Private Open Space.
- Uses that meet the Limitation on Visible Parking Above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary or Side Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth) to wrap structured parking.
 - Allows an alternative for integrated façade design as exists in the River North Design Overlay (DO-7) and adds a requirement for adaptable parking floors to allow future uses other than parking, such as conversion of structured parking to residential or commercial uses.

The Cherry Creek East Residential Design Overlay District (DO-10) is intended “to promote pedestrian-friendly street frontages and enhance neighborhood safety in portions of residential neighborhoods that are comprised primarily of Single Unit, Two Unit, or Row House development.” If the text amendment and rezoning are adopted, the proposed DO-10 zone will require the following:

- A minimum of one ground level Unenclosed Porch for each Dwelling Unit.
- A minimum of 60% of the "open areas" shall be landscaped with live planting material and the remaining 40% shall be landscaped with either live or non-live landscaping material. This is an increase over the existing landscaping standards in the DZC that require 50% of “open areas” be landscaped with live planting material.
- On each Zone Lot, one deciduous canopy tree shall be planted for every 25' of linear frontage. Spacing of trees may vary, but the maximum spacing is 40'. There currently is no standard in the DZC requiring trees on residential property.
- A minimum of two outdoor light fixtures shall be provided for each Dwelling Unit. There currently is no standard in the DZC requiring light fixtures on residential property.

Summary of City Agency Referral Comments

As part of the DZC review process, the text amendment and rezoning proposal is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved - No Response.

Asset Management: Approved - No Comments.

Denver Public Schools: Approved - No Response.

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved - No Comments.

Public Works – R.O.W. – City Surveyor: Approved - No Comments.

Development Services – Project Coordination: Approved - No Response.

Development Services – Fire Protection: Approved - No Response.

Development Services – Transportation: Approved - No Response.

Development Services – Wastewater: Approved - No Response.

Public Process

	Date
On-going coordination with Cherry Creek East Association Development Committee	Spring 2020 – Fall 2022
Community meeting hosted by Cherry Creek East Association Development Committee	2/16/2021
Community survey administered by Cherry Creek East Association Development Committee	June – July 2021
CPD informational notice of draft text amendment for public review to all City Council members and registered neighborhood organizations:	9/12/2022
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	9/12/2022
Presentation to Inter-Neighborhood Coordination Zoning and Planning Committee	9/24/2022

Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	10/28/2022
Planning Board public hearing:	11/16/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	12/6/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	12/20/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	1/16/2023
City Council Public Hearing:	2/6/2023

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

The Cherry Creek East Association submitted an RNO position statement in favor of the overlays based on a survey of residents and business owners in which 75% voted in favor of the mixed use overlay and 79% voted in favor of the residential overlay. Additional details about the survey response can be found in the application narrative included with this staff report.

- **General Public Comments**

As of the date of this staff report, CPD has received 29 letters indicating support for the proposed amendments.

Criteria for Review / Staff Evaluation

The City Attorney's Office has determined this to be a legislative map amendment proposal. Therefore, the criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.7 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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Cherry Creek Area Plan* (2012)

Denver Comprehensive Plan 2040

The proposed text amendment and rezoning are consistent with several *Comprehensive Plan 2040* strategies, particularly as they relate to the following goals focused on creating Strong and Authentic Neighborhoods.

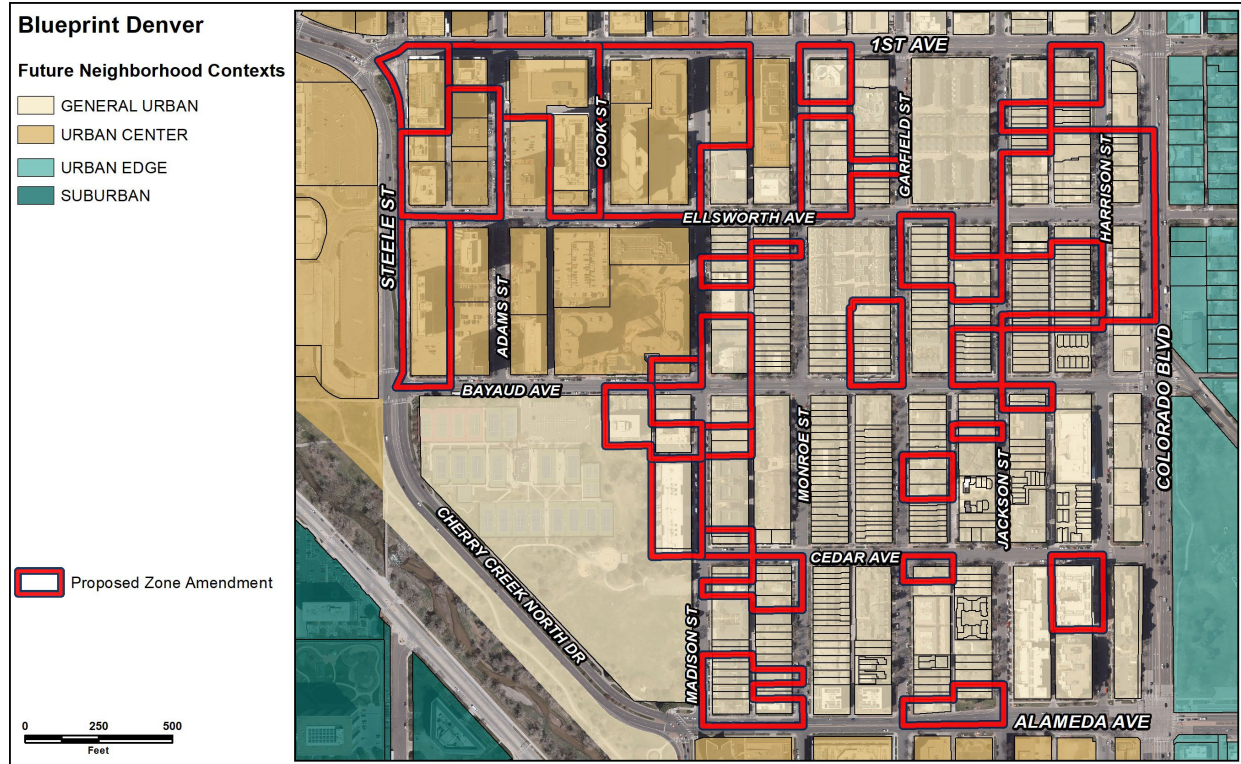
- **Goal 1, Strategy A.** Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- **Goal 1, Strategy C.** Ensure neighborhoods are safe, accessible and well connected for all modes (p. 34).
- **Goal 1, Strategy D.** Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).
- **Goal 2, Strategy C.** Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm (p. 34).
- **Goal 2, Strategy D.** Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life (p. 34).
- **Goal 9, Strategy A.** Encourage design and new development to improve public health and safety (p. 35).

The mixed use overlay reinforces these goals as it requires 5' ground level setbacks from the Primary and Side Streets to create a wider pedestrian realm, which improves pedestrian orientation and comfort. Alternatively it allows for 7% of the zone lot to be Private Open Space, which can contribute to the vibrancy of mixed use centers with more pedestrian-oriented places. The Upper Story Setbacks will enhance the pedestrian-scale of taller buildings and allow more sunlight to reach the street and sidewalks, which can encourage walking and support public health. Finally, it requires structured parking above Street Level be wrapped with non-parking uses or be adaptable to future residential or commercial uses, which will help ensure the economic viability of Cherry Creek East. The residential overlay supports these goals as it requires front porches, greener landscaping, and lighting, which will help ensure pedestrian comfort and neighborhood safety. Thus, the rezoning is consistent with the *Comprehensive Plan 2040*.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject area as part of the General Urban and Urban Center neighborhood contexts, with a variety of future place and street types, and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

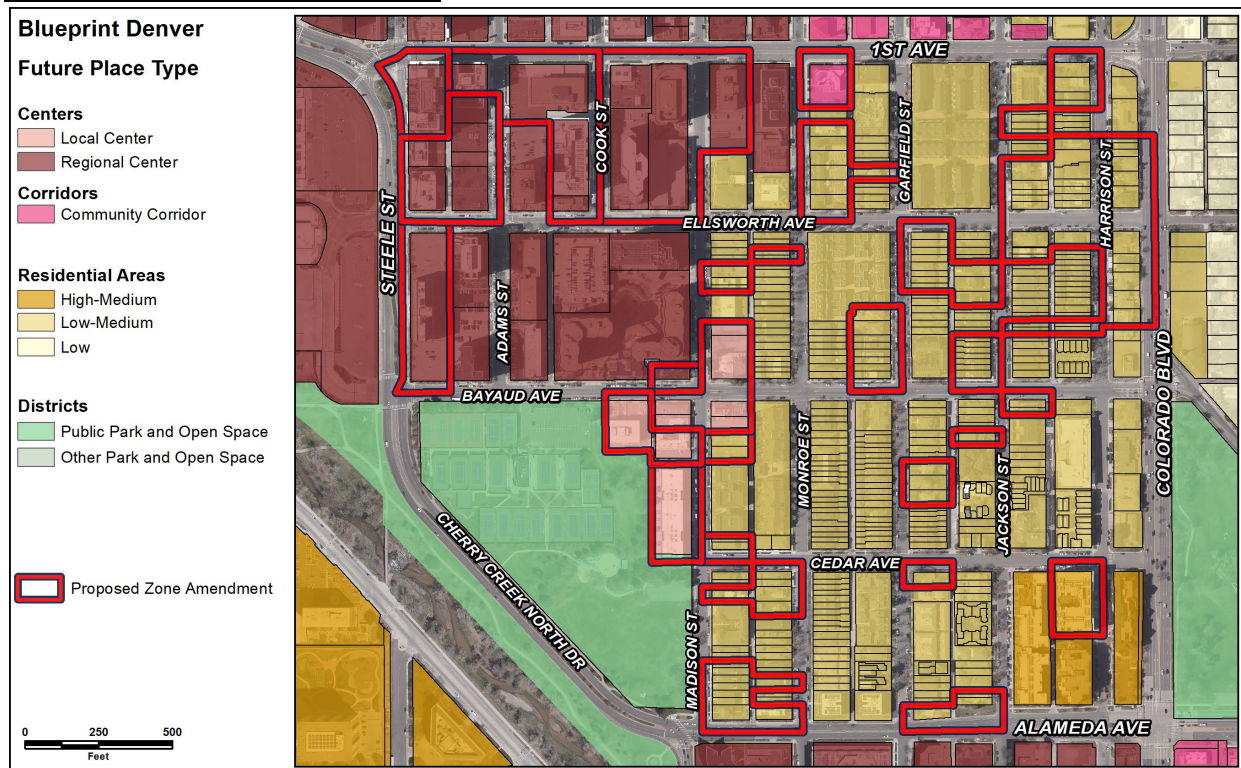


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The project area consists of the General Urban and Urban Center neighborhood contexts. According to the plan, “General urban neighborhoods are vibrant places with proximity to Denver’s major centers like Downtown and Cherry Creek. Homes in this context vary from multi-unit complexes to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options” (p. 237). Also according to the plan, the Urban Center neighborhood context predominantly contains “a high mix of uses throughout the urban center context. Even the residential areas are highly mixed-use, often with high-intensity multi-unit residential in mixed-use buildings. Block patterns are generally a regular grid with consistent alley access. Buildings are usually multi-story with a high degree of lot coverage” (p. 252).

The proposed DO-9 overlay would apply to both the General Urban and Urban Center contexts. The underlying zone districts of C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-RX-8, G-MX-3, and G-RX-5 are within the General Urban and Urban Center contexts and 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. In addition, the districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods. By requiring an enhanced pedestrian realm, upper story setbacks, and wrapped or adaptable parking garages, the DO-9 overlay will further promote safe, active, pedestrian-scaled streets and is consistent with the future neighborhood contexts.

The proposed DO-10 overlay would apply to the General Urban context in the underlying G-RH-3 zone district, the intent of which is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms, and the building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. By requiring front porches, enhanced landscaping, and lighting, the DO-10 overlay will further promote the intent of the underlying zoning and is consistent with the future neighborhood context.

Blueprint Denver Future Places



The Future Places Map designates the subject area where the overlays would apply as part of several future place types. The area where the mixed use overlay would apply includes the Local Center, Community Corridor, and High-Medium Residential future place types in the General Urban context, and the Regional Center place type in the Urban Center context, which are described in *Blueprint Denver* as follows:

- **Local Center in the General Urban context:** “Primarily provides options for dining, entertainment and shopping. May also include some residential and employment uses. Typically frequented by residents of the neighborhood. Activity levels are lower than other center types, with the highest activity during evenings and weekends. When residential occurs, it should primarily be located to encourage active street frontages. Provides a more intimate, pedestrian scale. The public realm is typically defined by lower-scale buildings with active frontages. Heights are generally up to 5 stories. Should transition gradually within the center to the surrounding residential areas” (p. 242).

- Community Corridor in the General Urban context: “Typically provides some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings have a distinctly linear orientation along the street. Building footprints are typically larger. Heights are generally up to 5 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas” (p. 244).
- High-Medium Residential in the General Urban context: “There is a mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed-use distributed throughout. Buildings are generally up to 8 stories in height. Block patterns are consistent and pedestrian-scaled building forms clearly define and activate the street” (p. 246).
- Regional Center in the Urban Center context: “Contains a high mix of uses— providing a dynamic environment of living, dining, entertainment and shopping, while incorporating a diverse set of employment options. Wide customer draw with a 24/7 live, work and play environment attractive to locals and visitors. Larger scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism with continuous building frontages to define the public realm. Heights are generally the tallest in the context and transition gradually within the center to the surrounding residential areas” (p. 256).

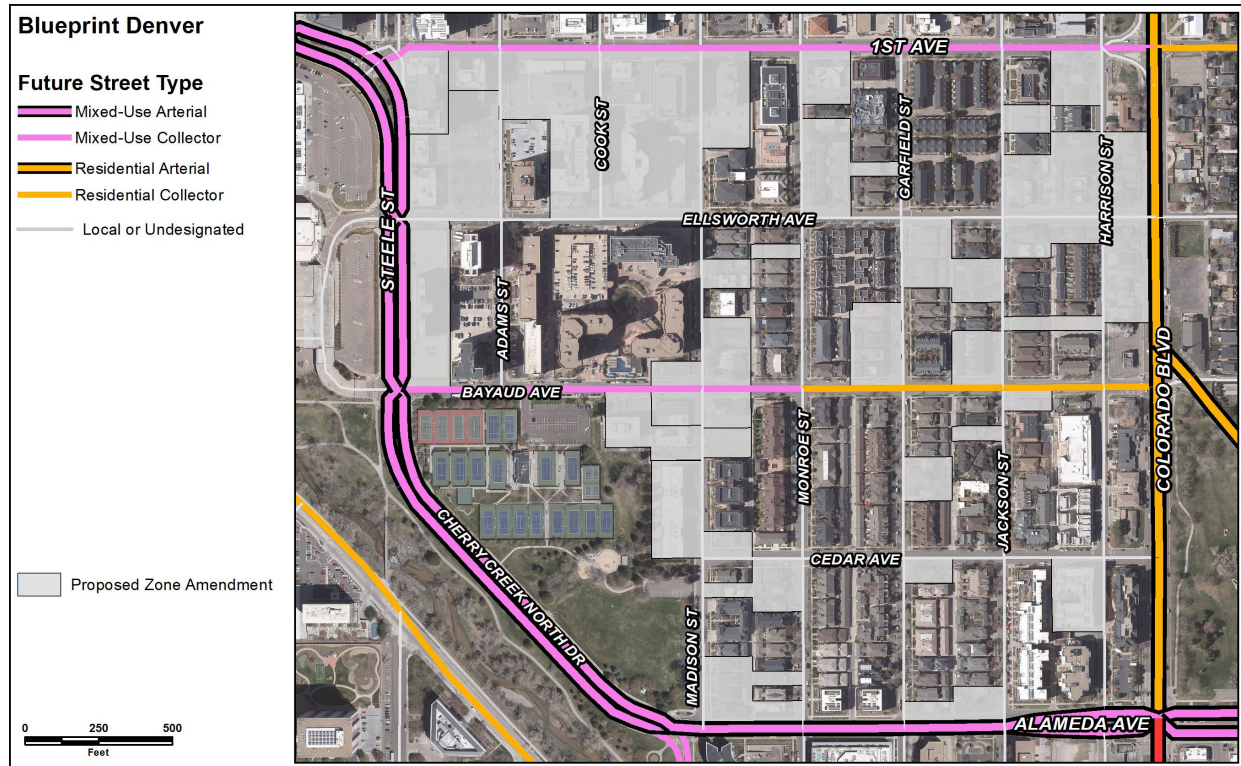
The proposed DO-9 overlay is consistent with these place types as it reinforces the design outcomes in the underlying mixed use and residential mixed use zone districts through an emphasis on the public realm and pedestrian-scaled buildings.

The area where the residential overlay would apply includes the Low-Medium Residential future place type in the General Urban context, which is described as follows:

- Low-Medium Residential in the General Urban context: “This area is primarily residential, with a mix of unit types. Single- and two-unit homes are interspersed with lower-scale multi-unit buildings. Limited neighborhood serving commercial can be found, particularly at intersections. Heights are generally up to 3 stories. Lot coverage may be high and setbacks should generally respect the existing character with buildings orienting to the street” (p. 246).

The proposed DO-10 overlay is consistent with this place type as it reinforces building orientation to the street by requiring front porches.

Blueprint Denver Future Street Types



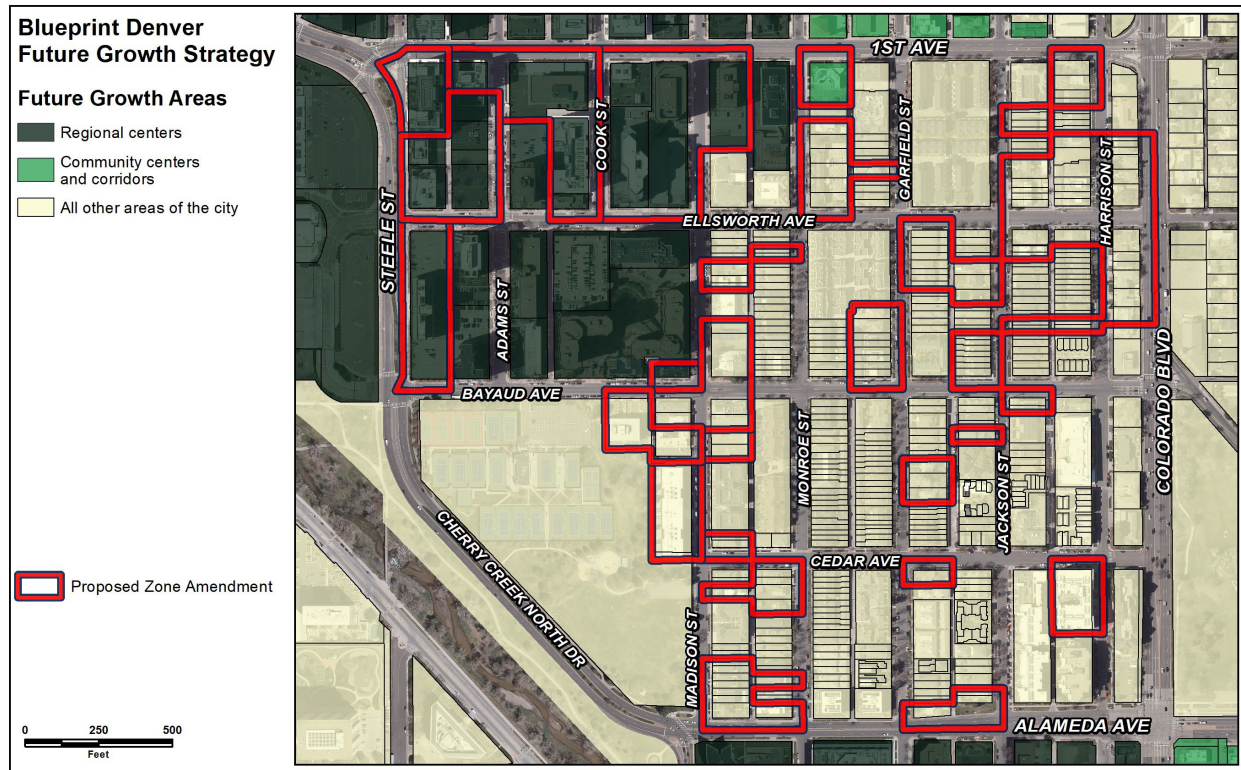
In *Blueprint Denver*, future street types work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (p. 67). There are three volume classifications of Local, Collector, and Arterial, that are further refined by six types of surrounding context. The majority of streets in the subject area are local or undesignated streets, with Mixed-Use and Residential Collectors along 1st Avenue and Bayaud Avenue, a Mixed-Use Arterial on the Steele Street / Cherry Creek North Drive / Alameda Avenue corridor, and a Residential Arterial on Colorado Boulevard, which are described per *Blueprint Denver* as follows:

- Local: "Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses" (p. 161).
- Mixed-Use: "Varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary" (p. 159).
- Residential: "Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context" (p. 160).

The underlying residential, mixed-use and residential mixed-use zone districts are consistent with these street types. *Blueprint Denver* also identifies much of Cherry Creek East as a Pedestrian Enhanced Area, which is intended "to encourage placemaking for pedestrians in an area, not just along one corridor" and wider sidewalks are promoted (p. 171). The proposed mixed use overlay is consistent with the creation of Pedestrian Enhanced Areas as it requires ground level setbacks that would allow wider sidewalks and requires upper story setbacks while allowing for open space alternatives that will

contribute to placemaking. The residential overlay will also enhance the pedestrian realm by requiring front porches and more landscaping.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver. The growth strategy strives to focus new housing and jobs in regional centers as well as community centers and corridors while directing a smaller amount of growth toward existing residential areas (p. 49). The subject area includes the following growth areas:

- Regional Centers: These areas anticipate experiencing 30% of new housing growth and 50% of new employment growth by 2040 (p. 51).
- Community Centers and Corridors: These areas anticipate experiencing 25% of new housing growth and 20% of new employment growth by 2040 (p. 51).
- All Other Areas of the City: These areas anticipate experiencing 20% of new housing growth and 10% of new employment growth by 2040 (p. 51).

The underlying zone districts and the intensity of growth they allow are consistent with these growth areas while the proposed design overlays may help achieve the growth targets through enhanced placemaking that could attract future housing and employment.

Blueprint Denver Policies and Strategies

Blueprint Denver contains numerous policies and strategies related to pedestrian-oriented design that the text amendment and associated rezoning will support. As it relates to Land Use and Built Form, as well as Mobility, the design overlays would be applied in the limited area of Cherry Creek East. The

mixed use overlay is intended to guide new development toward a more pedestrian scale with upper story setbacks that reduce building mass and allow sunlight to reach the street while the ground level setback and open space alternatives will encourage pedestrian activity. The residential overlay will reinforce the pedestrian-friendly nature of the neighborhood by requiring front porches where residents can interact with their neighbors walking through a greener streetscape that promotes well-being. Thus, the overlays support the following policies.

- **Land Use and Built Form, Design Quality and Preservation Policy 02, Strategy C.** Use design overlays as targeted tools in developing or redeveloping areas that have a specific design vision, ideally one articulated through a planning process. Although these overlays tend to be specific to a particular area — such as a river corridor or newly developing neighborhood — it is also appropriate to create design overlays for multiple areas where common design outcomes are desired.
- **Land Use and Built Form, Design Quality and Preservation Policy 03, Strategy D:** Use design overlays in limited areas to direct new development towards a desired design character unique to that area that cannot be achieved through other tools. Design overlays are most effective where a design vision has been articulated through a planning process. (p. 102).
- **Mobility Policy 04, Strategy E:** Ensure regulations promote design outcomes that prioritize pedestrians. (p. 109).

The overlays would also reinforce the following policies related to Quality of Life. The mixed use overlay's ground level setback and open space alternatives will help enhance the pedestrian realm with more space for wider sidewalks, landscaping, and plazas. The residential overlay's requirement for more live plant material and trees will promote environmentally-friendly development that helps reduce the urban heat island effect and provides shade for pedestrians.

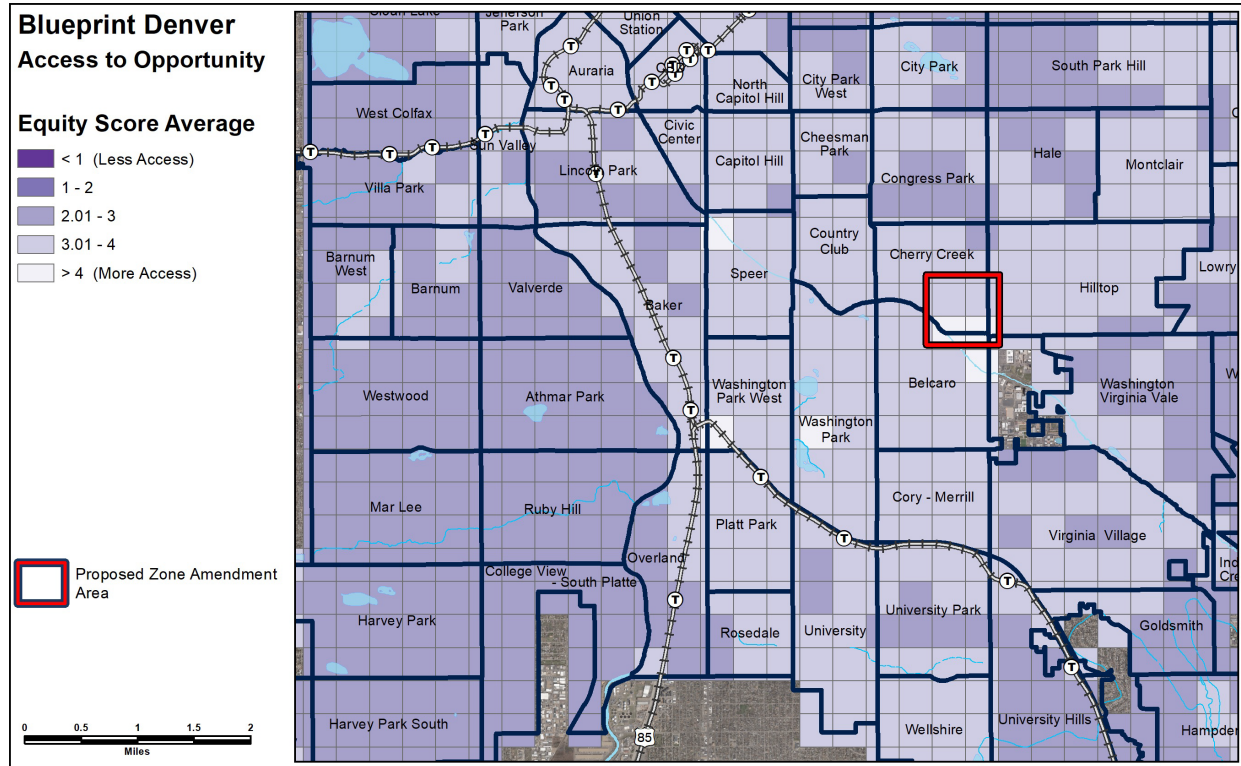
- **Quality of Life Infrastructure Policy 04:** Promote environmentally-friendly development strategies in the public and private realms. (p. 120).
- **Quality of Life Infrastructure Policy 05:** Ensure attractive streets and outdoor spaces in all centers and corridors giving priority to pedestrian spaces and amenities. (p. 121).
- **Quality of Life Infrastructure Policy 05, Strategy A:** Encourage street design that minimizes impervious surfaces and look for opportunities to re-purpose parts of the street to enhance the pedestrian realm. (p. 121).

Therefore, the design overlays are consistent with *Blueprint Denver*.

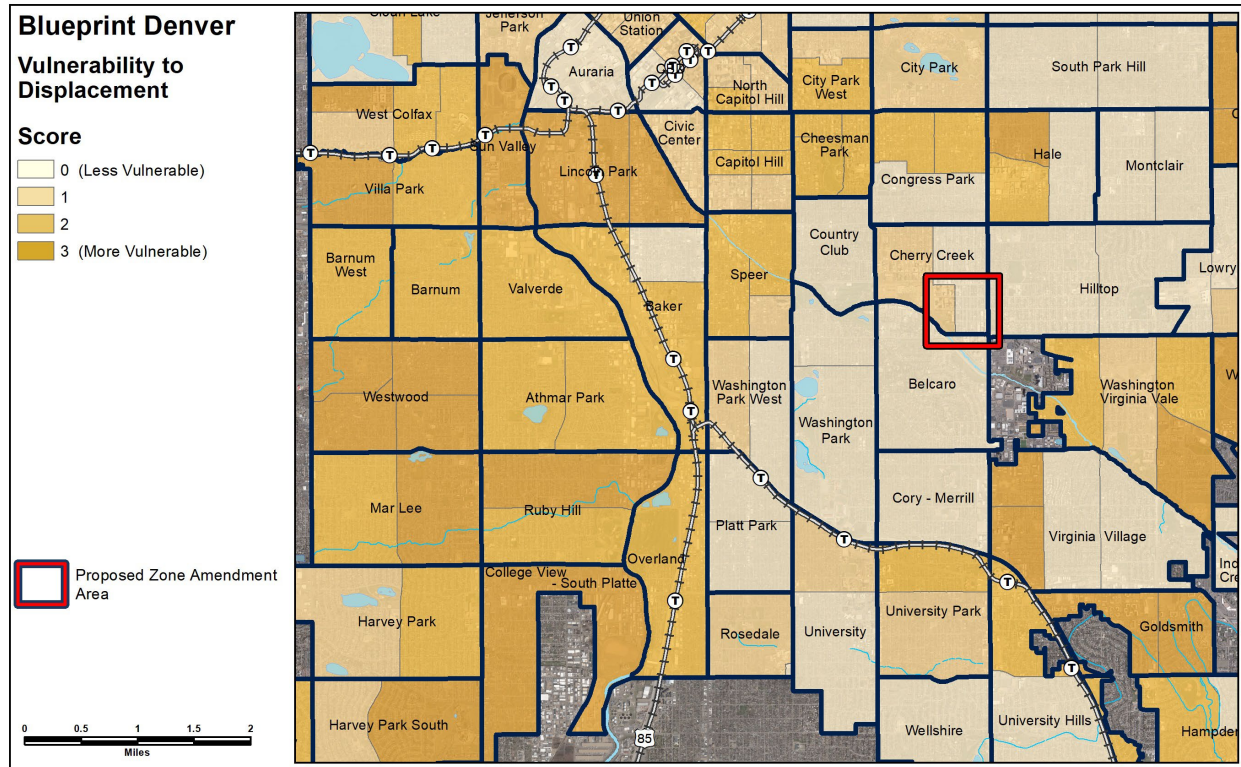
Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit Denver residents and visitors. Each equity concept has associated measurements to help inform considerations for large-scale city-led map amendments along with other implementation actions.

Access to Opportunity

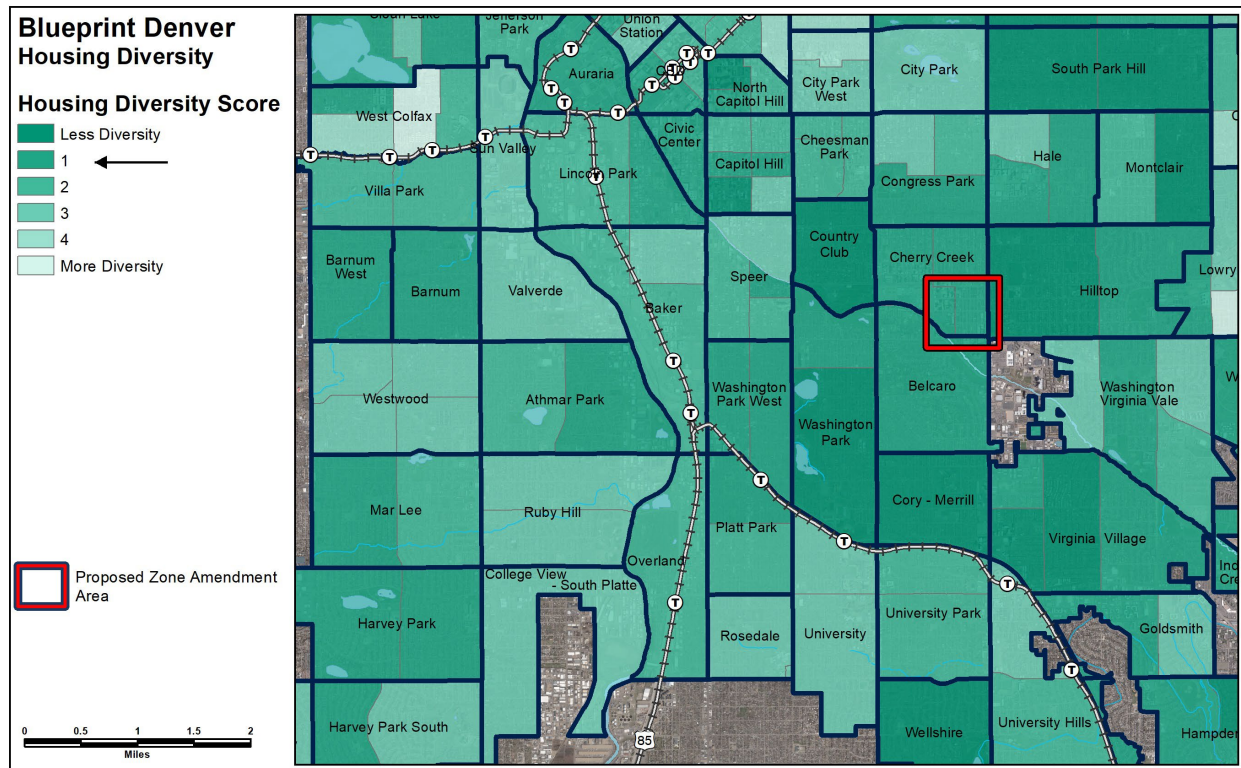


The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. The Cherry Creek East neighborhood already has a high level of access to opportunity and the overlays could help maintain this access by promoting walkability.

Vulnerability to Displacement

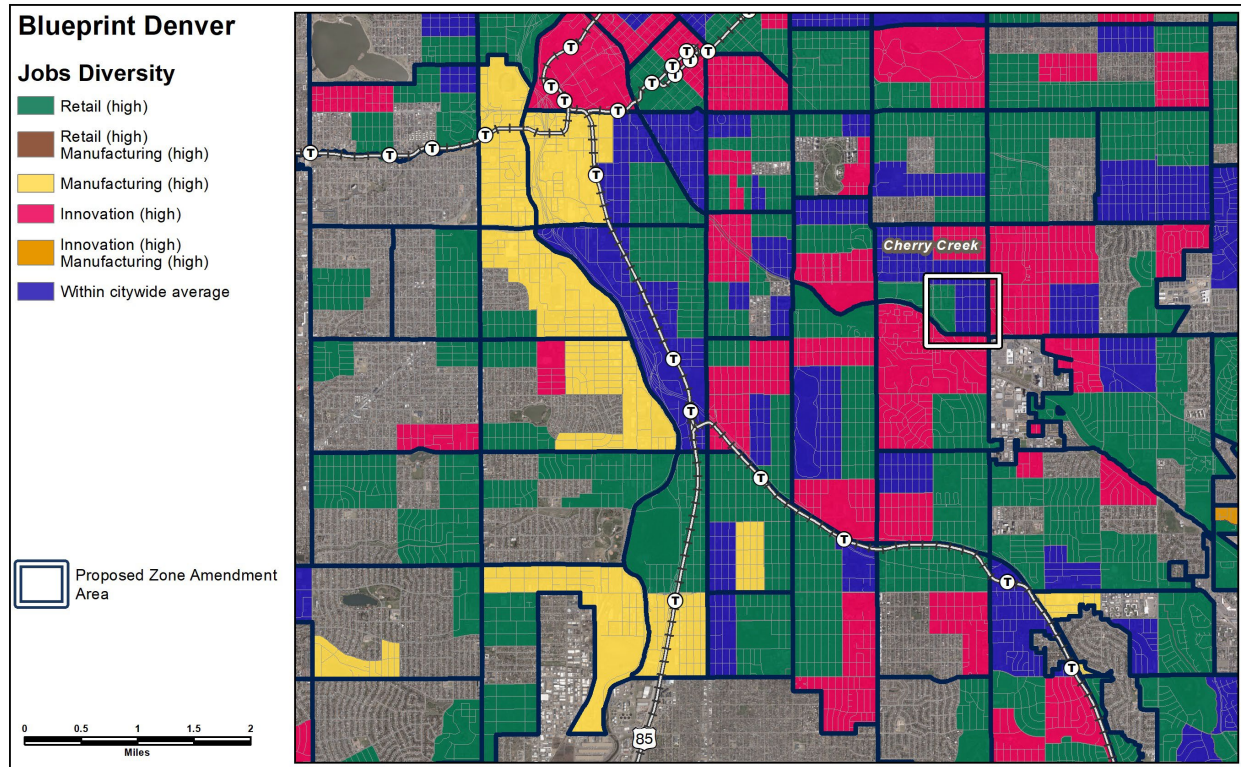
The basis for measuring vulnerability to displacement is the vulnerability to displacement index developed by the Denver Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. This concept is used to stabilize “residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents” (p. 30). Overall, Chery Creek East is indicated as an area with low vulnerability to displacement. However, in the area west of Madison Street, 71% of homes are renter-occupied compared to 50% citywide, making it somewhat vulnerable to displacement. The proposed overlays are not anticipated to impact these metrics.

Expanding Housing Diversity



As a *Blueprint Denver* Equity Concept, housing diversity refers to an area being able to offer residents a variety of housing options to accommodate households of different ages, sizes and incomes. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. Although there is a wide range of housing types in Cherry Creek East, the metrics indicate the area has low housing diversity in terms of middle-density housing, ownership compared to rental occupancy, and housing costs. However, there is diversity in income-restricted units west of Madison Street and diversity in the number of bedrooms per unit east of Madison Street. The proposed overlay is not anticipated to impact these metrics.

Expanding Jobs Diversity



Access to a range of quality jobs enables people of different incomes and education levels to find employment and wealth building opportunities. To measure jobs diversity, the city looks at the number of jobs available and how the variety of these jobs compares to the variety of jobs citywide. West of Madison Street there's a heavier emphasis on retail jobs, while east of Madison Street job diversity is similar to the rest of the city. The proposed overlay is not anticipated to impact these metrics.

Cherry Creek Area Plan

The proposed rezoning also complies with the *Cherry Creek Area Plan* as it relates to the following recommendations for Cherry Creek.

- **Recommendation B.2.B Architecture.** Study the use of upper story setbacks and height datum lines to maintain a comfortable pedestrian scale at the street and to allow sunlight to reach the street (p. 30).
- **Reinforce the residential character.** Maintain and enhance the existing character and walkable environment of Cherry Creek East. New development will respect the predominant urban form of detached sidewalks, tree lawns, landscaped block-sensitive setbacks, alley access to structures, limited curb cuts and building entry features that are visible from the street. Land uses should respect existing boundaries between residential and mixed-use areas (p. 72).
- **Formalize the Cherry Creek East design guidelines.** Review and the revise the contents of these guidelines and the area to which they apply. Adopt as rules and regulations through Chapter 12, Revised Municipal Code (p. 73).

The commercial overlay proposes upper story setbacks to create height datum lines that will enhance the pedestrian scale of taller buildings and protect solar access on the street. The residential overlay will reinforce the character of the eastern half of Cherry Creek East, which is comprised of single-unit and two-unit dwellings, rowhouses, and low-scale multi-unit buildings, many of which have front porches and ample landscaping in tree lawns and front setbacks abutting detached sidewalks. Both overlays are intended to fill the gap left by the Cherry Creek East Design Guidelines that were enforced for several years before the city determined they were never formally adopted. Therefore, the overlays are consistent with the area plan.

1. Public Health, Safety and General Welfare

The City of Denver has adopted multiple plans in the interest of public health, safety and the general welfare including *Comprehensive Plan 2040* and *Blueprint Denver*. As described in detail above, the text amendment and rezoning contribute to the goals, policies and strategies in these city plans, and through implementation furthers the health, safety and welfare of the City. In addition, the proposed text amendment and rezoning further the general public health, safety and welfare of Denver residents by implementing enhanced design standards that reinforce the desired character of neighborhood mixed-use centers and residential areas by encouraging more pedestrian-oriented outcomes. It has been shown that pedestrian-friendly, mixed-use areas can contribute to increased physical activity¹, greater community engagement², and mental health³.

(1) Ewing, R., and R. Cervero, 2010. (2) Putnam, 2000. (3) Lund, 2002. Per *Making Healthy Places: Designing and Building for Health, Well-being, and Sustainability*. Ed. Andrew L Dannenberg, Howard Frumkin, and Richard J. Jackson, Island Press, 2011.

2. Uniformity of District Regulations and Restrictions

This text amendment will result in uniform regulations applicable to all new development within the Cherry Creek East Mixed Use and Cherry Creek East Residential design overlay zone districts. The proposed rezoning to apply the DO-9 and DO-10 overlays will result in the uniform application of zone district building form, use and design regulations within each zone district.

CPD Recommendation

1. Text Amendment

Based on the review criteria for text amendments stated in Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends approval of the text amendment creating the DO-9 and DO-10 overlays.

2. Map Amendment

Based on the review criteria for an official map amendment stated in the DZC, Section 12.4.10 (Map Amendment), staff recommends approval for Map Amendment #2018I-00064.

Attachments

1. Draft of Text Amendment
2. Map Amendment Proposal
3. Public Comments