



TO: Denver Planning Board
FROM: Sara White, AICP, Senior City Planner
DATE: April 10, 2019
RE: Official Zoning Map Amendment Application #2017I-00160

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00160, as evaluated under Comprehensive Plan 2040 and Blueprint Denver 2019.

Request for Rezoning

Address:	Block bounded by Newton St., 17 th Ave., Lowell Blvd., and 16 th Ave.; plus 1570-1592 Meade Street (evens only)
Neighborhood/Council District:	Sloan Lake / Council District 3
RNOs:	West Colfax Business Improvement District, Sloan's Lake Neighborhood Association, Sloan's Lake Citizens Group, West Colfax Association of Neighbors-WeCAN, Inter-Neighborhood Cooperation (INC)
Area of Property:	277,316 square feet or 6.366 acres
Current Zoning:	PUD 8, U-TU-C
Proposed Zoning:	PUD-G, U-TU-C
Property Owner(s):	Multiple, see application
Application Sponsor:	Councilman Paul Lopez

Summary of Rezoning Request

- The site is located just southeast of Sloan's Lake park. It is one block north of Colfax Avenue, about halfway between Sheridan Boulevard and Federal Boulevard. The site is also located 3 blocks east from the new mixed-use development in the vicinity of 16th Avenue and Raleigh St.
- The property is comprised generally of two areas with different development character. The "main block" is a continuous area that comprises two full city blocks bounded by Newton Street, Lowell Boulevard, 16th Avenue and 17th Avenue. The "sliver" is the western half of the block between Meade Street and Lowell Boulevard, from Conejos Place to 16th Avenue. The main block consists of an existing hospital use in a building that is around 100 feet tall at its highest point, with the remainder of the block used for surface parking. The sliver portion contains low-scale one- and two-unit residential structures.
- The existing zoning on the site is a Former Chapter 59 Planned Unit Development (PUD) that requires a development program associated with a specific site plan. This restrictive zoning makes redevelopment of this underutilized site unlikely.
- There are multiple zone districts requested on the site. For the sliver portion, U-TU-C (Urban-Two Unit-5,500 zone lot minimum) is requested. This zone district generally allows single- and two-unit residential uses with a maximum height of 2.5 stories. A summary of the below

building forms is in the table below Further details of this zone district can be found in Article 5 of the Denver Zoning Code (DZC).

	Urban House	Duplex	Tandem house
Proposed District: U-TU-C	X	X	X

Proposed PUD

The main block is proposed to be zoned to a Planned Unit Development (PUD) based on the C-MX-8 (Urban **C**enter-**M**ixed Use-**8** story) standard zone district, with modifications to allowed height, protected district standards, street level activation standards, allowed uses and parking. The subject property would be subject to the C-MX-8 zone district standards with several exceptions, which include:

- Variation of maximum height (3 stories at the lowest, 16 stories at the highest) with different subareas while removing protected district height limitations.
- Eliminate requirement for upper story setbacks adjacent to protected district
- Allow Hospital and Emergency Vehicle Access point uses in Subareas E & F
- Reduce parking requirement for Dental/Medical Office and for Eating or Drinking Establishments

In exchange for the above flexibility, the deviations also include:

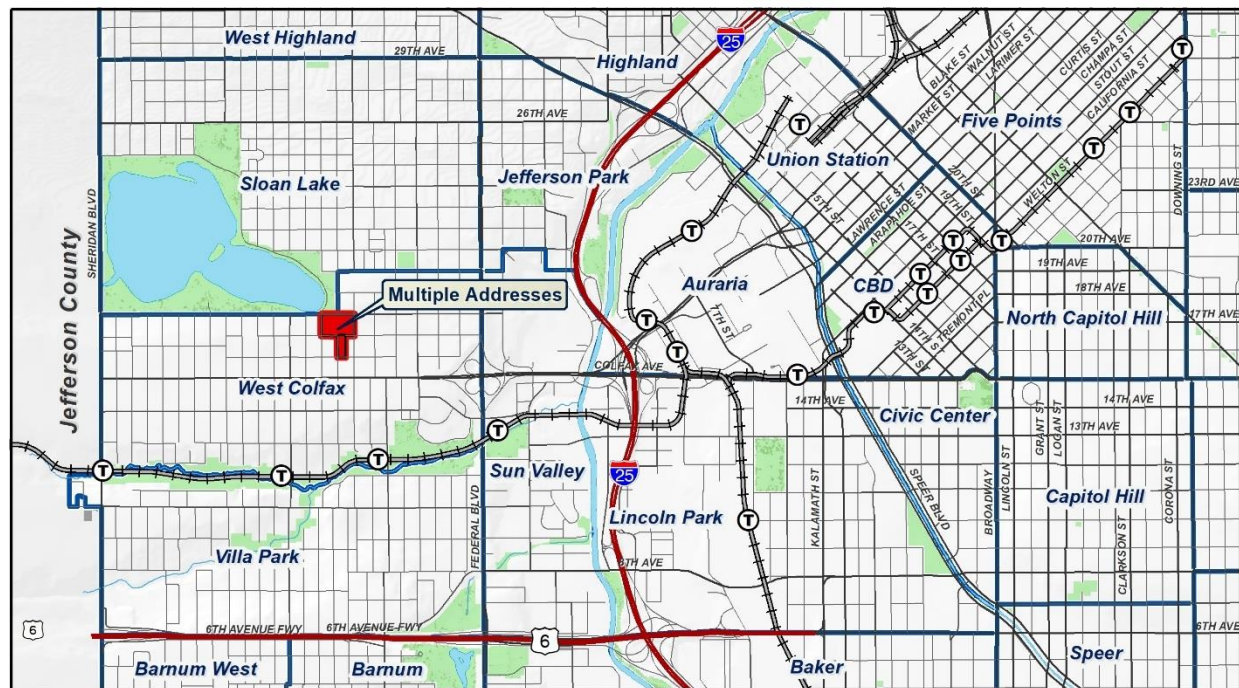
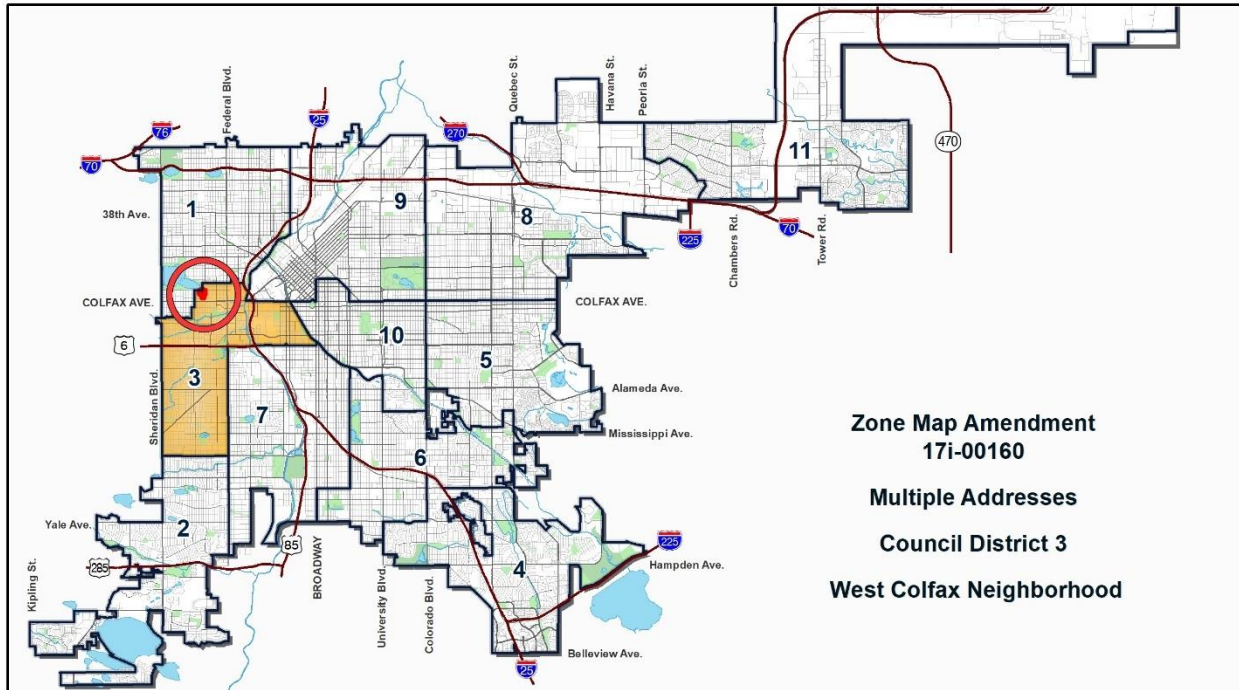
- Require higher street level activation along 17th Avenue
- Limit visible parking above street level

The following is a summary of building forms allowed:

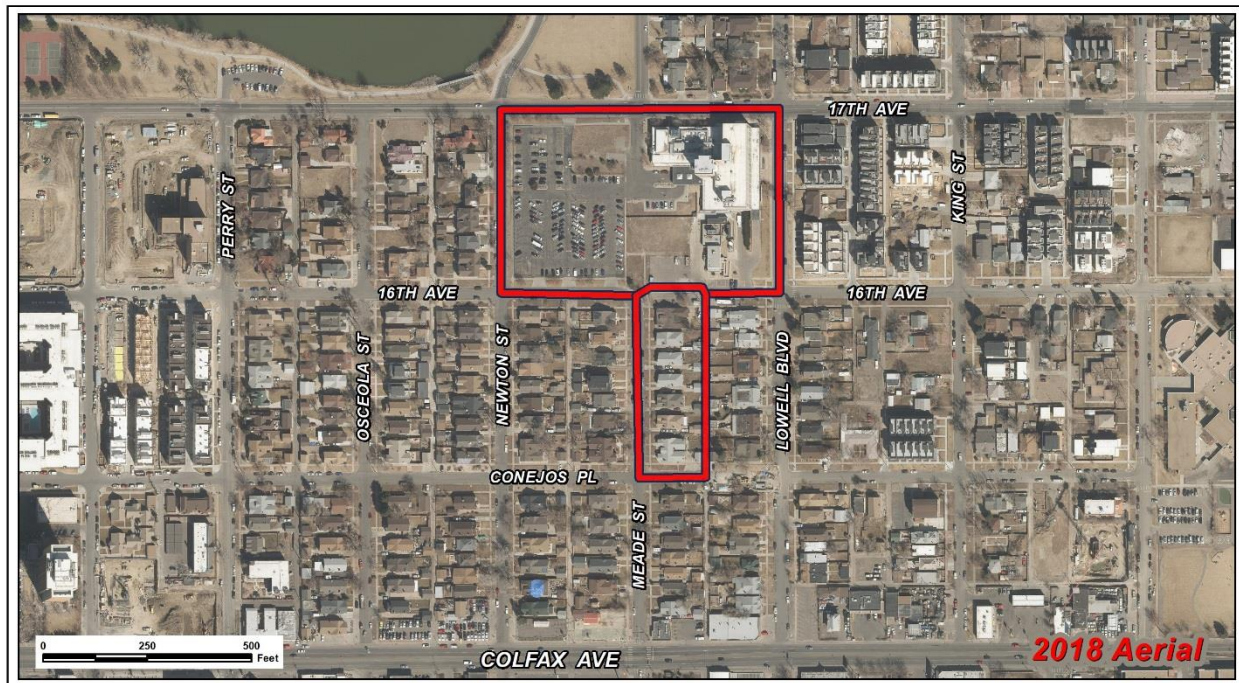
	Town House	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Proposed District: PUD-G (based on C-MX-8)	X	O	O	X	X

“X” signifies an allowed building form and “O” signifies an allowed building form subject to geographic limitations.

Mixed use districts in the Denver Zoning Code are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of development forms with uses that clearly define and activate the public street edge. Further details of the base zone districts can be found in Articles 5 (Urban) and 9 (Special Contexts) of the Denver Zoning Code (DZC); customized zoning details are found in the attached PUD.



Existing Context

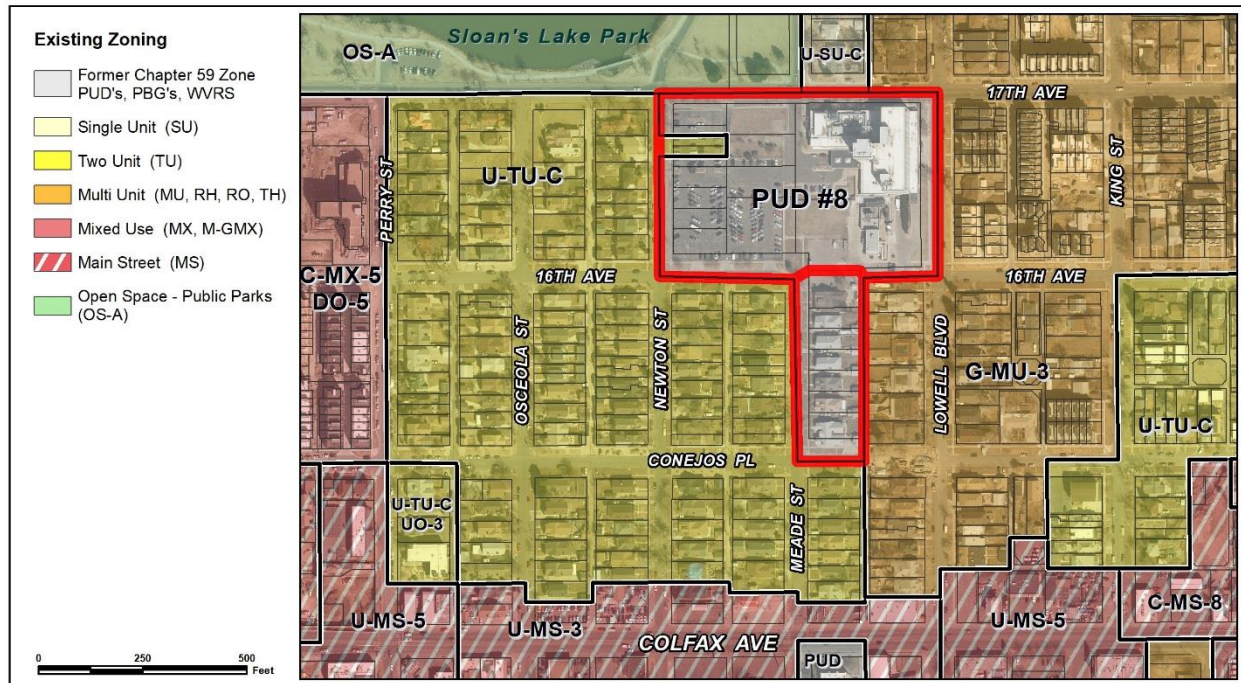


The subject property is located in the north portion of the West Colfax neighborhood, about halfway between Federal Boulevard and Sheridan Boulevard. The West Colfax neighborhood is generally characterized by a diverse mix of residential types, with some larger mixed-use redevelopment areas throughout. 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 8	Hospital, surface parking	Hospital and associated buildings, generally up to 100' tall.	Generally regular grid of streets; Meade Street interrupted between 16 th & 17 th . Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	OS-A, U-SU-C, G-MU-3	Park, mix of single-, two- and multi-unit residential	Sloan Lake Park, mix of low- to mid-scale residential structures	
South	U-TU-C, G-MU-3	Mix of single-, two- and multi-unit residential; retail and commercial further south along Colfax	Mix of low-scale residential structures, low scale mix of commercial structure further south along Colfax	
East	G-MU-3	Mix of single-, two- and multi-unit residential	Mix of low- to mid-scale residential structures	

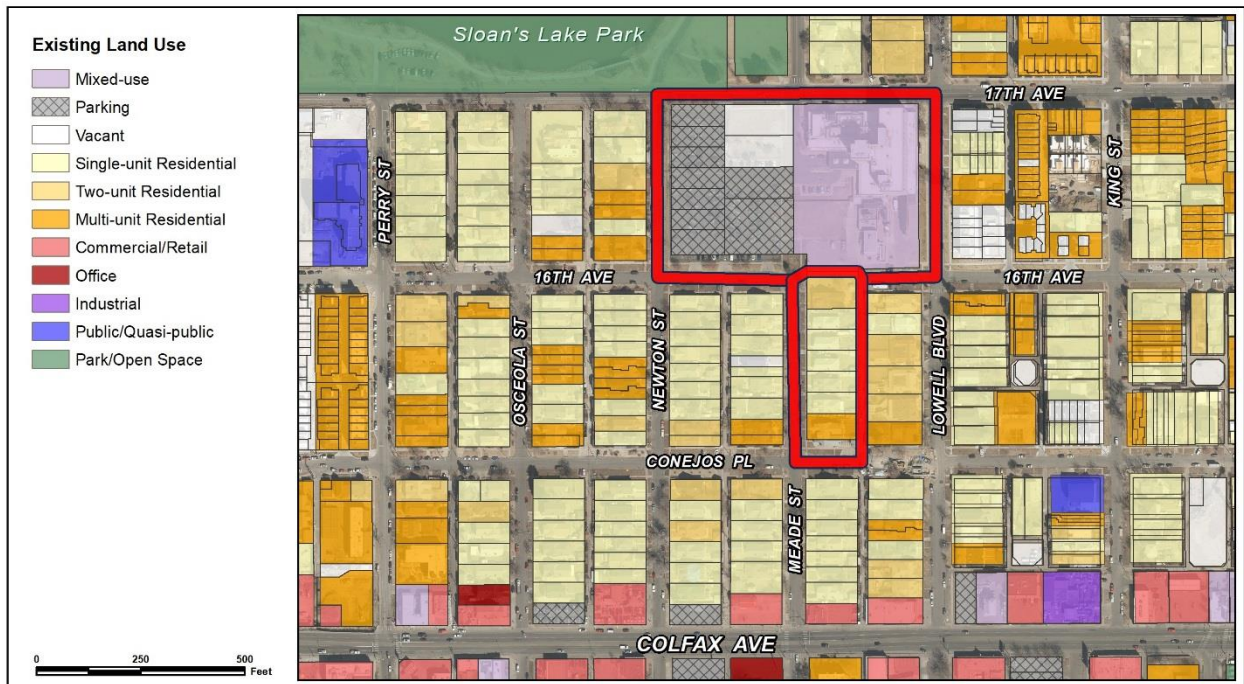
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-TU-C	Mix of single-, two- and multi-unit residential	Mix of low-scale residential structures	

1. Existing Zoning



A small portion (one parcel equivalent) of the main block is currently zoned U-TU-C, which allows the development of two-units on a parcel of 5,500 square feet or larger. The remainder of the main block and the entire sliver is zoned PUD #8, a Former Chapter 59 planned unit development from 1978. The allowances under this zoning are very specific to the planned (at the time) build out of the hospital campus. It calls for nearly 600,000 square feet of gross floor area across the entire PUD, including a hospital building up to 93' tall, a long term care facility up to 80' tall, a commons buildings up to 33' tall, two multi-unit dwelling towers sited along Newton Street up to 110' tall each, and a parking structure located on the sliver portion of the site, up to 58' tall. These are the only allowed uses on the site, in the specified configuration. Further detail can be found attached to this staff report in the documentation for PUD #8.

2. Existing Land Use Map



3. Existing Building Form and Scale

Images from Google Street View



site from 17th & Meade looking south-west



site from 17th & Newton looking south-east



site from 16th & Newton looking north-east



site from 16th & Meade looking north-east



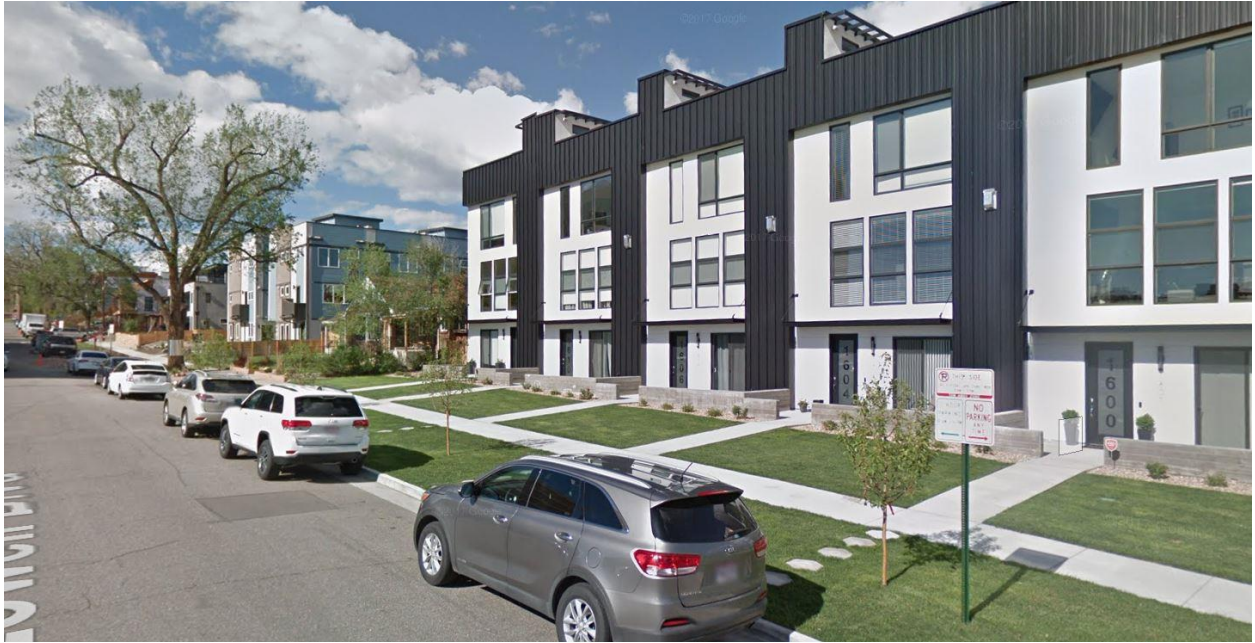
site along Meade St. looking south-east



site at 16th & Lowell looking north-west



Sloan's Lake park across 17th from site



character along Lowell, to the east of site



character along Newton, to the west of site

Proposed Affordable Housing Agreement

Concurrent with the rezoning, the applicant is also facilitating a voluntary affordable housing agreement to be signed and recorded by the property owner. The agreement would apply to the portion of the site proposed to be rezoned to PUD-G. General terms under discussion as of the writing of this report include:

- For Sale Units
 - Minimum of 7% of all for-sale units, or 8 units (whichever is greater) income-restricted at or below 100% Area Median Income (AMI) for a period of 99 years
 - No fewer than 6 two-bedroom units and 2 three-bedroom units
- For Rent Units
 - All rental units shall be income-restricted for a minimum of 30 years
 - Minimum 80% of units income-restricted at or below 60% AMI
 - These shall include no fewer than 13 two-bedroom units
 - Minimum 15% of units income-restricted at or below 50% AMI
 - These shall include no fewer than 2 two-bedroom units
 - Minimum 5% of units income-restricted at or below 40% AMI
 - These shall include no fewer than 7 three-bedroom units

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:

Assessor: Approved – No Response

Real Estate: Approved – No Comments

Denver Public Schools: Approved – No Response

Environmental Health: Approved – No Response

Parks and Recreation: Approved – No Response

Public Works – ROW – Surveyor: Approved – No Comments

Development Services – Transportation: Approved – See Comments

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services – Wastewater: Approved – No Response

Development Services-Project Coordination: Approved – No Response

Development Services-Fire Prevention: Approved – No Response

City Attorney's Office: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	2/19/2019
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:	4/1/2019
Planning Board public hearing	4/17/2019
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:	TBD
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	4/30/19 (tentative)
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:	TBD
City Council Public Hearing:	6/24/2019

- Summary of Other Public Outreach and Input
 - **Registered Neighborhood Organizations (RNOs)**
 - As of the date of this staff report, no RNO comments have been received.
 - **Other Public Comment**
 - As of the date of this staff report, three letters from nearby residents were received in opposition of the rezoning. They generally concern process, height, and parking and are attached to this packet.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9, 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

DZC Section 12.4.10.9

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
3. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
4. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
5. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property if the rezoning is approved prior to the anticipated adoption of the Denverright plans (April 22, 2019):

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver* (2002)

If the proposed map amendment is approved by City Council after the adoption of the Denverright plans (anticipated April 22, 2019), the following plans would apply instead:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)

The following plans will apply to this property both before and after April 22, 2019:

- *West Colfax Plan* (2006)
- *Housing an Inclusive Denver* (2018)

Denver Comprehensive Plan 2000

The proposed rezoning is consistent with many *Denver Comprehensive Plan 2000* strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with 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.*
- 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.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*

The proposed map amendment will enable mixed-use development at an infill location where services and infrastructure are already in place. The C-MX zone districts on which the PUD is based broaden the variety of uses, while the U-TU-C zone district allows for development consistent with the existing pattern transitioning into the residential neighborhood. The rezoning is consistent with these plan recommendations.

Denver Comprehensive Plan 2040

Although the Comprehensive Plan is not yet adopted, it is anticipated to be considered by City Council by the time this map amendment would be at council for public hearing and would be relevant to this request. As such, this staff report provides an analysis of the council filing draft of the plan and the proposed rezoning is consistent with many of the draft *Denver Comprehensive Plan 2040* strategies, including:

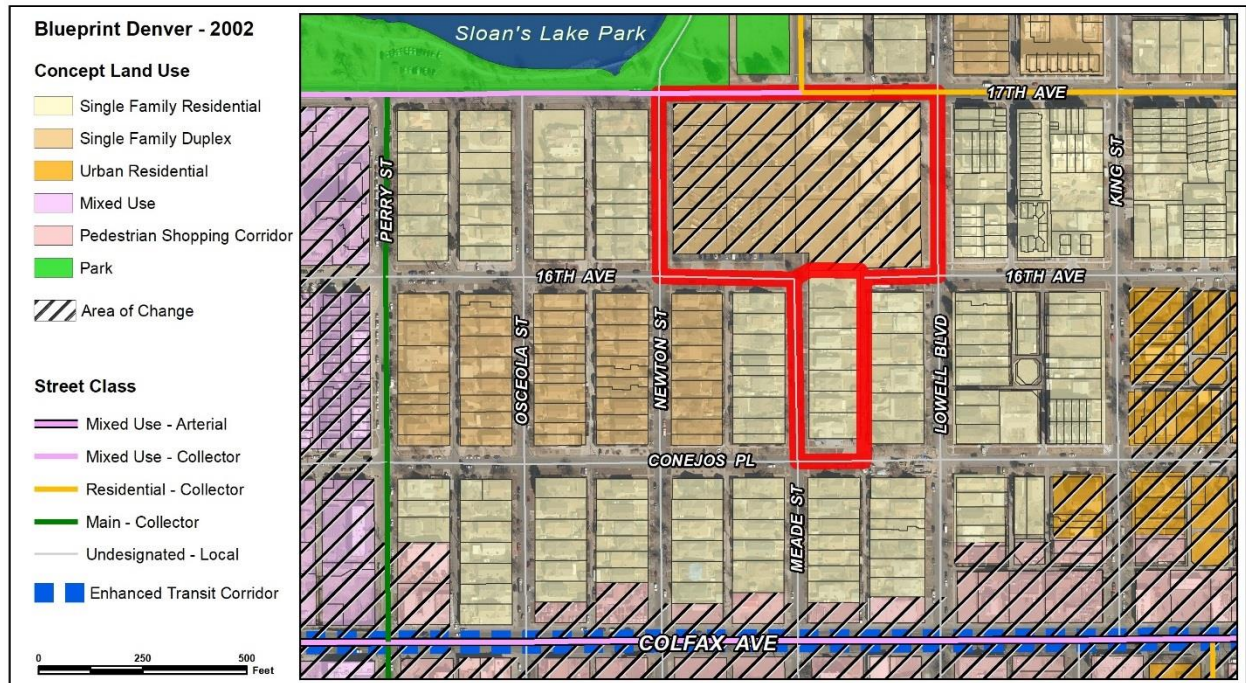
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p.54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).*
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).*
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors (p. 34).*

The proposed map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested PUD (based on C-MX-8) zone district broadens the variety of uses allowing residents to live, work and play in the area, while the proposed U-TU-C zone district provides an appropriate transition into the residential neighborhood. The rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2002)

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Single Family/Duplex north of 16th and Single Family Residential south of 16th and is located in an Area of Change north of 16th and an Area of Stability south of 16th.

Future Land Use



Single Family/Duplex areas are “are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. However, the employment-base is minor compared to the housing base. There is a mixture of housing types, including single-family houses, duplexes, townhouses and small apartment buildings. Typically densities are between 10 and 20 housing units per acre area-wide, and single family detached structures often predominate.” (p. 42). Although this description does allow for a variety of housing types and some mix of uses, the proposed PUD allows uses and density beyond what could be supported under the Single Family/Duplex description and cannot be considered consistent with this land use recommendation.

Single Family Residential areas are primarily composed of single-family homes with densities fewer than 10 units per acre. (p. 42). This anticipates the potential for slightly more density in some areas by describing single-family as the predominant type, not the exclusive type. Given the adjacent U-TU-C zoning to the west and the more intense G-MU-3 zoning to the east, the proposed U-TU-C zoning is consistent with the Blueprint future land use recommendation for Single Family Residential.

Area of Change / Area of Stability

As noted, the site north of 16th is in an Area of Change and the site south of 16th is in an Area of Stability. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). The goals for Areas of Stability is to “identify and maintain the character of an area while accommodating some new development and redevelopment” (p.120).

The rezoning application is consistent with the Blueprint Denver Area of Change and Area of Stability recommendations. It is beneficial to the neighborhood to channel growth to a site like the Sloan Lake Medical site that is currently largely surface parking and transform it into an area that includes a range of housing affordability. The U-TU-C zoning proposed south of 16th is consistent with the intent to allow some new development that is consistent with the surrounding neighborhood character.

Street Classifications

Blueprint Denver classifies 17th Avenue as a Mixed-Use Collector and a Residential Collector. According to Blueprint Denver, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas.” Mixed-Use Streets “emphasize a variety of travel choices such as pedestrian, bicycle and transit use.” They are located in “high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p.57) Residential Streets are “designed to emphasize walking, bicycling and land access over mobility” and “tend to be more pedestrian-oriented than commercial streets, giving a higher priority to landscaped medians, tree lawns, sidewalks, on-street parking and bicycle lanes” (p.55)

Blueprint Denver classifies all other adjacent streets as Undesignated Local Streets, which are “influenced less by traffic volumes and tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51).

Generally, the proposed rezoning directs growth towards 17th Avenue, which is appropriate for a collector street. Additionally, the proposed increased transparency standards in the PUD are appropriate to provide the pedestrian-friendly vision of the Mixed-Use designation.

Use of PUD (Planned Unit Development)

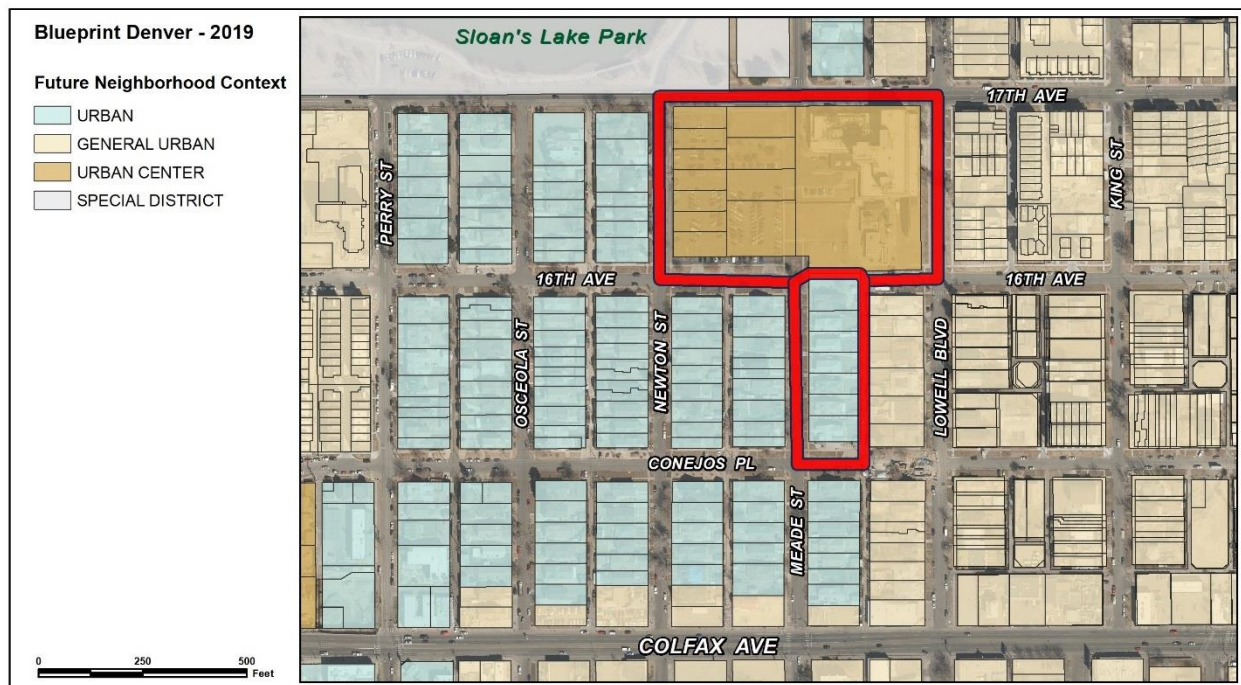
Blueprint Denver provides the following policy guidance regarding the use of PUD zoning (p. 82-83):
“Concerns with PUDs are that their widespread proliferation has increased the complexity of regulating land use, and the conditions they place on development sometimes perform poorly and inflexibly once the PUD has been adopted....to reduce the proliferation of zone districts, the city should reclassify obsolete, unbuilt PUDs into more appropriate general zoning categories. To limit the future excess of PUDs, the city should reserve them for special situations and should provide tighter standards that define what type and scale of development will qualify for this zone definition.”

Consistent with this adopted plan direction, the 2010 Denver Zoning Code put into place stricter zoning standards that limit the use of PUDs to unique and extraordinary circumstances. CPD also changed the way PUDs are written. PUDs are now based on the zoning standards in a specific DZC zone district, with any specific exceptions to the zoning standards listed within the PUD. In this way PUD standards are tightened to now conform to existing zoning standards apart from very specific alterations. The proposed PUD is consistent with this Blueprint Denver plan direction, as it meets the requirement for PUDs only to be used in exceptional situations (See section 6.A below for further description of special circumstances).

Blueprint Denver (2019)

Blueprint Denver 2019 is anticipated to be adopted by City Council by the time this map amendment will be at council for public hearing, therefore it is relevant to this request. The proposed rezoning was reviewed for consistency with the March 13th Planning Board review draft of *Blueprint Denver (2019)*.

Future Neighborhood Context

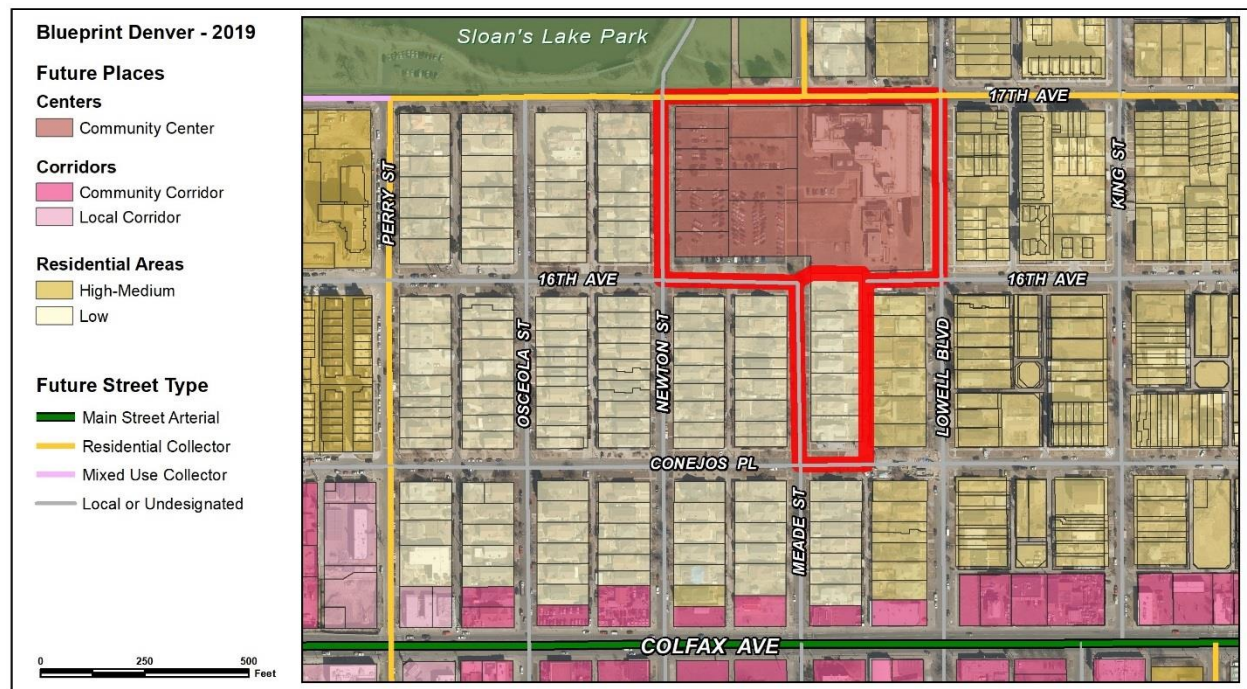


The subject property is within the Urban Center Neighborhood Context north of 16th Ave and Urban Neighborhood Context south of 16th Ave. The Urban Center context “contains high intensity residential and significant employment areas. Development typically contains a substantial mix of uses, with good street activation and connectivity” (p. 252). The proposed PUD is based on C-MX-8, which is within the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street edge” and “the Mixed-Use

districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). Since the proposed PUD district allows a substantial mix of uses and allowable building forms that contribute to street activation, the proposed portion of the rezoning to an Urban Center context is appropriate and consistent with the plan.

Urban Context areas are “largely residential with low- and mid-scale areas along community corridors” (p.225). The proposed U-TU-C zone districts south of 16th Avenue is within the Urban context and is intended to “promote and protect residential neighborhoods within the Urban Neighborhood Context” (DZC 5.2.2.1). The proposed zone district allows single- and two-unit uses that are consistent with the surrounding Urban character, which is appropriate and consistent with the plan.

Future Places



The Future Places map shows the subject property north of 16th Avenue as part of a Community Center. *Blueprint Denver* describes the aspirational characteristics of Regional Centers in the Urban Center context as providing “some mix of office, commercial and residential uses...Buildings are larger in scale than local centers and orient to the street or other public spaces...Heights can be generally up to 12 stories in the taller areas and should transition gradually within the center’s footprint to the surrounding residential areas” (p. 256). Further guidance is provided on pages 66-67 for how to use this height guidance to evaluate a rezoning request. Specifically, “There may be times when building heights taller than specified are appropriate...Factors to consider when applying *Blueprint Denver* building height guidance may include:...Transitions, including transitions from higher intensity to lower intensity areas...Achieving plan goals for community benefits, including affordable housing” (p.66)

The proposed PUD based on C-MX-8 allows a mix of uses and requires pedestrian activation at the ground level. The proposed PUD allows up to 16 stories at its tallest, concentrated in the center of the site, away from lower-scale residential. This is greater than the general guidance provided in the place description. However, the proposed rezoning also is occurring simultaneously with a Development Agreement that has a commitment to affordable housing greatly in excess of the base requirements of the citywide linkage fee requirements, and is furthering goals from *Blueprint Denver*, as well as *Housing an Inclusive Denver* for expanding affordability. Additionally, the PUD requires stepping down in height to 3 stories on the western portion along Newton to transition to the lower-scale residential adjacent. Using the guidance on page 66 cited above, the proposed PUD is consistent with the places description and intent.

The Future Places map shows the subject property south of 16th Avenue as a Low Residential area. *Blueprint Denver* describes the aspirational characteristics of Low Residential areas in the Urban context as “predominately single- and two-unit uses on smaller lots...Buildings are generally up to 2.5 stories in height” (p.230). The plan also provides further guidance on where it is appropriate to apply two-unit zoning within these areas. “When a rezoning request is made to change the zoning to allow two-unit uses, the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns” (p.231). The small area plan guidance is supportive of two-unit uses (see West Colfax Plan analysis below), neighborhood input has not opposed two-unit uses at this site, and there is already a pattern of two-unit zoning in this area, therefore the proposed U-TU-C zone district is consistent with the places description and intent.

Street Types

Blueprint Denver 2019 classifies 17th Avenue as a Residential Collector. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p.154). The use and built form characteristics of Residential streets is described as, “primarily residential uses, but may also include...small retail nodes and other similar uses” (p.160). The proposed PUD district is consistent with these descriptions as it is intended to be applied to in an area that is primarily residential in character, but will allow for some nodes of other uses. The remaining streets surrounding the site are all classified as Local, which “can vary in their land uses and are found in all neighborhood contexts” (p.161). The proposed PUD and U-TU-C zone districts are consistent with this description.

Growth Strategy



The subject property north of 16th Avenue is part of a Community Center. Community Centers are anticipated to see around 25% of new housing growth and 20% of new employment growth [citywide] by 2040 (p. 51). “Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to the PUD plus concurrent development agreement will focus mixed-use growth with a significant amount of income-restricted housing to a Community Center where it has been determined to be most appropriate.

The subject property south of 16th Avenue is mapped in “all other areas of the city”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth [citywide] by 2040 (p. 51). The proposed U-TU-C zone district allows low-scale residential development, which is appropriate in these areas intended to capture the anticipated residential growth.

Small Area Plan: West Colfax Plan (2006)

The West Colfax Plan was adopted by City Council in September 2006, and applies to the subject property. The format of the West Colfax Plan includes framework plan recommendations that apply throughout the planning area and district recommendations that apply in smaller subareas.

The West Colfax Plan includes a “Framework Plan” which “provides the over-arching goals and recommendations for these places within the study area; it provides the technical guidance for zoning regulatory changes, infrastructure planning and policy direction” (p. 78). Key components of the Framework Plan include urban design, land use, mobility and economic development. Within the West

Colfax Plan Framework Plan, the subject property is located in the Urban Neighborhood area. Additionally, the portion of the subject property north of 16th Avenue is identified in as a Residential Growth Opportunity Area. “A range of development intensities defines Urban Neighborhood areas. Housing options are appropriate for a central city location including single-family houses, carriage houses, duplexes, apartments, townhomes, row houses and condominiums....High intensity parts of an Urban Neighborhood form a transition between the prevailing neighborhood pattern and an activity center or take advantage of a significant infill opportunity on a larger than average development site” (p. 84). Residential Growth Opportunity Areas are where “the existing housing stock is dated and declining and may be appropriate for redevelopment to encourage revitalization and reinvestment” (p. 84). Taken all together, the recommendations point to this larger-than-average infill development site as ideal location to focus additional housing growth. The proposed zone districts would allow for such redevelopment in a way that transitions into the surrounding neighborhood appropriately.

In addition to the Framework Plan, the West Colfax Plan includes District Plans. The district plans “do not imply zoning changes” but are included in the Plan to “provide guidance regarding the appropriate character and scale of an area. The district plans augment the prevailing goals and recommendations contained in the framework plan” (p. 120). The subject property is within the Tuxedo Park East district. The goals in this area include focusing intense residential development to strategic growth and redevelopment areas and away from established urban neighborhood areas (p. 136). The more intense PUD district is proposed in an area identified in the plan for strategic growth and the U-TU-C zone district is proposed in an area with a more established character, consistent with the West Colfax plan recommendations.

Housing an Inclusive Denver (2018)

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council. Housing an Inclusive Denver provides guidance and strategies to create and preserve strong and opportunity-rich neighborhoods with diverse housing options that are accessible and affordable to all Denver residents (p. 6). Core goals of the plan include: creating affordable housing in vulnerable areas and in areas of opportunity; preserving affordability and housing quality; promoting equitable and accessible housing; and stabilizing residents at risk of involuntary displacement (p. 7). Further, the plan identifies the West Colfax area as having a wide variety of culture and diversity where a sharp increase in rents and home prices has made residents vulnerable to involuntary displacement (p. 119). One strategy recommended is to promote the development of new mixed-income housing stock (p. 119). As stated previously, the applicant team intends to record an agreement to provide affordable housing on this site. Given this commitment, the proposed rezoning would facilitate additional affordable housing opportunities in a vulnerable neighborhood consistent with the goals and strategies of Housing an Inclusive Denver.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-TU-C will result in the uniform application of zone district building form, use and design regulations. The proposed rezoning to PUD-G will result in the uniform application of zone district building form, use and design regulations within the unique zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through implementation of the city's adopted land use and housing plans. It will allow for pedestrian-friendly, mixed use development that includes income-restricted housing in a location identified as appropriate for growth. Additionally, the required height transitions and increased pedestrian activation will contribute to the general welfare of the neighborhood.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "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. Such change may include: Changed or changing conditions in a particular area, or in the city generally...." The large majority of the site is currently zoned under Former Chapter 59. Rezoning from this into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, plans including Housing an Inclusive Denver and Blueprint 2019 have been adopted (or are anticipated to be adopted) that provide guidance for the type of change requested as part of the proposed rezoning.

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

The proposed PUD is based upon the Urban Center context. This context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). For further analysis of consistency with PUD zone district purpose and intent, see section 6.A of this staff report, below.

The Urban context is *"characterized by small-scale single-unit and two-unit residential uses. Multi-unit residential uses and commercial areas are typically embedded in residential areas. Commercial uses are located along mixed-use arterial or main streets."* (DZC p. 5.1-1). The Urban context consists of a regular pattern of blocks formed by a grid street system. The proposed U-TU-C zoning allows single- and two-unit development consistent with the Urban Neighborhood context description and is consistent with the purpose and intent of the zone district to be applied in an area where two units on a minimum zone lot area of 5,500 square feet is allowed.

6. Additional review criteria for rezoning to PUD district

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
 - The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code to respond to "Unique and extraordinary circumstances".

- “Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans” (DZC 9.6.1.1.B.3). The existing Former Chapter 59 PUD that exists is restricted to a specific site plan that offers no flexibility in development program. By rezoning into a Denver Zoning Code PUD based on a standard zone district, the site will be able to be developed in a manner consistent with the adopted plans and standards provided in the updated, more modern zoning code.
- According to Section 9.6.1.1.D., “in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.” The PUD District and associated development agreement provides significant public benefit including:
 - Significant commitment to income-restricted housing above and beyond the base citywide requirements. This includes both a larger number of units than required at deeper level of affordability (lower AMIs).
 - Requirements for additional design standards and street level activation along 17th Avenue and Newton Street, including higher amounts of transparency and limitations on visible parking above street level.
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
 - As stated in item A above, the PUD District complies with standards and criteria stated in Division 9.6.
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
 - The PUD District is necessary because there is no zone district available that would allow rezoning into the Denver Zoning Code and provide opportunity to achieve a similar development intensity that is permitted under the existing entitlements, without numerous variances or waivers or conditions.
- D. The PUD District establishes permitted uses that are compatible with existing land uses adjacent to the subject property;
 - The PUD District proposes uses consistent with those allowed in C-MX-8. These uses are appropriate to apply to a site that has been historically underutilized and provides an opportunity to create a new neighborhood focal point where plans call for it. More intense uses that could have the potential to be incompatible with adjacent existing uses are made compatible through standard use limitations that apply in proximity to protected districts. Examples include limited hours of operation, setbacks, and additional notification process, all of which make the proposed uses compatible with the existing adjacent uses.

- E. The PUD District establishes permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan.
 - The PUD District allows building heights and building forms that are compatible with the surrounding neighborhoods. Tallest heights are concentrated at the center of the site, away from lower-scale residential, transitioning down to 3 stories along Newton.

Attachments

1. Application
2. PUD-G 21
3. Copy of current PUD-8 zoning regulations
4. Public and RNO comment letters

Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*		APPLICATION SPONSOR	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	See attached	Representative Name	Councilman Paul Lopez
Address	See attached	Address	1437 Bannock St. #451
City, State, Zip	See attached	City, State, Zip	Denver, CO 80202
Telephone	See attached	Telephone	720-337-3333
Email	See attached	Email	Paul.Lopez@denvergov.org
*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for all property owners, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	See attached		
Assessor's Parcel Numbers:	See attached		
Area in Acres or Square Feet:			
Current Zone District(s):	PUD 8 and U-TU-C		
PROPOSAL			
Proposed Zone Districts:	<input type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD and U-TU-C	
Proposing SubAreas:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Intent of PUD:	See attached application narrative		
Standard Zone District: Please list the zone district(s) on which the PUD will be based:	C-MX-8		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary:	Deviation	Why deviation is necessary	
	See attached exhibit		

REZONING GUIDE

Rezoning Application for PUD Page 2 of 3

REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria</p> <p>DZC Sec. 12.4.10.13</p>	<div> <input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan </div> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <div> <input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. </div> <div> <input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City. </div>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria</p> <p>DZC Sec. 12.4.10.14</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <div> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. </div> <p>Please provide an attachment describing the justifying circumstance.</p> <div> <input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. </div> <p>Please provide an attachment describing how the above criterion is met.</p>
<p>Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria</p> <p>DZC Sec. 12.4.10.15</p>	<div> <input type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development). <input type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria station in Division 9.6. <input type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions. <input type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property. <input type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design). </div> <p>Please provide an attachment describing how the above criteria are met.</p>

REZONING GUIDE

Rezoning Application for PUD Page 3 of 3

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- ☐ Legal Description (required to be attached as a Microsoft Word document)
- ☐ Proof of Ownership Document(s) **NOT REQUIRED FOR COUNCIL INITIATED APPLICATION**
- ☐ Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☐ Written Authorization to Represent Property Owner(s)
- ☐ Deviations from Standard Zone District

Please list any additional attachments:

Good Neighbor Agreement

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as ap- proved	Property owner repre- sentative written authori- zation? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	NO

Application initiated by a member of City Council. No owner authorization required per DZC 12.4.10.4.A.1.a

Deviations from C-MX-8 Standard Zone District

Deviation	Reason
Variation of maximum height with different subareas while removing protected district height limitations.	Existing PUD allows for very tall heights within 175' of Protected Districts. These heights will allow for taller buildings near the center of the site and require shorter buildings near low-scale residential. The overall average height across the site is still consistent with the intent of C-MX-8.
Eliminate requirement for upper story setbacks adjacent to protected district	Existing PUD does not require upper story setbacks. This deviation allows for more flexibility in the development program.
Require higher street level activation along 17 th Street	Require standards that promote higher pedestrian activation
Limit visible parking above street level	Require standards that promote higher pedestrian activation
Allow Hospital and Emergency Vehicle Access point uses in Subareas E & F	Preserve entitlement for existing use
Reduce parking requirement for Dental/Medical Office and for Eating or Drinking Establishments	Promote multi-modal transportation options and reduce car-trips

Property List and Owner Information

Schedule Number	Address	City	State	Zip	Owner Name
0231413002000	1601 N LOWELL BLVD -1651	DENVER	CO	80204	LOWELL17 LLC
0231412020000	1601 N MEADE ST	DENVER	CO	80204	LOWELL17 LLC
0231412018000	1612 N NEWTON ST VCNT	DENVER	CO	80204	LOWELL17 LLC
0231412031000	1640 N NEWTON ST VCNT	DENVER	CO	80204	LOWELL17 LLC
0231412017000	1622 N NEWTON ST VCNT	DENVER	CO	80204	LOWELL17 LLC
0231414005000	1578 N MEADE ST	DENVER	CO	80204	1578 MEADE LLC
0231414002000	1586 N MEADE ST	DENVER	CO	80204	1586 MEADE LLC
0231414021000	1572 N MEADE ST	DENVER	CO	80204	1570-72 MEADE LLC
0231414006000	1576 N MEADE ST	DENVER	CO	80204	1576 MEADE LLC
0231412019000	3795 W 16TH AVE	DENVER	CO	80204	LOWELL17 LLC
0231412030000	3700 W 17TH AVE	DENVER	CO	80204	LOWELL17 LLC
0231412029000	1601 N MEADE ST	DENVER	CO	80204	LOWELL17 LLC
0231412021000	1601 N MEADE ST	DENVER	CO	80204	LOWELL17 LLC
0231414003000	1584 N MEADE ST	DENVER	CO	80204	1584 MEADE LLC
0231412016000	1626 N NEWTON ST VCNT	DENVER	CO	80204	LOWELL17 LLC
0231414022000	1592 N MEADE ST	DENVER	CO	80204	1590-92 MEADE LLC
0231412027000	3738 W 17TH AVE	DENVER	CO	80204	LOWELL17 LLC
0231412028000	1638 N NEWTON ST	DENVER	CO	80204	LOWELL17 LLC
0231414020000	1580 N MEADE ST	DENVER	CO	80204	1580 MEADE LLC

Overall Description of Area to be zoned PUD-G 21

LOTS 1 THROUGH 28, INCLUSIVE, BLOCK 3, PIERSON'S ADDITION TO DENVER, TOGETHER WITH THE VACATED ALLEY IN SAID BLOCK, AND TOGETHER WITH THE WEST 1/2 OF VACATED MEADE STREET ADJACENT TO SAID LOTS 15 THROUGH 28, CITY AND COUNTY OF DENVER, STATE OF COLORADO, AND

LOTS 1 THROUGH 28, INCLUSIVE, BLOCK 4, PIERSON'S ADDITION TO DENVER, TOGETHER WITH THE VACATED ALLEY IN SAID BLOCK 4; TOGETHER WITH THAT PORTION OF THE EAST 1/2 OF VACATED MEADE STREET ADJOINING SAID LOTS 1 TO 14; AND, TOGETHER WITH THAT PORTION OF THE NORTH 1/2 OF VACATED WEST 16TH AVENUE ADJOINING, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 15, BLOCK 4, THENCE SOUTH ALONG THE WEST LINE OF LOWELL BOULEVARD, A DISTANCE OF 34 FEET; THENCE WESTERLY AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4, A DISTANCE OF 145.12 FEET, THENCE SOUTHERLY TO A POINT ON THE CENTERLINE OF WEST 16TH AVENUE, A DISTANCE OF 6 FEET; THENCE WESTERLY ALONG THE SAID CENTERLINE TO A POINT ON THE EAST LINE OF MEADE STREET; THENCE NORTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 14, BLOCK 4; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID BLOCK 4 TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Overall Description of Area to be zoned U-TU-C

BLOCK 5 LOTS

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID PROPERTY ALSO LYING IN PIERSON'S ADDITION TO THE CITY OF DENVER AS RECORDED IN THE RECORDS OF THE CITY AND COUNTY OF DENVER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

LOTS 1-14 OF BLOCK 5 PIERSONS ADDITION, ALONG WITH THE SOUTH HALF OF VACATED 16TH AVENUE PER ORINANCE 86-1979.

PUD-G 21 Subarea descriptions

SUBAREA A

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET;

THENCE S00°19'08"E PARALLEL WITH THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 134.04 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3; THENCE ALONG SAID PARALLEL LINE S89°47'18"W, A DISTANCE OF 210.00 FEET;

THENCE PARALLEL TO THE WEST LINE OF SAID BLOCK 3 S00°19'08"E, A DISTANCE OF 90.00 FEET TO A POINT ON A LINE THAT IS 138.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE N89°47'18"E, A DISTANCE OF 210.00 FEET;
THENCE PARALLEL TO THE WEST LINE OF SAID BLOCK 3 N00°19'08"W, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,900 SQUARE FEET OR 0.434 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08" W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

SUBAREA B

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E PARALLEL WITH THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE PARALLEL WITH THE SAID NORTH LINE OF BLOCK 3 S89°48'05"W, A DISTANCE OF 90.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 104.06 FEET TO A POINT ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE N89°47'18"E, A DISTANCE OF 90.00 FEET;
THENCE N00°19'08"W, A DISTANCE OF 104.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,365 SQUARE FEET OR 0.215 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

SUBAREA C

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE WEST LINE OF SAID BLOCK 3 N00°12'42"W, A DISTANCE OF 138.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N00°19'08"W, A DISTANCE OF 224.11 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 3;
THENCE ALONG THE SAID NORTH LINE AND IT'S PROLONGATION THEREOF N89°48'05"E, A

DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 30.00 FEET;
THENCE PARALLEL WITH THE SAID NORTH LINE OF BLOCK 3 S89°48'05"W, A DISTANCE OF 90.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 104.06 FEET TO A POINT ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE S89°47'18"W, A DISTANCE OF 120.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 90.00 FEET;
THENCE S89°47'18"W, A DISTANCE OF 74.00 FEET TO THE WEST LINE OF SAID BLOCK 3, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 35,372 SQUARE FEET OR 0.812 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

SUBAREA D

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION;

THENCE ALONG THE WEST LINE OF SAID BLOCK 3 N00°19'08"W, A DISTANCE OF 138.00 FEET;

THENCE N89°47'18"E PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3, A DISTANCE OF 284.00 FEET;

THENCE S00°19'08"E, A DISTANCE OF 138.00 FEET TO THE SOUTH LINE OF SAID BLOCK 3;

THENCE ALONG SAID SOUTH LINE S89°47'18"W, A DISTANCE OF 284.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 39,192 SQUARE FEET OR 0.900 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

SUBAREA E

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 4, PIERSONS ADDITION;

THENCE ALONG THE WEST LINE OF SAID BLOCK 4 N00°19'08"W, A DISTANCE OF 212.00 FEET;

THENCE N89°47'18"E, A DISTANCE OF 139.00 FEET;

THENCE S00°19'08"E, A DISTANCE OF 212.00 FEET TO THE SOUTH LINE OF SAID BLOCK 4;
THENCE ALONG SAID SOUTH LINE S89°47'18"W, A DISTANCE OF 139.00 FEET TO THE
POINT OF BEGINNING.

CONTAINING 29,468 SQUARE FEET OR 0.676 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING
N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE
ENDS OF THE BLOCK.

SUBAREA F

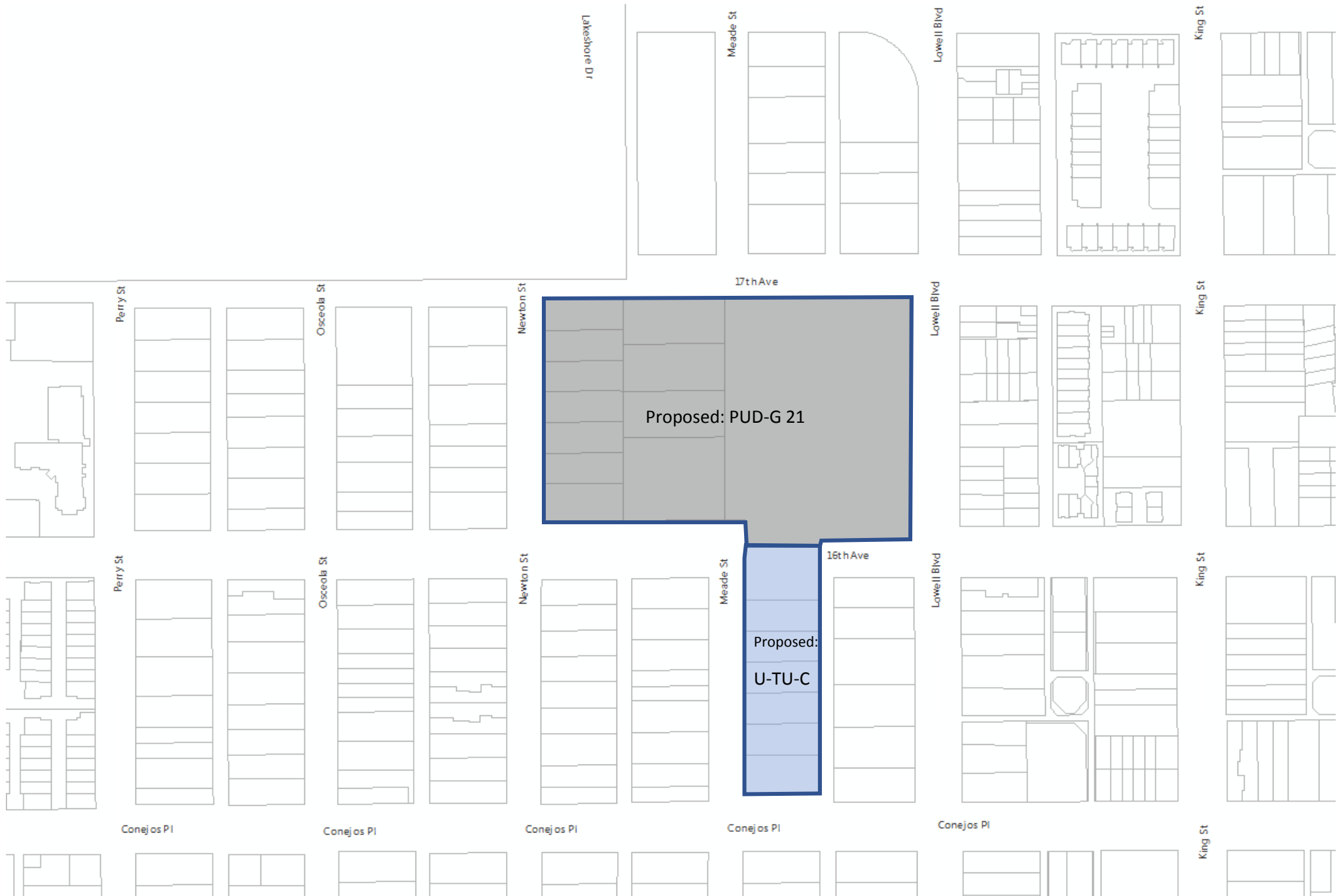
A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3
SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE
ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF
284.00 FEET TO THE POINT OF BEGINNING;

THENCE N89°48'05"E, A DISTANCE OF 315.02 FEET TO THE NORTHEAST CORNER OF SAID
BLOCK 4, PIERSONS'S ADDITION;
THENCE ALONG THE EAST LINE AND ITS PROLONGATION THEREOF OF SAID BLOCK 4
S00°18'22"E, A DISTANCE OF 395.97 FEET TO A POINT ON A LINE THAT IS 34.00 FEET
SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4;
THENCE ALONG SAID LINE S89°47'18"W, A DISTANCE OF 145.12 FEET TO THE EASTERLY
LINE OF VACATED NORTH HALF OF 16TH AVENUE;
THENCE ALONG SAID LINE S00°19'08"E, A DISTANCE OF 6.00 FEET TO THE SOUTH LINE OF
VACATED NORTH 16TH AVENUE;
THENCE ALONG SAID EASTERLY LINE S89°47'18"W, A DISTANCE OF 124.81 FEET TO THE
SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID BLOCK 4;
THENCE ALONG SAID PROLONGATION N00°19'08"W, A DISTANCE OF 40.00 FEET TO THE
SOUTHWEST CORNER OF SAID BLOCK 4;
THENCE ALONG THE SOUTH LINE OF SAID BLOCK 4 N89°47'18"E, A DISTANCE OF 139.00
FEET;
THENCE N00°19'08"W, A DISTANCE OF 212.00 FEET;
THENCE S89°47'18"W, A DISTANCE OF 139.00 FEET;
THENCE S00°18'01"E, A DISTANCE OF 212.00 FEET TO THE SOUTHWEST CORNER OF SAID
BLOCK 4;
THENCE S89°47'18"W, A DISTANCE OF 45.00 FEET;
THENCE N00°19'08"W, A DISTANCE OF 362.04 FEET TO THE POINT OF BEGINNING.
CONTAINING 94,476 SQUARE FEET OR 2.169 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING
N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE
ENDS OF THE BLOCK.

Proposed Rezoning Area



February 8, 2019

City and County of Denver
Community Planning and Development
Attn: Sara White
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Re: Cover Letter to 17th & Newton, Sloan's Lake PUD Application

Ms. White:

We represent Lowell17 LLC, along with its partner Zocalo Community Development (collectively referred to herein as "**Zocalo**") with respect to the enclosed application by Denver City Councilman Paul Lopez to rezone the approximately 5.2-acre property generally located at the southeast corner of West 17th Avenue and Newton Street (the "**North Property**") to Planned Unit Development-General-21, and approximately 1.159-acre property generally located at the southeast corner of West 16th Avenue and Meade (the "**South Property**" and, collectively with the North Property, the "**Property**") to Urban Center-Two Unit-C, in the City and County of Denver, Colorado (the "**City**") with the standards described therein (the "**Rezoning**").

Lowell17 LLC owns the North Property. The South Property is owned by various limited liability companies all controlled by Armond Azharian.

While the North Property Rezoning is based primarily on C-MX-8 zoning, it incorporates elements from other zone districts and increases and decreases allowed heights in certain areas, to create a customized program for the North Property. The South Property Rezoning is proposed to be the standard U-TU-C zone district. This letter is provided as part of the application for the Rezoning and to provide the City with additional information that may aid City staff and City Council in reviewing and approving the application.

BACKGROUND

The Property's existing zoning is PUD #8, established in 1959 and updated in 1978, created for the once-intended expansion of the old Beth Israel Hospital. PUD #8 is outdated and antiquated. PUD #8 is pursuant to Former Chapter 59 (the "**Former Chapter 59 Code**").

Zocalo intends to take the existing density vested under PUD #8 (515,400 total square feet of non-parking density, including two 110-foot (roughly 11-story) towers) and rearrange it in a development plan that is more appropriate for the neighborhood, including pushing the height and density to the center of the site and creating an attractive, pedestrian-friendly street presence along 17th Avenue and Newton Street. Current and changing conditions around Sloan's Lake make the existing PUD #8 inappropriate and incongruent with the neighborhood.

Rezoning also provides an opportunity to come under and comply with the current Denver Zoning Code (the “**Code**”). While the redevelopment proposed on the North Property is the driving force behind this Rezoning, eliminating PUD #8 Former Chapter 59 Code zoning completely by Rezoning the South Property to U-TU-C in the current Code also furthers City goals.

The properties surrounding the Property are zoned U-TU-C to the west and south, G-MU-3 to the east, and U-SU-C and OS-A (Sloan’s Lake Park) to the north.

Lowell17 LLC acquired the North Property in 2006 with the original intent of expanding the then-existing hospital use, with such expansion permitted under PUD #8. However, over the subsequent decade, Lowell17 LLC saw insufficient demand from hospital tenants to justify the expansion and instead gradually re-leased the existing building to medical office tenants, including long-term care providers. Without demand for additional hospital use, Lowell17 began discussing with Zocalo the possibility to repurpose its surface parking lot on the full city block to the west of (previously vacated) Meade Street to residential uses, including affordable housing. Zocalo and the managing member of Lowell17 had previously developed a relationship surrounding Zocalo’s 101 Broadway affordable housing project, in which Lowell17’s managing member is a part owner. Zocalo began working on concept plans for the redevelopment of the North Property in early 2016 and commenced community outreach later that year.

PROJECT DESCRIPTION

There are no current plans to redevelop the South Property. The North Property redevelopment plans are to retain the existing Sloan Lake Medical Center building and replace the adjoining surface parking lot with approximately 157 affordable rental units (including 3-bedroom units) and 160 for-sale condominium units (8-12 of which will be affordable units and will include 3-bedroom units), along with about 5,000 square feet of retail space, 8,000 square feet of office space, and 6,000 square feet of space for a community-serving organization or gathering space (the “**Project**”). The parking will be combined into a single parking deck tucked behind the existing Medical Center building, on the east side of vacated Meade Street. The affordable for-rent apartments and parking structure will thus be constructed a full year or more in advance of the delivery of the for-sale condominiums.

The Project will be a unique and distinctive development with a mix of housing types and housing affordability ranges, along with community-serving mixed-use space and amenities. The Rezoning allows the Project to remain compatible with surrounding area, in building form, density and design. The vision is to create a neighborhood focal point at 17th Avenue and Newton, as called for in the West Colfax Plan.

The Rezoning allows for better sharing of parking and improved circulation access for the condominium, rental and medical buildings, allowing for more efficient use of the site. This more efficient use of the site allows for the number of affordable for-rent apartments to be increased. Of the potential standard zone districts that could be applied to the North Property, none would allow both the existing hospital / medical office use, and the desired mix of

residential and commercial uses by right.

The Project does not increase the usable, non-parking density from what is allowed under the current PUD #8. PUD #8 currently allows a total of 515,400 usable square feet, and the Rezoning of the North Property similarly proposes a maximum of 515,600 usable square feet of density, just more appropriately arranged.

As an example, the current PUD #8 entitles the landowner to build two 110-foot residential buildings along Newton, setback from the street by only 20 feet, and separated from the park by a surface parking lot. The Rezoning, on the other hand, clusters the density toward the center of the block, away from both Newton Street and 17th Avenue, but without increasing the density above that allowed under the existing PUD #8. This alternative instead creates a contextually-appropriate three-or-four story street wall that, particularly along Newton, will be designed and articulated to complement the surrounding low-rise residential structures. Additionally, placing the tower in the center of the site, set back from Newton Street by approximately 90 feet, and from 17th Avenue by approximately 38 feet, mitigates both shadows over the park and adjacent properties and lifts the sense of mass and density from pedestrians on 17th Avenue and visitors to Sloan's Lake Park.

Additionally, as part of the Project, a Restrictive Covenant agreement between Zocalo and the City will be recorded against the Property to ensure that the affordable rental units are preserved in the long-term. A Good Neighbor Agreement between Zocalo and the registered neighborhood organizations is also anticipated, as further detailed below.

The key Project goals are:

- to build a Project of positive community impact
- that achieves a mix of housing types
- addresses displacement by being affordable to a broad spectrum of Sloan's Lake and City residents
- while striving to be sensitive in its physical and visual impact on the neighborhood.

In order to develop the Project as envisioned, the proposed Rezoning of the North Property incorporates certain deviations from the base C-MX-8 zone district, including:

- tailored subareas allowing for increased building height in some, and decreased building height in others to ensure neighborhood compatibility
- increased street-level activation and transparency along the 17th Avenue street frontage (50% transparency, rather than the typical 40% transparency)
- tailored limitations to visible parking above street level, consistent with the City's approach in the D-AS-12+ and D-AS-20+ zone districts
- updated site design standards and guidelines under the new Code

NEIGHBORHOOD OUTREACH

Zocalo's team has engaged in a lengthy and thorough community outreach process that began well before the zoning application process.

Starting in November of 2016, Zocalo began meeting and listening to the Sloan's Lake neighbors and community groups, including West Colfax Association of Neighbors (WeCAN), Sloan's Lake Citizen's Group (SLCG), Sloan's Lake Neighborhood Association (SLNA), and Lowell Neighborhood Townhome Group, to create a development plan that is sensitive and responsive to the community. Zocalo modified the proposed Project to address certain comments received during this process. Specific meeting dates are as follows:

2016

November 16 Meeting with Larry Ambrose of SLNA

2017

February 23 Design Neighborhood meeting at Sloan Lake Medical Building
April 12 Design Neighborhood meeting at Sloan Lake Medical Building
May 10 SLNA – Happy hour at Tap & Burger
May 17 WeCAN Zoning & Board meeting
June 1 SLNA Neighborhood meeting
August 8 WeCAN Neighborhood meeting
August 15 Lowell Neighborhood Townhome Group
October 31 Meeting with Larry Ambrose of SLNA
December 6 Lowell Neighborhood Townhome Group
December 14 SNLA Neighborhood meeting

2018

January 4 Meeting with Larry and Jane Ambrose of SLNA
January 17 WeCAN Board meeting
February 2 Meeting with Larry Ambrose of SLNA
February 14 Lowell Neighborhood Townhome Meeting
March 14 Sloan Lake Citizen's Group Meeting
April 11 Sloan Lake Citizen's Group Meeting
April 12 Meeting with Larry Ambrose of SLNA
December 13 Neighborhood Meeting with City Community Planning and
 Development ("**CPD**") participation

Based on the community-serving goals that were identified during the above process, a Good Neighbor Agreement between Zocalo and the registered neighborhood organizations is anticipated, setting forth other agreed-upon public benefits, including:

- Public Gathering Plaza at the corner of 17th and Newton
- Community-Serving Retail (to be determined with continued neighborhood input)
- Sustainability (LEED and/or Enterprise Green Communities)
- Local hiring goals and union construction labor preference

Zocalo kept Denver City Councilman Paul Lopez, who represents the District in which the Property is located, and his staff apprised of the outreach to the community and feedback received. Zocalo also modified the Project and the community-serving goals to be incorporated into the Good Neighbor Agreement to take into account feedback received from Councilman Lopez.

Zocalo will continue to meet with and reach out to various neighborhood organizations and, if desired, individual neighbors, for the duration of the Rezoning process.

ANALYSIS

For the Rezoning of the South Property from PUD #8 under the Former Chapter 59 Code to U-TU-C in the current Code, City Council may approve the zone map amendment if the proposed rezoning complies with specified criteria. Code, § 12.4.10.7. In addition to those criteria, the application for the Rezoning of the North Property to PUD must satisfy additional Code criteria. Code, § 12.4.10.9. What follows is an analysis of how the application for the Rezoning satisfies each of these criteria.

I. Criteria for Zone Map Amendments

The City Council may approve an official zone map amendment if the proposed rezoning complies with specified criteria. Code, § 12.4.10.7. The Rezoning of the North Property to PUD and the South Property to U-TU-C complies with those criteria, as explained in detail below.

1. 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 the adoption of the City's plan.

The Rezoning of the North Property to PUD and the South Property to U-TU-C is both consistent with the City's adopted plans and necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's existing zoning map.

a. *West Colfax Plan (2006)*

The Property is located within the West Colfax Plan from 2006 ("**West Colfax Plan**"), adopted in 2006. The Executive Summary acknowledges St. Anthony's Hospital's move in 2011 to Lakewood stating:

This site plus the blocks fronting West Colfax Avenue constitute approximately 20 urban acres of land development potential. In 2005, Mayor John Hickenlooper and Councilman Rick Garcia organized a task force to study redevelopment options for the site. Advance planning will continue to promote this site as a catalyst redevelopment opportunity for the entire West Colfax area. Ideally the scale and quality of development will bring an influx of new residents and a mix of commercial activities that promote West Colfax and its environs as a destination. p. 4.

Many of the justifications used for the rezoning of the former St. Anthony's Hospital site which occurred after approval of the West Colfax Plan similarly apply to the Property, just three blocks away and also fronting 17th Avenue and Sloan's Lake Park.

Several relevant primary goals of the West Colfax Plan are, "Maximize urban land development potential; promote compact mixed-use development and focus intense development to strategic growth areas", "Increase the supply of residential units and provide diverse housing options", and "Increase opportunities for informal and formal public gathering" p. 5. This Project helps to achieve these goals. The reorganization of the land development potential under the Rezoning allows more compact mixed-use development in a strategic location. Including for-sale and for-rent residential units, along with affordable-housing units, increases the supply of residential units (which also helps mitigate price increase in the surrounding neighborhood) and housing options. The inclusion of commercial space and community-serving organization or gathering space directly increases the opportunities for informal and formal public gatherings.

The West Colfax Plan Vision Statement is for "a safe and attractive mixed-use commercial and residential corridor that complements and sustains the adjacent residential neighborhoods. Future development preserves and enhances the ethnic and economic mix of people while encouraging walking, biking and transit use. Growth promotes and reinforces a positive community image." p. 74. Key components identified to achieve this vision include improved urban design, strengthening the mix of land uses and enhancing mobility options. This Project promotes both the Vision Statement and the components of the vision. The Project has improved urban design than otherwise allowed under the current PUD #8, with the Rezoning of the North Property allowing the Project to cluster the density towards the center of the block, better complementing the adjacent residential neighborhood. This true mixed-use development including for-sale, rental and affordable units, along with retail, office and community-serving space reinforces the community image and integration of the Project in the community.

Mobility options are enhanced by better sidewalks, internal parking structure (instead of surface parking), and pedestrian and bicycle connection through the Project to better connect 17th and 16th Avenues. The West Colfax Plan notes that reconnecting Meade Street between W. 16th Ave. and W. 17th Ave. would benefit the area and "could create more direct access between northwest Denver neighborhoods and the light rail station areas." pp. 101; 111; 144. In response to neighborhood feedback and CPD comments to this effect, Zocalo has committed to working with Public Works in order to establish an easement through the Project along vacated Meade Street for a multi-modal pedestrian and bicycle path, connecting Colfax to Sloan's Lake Park and providing a shorter path to the RTD station.

A residential demand analysis was performed as part of the West Colfax Plan. Based on the analysis, it recommended the following notable strategies to improve the climate for residential investment: "Apply new zoning in key locations (with standards to encourage appropriate density, use mix, open space, setbacks, parking, etc.)" "Establish programs which support home ownership and reinvestment" and "Identify catalyst areas". p. 55. It also recognized that the redevelopment of the St. Anthony's hospital site may catalyze residential demand capture rates. p. 58. The Property is near to the St. Anthony's redevelopment and the Rezoning and Project build off the additional residential demand in the area.

The West Colfax Plan identifies the Property as “Urban Neighborhood” in its Future Land Use Concept, just east of a Town Center designation at the redevelopment of St. Anthony’s Hospital. Additionally, the eastern portion of the North Property is identified as a Residential Growth Opportunity Area, “where the existing housing stock is dated and declining, and may be appropriate for redevelopment to encourage revitalization and reinvestment.” p. 84. While Urban Neighborhood is generally characterized as 1-4 stories, it includes a mix of residential housing options, and allows for “[h]igh intensity parts of an Urban Neighborhood [to] form a transition between the prevailing neighborhood pattern and an activity center or [to] take advantage of a significant infill opportunity on a larger than average development site.” p. 84. Design features include upper story setbacks and subordinate building volumes to help minimize perceived massing of larger than average residential structures. p.84.

Consistent with this description, the North Property fits the infill opportunity on a larger than average development site contemplated under the West Colfax Plan. This is currently underutilized land. Additionally, being close to the Town Center, activity on 17th Avenue, and the existing medical center building height, allows this Project to serve as a transition between an activity center and the prevailing neighborhood pattern. In particular, the Rezoning promotes focusing the height in the center of the North Property, and the Project includes articulated building forms along the pedestrian corridors, directly responding to the language of the West Colfax Plan encouraging minimizing the massing of larger residential structures.

The Project’s vision to create a neighborhood focal point at 17th Avenue and Newton, as called for in the West Colfax Plan in the Urban Design Concept Map found on pages 81 and 198. “Creating focal points at key destinations or neighborhood entries” teamed with “high quality urban design” is the first primary goal outlined in the West Colfax Plan. p. 5. This Project is directly aligned with this goal.

The Rezoning of the South Property from PUD #8 to U-TU-C is consistent with the Urban Neighborhood Future Land Use Concept in the West Colfax Plan. Specifically, it describes the need for a “[h]ealthy mix of residential housing options – single family, duplex, apartments, rowhouses, townhomes and condominiums”. p. 84. The selection of U-TU-C for the South Property is based on the existing housing of single-family and duplex homes in order to reinforce that use, and the transition from the Project into the neighborhood.

For the reasons outlined above, the Rezoning promotes almost all of the West Colfax Plan’s Land Use Goals, including encouraging “compact, mixed-use development” “with an urban mix of retail shops, services, employment and civic uses” (Goal 1), focusing “intense growth to target areas” (Goal 2), providing “diverse housing options” (Goal 3), respecting neighborhood character (Goal 5), “maximizing development of urban land through infill on vacant parcels, redevelopment of underutilized parcels or dilapidated properties” (Goal 6), enhancing parks (Goal 7), and increasing “the opportunities for informal and formal public gathering in the community” (Goal 8). p. 93.

b. *Comprehensive Plan 2000*

The City's Comprehensive Plan 2000 ("**Comp Plan**") was adopted to "agree on the City's long-term purposes, to think through Denver's special inheritance and its effect on those purposes, and then to suggest strategies that will buy that inheritance as much long-term insurance as possible to sustain it for the future." p.4. In that vein, the Comp Plan sets forth numerous strategies to help guide future development within the City. The proposed Rezoning aligns closely with many of the strategies and recommendations in the Comp Plan, including, but not limited to:

- Environmental Strategy 2-F 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 and adopting construction practices in new developments that minimize disturbance of the land."
- Environmental Strategy 4-A to "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."
- Environmental Strategy 4-B to "Promote energy efficiency, including the use of renewable energy, in the design of communities and in the construction of buildings and patterns of development."
- Land Use Strategy 1-H to "Encourage development of housing that meets the increasingly diverse needs of Denver's present and future residents in the Citywide Land Use and Transportation Plan."
- Land Use Strategy 3-B to "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 3-D to "Identify and enhance existing focal points in neighborhoods, and encourage the development of such focal points where none exist."
- Land Use Strategy 4-A to "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."
- Mobility Strategy 2-D to "Create more convenient connections between different modes of transportation, as in pedestrian to transit, bus to light rail, or bike to transit."
- Mobility Strategy 4-E to "Continue to promote mixed-use development, which enables people to live near work, retail and services."
- Mobility Strategy 8-A to "Ensure safe and convenient access and accommodation of bicycle riders, pedestrians and transit riders."
- Mobility Strategy 8-B to "Ensure that sidewalks are continuous along all major Denver streets and that they provide pedestrians and transit riders with direct access to commercial areas, education facilities, recreational facilities and transit stops."
- Denver Legacy Strategy 2-A to "Establish development standards to encourage positive change and diversity while protecting Denver's traditional character."
- Denver Legacy Strategy 2-C to "Identify community design and development issues, and target specific concerns with appropriate controls and incentives."

- Denver Legacy Strategy 3-A to “Identify areas in which increased density and new uses are desirable and can be accommodated.”
- Housing Strategy 2-D to “As part of the citywide land-use planning process, identify vacant land and study the feasibility of assembling parcels for infill housing.”
- Housing Strategy 2-F to “Explore opportunities for housing in all proposed development and redevelopment projects, including commercial and retail projects.”
- Housing Strategies under Object 3 involves Housing Assistance, namely building partnerships with government agencies and nonprofits organizations to increase housing assistance. In this instance, the Project includes approximately 157 for-rent units of affordable housing, and approximately 8-12 for-sale units of affordable housing.
- Housing Strategy 6-A to “Support mixed-use development consistent with the goals of the Comprehensive Plan’s land-use and mobility strategies.”
- Housing Strategy 6-B to “Continue to support mixed-income housing development that includes affordable rental and for –purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines.”
- Economic Activity Strategy 1-H to “Support a variety of housing opportunities for Denver’s current and future workforce. Housing opportunities throughout Denver should be expanded – especially in the Downtown core and near employment centers – to accommodate people and families of all incomes.”
- Economic Activity Strategy 5-A to “Support small-scale economic development in neighborhoods using the following key strategies: Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.”
- Human Services Strategy 1-B to “Increase the availability of safe, affordable housing for low-income households.”
- Human Services Strategy 3-A to “Promote opportunities that bring people together to build connections to each other, family members, their peers, their neighbors and greater community. Such endeavors could range from coffeehouses to community centers to cultural celebrations.”

While the Rezoning would likely accomplish many more strategies and recommendations in the Comp Plan, the above list demonstrates the extent to which the Rezoning is consistent with the adopted Comp Plan.

c. *Blueprint Denver (2002)*

The City’s Blueprint Denver (“**Blueprint**”) was adopted in 2002 and “presents a strategy to improve our city by shaping the places where we live, travel, work, shop and play.” p. 2. It is “the primary step to implement and achieve” the vision outlined in the Comp Plan. p. 3. Blueprint outlines several key concept that are “central to Blueprint Denver’s successful implementation,” including directing growth to Areas of Change, which are “areas that will benefit from and thrive on an infusion of population, economic activity and investment” and “parts of the city where new growth or redevelopment can best be accommodated because of transportation choices and opportunities for mixed-use development.” p. 5; 19. Blueprint encourages mixed-use projects, stating: “Mixed-use development will bring shops, services,

employment and entertainment close to residential areas and encourage access by walking, biking and transit.” p. 16.

Areas of Change are divided into three categories, one of which is “Areas where land use and transportation are closely linked.” In light of the North Property’s location several blocks north of West Colfax, and directly along 17th Avenue, it was identified as an Area of Change. Blueprint details that there are a variety of reasons these identified areas have not developed already. One reason given is that they are “incorrectly zoned for future development.” p. 23. That reason applies to this Project. While fitting when it was adopted in 1959 and amended in 1978, the existing PUD #8 currently limits and inappropriately proscribes the redevelopment potential for the North Property.

Blueprint lays out strategies for this category of Area of Change on page 23, including the following that the Rezoning of the North Property and development of the Project would help achieve:

- Address edges between Areas of Stability and Areas of Change
- Compatibility between existing and new development
- Pedestrian and transit supportive design and development standards
- Mixed land uses
- Infill and redevelop vacant and underused properties
- Reduce land used for parking with shared parking and structured parking
- Multi-modal streets
- Diversity of housing type, size and cost
- Retain low and moderate income residents
- Economic activity – business retention, expansion and creation

The Rezoning of the North Property will allow for redevelopment of the Property into the Project, which will include a mix of land uses on an infill site that redevelops underused parcels. Further, the construction of a parking structure which will include shared parking, reduces land used as a surface parking lot currently. The purposeful mix of for-rent and for sale housing, and inclusion of equal parts affordable housing and market-rate housing directly speaks to preserving a diversity of housing type, size and cost, and retaining low and moderate income residents.

The inclusion of retail, office and community-serving space will enhance economic activity and integration with the neighborhood. The Project is designed in a manner that supports pedestrian and bicycle use, including promoting the connection between 16th and 17th Avenues through a multi-modal path.

Of particular importance, Zocalo has spent significant time and energy meeting with the neighborhood and Councilman Lopez and crafting and reconfiguring the Project to respond to community comments. This is the exact reason that Rezoning of the North Property to PUD is appropriate and necessary. The Project is designed in a manner to address the edges adjacent to the existing residential neighborhood, an Area of Stability. The location of density on the site have been consciously placed to ensure compatibility is achieved between existing development and the Project.

Blueprint also contains a Plan Map that depicts the City's desired future land uses. The Plan Map identifies the North Property as "Single Family Duplex". Blueprint was approved in 2002, prior to the announcement of the relocation and redevelopment of St. Anthony's Hospital. This nearby redevelopment has caused substantial changes within the neighborhood that were not fully contemplated at the time Blueprint was approved, which reinforces appropriately placed density with this Project. Single Family Duplex areas are described as "moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses." p. 42. While Rezoning of the North Property proposes more density than contemplated by Single Family Duplex, the location along 17th Avenue, the more recent changes in the area, the Rezoning's use of a PUD to address compatibility with adjacent properties, and the Project's furtherance of the many strategies for Areas of Change of this type provide support for approval.

As to street typology, Blueprint and the West Colfax Plan identify the area of 17th Avenue adjacent to the Property as Mixed Collector. Blueprint describes that "Mixed-use streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. p. 57. 17th Avenue also contains a bus route, bus stops and a bike route.

Finally, Blueprint acknowledges that it may be necessary to amend the zoning map to "establish the appropriate framework for achieving the vision for Areas of Change" described in Blueprint. p. 75.

Differing from the North Property, the South Property is designated in Blueprint as an Area of Stability. Blueprint describes these areas as "primarily the stable residential neighborhoods" "where limited change is expected during the next 20 years. The goal for the Areas of Stability is to identify and maintain the character of an area while accommodating some new development and redevelopment." p. 120. The existing character of the South Property is single-family and duplex residential. Rezoning the South Property to U-TU-C, where single-family and duplex development is permitted, reinforces this housing product. The existing buildings and uses in the South Property are the basis for the section of U-TU-C as the appropriate zone district under the new Code.

Additionally, Blueprint's Plan Map that depicts the City's desired future land uses identifies the South Property as "Single Family Residential". Blueprint describes "Single Family Residential" as neighborhoods with "[d]ensities fewer than 10 units per acre" and "single-family homes are the predominant residential type." p. 42. Sloan Lake is one of the neighborhoods listed which contains the "Single Family Residential" attributes. *Id.* Again, Rezoning the South Property to U-TU-C is consistent with the Single Family Residential Plan Map, and reinforces the existing buildings and uses.

Blueprint describes that obsolete PUD zoning should be repealed and replaced to a more appropriate district. p. 82. In this instance, the Rezoning proposes a new, current PUD, along with U-TU-C. Repealing PUD #8 to a PUD that is based on zone districts in, and uses the language of, the new Code helps the density blend into the neighborhood. Rezoning the South Property to U-TU-C is wholly consistent with this Blueprint statement. This allows an obsolete PUD to be repealed, and the Property to come under the New Code.

For the foregoing reasons, the Rezoning is consistent with Blueprint.

d. *Housing an Inclusive Denver Plan (2018)*

The Rezoning is also consistent with Denver’s recently approved Housing an Inclusive Denver Plan (“**Housing an Inclusive Denver Plan**”). Housing an Inclusive Denver Plan is the City’s five-year housing policy, strategy and investment plan. It outlines strategies to guide the City’s affordable housing investments to create and preserve strong neighborhoods and diverse housing options that are accessible and affordable to all residents.

The Rezoning and the Project align closely with the four Fundamental Values on which the Housing an Inclusive Denver Plan centers:

- Leverage and enhance housing investments to support inclusive communities – This Project would enhance the neighborhood with neighborhood serving uses, new employment opportunities and a variety of new housing options, including for-sale and rental affordable units (including 3-bedroom units), providing both new housing options and working to avoid displacement of existing residents.
- Foster communities of opportunity – The Project provides an opportunity to create stable and affordable homes without any displacement (and, in fact, combating displacement), creating new jobs, and enhancing connection to mobility and transit connections. Zocalo has also committed to local hiring goals and union construction labor preference.
- Support housing as a continuum that serves residents across a range of incomes – This Project will serve formerly homeless families, those living on fixed-incomes, and working residents. The Restrictive Covenant on affordability and the Good Neighbor Agreement cement Zocalo’s commitment that no fewer than seven three-bedroom for-rent units will be maintained as affordable to families earning on average 60% or less of AMI, and 3 three-bedroom affordable for-sale units, will be maintained as affordable to families earning on average 100% or less of AMI. Additionally, Zocalo shall make best efforts to partner with Denver Public Schools, Jefferson County Public Schools, and/or other nonprofits in order to create a program that gives priority to these three-bedroom family rental units for families of formerly homeless school children.
- Embrace diversity throughout neighborhoods – This Project will help ensure the City remains a welcoming community for all residents. The Project is an inclusive, mixed-use, mixed-income development. In addition to the housing provided, Zocalo has committed to include public gathering space and community-serving retail, with no less than 4,000 square feet of ground floor space leased to a community-serving retailer and approximately 6,000 square feet for a community-serving use at no rental cost above operating expenses. Zocalo shall give preference to food-service retailers such as a restaurant, coffee shop, bakery, or a food-cooperative and, for the space within the “Dupler Building”, shall give further preference to locally-owned operators or non-profits.

The Housing an Inclusive Denver Plan sets forth four Core Goals under the Fundamental Values. The proposed Rezoning aligns closely with these Core Goals:

- Create affordable housing in vulnerable areas AND in areas of opportunity
- Preserve affordability and housing quality
- Promote equitable and accessible housing options
- Stabilize residents at risk of involuntary displacement

Additional recommendations are outlined to implement the Fundamental Values and Core Goals are consistent with the proposed Rezoning, including, but not limited to:

- Legislative and Regulatory Priorities – Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing, including incentivizing affordable and mixed-use housing.
- Affordable and Workforce Rental Housing – Recommendation 5: Promote development of new affordable, mixed-income and mixed-use housing.
- Attainable Homeownership – Recommendation 2: Promote development of new affordable and mixed-income homeownership stock.

For the foregoing reasons, the Rezoning is consistent with the Housing an Inclusive Denver Plan.

e. *Changes in Area*

While the proposed Rezoning is certainly consistent with the City's adopted plans, it is also important to consider what has changed since the City adopted the foregoing plans in 1987, 2000, 2002, and 2006, respectively.

The West Colfax Plan most directly acknowledges the redevelopment of the St. Anthony's Hospital site, incorporating the recommendations of the task force convened in 2005 to study redevelopment options for the site. The pace and success of this redevelopment, and its role as a catalyst for surrounding development, has exceeded all expectations. The Project builds off the increased demand for for-sale, for-rent and affordable housing in the community. It also provides complementary retail, office and community-gathering space.

The rapid growth, price appreciation, and the resulting vulnerability to displacement in both Sloan's Lake and in Denver as a whole was not fully contemplated by the City's existing plans. Therefore, while the Rezoning complies with the City's existing plans, it also is responding to changes in development patterns that were not anticipated when the City adopted its plans.

f. *Denveright - Upcoming Comprehensive Plan 2040 and Blueprint Denver*

In light of this passage of time and changing City, the City is proactively working to update the City's adopted plans. Via the City's over two-year Denveright outreach and planning effort, input from thousands of Denverites has resulted in draft plans, Comprehensive Plan 2040 and Blueprint Denver, for a more inclusive, connected and healthy City.

Depending on the timing of this application, the Rezoning may come before City Council after the adoption of Comprehensive Plan 2040 and updated Blueprint Denver. Therefore, this letter addresses both current Comp Plan and Blueprint, and the anticipated Comprehensive Plan 2040

and Blueprint Denver update. Importantly, both of these upcoming plans, provide support for the Rezoning.

i. *Comprehensive Plan 2040*

The City’s anticipated Comprehensive Plan 2040 (the “**Comp Plan 2040**”), which is currently available in public review draft form (version #2), is the vision for Denver and its people for the next twenty years. The vision is composed of six elements that set long-term, integrated goals to guide the future of the City and provide guidance for City leaders, institutions and community members to shape the City. The Rezoning and the Project align closely with these six elements in several ways, including, but not limited to:

- **Equitable, Affordable and Inclusive:** The Project will add additional housing to the neighborhood and Zocalo is committed to building an equitable and inclusive Project. Specifically, the Project includes approximately 157 affordable rental units (including 3-bedroom units) and 160 for-sale condominium units (8-12 of which will be affordable units and will include 3-bedroom units). A covenant will be recorded against the North Property preserving this affordable housing. Additionally, as described further below, a Good Neighbor Agreement between Zocalo and the registered neighborhood organizations is anticipated. This will contractually require commitments around a public gathering space and community-serving retail, giving preference to food-service retailers such as a restaurant, coffee shop, bakery, or a food-cooperative and, for the space within the “Dupler Building”, shall give further preference to locally-owned operators or non-profits. The Good Neighbor Agreement will also commit Zocalo to local hiring goals and union construction labor preference, making both the Project and its construction more equitable and inclusive. The Rezoning of the South Property to U-TU-C also promotes the preservation of the existing single-family and duplex homes on that block, a key strategy around ensuring neighborhoods are affordable and inclusive and avoid displacement.
- **Economically Diverse and Vibrant:** The mix of uses between the residential (including a mix of residential for-rent, for-sale and affordable), retail, office, community-serving space and preservation of the existing medical center building, will add to the economic diversity of the City and the neighborhood and increase economic opportunity. The Project will sustain and grow the City’s neighborhood businesses.
- **Environmentally Resilient:** Zocalo’s sustainability commitments will be included in the Good Neighbor Agreement. Specifically, at each of the two multifamily buildings that will be constructed as part of the Project, Zocalo shall attain either LEED certification or Enterprise Green Communities certification. This will further Zocalo the City’s commitment to environmental resiliency.
- **Connected, Safe and Accessible Places:** The Project will further activate the street and invite pedestrian and bicycle traffic to the retail and community-serving space, which creates a pedestrian-friendly environment. Finally, the Project integrates residential with retail and office, which promotes a “live where you work” opportunity and encourages more trips taken by walking, biking and transit. 17th Avenue also contains a bus route,

bus stops and a bike route. As discussed further above, Zocalo is working with Public Works to establish an easement through the Project along vacated Meade Street for a multi-modal pedestrian and bicycle path, connecting Colfax to Sloan's Lake Park and providing a shorter path to the RTD station.

- **Healthy and Active:** The Project abuts Sloan's Lake Park which proximity allows for the promotion of healthy and active lifestyles for residents, employees and visitors to the Project. Access to parks and recreation is a vital component of a complete neighborhood.
- **Strong and Authentic Neighborhoods:** The Project will enhance the neighborhood by (1) creating a neighborhood focal point at 17th Avenue and Newton, as called for in the West Colfax Plan; (2) including a public gathering space and community-serving retail to serve the neighborhood and draw other Denverites to the neighborhood; (3) adding more services, jobs and residences to the neighborhood in a manner that is in keeping with the character and design of the general neighborhood; (4) committing to local hiring goals and union construction labor preference; and (5) committing to no fewer than seven three-bedroom for-rent units, maintained as affordable to families earning on average 60% or less of AMI, and three three-bedroom affordable for-sale units maintained as affordable to families earning on average 100% or less of AMI. Additionally, under the Good Neighbor Agreement, Zocalo shall make best efforts to partner with Denver Public Schools, Jefferson County Public Schools, and/or other nonprofits in order to create a program that gives priority to these three-bedroom family rental units for families of formerly homeless school children. Keeping families in the neighborhood by providing three-bedroom units and more affordable options will enhance the authenticity of the neighborhood by avoiding displacement.

The above list demonstrates the extent to which the Rezoning is consistent with general tenets of the future Comp Plan 2040.

ii. *Blueprint Denver Update*

Similar to Comp Plan 2040, Blueprint is also being updated by the City, currently available in public review draft form (version #2) ("**New Blueprint**"). New Blueprint implements and provides further structure around the six elements that comprise the vision for Denver set forth in Comp Plan 2040 and sets forth the recommendations and strategies for achieving the six elements of the City's vision. The Project aligns closely with many of the strategies and recommendations in New Blueprint, including, but not limited to:

- **Land Use & Built Form: General 02** – Incentivize or require the most efficient development of land, especially in areas with high transit connectivity. Strategies for implementing this recommendation include allowing increased density in exchange for desired outcomes, such as affordable housing and incentivizing redevelopment of opportunity sites such as surface parking lots.
- **Land Use & Built Form: General 03** – Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible. Strategies for implementing this recommendation include rezoning properties from the Former Chapter

59 Code so that the entire City is covered by the Code, including continuing to incentivize owners to come out of the Former Chapter 59 Code.

- Land Use & Built Form: General 06 – Implement zoning code revisions to facilitate compatible redevelopment of institution sites within neighborhoods. These sites have the potential to provide additional neighborhood services and/or more diverse housing options without displacing existing residents. Strategies for implementing this recommendation include allowing greater land use flexibility, such as appropriately scaled higher-density housing or neighborhood services. Until a citywide approach is implemented, New Blueprint notes that individual rezonings of these sites may be an opportunity for more intense residential uses or limited neighborhood services to be provided if done in a way that minimizes impacts to surrounding character.
- Land Use & Built Form: General 08 – Promote environmentally responsible and resource-efficient practices for the design, construction and demolition of buildings.
- Land Use & Built Form: General 09 – Promote coordinated development on large infill sites to ensure new development integrates with its surroundings and provides appropriate community benefits.
- Land Use & Built Form: Housing 03 – Incentivize the preservation and reuse of existing smaller and affordable homes (relevant to the Rezoning of the South Property).
- Land Use & Built Form: Housing 06 – Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities. Strategies for implementing this recommendation include incentivizing affordable housing through zoning.
- Land Use & Built Form: Housing 07 – Expand family-friendly housing throughout the City. Strategies for implementing this recommendation include including bonuses for large units (those with three or more bedrooms) in multifamily developments.
- Land Use & Built Form: Economics 02 – Improve equitable access to employment areas throughout the city to ensure all residents can connect to employment opportunities. Strategies for implementing this recommendation include promoting affordable and family-friendly housing, as well as a full range of job opportunities, and providing opportunities for new locally-owned businesses.
- Land Use & Built Form: Economics 06 – Ensure Denver and its neighborhoods have a vibrant and authentic retail and hospitality marketplace meeting the full range of experiences and goods demanded by residents and visitors. Strategies for implementing this recommendation include supporting locally-owned businesses to expand and evolve to meet the changing needs of residents and visitors.
- Land Use & Built Form: Design Quality 02 – Ensure residential neighborhoods retain their unique character as infill development occurs. This includes the use of design overlays as targeted tools in developing or redeveloping areas that have a specific design vision.
- Land Use & Built Form: Design Quality 03 – Create exceptional design outcomes in key centers and corridors. Mixed-use buildings should engage the street level and support pedestrian activity. The bulk and scale should be respectful of the surrounding character, especially in transitions to residential areas.
- Land Use & Built Form: Design Quality 04 – Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.

- Mobility: 01 – Encourage mode-shift – more trips by walking and rolling, biking and transit – through efficient land use and infrastructure improvements. Strategies to implement this recommendation include increasing the number of services and amenities by integrating more local centers and corridors into residential areas and promoting mixed-use development.
- Quality-of-Life Infrastructure: 10 – Work with public and private partners to improve access to shops, restaurants, entertainment, civic uses, services and a variety of daily needs for all Denver residents. Implementation strategies for this recommendation include incentivizing human scaled, walkable and inclusive mixed-use centers and corridors and promoting development that compatibly integrates and includes daily needs such as community-serving retail.

New Blueprint includes a Neighborhood Contexts Map and a Places Map. The North Property is designated “Urban Center” in the Neighborhood Context Map and “Community Center” in the Places Map. The land use and built form in Urban Center is described as a “high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms.” p. 137. Community Center is described as “a balance of either residential and employment; residential and dining/shopping; or employment and dining/shopping uses. Buildings are mid-scale, but vary by context and surrounding character.” p. 144.

New Blueprint further details that Community Center within the Urban Center Neighborhood Context “provides a 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.” p. 256. It continues, “Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages and distinct streetscape elements that define the public realm. Heights are generally up to 8 stories. Should transition gradually within the center’s footprint to the surrounding residential areas.” *Id.* This language is consistent with Rezoning the North Property to the proposed PUD. The Project is mixed-use with residential, retail, office and community-serving uses. While there are portions of the Project that go beyond the general height guidance in New Blueprint at 16 stories in the middle, the average height across the site is less than 8 stories, meeting the spirit of the height described in New Blueprint.

Additionally, New Blueprint states that “building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums.” p. 66. New Blueprint then refers to factors to consider around building height, including “[s]urrounding context, including existing and planned building height”, “[a]djacency to transit, especially mobility hubs”, “[a]chieving plan goals for community benefits, including affordable housing”, and “[f]urthering urban design goals. *Id.* Sixteen stories is not without precedent in the neighborhood, as there is one 12-story building under construction in the vicinity of the Property, and a second, existing 18-story tower closer to Colfax. The PUD allows the density to be clustered towards the center of the block, away from Newton Street and 17th Avenue, and providing a three-or-four story street wall along Newton that is designed and articulated to complement and transition to the surrounding low-rise residential structures. The inclusion of approximately 157 affordable rental units (including 3-bedroom units) and 8-12 affordable for-sale units (including 3-bedroom units), along with public gathering space and community-

serving retail use, at no rental cost above reasonable operating expenses, is made possible because of the height, and thus the Project achieves, substantially, the plan goals and community benefits sought in New Blueprint.

The South Property is designated “Urban” in the Neighborhood Context Map and “Low Residential” in the Places Map. The land use and built form in Urban is described as “small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and closer to the street.” p. 136. New Blueprint details that Low Residential areas are “predominantly one- and two-unit” with “low-scale houses and duplexes.” p. 148; *see also* p. 230. The Rezoning of the South Property to U-TU-C is consistent with the urban context, and the recommending building form as it currently contains single-family and two-unit homes.

One of the tenets of New Blueprint is creating complete neighborhoods, an inclusive City with great places accessible to everyone, regardless of age, ability or income. The Rezoning and the Project do exactly that by bringing a mixed-use redevelopment to an underused infill site, and ensuring that it is responsive to the neighborhood and incorporates uses and community-serving spaces for all.

2. 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.

The Rezoning seeks to rezone the Property to PUD and U-TU-C. While the Rezoning of the North Property to PUD is based upon the C-MX-8 zone district, it includes tailored subareas allowing for increased building height in some, and decreased building height in others to ensure neighborhood compatibility. The Rezoning of the North Property draws upon the C-MX-8 zone district for design standards, building form, open space, and similar standards and requirements.

Additionally, upon recommendation from CPD staff, the Rezoning of the North Property incorporates the limitations on visible parking above street level, consistent with the City’s approach in the D-AS-12+ and D-AS-20+ zone districts.

As a PUD, the Rezoning inherently will create regulations and restrictions specific to the buildings on the Property. Therefore, to the extent applicable to a PUD, this criterion is satisfied.

The Rezoning of the South Property to U-TU-C will result in uniform application of the Code to each building, including uniform regulations and restrictions. Additionally, the entire neighborhood to the east of the Property (including the South Property) is zoned U-TU-C. The Rezoning of the South Property will provide continuity and consistency across a larger area of the neighborhood than exists today, enabling uniform application of the Code. To the east of the Property, the neighborhood is zoned G-MU-3. It was determined that U-TU-C is more appropriate and consistent with existing structures and uses, and with Blueprint’s goals for the South Property.

3. The proposed official map amendment furthers the public health, safety and general welfare of the City.

The City has adopted multiple plans in the interest of public health, safety, and the general welfare, including the West Colfax Plan, Comp Plan, and Blueprint. As described in detail above, the Rezoning furthers the goals, policies, and strategies in these City plans, and thus furthers the health, safety, and general welfare of the City.

Additionally, bringing an old PUD approved under the Former Chapter 59 Code into compliance with the new Code furthers the general welfare of the City. In fact, it is a criterion for non-legislative rezonings as further discussed below. Code, § 12.4.10.8.A.4. It is a City goal to rezone property from the Former Chapter 59 Code to the new Code where possible. *See, e.g.*, New Blueprint, p. 73. This Rezoning would help achieve that result.

II. Criteria for Non-Legislative Rezonings

In addition to the foregoing criteria, the City Council may approve an official zone map amendment that the City Attorney has determined is not a legislative rezoning only if one of the following circumstances exists:

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
4. 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. Such change may include:
 - a. Changed or changing conditions in a particular area, or in the city generally; or
 - b. A City adopted plan; or
 - c. That the City adopted the [Code] and the property retained Former Chapter 59 zoning.
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Code, § 12.4.10.8.A.

The Rezoning is a non-legislative rezoning and the circumstances described in 4(a) and 4(b) above exist with respect to the Property.

As to circumstance 4(a), the area surrounding the Property has changed significantly since the adoption of the current PUD #8 zoning for the Property in 1959, amended in 1978. The pace and success of the St. Anthony's redevelopment, and its role as a catalyst for surrounding development, has exceeded expectations. The Project builds off the increased demand for for-sale, for-rent and affordable housing in the community. It also provides complementary retail, office and community-gathering space. The existing surface parking lot no longer represents the

highest and best use of the North Property. The rapid growth, price appreciation, and the resulting vulnerability to displacement in both Sloan's Lake and in Denver as a whole was not fully contemplated by the City's existing plans. Therefore, the Rezoning addresses these changed and changing conditions.

Circumstance 4(b) is met because the Rezoning will bring an old PUD approved under the Former Chapter 59 Code into compliance with the new Code. PUD #8 is outdated and antiquated. Its purpose was for the once-intended expansion of the old Beth Israel Hospital which is no longer applicable. The City desires to rezone property from the Former Chapter 59 Code to the new Code where possible. This Rezoning would help achieve that result.

The other criterion for non-legislative rezonings is "the purpose of the amendment is consistent with the description of the applicable neighborhood context, and the stated purpose and intent of the proposed zone district." Code, § 12.4.10.8.B.

For the reasons detailed above, because the Rezoning is consistent with the West Colfax Plan, the Comp Plan, Blueprint (or, alternatively, Comp Plan 2040 and New Blueprint), along with the Housing an Inclusive Denver Plan, this criterion is met. The Rezoning would allow the neighborhood to continue to grow in harmony with the City's adopted plans, each as outlined above. The Project would enhance the neighborhood with neighborhood serving uses, new employment opportunities and a variety of new housing options, including for-sale and rental affordable units (including 3-bedroom units), working to avoid displacement of existing residents, and is therefore consistent with the stated purpose and intent of the proposed zone district.

Additionally, Sections 1.2 and 1.3 of PUD-G-21 state the general and specific purposes and intent of the Rezoning. These ten purposes directly align with themes from the applicable City plans (e.g., create a neighborhood focal point, facilitate mixed-use development, update and replace an outdated PUD, facilitate compatible development, allow for-sale and for-rent housing opportunities for households of different income brackets, encourage pedestrian-activated spaces, ensure quality, human-scaled building design).

Therefore, the Rezoning satisfies the criteria for approval of a non-legislative rezoning.

III. Criteria for Rezoning to PUD District

The City Council may approve a rezoning to a PUD if it complies with certain additional criteria. Code, § 12.4.10.9. The Rezoning of the North Property to PUD complies with those criteria, as explained in detail below.

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code.

Per Code § 9.6.1.1(A), the purpose of PUD zoning "is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process[.]" The proposed Rezoning accomplishes this purpose in a streamlined fashion by

incorporating elements from existing zone districts into one document that can be reviewed and approved in a single process.

Section 9.6.1.1(B) of the Code states that PUD zoning is not intended “as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.” The intent of the proposed Rezoning is precisely the opposite. It will ensure that the eventual Project is compatible with the neighborhood context and character by strategically rearranging density to place it at the center of the site and mitigating both shadows over the park and adjacent properties that lifts the sense of mass and density from pedestrians on 17th Avenue and visitors to Sloan’s Lake Park. These are all elements that have been incorporated into the Project after numerous conversations with adjacent property owners.

As an example, the current PUD #8 entitles the landowner to build two 110-foot residential buildings along Newton, setback from the street by only 20 feet, and separated from the park by a surface parking lot. Such a placement does not appropriately acknowledge either Sloan’s Lake Park or neighboring properties. The Rezoning, on the other hand, clusters the density toward the center of the block, away from both Newton Street and 17th Avenue, but without increasing the usable density above that allowed under the existing PUD #8. The reorganization of building placement in the new PUD creates an approachable three-or-four story street wall that, particularly along Newton, will be designed and articulated to complement the surrounding low-rise residential structures.

The Rezoning allows for better sharing of parking and improved circulation access for the condominium, rental and medical buildings, allowing for more efficient use of the site. This more efficient use of the site allows for the number of affordable for-rent apartments to be increased. Of the potential standard zone districts that could be applied to the North Property, none would allow both the existing hospital use, and the desired mix of residential and commercial uses by right.

The proposed Rezoning is the most efficient means to provide assurance to the neighborhood that the Project will be developed as described in neighborhood meetings, and as modified as a result of those discussions. The Rezoning will elevate the required design and site layout compared to what is allowed under existing zoning.

The Code also provides that PUD zoning “is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.” Code, § 9.6.1.1(A). The Code defines “unique and extraordinary circumstances” that justify a rezoning to PUD to include, without limitation, the following:

- a. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;
- b. Where a customized zoning approach is necessary to protect and preserve the character of a Historic Structure or historic district;

- c. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or
- d. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.

The Rezoning is necessary because of the unique and extraordinary circumstances described in “c” and “d” above.

The justification at “c” directly applies to this Property. The Property’s existing zoning, PUD #8, established in 1959 and updated in 1978, was created for the once-intended expansion of the old Beth Israel Hospital. PUD #8 is outdated and antiquated. Current and changing conditions around Sloan’s Lake make the existing PUD #8 inappropriate and incongruent with the neighborhood. Further, PUD #8 is pursuant to the Former Chapter 59 Code. The proposed PUD is, instead, based off of C-MX-8 in the Code. The new PUD and U-TU-C zone districts for the Property would be pursuant to the current Code, thus bringing the site closer into conformance with current zoning regulations.

The Rezoning to a new PUD would take the existing density vested under PUD #8 (515,400 total square feet of non-parking density, including two 110-foot (roughly 11-story) towers) and rearrange it in a development plan that is more appropriate for the neighborhood, including pushing the height and density to the center of the site and creating an attractive, pedestrian-friendly street presence along 17th Avenue and Newton Street. This careful consideration of the locations of height and density necessitate the more customized zoning approach of a PUD.

Approval of the Rezoning would bring the Property closer to conformance with the City’s adopted plans. As explained in detail above, the Property represents a prime redevelopment opportunity and is designated as an Area of Change under Blueprint. The current PUD #8 does not conform to the City’s vision for the Property or development trends in the neighborhood. In contrast, the Rezoning provides important design standards and guidelines and context sensitive building massing that will bring the Property closer to conformance with the neighborhood.

Per § 9.6.1.1(D), in exchange for the flexibility granted in the PUD, “development under a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.” As explained throughout this letter, the purpose of the Rezoning is to enhance the development program for the eventual Project and to allow for and require the development of amenities that will serve a public benefit. Without Rezoning to PUD, Zocalo will not be able to organize the site so efficiently, effectively develop the mix of uses, make the affordable housing commitments in the Project, provide the pedestrian and bicycle connection between 16th and 17th Avenues, include the community-serving gathering space, or commit to the Good Neighbor Agreement.

Therefore, for the above reasons, the Rezoning is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Code.

2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6.

The Rezoning and accompanying PUD District Plan comply with all applicable standards and criteria stated in Division 9.6. The Rezoning specifies permitted and accessory uses, building form, and contains detailed design standards, such as street level activation, which are based on provisions of the C-MX-8 zone district to aid with consistent interpretation with the Code. Additionally, the Rezoning tailors limitations to visible parking above street level, consistent with the City's approach in the D-AS-12+ and D-AS-20+ zone districts.

3. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions.

The Project is not feasible under other zone districts and would otherwise require an unreasonable number of variances or waivers and conditions. Of the potential standard zone districts that could be applied to the North Property, none would allow both the existing hospital use, and the desired mix of residential and commercial uses by right. As Zocalo has fully engaged into zoning discussions and concept design of this Project with the neighborhood, it has become clear that a standard zone district does not work given the unique features and characteristics of the site.

After over two years of in-depth work and discussions with the neighborhood, Councilman Lopez, City staff and our design team, it became clear that this Property is in a highly-unique area of the City in terms of its zoning and context. The existing PUD #8 is not a viable zone district for development of the site. But, when evaluating potential zone districts under the Code to rezone to, no single standard zone district worked. The C-MX-8, which serves as the base zone district for the proposed Rezoning, provided many helpful standards. However, given the influence under C-MX of the protected district requirements, it does not provide the variety of building heights to accommodate additional height and density at the center of the site, while securing Zocalo's commitment to the neighborhood to lower heights of 3, 5 and 6 stories, along the edges of the Property closest to the neighborhood. Similarly, none of the C-MX zone districts allow the existing hospital use, along with the desired mix of residential and commercial uses. Therefore, the Rezoning incorporates C-MX-8 zoning as the base district, and then incorporates tailored subareas allowing for increased building height in some, and decreased building height in others to ensure neighborhood compatibility.

In sum, no single zone district was feasible for this site and Zocalo's project team and City staff had to draw the best and most applicable standards from multiple base zone districts and craft certain alternatives to adjust for the site's unique circumstances and maximize public benefit.

4. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.

The Rezoning and accompanying PUD District Plan adopt the primary, accessory, and temporary uses allowed under the C-MX-8 zone district, which include Dwelling, Multi-Unit; Eating & Drinking Establishments; Office; certain types of Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair); Community Center; and other uses as specified in the Code. These uses are compatible with the uses allowed in the adjacent zone districts, specifically residential, along with the various commercial at the St. Anthony's redevelopment.

5. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

The Rezoning and accompanying PUD District Plan adopt the building forms permitted in the C-MX-8 zone district, with the variations noted in PUD for building height, siting, and design elements related to building configuration, street level activation, and visible parking above street level.

The Rezoning allows for better sharing of parking and improved circulation access for the condominium, rental and medical buildings, allowing for more efficient use of the site. This more efficient use of the site allows for the number of affordable for-rent apartments to be increased. As part of the Project, a Restrictive Covenant agreement between Zocalo and the City will be recorded against the Property to ensure that the affordable rental units are preserved in the long-term.

The proposed PUD places the density toward the center of the block, away from both Newton Street and 17th Avenue, but without increasing the usable density above that allowed under existing PUD #8. This more thoughtful organization of the site allows for substantial setbacks in height from adjacent properties to create appropriate transitions at the boundaries of the PUD. The Project design also includes building articulation to complement adjacent low-rise residential structures.

Additionally, a Good Neighbor Agreement between Zocalo and the registered neighborhood organizations is also anticipated. This will contractually tie Zocalo to the commitments it has made to the neighborhood and to Councilman Lopez. The commitments in the Good Neighbor Agreement are expected to include public gathering space and community-serving retail, with no less than 4,000 square feet of ground floor space leased to a community-serving retailer and approximately 6,000 square feet for a community-serving use at no rental cost above reasonable operating expenses. Zocalo shall give preference to food-service retailers such as a restaurant, coffee shop, bakery, or a food-cooperative and, for the space within the "Dupler Building", shall give further preference to locally-owned operators or non-profits.

Also in the Restrictive Covenant on affordability and the Good Neighbor Agreement is a commitment that no fewer than seven three-bedroom for-rent units, will be maintained as affordable to families earning on average 60% or less of AMI, and 3 three-bedroom affordable for-sale units, will be maintained as affordable to families earning on average 100% or less of AMI. Additionally, Zocalo shall make best efforts to partner with Denver Public Schools, Jefferson County Public Schools, and/or other nonprofits in order to create a program that gives priority to these three-bedroom family rental units for families of formerly homeless school children.

Zocalo's sustainability commitments will also be included in the Good Neighbor Agreement. Specifically, at each of the two multifamily buildings that will be constructed as part of the Project, Zocalo shall attain either LEED certification or Enterprise Green Communities certification.

Zocalo is committed to hiring locally or causing its contractors, subcontractors or tenants to hire at least 20% or more of the construction-related jobs during the construction of the Project and/or retail-related jobs at the future community-serving retail space once the Project is operational, from persons living within the 80211, 80212, and 80204, and 80221 ZIP Codes, in conformance, where possible, with "Construction Employment Opportunities" and "First Source Hiring" policies, and all appropriate safe harbors for good faith efforts. Zocalo will be agreeing to this requirement in the Good Neighbor Agreement. Additionally, during construction of the Project, Zocalo shall give preference to qualified contractors or subcontractors employing union labor for all competitively-bid subcontracts. Zocalo will also partner with a local program such as Emily Griffith Technical College's Apprenticeship Training Division or, when union labor is contracted, apprenticeship programs organized by the AFL-CIO.

By drawing on components of the building form and design standards for C-MX-8, with variations in allowed height, and agreeing upon terms for a Good Neighbor Agreement, Zocalo and Councilman Lopez have tailored the Rezoning and Project to ensure compatibility with adjacent properties and integration with, and support of, the larger neighborhood. Moreover, the eventual Project will reflect the design and community benefits discussed in numerous conversations with adjacent property owners, the community, and similar interested parties.

For the foregoing reasons, the Rezoning establish building forms and transitions and the boundary of the Property that are compatible with the surrounding properties.

CONCLUSION

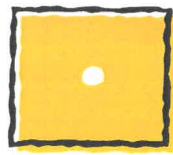
We hope the foregoing information proves helpful in the City's review of the proposed Rezoning. As discussed in detail above, the Rezoning satisfies all of the criteria in the Code for approval of a zone map amendment and a rezoning to a PUD and U-TU-C. Zocalo has worked hand-in-hand with the City, City Councilman Lopez, neighbors, and various other interested parties to ensure that the Rezoning reflects the best use of the Property and allows for development of a Project that will enhance and harmonize with the neighborhood. Therefore, we respectfully request that the City approve the proposed Rezoning.

Sincerely,

Brownstein Hyatt Farber Schreck, LLP

A handwritten signature in blue ink, appearing to read "Caitlin S. Quander", with a stylized flourish at the end.

Caitlin S. Quander, Esq.



ZÓCALO
COMMUNITY DEVELOPMENT

GOOD NEIGHBOR AGREEMENT

This Good Neighbor Agreement ("**Agreement**") is effective as of February 13, 2019 ("**Effective Date**"), by and between West Colfax Association of Neighbors, a Colorado nonprofit organization ("**WeCAN**"), Sloan's Lake Citizen's Group, a Colorado nonprofit organization ("**SLCG**"), Sloan's Lake Neighborhood Association, a Colorado nonprofit organization ("**SLNA**"), Zocalo Community Development, LP, a Colorado Limited Partnership, or its successors and/ or assigns, having its principal place of business at 455 Sherman Street, Suite 205, Denver, CO 80203 ("**Zocalo**"), and Lowell17, LLC, a Colorado limited liability company ("**Lowell17**").

RECITALS

Zocalo wishes to develop a two-building, approximately 320-unit for-sale and for-rent multifamily project, along with appurtenant structured parking, with fifty percent or more of the units being reserved as affordable, at the southeast corner of Sloan's Lake, in the certain parcels of land owned by Zocalo partner Lowell17, LLC, between Lowell Boulevard and Newton Streets and West 16th Avenue and West 17th Avenue in the Sloan's Lake and West Colfax neighborhood, including addresses 1601-1651 Lowell Boulevard, 3700-3738 W 17th Avenue, 1612-1640 Newton Street, 3795 W 16th Avenue and 1601 Meade Street, consisting, in total, of approximately 226,816 square feet (the "**Project**"). The Project, and the commitments within this Agreement, are conditioned upon Zocalo's receipt of all necessary rezoning, public works, and building department approvals, sufficient construction loan financing and indirect public subsidy sources (including, but not limited to, Federal Low-Income Housing Tax Credits), as determined by Zocalo in its reasonable discretion. The Project does not include those portions of the existing PUD 8 zoning area south of W 16th Avenue including 1570-1590 Meade Street, which are not controlled by Zocalo nor Lowell17, LLC and are intended, by separate action, to be removed by amendment from the existing zone lot and rezoned, nor does the Project, for the purposes of this Agreement, include the existing medical office building, or any redevelopment of that building, owned by Lowell17 at the corner of W 17th Avenue and Lowell Boulevard.

Zocalo has met with WeCAN, SLCG, and SLNA for the past approximately two years presenting concepts and receiving neighborhood input, with the goal of gathering feedback and building support for the Project and its creation of approximately 170 affordable housing units (rental and for-sale), helping address displacement and loss of affordability in the Sloan's Lake and West Colfax neighborhood by being affordable to a broad spectrum of Sloan's Lake and Denver residents, while also striving to be sensitive in its physical and visual impact on the neighborhood, and to provide other community benefits. While the affordability requirements at the Project are intended to be memorialized by a separate restrictive covenant executed with the City of Denver and the height, density, and massing of the Project are to be governed by the amended Planned Unit Development ("**PUD**") zoning for the site, certain community benefits, including community-serving retail, public gathering spaces, and sustainability, are to be governed by this Agreement, as described in more detail below.

AGREEMENT

Now, therefore, Zocalo, Lowell17, WeCAN, SLCG, and SLNA (together, the “**Parties**”) agree as follows:

1. Public Gathering Space and Community-Serving Retail

Zocalo shall also construct within the Project no less than 4,000 square feet of ground floor retail space generally near the corner of W 17th Avenue and Newton Street and lease such space to a community-serving retailer or restaurant at market rents. This ground floor retail space shall be adjacent to a public open space plaza at the corner of W 17th Avenue and Newton Street, which shall provide a public gathering space across W 17th Avenue from Sloan's Lake Park. In addition, Lowell17, within 60 days after completion of the affordable apartment component of the Project, shall make available the entirety of the lower level of the existing “Dupler Building” at the southeast corner of the Project for a community-serving use at no rental cost above actual operating expenses. The lower level, together with the upper level of the Dupler Building shall be made available to the community-serving tenant once both of the projects – the affordable and the market-rate building– are completed as evidenced by the date of issuance of a certificate of occupancy. This space shall be provided to the community-serving tenant at no rental cost (but shall include actual operating expenses) for a period of 20 years from the point of occupancy of the lower level as evidenced in the lease. After 20 years, Lowell17 shall have the right to collect market rent or to terminate the lease. For the 17th and Newton retail space, Zocalo shall use commercially reasonable best efforts to give preference to food-service retailers such as a restaurant, coffee shop, bakery and, for the space within the “Dupler” Building, shall use commercially reasonable best efforts to give further preference to locally-owned operators or non-profits. In no event shall the Dupler Building use be retail except and unless determined by Lowell17. Prior to executing any Letters of Intent for a lease for these spaces, Zocalo shall make presentations and solicit input from no fewer than two separate meetings of WeCAN, SLNA, or SLCG at their regularly-scheduled times.

2. Family Units and Support for Families of Formerly Homeless Schoolchildren

Zocalo shall provide no fewer than seven (7) three-bedroom affordable for-rent units, affordable to families earning on average sixty percent or less of the then-applicable area median income for the Denver Metropolitan Area, as defined and published annually by the Federal Department of Housing and Urban Development (“AMI”), and three (3) three-bedroom affordable for-sale units, affordable to families earning on average 100 percent or less of area median income. Additionally, Zocalo shall make commercial best efforts to partner with Denver Public Schools, Jefferson County Public Schools, and/or other nonprofits in order to create a program that gives priority to these three-bedroom family rental units for families of formerly homeless school children.

3. Sustainability

At each of the two multifamily buildings that will be constructed as part of the Project, Zocalo shall attain either LEED certification or Enterprise Green Communities certification.

4. Local Hire Goals, Apprenticeship Programs, and Union Preference

Zocalo shall hire or cause its contractors, subcontractors, or tenants to hire twenty percent (20%), or more of the construction-related jobs during the construction of the Project and/or retail-related job at the future community-serving retail space once the Project is operational, from persons living within the 80211, 80212, and 80204, and 80221 ZIP Codes, in conformance, where possible, with "Construction Employment Opportunities" and "First Source Hiring" policies, and all appropriate safe harbors for good faith efforts. Additionally, during construction of the Project, Zocalo shall give preference to qualified contractors or subcontractors employing union labor for all competitively-bid subcontracts, as determined by Zocalo in its reasonable discretion, when such qualified subcontractors are within five percent (5%) of comparatively equal competing open-shop subcontractor work-scopes and provided all other considerations including schedule, safety record, bonding capacity and quality for similar projects, along with contract terms and conditions are the same. Finally, during construction of the Project, Zocalo shall partner with a local program such as Emily Griffith Technical College's Apprenticeship Training Division or, when union labor is contracted, apprenticeship programs organized by the AFL-CIO.

5. Miscellaneous Provisions

5.1 This Agreement may not be amended or altered in any manner except by written amendment to this Agreement; provided, however, that an amendment may be agreed to and will become binding upon all the Parties if executed by Zocalo and at least fifty one percent (51%) of the other Parties, or their successor organizations, should they exist as the case may be.

5.2 This Agreement constitutes the entire Agreement between the Parties regarding the Project and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written, and Zocalo makes no warranties, representations, or other agreements, express or implied, except as specifically set forth in this Agreement.

5.3 None of the Parties' Related Parties shall have any personal liability under this Agreement. "**Related Parties**", for the purpose of this Agreement, means any parent or affiliate entity (unless specifically assigned), officers, directors, members, managers, partners, affiliates, employees, agents, and representatives and each of their successors.

5.4 This Agreement may be executed by individual counterparts.

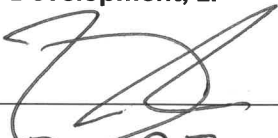
5.5 In the event of a claimed breach of this Agreement, the Parties agree to provide written notice of the claimed breach and the Party receiving such notice shall have sixty (60) days subsequent to receipt of such notice to cure such breach, or, if such breach is of a nature that it cannot be cured within sixty days, the receiving Party shall advise the other party and commence and diligently pursue cure within the estimated period of cure. If the dispute has not been resolved within sixty days or such resolution is, after sixty days, not being diligently pursued, and the receiving Party fails to comply with this section and cure or diligently pursue a cure for such breach, then the Parties agree to commence mediation, with such mediation session to be held within forty-five (45) days of the retention of a mutually agreeable mediator. Provided the Parties are able to agree on a mediator, the Parties agree to participate in mediation for at least one full day before withdrawing and the

Parties shall make best efforts to complete the mediation within thirty (30) days of the first mediation session. Any Dispute not resolved through negotiation or mediation in accordance with this section shall be resolved by final and binding arbitration in accordance with the rules of the American Arbitration Association. The arbitration will be held in Denver, Colorado using one arbitrator, unless the damages in the dispute exceed one million dollars (\$1,000,00) in which case there shall be three neutral arbitrators, as a panel. The arbitrators may award costs and/or attorneys' fees to the prevailing party. Consequential damages shall not be allowed. The Parties agree that any arbitration will be final and binding upon the Parties and their successors or assigns, and by executing this Agreement the Parties agree that they may not participate in other resolution processes, such as court action or administrative proceeding. This Agreement will be governed by, and construed in accordance with, the laws of the State of Colorado.

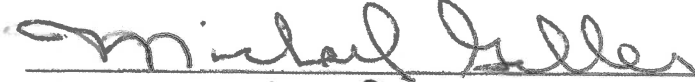
[signatures on next page]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by their duly authorized representatives with full rights, power and authority to enter into and perform this Agreement.

Zocalo Community Development, LP
("Zocalo")

By: 
Print Name: David Zucker
Title: President
Date: 2-14-19

Lowell17, LLC
("Lowell17")

By: 
Print Name: Michael Geller
Title: Managing Partner
Date: FEB. 14, 2019

West Colfax Association of Neighbors
("WeCAN")

By: _____
Print Name: _____
Title: _____
Date: _____

Sloan's Lake Citizen's Group
("SLCG")

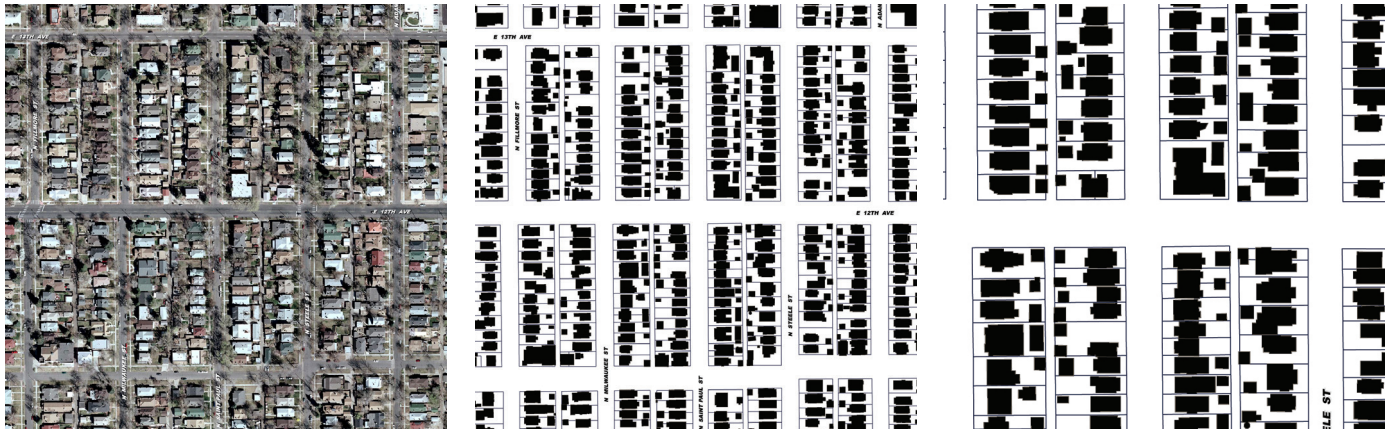
By: _____
Print Name: _____
Title: _____
Date: _____

Sloan's Lake Neighborhood Association
("SLNA")

By: _____
Print Name: _____
Title: _____
Date: _____

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PUD-G 21



3700 W 17th Avenue
2017I-00160

DRAFT 04/10/2019

Contents

PUD-G 21

CHAPTER 1. ESTABLISHMENT AND INTENT 1

 Section 1.1 PUD-G 21 Established..... 1

 Section 1.2 PUD-G 21 General Purpose 4

 Section 1.3 PUD-G 21 Specific Intent 4

 Section 1.4 Zone Lot Established..... 4

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION 5

 Section 2.1 Urban Center context description..... 5

CHAPTER 3. DISTRICTS..... 6

CHAPTER 4. DESIGN STANDARDS..... 7

 Section 4.1 Primary Building Form Standards 7

 Section 4.2 Design Elements 7

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING 9

 Section 5.1 Uses 9

 Section 5.2 Required Minimum Parking..... 9

CHAPTER 6. ADDITIONAL STANDARDS 10

 Section 6.1 Article 1 of the Denver Zoning Code 10

 Section 6.2 Article 2 of the Denver Zoning Code 10

 Section 6.3 Article 9 of the Denver Zoning Code 10

 Section 6.4 Article 10 of the Denver Zoning Code..... 10

 Section 6.5 Article 11 of the Denver zoning code 10

 Section 6.6 Article 12 of the Denver Zoning Code..... 10

 Section 6.7 Article 13 of the Denver Zoning Code..... 10

CHAPTER 7. RULES OF INTERPRETATION 10

CHAPTER 8. VESTED RIGHTS 10

CHAPTER 1. ESTABLISHMENT AND INTENT

SECTION 1.1 PUD-G 21 ESTABLISHED

The provisions of this PUD-G 21 apply to the land depicted on the Official Zoning Map with the label PUD-G 21, and more generally described as approximately 5.2 acres of land in Section 31, Township 3 South Range 68 West, City and County of Denver.

1.1.1 Subareas Established

The following subareas are hereby established within PUD-G 21 for the purpose of applying the zoning standards contained herein. All subareas established are shown generally on Figure 1-1 below and described legally as follows:

A. Subarea A Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E PARALLEL WITH THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 134.04 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE S89°47'18"W, A DISTANCE OF 210.00 FEET;
THENCE PARALLEL TO THE WEST LINE OF SAID BLOCK 3 S00°19'08"E, A DISTANCE OF 90.00 FEET TO A POINT ON A LINE THAT IS 138.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE N89°47'18"E, A DISTANCE OF 210.00 FEET;
THENCE PARALLEL TO THE WEST LINE OF SAID BLOCK 3 N00°19'08"W, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,900 SQUARE FEET OR 0.434 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08" W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

B. Subarea B Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E PARALLEL WITH THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE PARALLEL WITH THE SAID NORTH LINE OF BLOCK 3 S89°48'05"W, A DISTANCE OF 90.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 104.06 FEET TO A POINT ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE N89°47'18"E, A DISTANCE OF 90.00 FEET;
THENCE N00°19'08"W, A DISTANCE OF 104.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,365 SQUARE FEET OR 0.215 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

C. Subarea C Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE WEST LINE OF SAID BLOCK 3 N00°12'42"W, A DISTANCE OF 138.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N00°19'08"W, A DISTANCE OF 224.11 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 3;
THENCE ALONG THE SAID NORTH LINE AND IT'S PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 30.00 FEET;
THENCE PARALLEL WITH THE SAID NORTH LINE OF BLOCK 3 S89°48'05"W, A DISTANCE OF 90.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 104.06 FEET TO A POINT ON A LINE THAT IS 228.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID PARALLEL LINE S89°47'18"W, A DISTANCE OF 120.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 90.00 FEET;
THENCE S89°47'18"W, A DISTANCE OF 74.00 FEET TO THE WEST LINE OF SAID BLOCK 3, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 35,372 SQUARE FEET OR 0.812 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

D. Subarea D Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION;
THENCE ALONG THE WEST LINE OF SAID BLOCK 3 N00°19'08"W, A DISTANCE OF 138.00 FEET;
THENCE N89°47'18"E PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 3, A DISTANCE OF 284.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 138.00 FEET TO THE SOUTH LINE OF SAID BLOCK 3;
THENCE ALONG SAID SOUTH LINE S89°47'18"W, A DISTANCE OF 284.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 39,192 SQUARE FEET OR 0.900 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

E. Subarea E Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 4, PIERSONS ADDITION;
THENCE ALONG THE WEST LINE OF SAID BLOCK 4 N00°19'08"W, A DISTANCE OF 212.00 FEET;
THENCE N89°47'18"E, A DISTANCE OF 139.00 FEET;
THENCE S00°19'08"E, A DISTANCE OF 212.00 FEET TO THE SOUTH LINE OF SAID BLOCK 4;

THENCE ALONG SAID SOUTH LINE S89°47'18"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 29,468 SQUARE FEET OR 0.676 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

F. Subarea F Legal Description

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
COMMENCING AT THE NORTHWEST CORNER OF BLOCK 3, PIERSONS ADDITION; THENCE ALONG THE NORTH LINE AND ITS PROLONGATION THEREOF N89°48'05"E, A DISTANCE OF 284.00 FEET TO THE POINT OF BEGINNING;

THENCE N89°48'05"E, A DISTANCE OF 315.02 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 4, PIERSONS'S ADDITION;
THENCE ALONG THE EAST LINE AND ITS PROLONGATION THEREOF OF SAID BLOCK 4 S00°18'22"E, A DISTANCE OF 395.97 FEET TO A POINT ON A LINE THAT IS 34.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4;
THENCE ALONG SAID LINE S89°47'18"W, A DISTANCE OF 145.12 FEET TO THE EASTERLY LINE OF VACATED NORTH HALF OF 16TH AVENUE;
THENCE ALONG SAID LINE S00°19'08"E, A DISTANCE OF 6.00 FEET TO THE SOUTH LINE OF VACATED NORTH 16TH AVENUE;
THENCE ALONG SAID EASTERLY LINE S89°47'18"W, A DISTANCE OF 124.81 FEET TO THE SOUTHERLY PROLONGATION OF THE WEST LINE OF SAID BLOCK 4;
THENCE ALONG SAID PROLONGATION N00°19'08"W, A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 4;
THENCE ALONG THE SOUTH LINE OF SAID BLOCK 4 N89°47'18"E, A DISTANCE OF 139.00 FEET;
THENCE N00°19'08"W, A DISTANCE OF 212.00 FEET;
THENCE S89°47'18"W, A DISTANCE OF 139.00 FEET;
THENCE S00°18'01"E, A DISTANCE OF 212.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 4;
THENCE S89°47'18"W, A DISTANCE OF 45.00 FEET;
THENCE N00°19'08"W, A DISTANCE OF 362.04 FEET TO THE POINT OF BEGINNING.
CONTAINING 94,476 SQUARE FEET OR 2.169 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS THE EAST LINE OF BLOCK 2 PIERSON'S ADDITION BEING N00°19'08"W BETWEEN THE FOUND 2.75' BY 4.0' OFFSET CROSSES AT THE NE AND SE ENDS OF THE BLOCK.

Figure 1-1

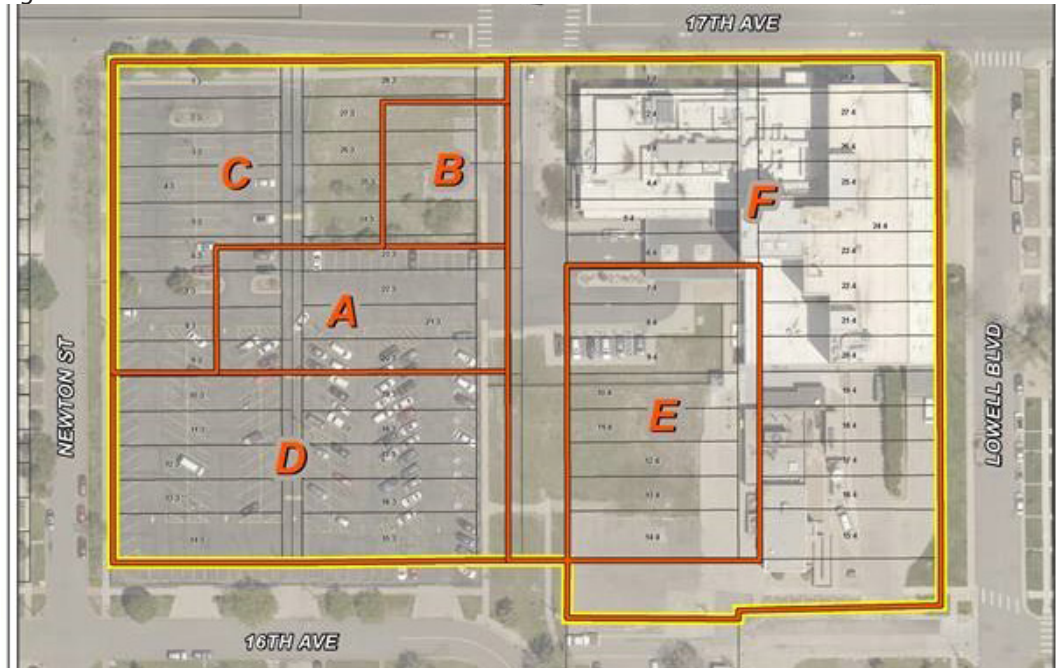


Figure 1-1. Subareas Established within PUD-G 21

SECTION 1.2 PUD-G 21 GENERAL PURPOSE

The general purpose of PUD-G 21 is to:

- 1.2.1 Facilitate redevelopment of the site with mixed residential and commercial uses and amenities.
- 1.2.2 Maximize a Residential Growth Opportunity Area, as identified in the West Colfax Plan, where existing housing stock is dated and declining and may be appropriate for redevelopment to encourage revitalization and reinvestment.
- 1.2.3 Create a Neighborhood Focal Point at 17th & Newton, as identified in the West Colfax Plan.
- 1.2.4 Remain compatible with surrounding area Urban, Urban Center, and General Urban Contexts
- 1.2.5 Accommodate the preservation of existing Medical uses and their buildings
- 1.2.6 Update and replace an outdated planned unit development

SECTION 1.3 PUD-G 21 SPECIFIC INTENT

More specifically, PUD-G 21 is intended to:

- 1.3.1 Allow mixed use development of sufficient density to facilitate the development of for-sale and for-rent housing opportunities for households of different income brackets
- 1.3.2 Facilitate compatible development through the use of appropriate building form and design that provide a mix of residential and commercial uses and amenities that respond to the surrounding Urban, Urban Center, and General Urban Contexts and contribute to the vibrancy of the neighborhood
- 1.3.3 Encourage pedestrian-activated spaces as envisioned in the City's adopted plans
- 1.3.4 Ensure quality, human-scaled building design, particularly along 17th Avenue and Newton Streets.

CHAPTER 2. NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 2.1 URBAN CENTER CONTEXT DESCRIPTION

All development within PUD-G 21 shall conform to the Denver Zoning Code, Division 7.1, Urban Center Neighborhood Context Description, as amended from time to time, except as modified in this PUD-G 21.

CHAPTER 3. DISTRICTS

All development within PUD-G 21 shall conform to the Denver Zoning Code, Division 7.1, Urban Center Neighborhood Context Description, as specifically applicable to the C-MX-8 Zone District, as amended from time to time, and except as modified in this PUD-G 21.

CHAPTER 4. DESIGN STANDARDS

Development in the PUD-G 21 shall comply with the Denver Zoning Code, Article 10, General Design Standards, and Division 7.3 Design Standards, as specifically applicable to the C-MX-8 Zone District, as amended from time to time, with the following modifications and exceptions.

SECTION 4.1 PRIMARY BUILDING FORM STANDARDS

Development in this PUD-G 21 shall comply with the General building form standards in Section 7.3.3 of the Denver Zoning Code, as amended from time to time, with the following exceptions, additions, and modifications set forth below.

4.1.1 Building Height

The maximum permitted building height for the General building form shall vary from the standards set forth in Division 7.3 Design Standards, as specifically applicable to the C-MX-8 Zone District, and shall instead be as outlined in the table 4.1 below:

TABLE 4.1

HEIGHT	Subarea A	Subarea B	Subarea C	Subarea D	Subarea E	Subarea F
Stories (max)	16	10	3	5	6	8
Feet (max), including within 175' of Protected District	180'	120'	50'	65'	70'	110'

SECTION 4.2 DESIGN ELEMENTS

4.2.1 Building Configuration

Development in this PUD-G 21 under all building forms shall conform to all applicable Building Configuration standards as required in Division 7.3 Design Standards, as specifically applicable to the C-MX-8 Zone District, with the following modification:

- A. Upper Story Setback above 27', adjacent to Protected District shall not be required
- B. Upper Story Setback above 51', adjacent to Protected District shall not be required

4.2.2 Street Level Activation

Development in this PUD-G 21 under all building forms shall conform to all applicable Street Level Activation standards as required in Division 7.3 Design Standards, as specifically applicable to the C-MX-8 Zone District, with the following modification:

- A. Along the 17th Avenue street frontage, Transparency shall have a minimum requirement of 50%.

4.2.3 Limitation on Visible Parking Above Street Level

A. Intent

To promote structured parking designs that are compatible with the character and quality of the overall building facade and adjacent building facades. Facade areas with Visible Structured Parking should be designed to limit the view of parked cars and angled ramps from the public realm.

B. Standards

Section 8.8.5.2, of the Denver Zoning Code, Limitation on Visible Parking Above Street Level in the D-AS-12+ and D-AS-20+ Zone Districts, as amended from time to time, shall apply to all building forms within PUD-G 21 as modified below:

1. The Limitation shall apply to 70% of the width of the zone lot lines abutting both 17th Avenue and Newton Street.
2. Where 100% of a street-facing building facade containing structured parking meets the standards set forth below in Sections 4.2.3.B.3 and 4.2.3.B.4 of this PUD, the resulting integrated facade design may be used as an alternative to compliance with the standards applicable to the Limitation on Visible Parking Above Street Level.
3. Where the alternative is used, facades containing Visible Structured Parking shall be integrated into the overall facade design through use of design techniques including, but not limited to:
 - a. Continuing similar building materials across facade areas with Visible Structured Parking;
 - b. Continuing vertical and horizontal articulation across facade areas with Visible Structured Parking;
 - c. Using similar opening proportions to those on the non-parking portions of the facade; and/or
 - d. Aligning openings with those on adjacent buildings or facade areas.
4. Where the alternative is used, facades containing Visible Structured Parking shall be designed to minimize the off-site visual impacts of security lighting and headlights through the use of design techniques including, but not limited to:
 - a. Use of non-transparent materials for approximately the first 36 to 48 inches of the facade to block the view of headlights;
 - b. Architectural features that block the view of ceiling and security lighting; and/or
 - c. Use of fully-shielded LED or other lighting not exceeding approximately 6,500 lumens.
5. Use of the design techniques in Sections 4.2.3.B.3 and 4.2.3.B.4 of this PUD must be found to be consistent with the intent stated in Section 4.2.3.A of this PUD, as determined by the Zoning Administrator.

CHAPTER 5. USES AND REQUIRED MINIMUM PARKING

SECTION 5.1 USES

5.1.1 Uses in Subareas A, B, C, D

In Subareas A, B, C, and D, Primary, accessory and temporary uses allowed in this PUD-G 21 shall be those same uses allowed in the C-MX-8 zone district, as stated in the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as amended from time to time

5.1.2 Uses in Subareas E, F

In Subareas E and F, Primary, accessory and temporary uses allowed in this PUD-G 21 shall be those same uses allowed in the C-MX-8 zone district, as stated in the Denver Zoning Code, Section 7.4, Uses and Required Minimum Parking, as amended from time to time, with the following exceptions, additions, and modifications:

- A. "Hospital" as defined in Section 11.12.3.2.B.6 of the Denver Zoning Code shall be a Permitted Use with a Zoning Permit (P-ZP) as a Primary Use.
- B. "Emergency Vehicle Access Point" as defined in Section 11.12.9.7 of the Denver Zoning Code shall be a Permitted Use Subject to Zoning Permit with Special Exception Review (P-ZPSE) as an Accessory to a Primary Non-Residential Use

SECTION 5.2 REQUIRED MINIMUM PARKING

Except as modified in Table 5.2 below, all uses established in this PUD-G 21 shall comply with the required minimum parking standards for the C-MX-8 Zone District, as stated in the Denver Zoning Code, Section 7.4. Table 5.2 below shall replace the parking requirements for the uses specified therein:

TABLE 5.2	
PARKING CATEGORY	VEHICLE PARKING REQUIREMENT
Dental/Medical Office or Clinic	1/1000 sf GFA
Hospital	1/1000 sf GFA
Eating or Drinking Establishments	1/1000 sf GFA

CHAPTER 6. ADDITIONAL STANDARDS

SECTION 6.1 ARTICLE 1 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 1, General Provisions of the Denver Zoning Code, as amended from time to time.

SECTION 6.2 ARTICLE 2 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 2, Using the Code, as amended from time to time.

SECTION 6.3 ARTICLE 9 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 9, Special Districts of the Denver Zoning Code, as amended from time to time, with the following exceptions:

6.3.1 Amendments to Approved PUD District Plans

This PUD District Plan may be amended by subarea, platted lots, or metes and bounds parcels, as allowed in Denver Zoning Code, Section 9.6.1.4, Amendments to Approved PUD District Plans.

SECTION 6.4 ARTICLE 10 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 10, General Design Standards, of the Denver Zoning Code as specifically applicable to the C-MX-8 Zone District and as amended from time to time.

SECTION 6.5 ARTICLE 11 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 11, Use Limitations and Definitions, as specifically applicable to the C-MX-8 Zone District, as amended from time to time.

SECTION 6.6 ARTICLE 12 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 12, Zoning Procedures and Enforcement, of the Denver Zoning Code, as amended from time to time.

SECTION 6.7 ARTICLE 13 OF THE DENVER ZONING CODE

Development in this PUD-G 21 shall conform to Article 13, Rules of Measurement and Definitions, of the Denver Zoning Code, as amended from time to time.

CHAPTER 7. RULES OF INTERPRETATION

Whenever a section of the Denver Zoning Code is referred to in this PUD-G 21, that reference shall extend and apply to the section referred to as subsequently amended, recodified, or renumbered; provided, however, if a section of the Denver Zoning Code, as subsequently amended, recodified, or renumbered conflicts with a provision of this PUD-G 21, this PUD-G 21 shall control.

CHAPTER 8. VESTED RIGHTS

The property rights vested through approval of this PUD-G 21 shall remain vested for a period of 3 years and shall include the right to commence and complete development of and the right to use the site in accordance with the intent, standards, and uses set forth herein. Notwithstanding the foregoing, any intent, standard, or use described or required by Denver Zoning Code, as amended from time to time, not expressly modified by this PUD-G 21, shall be adhered to at all times.

Existing PUD 8

Area Map indicating property to be rezoned must be attached to each application form.	City and County of Denver DEPARTMENT OF ZONING ADMINISTRATION APPLICATION FOR ZONE MAP AMENDMENT		1. Date Submitted 6/5/78	Fee 100 -
			2. Application Number 3012	
3. Applicant Gilbert Goldstein	4. Address 1234 Bannock Street Denver, Colorado 80204	5. Phone No. 572-8888	6. Interest <input type="checkbox"/> Owner(s) <input checked="" type="checkbox"/> Agent	
7. Other Persons, Firms or Corporations represented by Applicant Beth Israel Hospital and Geriatric Center and A. OK Investments Corp.	8. Address 1601 Lowell Boulevard Denver, Colorado 80204	9. Phone No. 825-2190	10. Interest <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Agent	
11. Location of Proposed Change See attached Plan				
12. Legal Description of Property: Lots Block Addition See attached Plan or				
13. Area of Subject Property, Sq. Ft. or Acres See Attached Plan		14. Present Zone R-5 and R-2	15. Proposed Zone P.U.D.	
16. Describe briefly the nature and expected effect of the proposed amendment. Be sure to include an explanation of the legal basis for the proposal: either (a) the error in the map as approved by city council, or (b) the changed or changing conditions making the proposed amendment necessary. See attached Exhibit A				
17. Use and development proposed for the property to be rezoned, including time schedule for such development. See attached Exhibit A				
18. Exhibits Submitted, Number and Kind Plans and Attached Exhibit		19. Applicant's Signature <i>Gilbert Goldstein</i>		

R-1

R-2

W 18th Ave

Ave

NOW R-2 & R-5
PROPOSED P.U.D.

BUS



LOWELL

W 17th Ave

17th

Ave

R-2

R-2

R-5

W 16th Ave

Ave

NEWTON

MEADE

W. CONEJOS

Place

R-2

R-2

3

R-2

B-4

B-4

B-4

115 (59)

Ave

1. MULTIPLE UNIT DWELLING
2. COMMONS BUILDING
3. LONG TERM CARE
4. GENERAL HOSPITAL
5. PARKING STRUCTURE
6. SURFACE PARKING



UNLESS NOTED MF (MULTI-FAMILY)
ALL UNITS ADJACENT TO PROJECT
AREA ARE SF (SINGLE FAMILY)

17th & LOWELL BOULEVARD

DENVER, COLORADO

FISHER, REECE, & JOHNSON, ARCHITECTS

20. APRIL, 1978

GOLDSTEIN & ARMOUR, P. C.
ATTORNEYS AND COUNSELORS AT LAW
1234 BANNOCK STREET
DENVER, COLORADO 80204

GILBERT GOLDSTEIN
ALAN A. ARMOUR

JAMES H. DOWNEY
DARREL L. CAMPBELL
PHILIP MUNISHOR

TELEPHONE 572-8888
AREA CODE 303

ABE L. HOFFMAN
OF COUNSEL

3 August 1982

Charles Funayama
Assistant Zoning Administrator
City and County of Denver
3840 H York Street
Denver, CO 80205

Dear Chuck:

This letter will supplement the discussions which I have had with you and Dorothy Nepa, the Zoning Administrator, concerning the Planned Unit Development approved by City Council for Beth Israel Hospital and will constitute a petition for the temporary use of the property in the manner and form shown on five copies of the exhibits transmitted herewith. As you will recollect the Beth Israel PUD contemplated the conversion of the premises to a geriatric care center as shown on that plan over a term of ten years. During the transition period the existing structures along Meade Street will be used for staff offices. During that same transition period parking will be located as indicated on the plan and chain link fences will be built as indicated to protect the parking.

It is requested that you acknowledge receipt and approval of the transition plan by endorsing and returning a copy of this letter. If you have any question, please call me. Your cooperation is appreciated.

Yours truly,

Gilbert Goldstein
Gilbert Goldstein

GG:j

READ AND APPROVED this
10 day of August 1982.

OFFICE OF ZONING ADMINISTRATOR

By *Charles Funayama*
Charles Funayama
Assistant Zoning Administrator

GOLDSTEIN & ARMOUR, P. C.
ATTORNEYS AND COUNSELORS AT LAW
1234 BANNOCK STREET
DENVER, COLORADO 80204

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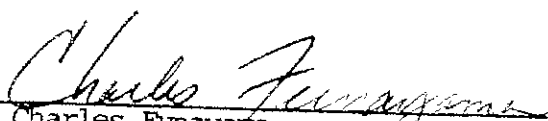
Yours truly,


Gilbert Goldstein

GG:j

READ AND APPROVED this
10 day of August 1982.

OFFICE OF ZONING ADMINISTRATOR

By 
Charles Funayama
Assistant Zoning Administrator

6. 2 1

w/vac STS.

BETH ISRAEL HOSPITAL AND GERIATRIC CENTER

PLANNED UNIT DEVELOPMENT
DENVER COLORADO

The present Beth Israel Hospital was constructed in 1962 adjacent to the existing Long Term Care facility which was constructed in 1947. A major addition was added to the General Hospital in 1971. As the demands for Health Care and the care and treatment of the aged have increased the need for expansion and replacement of older facilities has become a necessity. The care and treatment of the senior citizen has always been one of the main thrusts of the Beth Israel Hospital and Geriatric Center. This type of patient care has increased dramatically. This Planned Unit Development will enable the expansion of the existing base facility and the construction of new and more efficient treatment and care facilities in a campus type of environment. This environment will allow for the privacy of the senior citizen and long term care patient and still provide the proper health care of the critically ill patient.

The City and County of Denver is presently working on a new Comprehensive Plan for this area of the City. Due to the changing make up of the area, its proximity to Sloans Lake, West Colfax and Federal Boulevard this Planned Unit Development will be in substantial compliance with the Comprehensive Plan.

The relationship to adjoining property will be enhanced. Beth Israel Hospital and Geriatric Center with its campus type plan will be able to open up the areas between buildings and relocate staff, patient and visitors into the center of the complex thus relieving perimeter cars and people entering on all sides of the existing facility. Landscaping will be provided in all open spaces between the buildings as well as around the perimeter of the development.

BETH ISRAEL HOSPITAL AND GERIATRIC CENTER

PLANNED UNIT DEVELOPMENT
DENVER COLORADO

LEGAL DESCRIPTION

1. Blocks 3 and 4, Piersons Addition bounded by West 17th Avenue on the north, Lowell Boulevard on the east, West 16th Avenue on the south of Block 3, Newton Street on the west and west one half of Block 5, Piersons Addition bounded by an Alley on the east, West Conejos Place on the south and Meade Street on the west.

Lots 1 thru 28 inclusive and vacated alley adjacent to said lots, being all of Block 4 of Piersons Addition; Lots 1 thru 3, Lots 6 thru 28 inclusive and vacated alley adjacent to Lots 4 thru 14 inclusive and adjacent to Lots 15 thru 25 inclusive, being of Block 3, Piersons Addition; vacated Meade Street adjacent to Lots 15 thru 28 inclusive of Block 3, Piersons Addition and adjacent to Lots 1 thru 14 inclusive of Block 4, Piersons Addition; Lots 1 thru 14 inclusive, being the west part of Block 5, Piersons Addition; vacated West 16th Avenue adjacent to Lot 14 of Block 4, Piersons Addition and adjacent to Lot 1 of Block 5, Piersons Addition; vacated north 34 feet of West 16th Avenue adjacent to Lot 15 of Block 4, Piersons Addition.

BETH ISRAEL HOSPITAL AND GERIATRIC CENTER

PLANNED UNIT DEVELOPMENT DENVER COLORADO

DESCRIPTION OF PROPOSED DEVELOPMENT

The gross acreage of the proposed development is 6.15 acres. The proposed land shall be used for a General Hospital, a Long Term Care Facility, Commons Building, Multiple Unit Dwellings (two) and a Parking Structure. The Multiple Unit Dwellings will be Senior Citizen Housing, with each Dwelling containing 80 units for a total 160 units. The Long Term Care facility will contain 220 long term care beds. The Parking Structure will contain 413 parking spaces. Additional surface parking with approximately 100 parking spaces will be provided of which 60 will be for the Multiple Unit Dwellings. Off street loading areas for the General Hospital, Long Term Care facility and Multiple Unit Dwellings in the amount of 8 berths properly placed to service each land use structure.

Each land use structure shall be constructed to conform to the following:

	Height Above First Floor	Building Land Coverage	Maximum Gross Floor Area Above Grade
General Hospital	93 ft	68,100 sq ft	232,000 sq ft
Long Term Care	80 ft	20,000 sq ft	120,000 sq ft
Commons Building	33 ft	6,400 sq ft	7,200 sq ft
Each Multiple Unit Dwelling	110 ft	8,500 sq ft	78,100 sq ft
Parking Structure	58 ft	35,200 sq ft	160,000 sq ft

The site utilities consist of the following:

Newton Street - west of Block 3 Piersons Addition

- 12" storm sewer
- 2" gas line
- 24" storm sewer
- 12" sanitary sewer
- 6" water line

Vacated Alley - in Block 3 Piersons Addition

- 8" sanitary sewer
- Overhead power line
- Overhead power and telephone line

Vacated Meade Street - west of Block 4 Piersons Addition

- 8" gas line
- 15" sanitary sewer
- 15" storm drain
- 6" water line

Meade Street - west of Block 5 Piersons Addition
8" gas line
6" water line

Lowell Boulevard - east of Block 4 Piersons Addition
2" gas line

West Conejos Place - south of Block 5 Piersons Addition
8" gas line
24" water line

West 16th Avenue - south of Block 3 Piersons Addition
12" storm sewer
24" storm sewer
12" water line
12" sanitary sewer
18" sanitary sewer

Vacated West 16th Avenue - south of Block 4 Piersons Addition
24" storm sewer
4" gas line
21" sanitary sewer
12" water line

The 8" sanitary sewer in vacated Alley of Block 3 Piersons Addition does not extend beyond a manhole in West 17th Avenue. It flows south into the 12" sanitary sewer in West 16th Avenue. Beth Israel Hospital and Geriatric Center will maintain this sewer as a private sewer relieving the City and County of Denver of any responsibility for maintenance between West 16th Avenue and West 17th Avenue. The overhead power lines and telephone line serve only Block 3 Piersons Addition and will be removed to West 16th Avenue where development service requirements will enter with underground service entrance.

Beth Israel Hospital and Geriatric Center has granted a 30 foot wide easement through the development district for the utilities in the vacated Meade Street and vacated West 16th Avenue.

The development district structures and site will be designed for retention of developed flow of surface water from the district area. The retention shall be for the difference between existing flow and additional developed flow resulting from the construction of the development district construction.

The development district structures shall be set in a distance of not less than the following distances from the Zone Lot lines:

Along West 17th Avenue	-	6.83 feet
Along Lowell Boulevard	-	5.0 feet
Along Newton Street	-	20.0 feet
Along West 16th Avenue	-	10.0 feet
Along Meade Street		
West of Block 5		
Piersons Addition	-	10.0 feet

Along West Conejos St.	-	10.0	feet
Along Alley of Block 5			
Piersons Addition	-	5.0	feet
Side setback of Block			
3 Piersons Addition	-	5.0	feet

The minimum spacing between separate buildings will be 30 feet. The Commons Building will be constructed as a functional integral part of the Multiple Unit Dwellings and the Long Term Care facility and will have no separation whatsoever.

The development district will have pedestrian circulation between the structures as well as to the exterior landscaped areas adjacent to and between all structures. The exterior limits of the development will have 8'-0" walks with wheelchair access corners along West 17th Avenue, West 16th Avenue, Newton Street, Meade Street and Lowell Boulevard. These circulation walks will lead into the existing circulation walks of the existing adjacent areas. Sloans Lake is directly northwest and a Public Park area is directly north of Block 3 Piersons Addition of the development district.

Exterior signs shall be regulated by Article 613, Section .1 thru Section .2-2(6) and Section .3-3. (R-5 District Regulations). External effects shall be regulated by the limitations contained in Section 612.29-2. (R-5 District Regulations).

There are no traffic volume statistics available around the development district. The nearest locations of traffic counts are at West 17th and Sheridan, West 17th and Federal and Meade Street at Colfax. The volume on these two-way streets for a 24 hour period are:

West 17th Avenue & Sheridan	7,650 cars
West 17th Avenue & Federal	7,850 cars
Meade Street @ West Colfax	2,680 cars

As a result of the construction of this development district it is anticipated that the traffic movements would be as follows:

West 17th Avenue	Traffic would be increased to some extent due to vehicular entrance to new main hospital entrance.
West 16th Avenue	No existing traffic count. This is a low volume street that stops at St. Anthony complex two blocks west and near Federal on the east. No increase is anticipated.
West Conejos Place	No existing traffic count. This is a low volume street that stops six blocks west and at Cheltenham Elementary School two blocks east. No increase is anticipated.

Lowell Boulevard No existing traffic count. The new Main Entrance to the General Hospital is to be relocated to the west. It is anticipated that the present volume due to through north-south traffic will increase slightly.

Meade Street It is anticipated that the volume would decrease. Some traffic not related to the development district will move to Lowell Boulevard. As many visitors and staff now use Meade Street to arrive at parking lot this would not change. Access to parking area would now be in area of vacated 16th Street from the west.

Newton Street No existing traffic count. It is anticipated that the Multiple Unit Dwellings for senior citizens would increase traffic only slightly.

Public transportation is available on West 17th Avenue and on West Colfax Avenue two blocks to the south. The district is served by the Fire Department out of Station 12 at 2525 Federal and by the Police Department out of District 1 at 22nd and Decatur.

The construction of the Planned Unit Development is proposed to be:

Phase 1: Construction of Multiple Unit Dwellings and Commons Building. This phase is proposed for construction upon approval from HUD of Loan Application for Senior Citizen Housing.

Phase 2: Construction of Long Term Care facility.

Phase 3: Expansion of the General Hospital Basement and First Floor and construction of the Parking Structure.

No specific time table has been developed as approval must be obtained from various Federal and State Agencies which are involved in Senior Citizen Housing and Health Care Facilities. Applications cannot be submitted and a meaningful time table established until approval of the Planned Unit Development is obtained.

2nd trial -

Feb 18, 1912

1st trial -

2nd trial -

3rd trial -

4th trial -

5th trial -

6th trial -

7th trial -

8th trial -

9th trial -

10th trial -

11th trial -

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71+1=42

Zoning Conditions:

1. Summary

Beth Israel property and all adjacent properties were originally zoned R-2 & the Hospital was a non-conforming use.

In 1967 at the time the elevator tower, Basement Laboratory & East extension were constructed a variance ~~was~~ for the addition to a non-conforming hospital in R-2 was granted which allowed:

2. Elevation 14'-10 1/2" into required 20' setback on Meade St.; 3'-2 1/4" into required 10' setback on W. 17th Avenue; and extend 9'-9" over permitted height on Meade Street. [this must be made not made]

In June of 1973 the block bounded by Avenue, Meade St., W. 16th & W. 17th was changed from non-conforming R-2 to non-conforming R-5.

2. It is not to change zoning from R-5 to R-3, without an adjoining zone lot all zoning zone R-3, the applicant must show a demonstration of a need in the zone to be so rezoned.

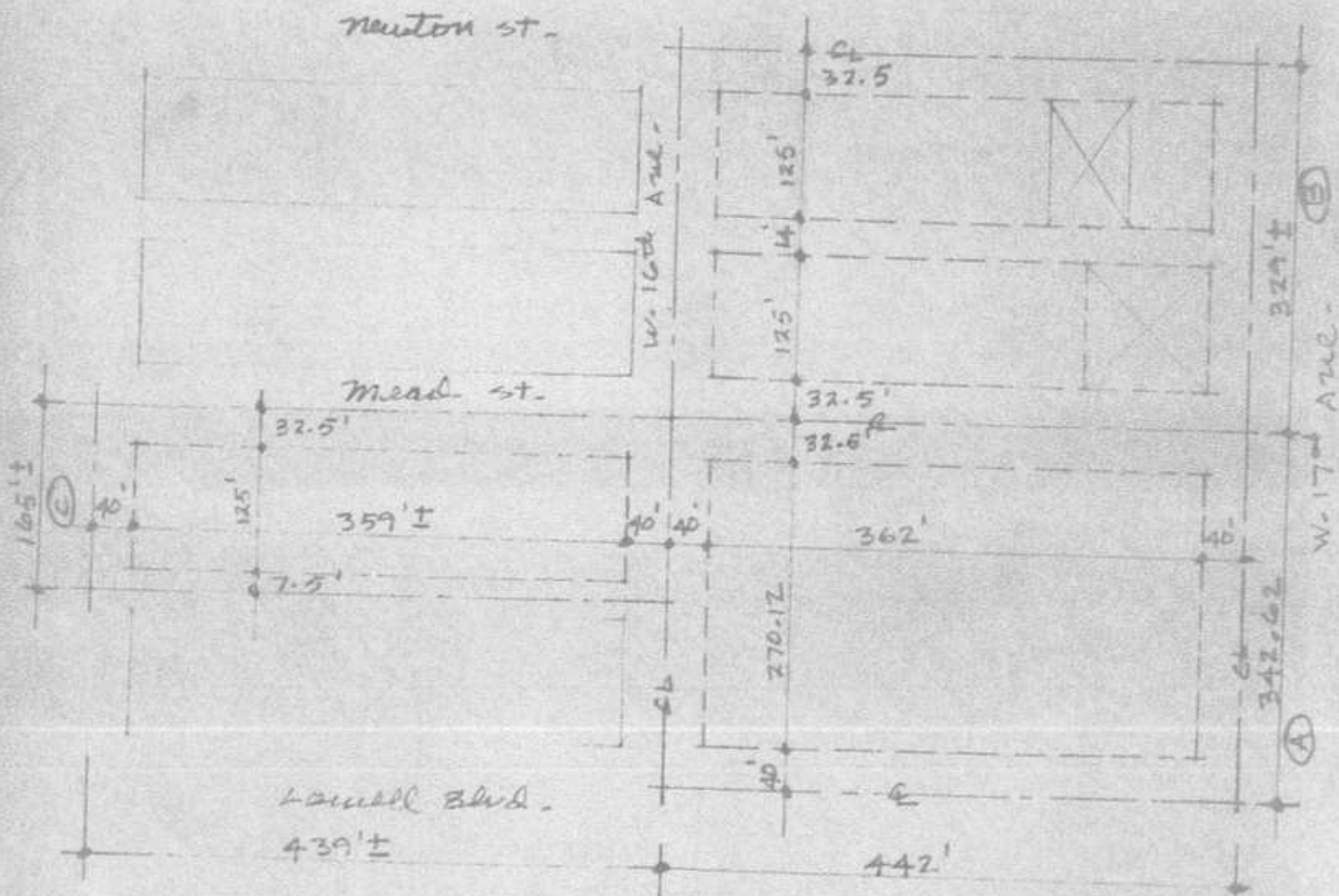
3. The R-5 zone, now zone, in addition to the current block, the entire West 12 block to the south facing on Meade Street; the entire block to the west across the street, except for the third 3 lots on the block at corner and the remainder

Beth Israel -

Feb. 18, 1977 (5)

4th lots from W-17th St., which face
Newton St.

2. The above area, including the phone
5 lots, from centerline of streets
and/or alley comprises approximately
8.48 acres as shown below.



$$\begin{aligned} \text{Area (A)} &= 442' \times 342.62' = 151,438 \text{ ft}^2 \\ \text{Area (B)} &= 442' \times 329' = 145,418 \text{ ft}^2 \pm \\ \text{Area (C)} &= 439' \times 165' = 72,435 \text{ ft}^2 \pm \end{aligned}$$

$$369,291 \text{ ft}^2 \div 43,560 \text{ ft}^2 = 8.48 \pm \text{ acres}$$

Public Comments

From: [Michelle Michael](#)
To: joel.noble@denvergov.org
Cc: [Planningboard - CPD](#); [White, Sara E. - CPD City Planner Senior](#); [Lopez, Paul D. - CC Member Denver City Cncl](#); heidi.aggeler@denvergov.org; jim.bershof@denvergov.org; erin.clark@denvergov.org; ignacio.correa-ortiz@denvergov.org; don.elliott@denvergov.org; renee.martinez-stone@denvergov.org; frank.schultz@denvergov.org; susan.stanton@denvergov.org; andrew.abrams@denvergov.org; simon.tafoya@denvergov.org; rafeal.espinoza@denvergov.org; [Flynn, Kevin J. - CC Member Denver City Cncl](#); [Black, Kendra A. - CC Member Denver City Cncl](#); [Susman, Mary Beth - CC Member Denver City Cncl](#); [Kashmann, Paul J. - CC Member Denver City Cncl](#); [Clark, Jolon M. - CC XA1405 President Denver City Council](#); [Herndon, Christopher J. - CC Member Denver City Cncl](#); [Brooks, Albus - CC XA1404 Member Denver City Council](#); [New, Wayne C. - CC Member Denver City Cncl](#); [Gilmore, Stacie M. - CC Member Denver City Cncl](#); [kniechatlarge](#); [Deborah Ortega - Councilwoman At Large](#); phil@wecandenvr.org; michael@wecandenvr.org; megan@wecandenvr.org; leah@wecandenvr.org; jude@wecandenvr.org; jessica@wecandenvr.org; cole@wecandenvr.org; treasurer@wecandenvr.org; jpa@earthnet.net
Subject: [EXTERNAL] Rezoning of 17th & Meade Street
Date: Monday, April 01, 2019 8:45:00 PM

Hi Joel,

I am a resident on Meade Street between Colfax and Conejos Street (in a home that is not intended to be torn down or have a sky scraper built next to it) and am writing to you today to express my concern over the development and distasteful rezoning that is being proposed by Councilman Lopez on 17th and Meade. I am sorry in advance for the lengthy email, but I want to make sure my concerns along with my neighbors concerns are brought to light.

Tax Increment Financing ("TIF") – Please tell me how this was the intended purpose of the law and how you personally think it is justifiable and good for the community. Is the corner of Sloan Lake really a "blighted area"? TIF is a financing mechanism to offset the reduced level of federal funding which allows cities to work with the private sector to booster economic growth. Please tell me how this Zocalo development will provide long term jobs in the area? It is million dollar condominiums, the property tax of which will go towards funding the low income housing, and there will be maybe one space for retail? The development will in turn drive up property value (a good thing for me), but it will ultimately displace low income residents currently in the neighborhood. The city and my community will not see any increase in tax revenue until the TIF bonds are paid off. The long term jobs created would be property management as there is slim to no retail space. Who will supplement the funding the police department, fire department and schools need due to the massive increase in population? Me? Will this not set a precedent that developers can use taxpayer dollars to fund their private projects in a way the bill was not intended to do? Bolstering population, but taking zero responsibility for the negative impacts to the community. Putting money into the developers pockets, and not holding them accountable for dealing with the mess they create. Is District 3 at its property tax revenue limit (based on the nationally recognized teacher strike at the Denver Public Schools this year, something tells me sufficiently funding schools in Denver is a very relevant issue)? If the District is not at its property tax revenue limit, all actual taxpayers in the community will end up paying for this, assuming the development would have otherwise occurred. What do you think the reality of a developer wanting to develop lake side property in the middle of a city is? I believe the development of this land is inevitable.

To me, a taxpayer and hardworking citizen who cares about their home and the community, something seems off here. A developer taking public money to subsidize a residential project which is not how TIF is intended to be used. The developer will take the tax money from the million dollar

condo units (being built in a thriving neighborhood) that should go towards funding schools, police, etc. and instead fund the low income housing that will ultimately displace a large number in the community. All of this simply being a ploy to allow for the unfavorable rezoning. This doesn't sound right. Was this the intended purpose of C.R.S. § 31-25-107? Will this not set a precedent that TIF can now be used for residential developments versus it's intended use to bolster business and stimulate the economy of "blighted" areas?

I purchased my home last March in what I know is a redeveloping area, and I welcome development. Meade Street specifically has homes on it which may be old but are by no means tear down homes. I have every intention of owning this home forever, having a family in it, ideally sending my kids to public school someday. Hopefully living the life I intended to in this home. The zoning on the street was definitely factored in when I purchased my home a short year ago. My street is zoned to single family homes and duplexes. A residential neighborhood in the city. Something that adds to Denver's charm, and something every prospering city has. The homes in my neighborhood are well built, and I repeat, are not tear downs. It would be a shame for this neighborhood, one of the few left in the area, to be turned into another ugly slot home travesty, removing a part of the character this beautiful City had to offer when I first moved here. When my parents come to visit they even comment on what a shame it is that the City has allowed the developers to build for profit without considering the effects on the City, its character, and the people who actually live in it. For some background, my parents are engineers and my family's livelihood was based on development. I am pro-development. I just want it done right.

When I first heard the parking lots to the Hospital were going to be developed I was excited. I knew rezoning would occur, but I also knew the building was zoned to be 10 stories. At that point I still had faith that the City would only do what was good for the community. I am now skeptical as it is blatantly clear, a sky scraper, something that is 6 stories higher than the largest building in the district, (Lakehouse Residences - which is astronomically higher than the rest of the buildings in the area but at least it is built in an area with retail, larger roads built to equip the complex, and not smack in the middle of a quiet neighborhood street), does not belong on a residential street. I was okay with 10 stories, which is extremely tall and able to house an appropriate amount of people. 16 Stories - my stomach dropped when I heard this.

Further, parking. It is unreal to me that the City of Denver has taken the stance it has on parking. Despite the City wanting people to use mass transportation, Denver is a booming City due to its proximity to the mountains. I use public transportation to get to work. (Denver's cost of public transportation rivals that of New York and Los Angeles. Talk about being unfriendly to low income residents in a mid-size city.) Fortunately, I have a garage and driveway and am guaranteed a parking spot. I did my homework when house hunting and considered the fact that I need a place to park. The same percentage of the population that currently owns cars in Denver, will continue to own cars, despite the hap hazard push the City is making. I fear the future residents of the Zocalo development may do the same thing as the City of Denver and not do their homework. I, as will the other residents on my street whom do not all have driveways and garages, will be the ones penalized by this.

What vetting process has been done to ensure the proposed development will have parking

adequate to house all of the cars for both the hospital workers and the low income housing? P.S. The answer is that there is not sufficient parking in the proposal. The current proposal has the low income complex sharing a garage, which cannot accommodate all of the tenants as is, with the hospital. Hospitals are 24/7 facilities. The hospital will be staffed and have cars to be parked 24/7. What about the low income housing tenants? They may have low income but they also have cars. Public transportation in Denver is too expensive not to. They will continue to have cars. This is not an issue that will just cease to exist. Denver has a parking problem and it is this type of irresponsible development that makes it worse. I consistently have a car that is not mine in front of my house. When I put my trash out, I have to put it in my driveway as I cannot put it on the curb due to the parking issue that already exists. Adequate parking is a parking spot for each bed. I know that is too much to ask (it really isn't though), but currently there isn't a parking spot per unit which is unacceptable.

There is an empty parking lot on a prime piece of land. If this developer will not do it right, another will. I am only asking the City to do what is right. The residents on Meade Street are wholeheartedly opposed to this development being built in the fashion it is currently proposed. Something acceptable would be a 10 story building – MAX, with adequate parking. When referencing adequate parking, that does not mean what the city requires, as that is a different story and should be something the City of Denver is ashamed they have allowed to go as far as it has. People will continue to own cars. The growth this City has seen is due to the proximity to the mountains. People drive to the mountains. Retail space would be a dream and would actually provide jobs.

Please consider the negative affects before making rash decisions. To address the issues above, please feel free to either call me at 361-288-0853 or email me at mlmichael13@gmail.com. I look forward to hearing from you and hopefully finding the resolution that will best suite the community.

Thanks,

Michelle Michael
361-288-0853

From: [Rezoning - CPD](#)
To: [White, Sara E. - CPD City Planner Senior](#)
Subject: FW: Rezoning Comment
Date: Monday, April 08, 2019 1:47:13 PM
Attachments: [WeCan screen shot.png](#)
Importance: High

From: Laurel McFerrin <lmcferrin@kmgcap.com>
Sent: Saturday, April 6, 2019 8:58 AM
To: Rezoning - CPD <Rezoning@denvergov.org>
Subject: [EXTERNAL] Rezoning Comment
Importance: High

My husband and I recently moved to 1606 Lowell Blvd in Denver; leaving the city (Platform Apartments at Union Station) to get away from the mobility and parking problems due to the increased congestion that is too much for the current infrastructure. Despite being away from the city, there are still parking issues in our neighborhood, particularly on weekends and during Bronco games. This rezoning request (see attached) will not only negatively impact the topography of this area, blocking the lake and mountain views of multiple homes, but more important, the streets and parking in this area will become impassible and impossible. The proposed height of this new structure will look ridiculous and incompatible with the rest of the area. The Lakehouse complex a few blocks away is already enough of an eyesore – it is entirely too large in every way. It looks completely out of place with the rest of the homes surrounding Sloan's Lake.

This area is primarily residential and should remain that way. The few scattered businesses and multiple residential developments that have adhered to the current height restrictions are appropriate but anything taller significantly decreases the values of the adjacent homes and deteriorates the appearance and function of the neighborhood. We are in favor of growth, but when the infrastructure is not adequate enough to handle it and when the neighborhood is negatively impacted and devalued, it is clearly not in the best interest of anyone involved.

I hope you take these comments under consideration when making your decision about this rezoning request.

Thank you,

Laurel McFerrin, M.P.Acy
1606 Lowell Blvd
Denver, CO 80204
720.420.1616 office | 303.358.1426 cell

4/8/2019

To whom it may concern,

My name is Schuyler Cayton. I am the property owner at 1591 Meade St. Denver Colorado. I am writing in regards to the current Zoning Change application and proposed development at 17th and Newton. It's my hope that my comments will be considered by those in position to protect the integrity of my neighborhood from development that is ill conceived.

Initially, I read and re-read the proposed zoning change and development from the perspective of a neighbor who will be directly affected. I've also considered this proposal from the perspective of a Denver resident who's witnessed the dramatic changes throughout this city over the passed decade. It is from both of these perspectives that I respectfully offer my thoughts. And my objection.

My objection is founded on questioning several assumptions of the proposed development. It's my hope that the zoning board and others will also consider questions in the context of the 'JUSTIFYING CIRCUMSTANCES' condition of the Zoning change request.

☐ The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the **public interest** to encourage a redevelopment of the area to recognize the changed character of the area

I have lived next to the hospital surface parking lot for 9 years and I have imagined that one day the space might change to better serve a community need / public interest. However – I could have never imagined a proposal of such size and scale on the approximately 2+ acre parking lot. (This is a reality I believe is obscured by the rezoning request citing 6.3 acres. The vast majority of the new development would occur on this surface parking lot. Less than 3 acres in size.)

The proposed development includes new buildings of **16 stories, 10 stories, 6 stories, 5 stories, and 3 stories. 300 + Units. Market rate High Rise condos, affordable rental townhomes. Commercial retail space. Office space. And an 8 story parking garage.** --- to be shared by the residents, visitors and also accommodate the 200+ cars that currently park on the existing Medical office facility parking lot?? All of this, on a 2+ acre surface parking lot??

Basic questions --- **Does this scale 'recognize the changed character of the neighborhood?' Does this size and scale recognize the neighborhood at all?** From my perspective as a 9 year resident of the community the answer is NO.

This neighborhood has fortunately and (amazingly) retained its neighborhood feel in spite of the changes occurring around it. Despite the many references within the proposal to other areas of the city --- including the St Anthony's redevelopment, Colfax Avenue, and high rises in other city parks -- this area is not in any of those places. It is not sitting on a major four lane city throughway. It is not surrounded

by an area being re-imagined like the St. Anthony's site. It is not in another city park. The parking lot on 17th and Newton is surrounded by tight 2 lane residential roads and single family homes. This is a reality the proposal doesn't recognize.

The proposal implies the neighborhood needs a Focal point and the services that go with one. Does it? What about the Lake and the Park itself? What about the area around the new Lakehouse at Raleigh and 17th? What about the services that exist and will exist along Colfax Avenue?

The proposal seems to imply that there is no need for open space on a development of this size, because of the park across the street. Is this accurate?

The proposal attempts to address the need for affordable housing. Does building lower end town homes in the shadow of a High End High Rise adequately address these needs -- in a responsible / community building way?

The proposal makes repeated references to the ability to move the height of the project to the center of the property. This seems to miss the larger questions about this project. Is it just about how to best accommodate more height? Or is it about whether the surrounding community can support and benefit from a development of the proposed scale....

In the end, as a neighbor seeking to understand the proposed development, 3 basic assumptions of the request appear significantly flawed.

1. The development aligns itself with what the neighborhood changes merit. *From my perspective, the proposal does not truly recognize the neighborhood.*
2. The size and scale of the development are in the best interest of the community and are consistent with the neighborhood. *This is simply not accurate.*
3. The development offers a little bit of everything and satisfies numerous community and neighborhood needs. *Is a 2+ acre surface parking lot surrounded by single family homes the place to achieve this? And if so, at what cost?*

Like others that have experienced the dramatic change in Denver over the past 10 years, I can recognize inappropriate development when I see it. What is being proposed on the corner of Newton and 17th, in scale and scope, is as inappropriate as a proposal to build single family homes along the 16th street mall. It is so clearly out of place.

Thank you for giving my perspective consideration. And thank you for thoughtfully considering the questions that I (and many other neighbors) are asking about this proposed zoning change and development.

Respectfully,



Schuyler Cayton

1591 Meade St Denver, CO 80204