



Legislation Text

File #: 21-1357, Version: 1

**Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)**

**Date Submitted:** 11-1-21

**Requesting Agency:** Community Planning and Development  
**Division:**

**Subject Matter Expert Name:**

|                                   |
|-----------------------------------|
| Name: Chris Nevitt                |
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**Item Title & Description:**

*(Do not delete the following instructions)*

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

**A bill for an ordinance approving a proposed Fox North Amended and Restated Development Agreement between the City and County of Denver and Vita Fox North, L.P., West Globeville Metropolitan District No. 1, and West Globeville Metropolitan District No. 2, for the development of approximately 41 acres bounded by I-70, West 45th Avenue, North Fox Street, West 43rd Avenue and the RTD Rail Line.**

Approves the Fox North Amended and Restated Development Agreement in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 12-13-21. The Committee approved filing this item at its meeting on 11-9-21.

**Affected Council District(s) or citywide?** Council District 9

**Executive Summary with Rationale and Impact:**

*Detailed description of the item and why we are doing it. This can be a separate attachment.*

Amendment to the Fox Park development to address 4 key items:

- a. Parks & Recreation: 1) Original DA required conveyance of open space to Parks & Rec. 2) Based on environmental conditions and possible structured parking under park spaces,

conveyance not required. 3) Metropolitan district will build, own, maintain all parks and plazas. 4) City will enjoy perpetual public access easement (per Section 10.8.1 of the DZC).

b. New Housing/Community Benefits - The Developer agrees to: 1) Build 7% of onsite units as Income Restricted Units. 2) Pay 125% of today's Linkage Fee for all non-residential development. 3) Contribute \$4.25M to support off-site permanent affordable homeownership opportunities in Globeville (Habitat for Humanity). 4) Contribute \$2.00M to support community, housing, and economic development (Birdseed Collective).

c. New Off-Site Infrastructure Facilities - Based on Next Steps Study and need for new multi-modal capacity to support development, Fox Park will: 1) Design & reconstruct regional "Cluster" facility (Fox St./38th Ave./Park Ave./ I-25 Ramps). 2) Design & construct additional new full-multi-modal access for Fox Island. 3) Feasibility analysis and design of Huron Bridge over 38th Ave. 4) Design of 44th Ave. Bridge & Bikeway Improvements.

d. Environmental Issues Management: 1) City & developer goals for Fox Park best served by standard public ownership of public roads and utilities. 2) But presence of Asarco Superfund site (OU-3) complicates clean-up oversight and introduces additional liability issues. 3) Highest-level City standards & protocols will govern clean-up. 4) Fox Park working with EPA on clean-up settlement agreement. CAO and DDPHE working with EPA on mitigation of potential City liability. 5) Per XO-100, rights-of-way will remain private until City liability risk is sufficiently mitigated.

**Address/Location (if applicable):**

**Legal Description (if applicable):**

**Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):**

**Draft Bill Attached?**