Text and Map Amendments to Implement 38th and Blake Station Area Height Amendments

Text Amendment #2 to establish River North Design Overlay (DO-7) / 38th and Blake Incentive Overlay (IO-1)

Map Amendment #2017I-00121 to rezone properties within existing mixed-use districts to include the DO-7 and IO-1 Overlays
Sponsor and Community Partners

• Zoning code text and map amendments sponsored by City Council President Albus Brooks
  • Developed in consultation with community stakeholders
    • Focused stakeholder meetings (5+)
    • Property owner meetings (10+)
Purpose

• Implement Adopted 38th and Blake Station Area Plan Height Amendments
  • Promote taller building height to support transit
  • Ensure that increased height/density provides specific community benefits
  • Promote greater design quality
  • Establish the river as an amenity
  • Integrate affordable housing
# Public Process

<table>
<thead>
<tr>
<th>Step</th>
<th>Date</th>
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<tbody>
<tr>
<td>38 &amp; Blake Station Area Height Amendments Adopted</td>
<td>9/19/16</td>
</tr>
<tr>
<td>Stakeholder Meetings to Develop implementation Strategy</td>
<td>12-16 to 6-17</td>
</tr>
<tr>
<td>Planning Board info item</td>
<td>7/19/17</td>
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<tr>
<td>LUTI Info Item</td>
<td>8/8/17</td>
</tr>
<tr>
<td>INC and Other RNO Presentations</td>
<td>8/17 through 9/17</td>
</tr>
<tr>
<td>Stakeholder Meeting on Design Overlay</td>
<td>9/11/17</td>
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<tr>
<td>Feasibility Study Stakeholder Meeting</td>
<td>10/12/17</td>
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<tr>
<td>Postcards Sent to All Property Owners</td>
<td>10/31/17</td>
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<tr>
<td>Public Meeting on Text and Map Amendments</td>
<td>11/08/17</td>
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<tr>
<td>Notification Signs</td>
<td>11/20/17 – 12/5/17</td>
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<tr>
<td>Planning Board Hearing</td>
<td>12/6/17</td>
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<tr>
<td>Land Use, Transportation and Infrastructure Committee</td>
<td>1/2/18</td>
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<tr>
<td>City Council Public Hearing</td>
<td>2/12/18</td>
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Text Amendment #2

River North Design Overlay
- Promotes greater design quality regardless of underlying zone district
- Establishes river as amenity
- Applies throughout River North (RiNo)

38th & Blake Incentive Overlay
- Implements plan vision for height/community benefit
- Relates to citywide linkage fee program
- Applies to station area
Summary of Design Overlay

• Building Design & Massing
  • Structured Parking Design
  • Incremental Mass Reduction

• Street Level Activation
  • Build-to/Setbacks
  • Transparency
  • Active Uses
  • Street Level Height
  • Street Level Residential Setbacks/Entries
River North Design Overlay (D0-7)

Design Overlay Layout

<table>
<thead>
<tr>
<th>Max Number of Primary Structures per Zone Lot</th>
<th>Building Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>no max</td>
<td>Suburban House</td>
</tr>
<tr>
<td>■ = Allowed</td>
<td>■</td>
</tr>
</tbody>
</table>

### Required Build-to Alternatives

<table>
<thead>
<tr>
<th>Permanent Outdoor Patio Seating (Max Increase in Build-to-Range)</th>
<th>Private Open Space (Max % of Build-to)</th>
<th>Garden Wall (Max % of Build-to)</th>
<th>Garden Wall with Covered Seating for Pedestrians (Max % of Build-to)</th>
<th>Pergola (Max % of Build-to)</th>
<th>Arcade (Max % of Build-to)</th>
<th>Courtyard (Max % of Build-to)</th>
</tr>
</thead>
<tbody>
<tr>
<td>na</td>
<td>25%</td>
<td>25%*</td>
<td>30%*</td>
<td>30%*</td>
<td>100%</td>
<td>na</td>
</tr>
<tr>
<td>na</td>
<td>25%</td>
<td>25%*</td>
<td>30%*</td>
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<td>25%*</td>
<td>30%*</td>
<td>30%*</td>
<td>100%</td>
<td>na</td>
</tr>
</tbody>
</table>

*If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.

### Design Elements

- **Building Configuration**
  - **Street Level Height Limit**
  - Limitation on Wall Parking Above Street Level for Structures Over 75 ft or 20 ft east of Street Centerline for Front Zone or Mid Block
  - See Section 3.4.5.1.1.2
  - Alternative to Limitation on Wall Parking Above Street Level
  - See Section 3.4.5.1.1.2

- **Incremental Mass Reduction by Zone Lot Size Width**
  - \[ \text{Incremental Mass Reduction} = \frac{\text{Width of Lot} - 100}{100} \]
  - See Section 3.4.5.1.1.2

- **Street Level Activation**
  - Transparency, Primary Street (for all uses)
  - Transparency Alternatives
  - See Section 3.4.5.1.1.2

- **Additional Residential Access Points and Side Street Uses**
  - See Section 3.4.5.1.1.3

- **Uses**
  - DO-7 Overlay District

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*Note: This information is subject to limitations and may vary based on specific regulations and guidelines.*

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River North Design Overlay (D0-7)

Building Design & Massing Tools

- **Structured Parking Design** (structures over 5 stories)
  - Wrap 70% of Parking
  - Screen 100% of Parking

- **Incremental Mass Reduction** (zone lots over 150’ wide)
  - Stories 3-5: 10%
  - Stories 6-8: 15%
  - Stories 9-12: 20%
  - Stories 13-16: 30%
River North Design Overlay (D0-7)

Building Design & Massing Tools
River North Design Overlay (DO-7)

Street Level Activation Tools

• **Street Level Active Use** (zone lots over 150’ wide)
  • No parking or residential on 50% of Primary Street Frontage

• **Street Level Height**
  • 16’ Minimum

• **Street Level Residential**
  • 7’ min. primary/side street setback
  • Entry feature for each street level dwelling
River North Design Overlay (D0-7)

Street Level Activation Tools
River North Design Overlay (D0-7)

Additional Tools

• No vehicle parking requirements within ½ mile of transit

• Modified criteria for designation of primary streets
  • The river is always primary
River North Design Overlay (DO-7)

Consistency with Adopted Plans

- **Comprehensive Plan 2000**
  - Land Strategy 3-B: Encourage quality infill development that is consistent with neighborhood character... (page 60)
  - Denver’s Legacies Strategy 2-B: Focus design standards and review efforts on new and evolving districts that are undergoing the most dramatic change (page 98)

- **Blueprint Denver**
  - Create new or modified zone districts where there is not an existing zone district that allows the appropriate uses, densities, and design standards in Areas of Change (page 130).

- **38th and Blake Station Area Height Amendments (2016)**
  - “Adopt a new regulatory approach to ensure greater design quality throughout the station area” (page 8).

- **Northeast Downtown Neighborhoods Plan (2011)**
  - Promote pedestrian orientation and minimize the visual impacts of structure parking (page 74).
  - Locate commercial uses on the ground floor to activate buildings and the street (page 74).

*The design overlay component of the text amendment is consistent with adopted plans.*
New Incentive Overlay Category

9.4.6.1 **General Purpose**

Incentive Overlay Districts are intended to serve one or more of the following purposes:

A. **Provide flexibility in zoning standards for projects that deliver specified community or citywide benefits beyond what is required by the Denver Zoning Code and other regulations, including, but not limited to:**
   1. **Affordable housing:**
   2. **Community amenities:**
   3. **Cultural facilities; or**
   4. **Publicly accessible open space.**

B. **Incentivize provision of community benefits specified in an adopted neighborhood or small area plan that sets forth community priorities and is adopted as part of the Comprehensive Plan.**

C. **Incentivize provision of community benefits that are not attainable through other requirements or programs.**

D. **Provide clear and predictable development outcomes.**
38th & Blake Incentive Overlay (IO-1)

Summary of 38th and Blake Incentive Overlay

DZC Text Amendment

SECTION 9.4.6 INCENTIVE OVERLAY DISTRICTS (IO-)

- Allow 1 to 11 stories of ‘incentive height’ above zoning ‘base height’
- Specify height transitions
- Clarify relationship to other height standards/exceptions
- Cross reference new DRMC section for affordable housing/fee requirements

DRMC Amendment (in progress)

Chapter 27 - HOUSING[1]

ARTICLE I. - IN GENERAL

ARTICLE V. - DEDICATED FUNDING FOR AFFORDABLE HOUSING
DIVISION 1. - AFFORDABLE HOUSING PERMANENT FUNDS

- Residential mixed-use projects
  - Require units (no fee option)
  - 1x citywide build-alt on all stories
  - 4x citywide build-alt on incentive stories
- Commercial mixed-use projects
  - Citywide linkage fee applies
  - + 4x fee on incentive height
  - Or units / community use agreement
38th & Blake Incentive Overlay (IO-1)

Incentive Height Map

**INCENTIVE HEIGHT**

<table>
<thead>
<tr>
<th>Stories (max)</th>
<th>Feet (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>45'</td>
</tr>
<tr>
<td>5</td>
<td>70'</td>
</tr>
<tr>
<td>8</td>
<td>110'</td>
</tr>
<tr>
<td>12</td>
<td>150'</td>
</tr>
<tr>
<td>16</td>
<td>200'</td>
</tr>
</tbody>
</table>

* See Section 9.4.6.6.F.2 for required height transitions
Sample Incentive Project

**Incentive Height**
7 Additional Stories
105,000 GSF

**Base Height**
5 Stories
75,000 GSF

**Example Residential Development**

**Incentive Required Units:**
4x Citywide Requirement
= 7 units

**Citywide Required Units**
(For Total Project GSF):
1x Citywide Requirement
= 3 units

**Total Units Required:** 10
Text Amendment #2
Additional Review Criteria for an Incentive Overlay

1. Application of an Incentive Overlay District will provide community benefits that furthers one or more adopted city policies; and
2. Such community benefits have been determined by the City to be best achieved though incentives, rather than requirements; and
3. Application of an Incentive Overlay District will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and
4. Application of an Incentive Overlay District will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted City policies.

The incentive overlay component of the text amendment is consistent with additional review criteria.
Consistency with Adopted Plans

• **Comprehensive Plan 2000**
  - Land Use Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure... (page 60)

• **38th and Blake Station Area Height Amendments (2016)**
  - “Adopt a new regulatory approach to integrate affordable housing and mixed income development within the 38th and Blake Station area” (page 10).

• **Elyria and Swansea Neighborhood Plan (200t)**
  - Recommend neighborhood collaboration to determine whether taller building heights may be appropriate near the 38th and Blake Station (page 31).

• **38th and Blake Station Area Height Plan (2009)**
  - Provide financial incentives to include flexible zoning and provision of density bonuses (page 71).

*The incentive overlay component of the text amendment is consistent with adopted plans.*
Text Amendment Review Criteria

CPD recommends approval of the text amendment based on finding that criteria have been met:
1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Furthers the Public Health, Safety and General Welfare
4. Results in Regulations that are Uniform Across the District
Map Amendment 2017I-00121

Zone Map Amendment 17i-00121
RiNo / 38th & Blake Station Area
Council District 9
Neighborhoods: Cole, Elyria Swansea, Five Points, Globeville
Map Amendment Application

- 38th & Blake + RiNo
  - Apply DO-7
  - Apply IO-1
- RiNo
  - Apply DO-7
Map Amendment
Existing Zoning in Area

- C-MX-
- I-MX-
- U-SU-A1
- E-SU-B
- I-A
- I-B
- R-MU- (Former Ch. 59)
- PUD
- G-MU-3
- OS-A
- OS-C
Map Amendment
Existing Land Use in Area

- Industrial
- Warehouse
- Single- and Multi-unit residential
- Transportation (rail and freight handling)
- Entertainment (Coliseum)
- Vacant
Map Amendment
Registered Neighborhood Organizations

- Inter-Neighborhood Cooperation (INC)
- RiNo
- River North Art District
- United Community Action Network Inc.
- Curtis Park Neighbors
- Globeville Civic Association #2
- Globeville Civic Partners
- The Points Historical Redevelopment Corp.
- Five Points Business District
- Rail Yard Lofts Homeowner's Association, Inc.
- Denver Neighborhood Association, Inc.
- Cross Community Coalition
- Elyria and Swansea Neighborhood Association

- Elyria Swansea/Globeville Business Association
- Opportunity Corridor Coalition of United Residents
- Globeville K.A.R.E.S.
- Rio Norte
- Cole Neighborhood Association
- Denver Arts and Culture Initiative
- Comunidades Unidades Globeville\Elyria & Swansea
- North Neighborhoods Democratic Council
- Ballpark Collective
- Blake27 Urban Brownstones
Map Amendment
Denver Zoning Code Review Criteria for a Legislative Rezoning

1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Uniformity of District Regulations
4. Further Public Health, Safety and Welfare 12.4.10.8
Map Amendment
Blueprint Denver

- Future Land Use
  - Mixed Use (most of the area)
  - TOD (south of station)
  - Industrial (north of station)
Map Amendment
Blueprint Denver

- Street Classifications
  - Lawrence: Residential Arterial
  - Larimer: Mixed-use Arterial
  - Blake: Residential collector/arterial
  - Brighton: Mixed-use Arterial / Enhanced transit corridor
Map Amendment
38th and Blake Height Amendments (2016)

- Implementation of adopted incentive heights through overlay map and transition area text
Map Amendment
Elyria and Swansea Neighborhood Plan (2015)

• Recommendation for City Councilmember-initiated rezonings to implement the plan vision (page 29)
Map Amendment
Relationship to Proposal 2017I-00120 & 122

- #120
  - Expedite single rezoning
- #122
  - Update some underlying zoning to MX
  - Update underlying zoning to base height
Map Amendment
Relationship to Proposal 2017I-00120 & 122

• Sponsor of #122 will request modification to remove four properties:
  • 3333 Ringsby (RTD): I-A
  • 3509 Wynkoop: I-MX-5
  • 3510 Brighton: I-MX-5
  • 3530 Brighton: I-MX-5
Map Amendment
Relationship to Proposal 2017I-00122

- Expedited Proposal #120 and modification of #122 means four properties added to #121:
  - 1420 38th Street
  - 3509 Wynkoop: I-MX-5, D0-7, IO-1
  - 3510 Brighton: I-MX-5, D0-7, IO-1
  - 3530 Brighton: I-MX-5, D0-7, IO-1
Map Amendment
Relationship to Proposal 2017I-00122

• This Amendment #121 combines with #120 and #122
Map Amendment Review Criteria

CPD recommends approval of the map amendment based on finding that criteria have been met:

1. Review Criteria for an Incentive Overlay District
2. Consistency with Adopted Plans
3. Furthers the Public Health, Safety and General Welfare
4. Results in Regulations that are Uniform Across the District