



**TO:** Denver Planning Board  
**FROM:** Francisca Peñafiel, Associate City Planner  
**DATE:** February 9, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00187

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00187.

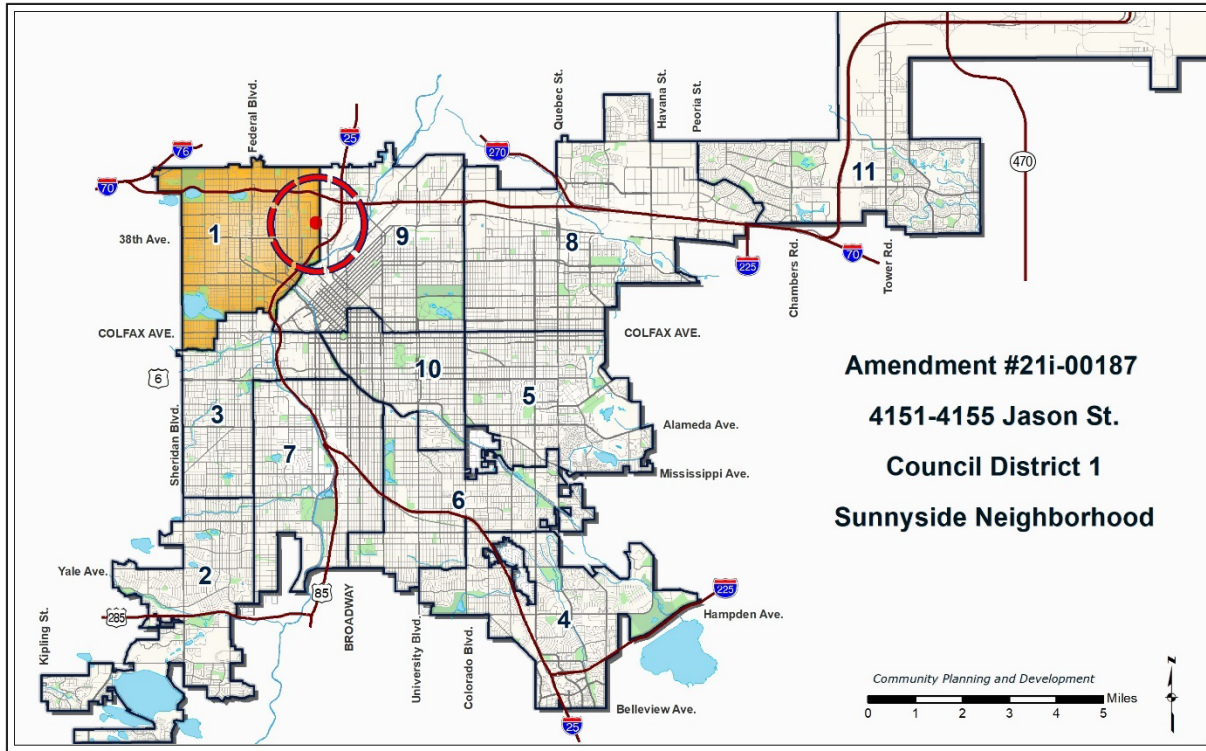
### Request for Rezoning

Address:	4151 - 4155 North Jason Street
Neighborhood/Council District:	Sunnyside Neighborhood / Council District 1
RNOs:	District 1 Neighborhood Coalition, Inc., Unite North Metro Denver, Sunnyside United Neighbors, Inc. (SUNI), Inter-Neighborhood Cooperation (INC), Denver for ALL
Area of Property:	28,125 square feet / 0.6 Acres
Current Zoning:	I-MX-3
Proposed Zoning:	U-RX-5
Property Owner(s):	Electra Enterprises LLC
Owner Representative:	Stacia Gebers, LPC Development

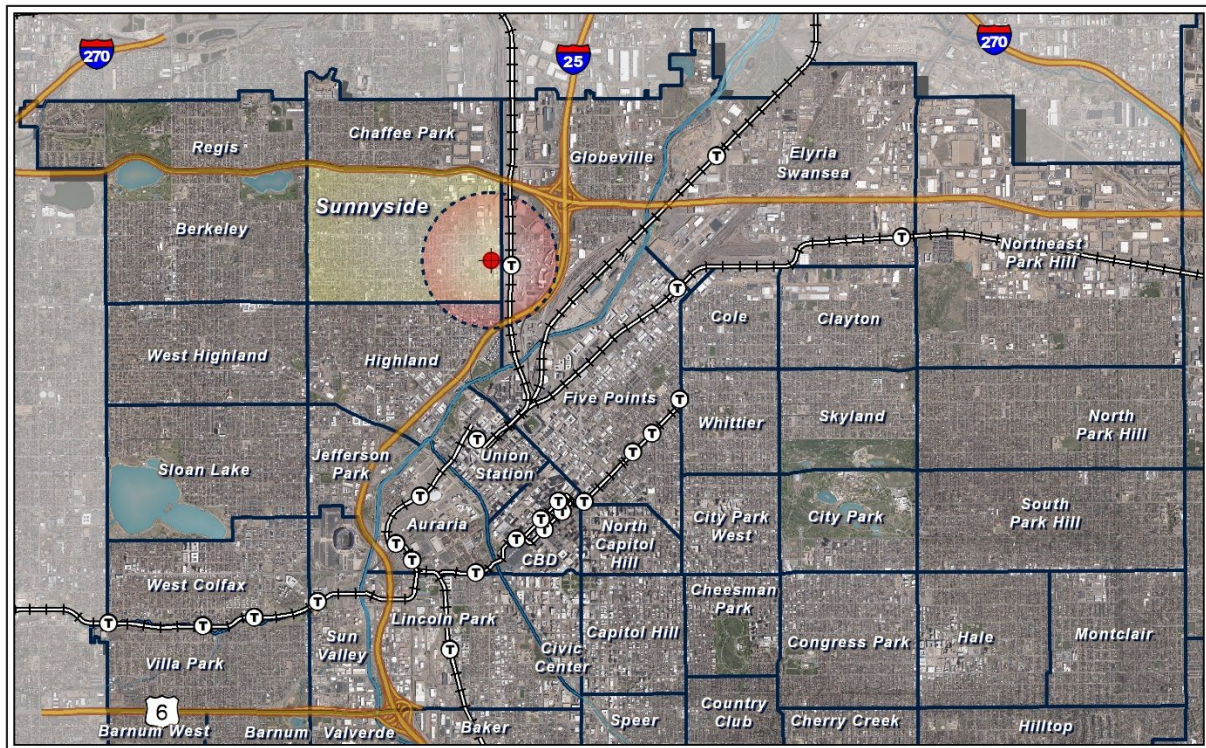
### Summary of Rezoning Request

- The subject properties are located in the Sunnyside statistical neighborhood at the southwest corner of North Jason Street and 42<sup>nd</sup> Avenue.
- The properties are currently zoned I-MX-3, which allows a mix of industrial, commercial, residential, and civic uses with a maximum height of 3 stories.
- The applicant is requesting to rezone the properties to allow for a residential mixed-use redevelopment. The site at 4151 North Jason Street is vacant while the one at 4155 North Jason Street currently contains an industrial warehouse.
- The proposed U-RX-5, **U**rban, **R**esidential **M**ixed Use district allows for the town house and shopfront building forms up to 5 stories. The district is intended for use in the Urban Neighborhood Context to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. Compared to Mixed Use districts, Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

### Existing Context



### Neighborhood Location – Sunnyside Neighborhood



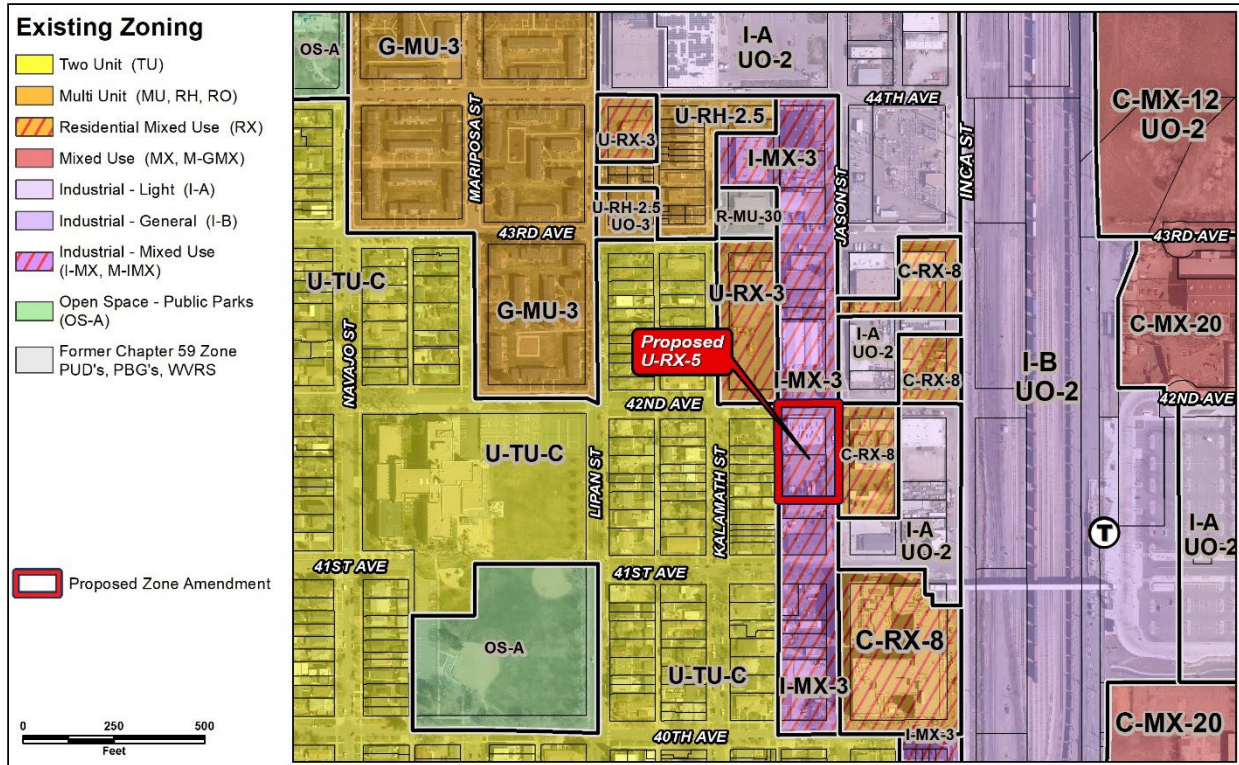


The subject property is located within the Sunnyside Neighborhood between 41<sup>st</sup> and 42<sup>nd</sup> Avenue, along North Jason Street. Current nearby land uses are mostly industrial to the north, east and south, with some single-unit and multi-unit residential to the west. Existing area building heights range from 1 to 8 stories. This area is served by the Trevista at Horace Mann Elementary School, a block and a half west from the subject property. The 41<sup>st</sup> and Fox RTD light rail station lies approximately 1,000 feet to the southeast, which can be accessed via the pedestrian way at 41<sup>st</sup> and Inca Street, and the site is also served by RTD bus service route 38, that travels east/west along West 38<sup>th</sup> Avenue, and route 19 and 52 that run north/south along North Lipan Street.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-MX-3	Industrial, vacant	1-story industrial structure	Grid street patterns with alleys, attached sidewalks. Regular pattern of rectilinear blocks. Grid is disrupted by the railroad tracks to the east.
North	I-MX-3	Industrial	1- and 2-story industrial structures	
South	I-MX-3	Industrial, design agency	1 story industrial structure	
West	U-TU-C	Multi unit residential	2 story triplex residential building	
East	C-RX-8	Residential mixed use Under construction	Vacant lot, currently under construction	

## Existing Zoning



The existing zoning on the subject property is I-MX-3. “The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.” (DZC Section 9.1.2.1.A.1.). “Industrial Mixed Use 3 (I-MX-3) applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.” (DZC Section 9.1.2.1.A.2.). The zone district allows the Town House, General and Shopfront building forms.

### Existing Land Use Map



### Existing Building Form and Scale

All images are from Google Street View.



View of 4155 North Jason Street, looking southwest.



View of the 4151 North Jason Street, looking southwest.



View of the property to the south, looking west.



View of the property to the north of the subject properties, looking northwest.



Current lot under construction across the street on North Jason Street, looking southeast.



View of the properties to the west of the subject properties, looking northeast along North Kalamath St.

### Proposed Zoning

The requested U-RX-5 zone district is found in the Urban Neighborhood Context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 5.2.4). A variety of building forms, including Town House, and Shopfront are available in this zone district. A wide range of residential, quasi-public, and commercial uses are permitted (with and without limitations) in U-RX-5. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose” from the Section 5.2.4.1. For additional details of the requested zone district, see DZC Sections 5.2.3, 5.3 and 5.4.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	I-MX-3	U-RX-5 (Proposed)
Primary Building Forms Allowed	Town House, General, Industrial	Town House; Shopfront
Heights in Stories / Feet (max)	3/45’	5/70’
Primary Street Build-To Percentages (min)	0-70%	70%
Primary Street Build-To Ranges	0’-15’*	0’ to 15’*
Primary Street Setbacks (min)	0’ to 10’*	0’ to 10’*
Surface Parking Between Building and Primary Street/Side Street	Allowed for Industrial Building Form	Not Allowed/Allowed
Transparency, Primary Street (min)	40% for Townhouse and General Building Forms	60% - 40%*

\*Standard varies between building forms

### 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 entirety of the site. General terms under discussion as of the writing of this report include a commitment to construct at least 10% of total units affordable to residents earning 80% or less of Area Median Income (AMI), resulting in 7 units under the current proposed development plan of 73 units. 8% of the units (6 units) would be restricted to 80% AMI and 2% of the units (1 unit) would be affordable to residents earning 60% AMI. The 60% AMI unit shall have at least one bedroom. The income-restricted units would remain at this level of affordability for a minimum period of 99 years.



## **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.

**Asset Management:** Approved – No Comments.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved – See Comments Below.

The most recent Phase I/II completed in the area was adjacent to this property and identified multiple Recognized Environmental Conditions (REC).

**Denver Parks and Recreation:** Approved – No Comments.

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

**DOTI – Development Engineering Services:** Approved – No Response.

**Development Services – Project Coordination:** Approved – No Comments.

**Development Services - Fire Protection:** Approved – No Comments.

**Development Services- Wastewater:** Approved – See Comments Below.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site will require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	12/28/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	2/1/2022
Planning Board public hearing	2/16/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting (tentative):	2/15/2022
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	3/1/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	4/4/2022
City Council Public Hearing (tentative):	4/25/2022

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received no public comment letters. The applicant provided a summary of their community outreach in the application.

## **Criteria for Review / Staff Evaluation**

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

## **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *41<sup>st</sup> & Fox Station Area Plan (2009)*
- *Sunnyside Neighborhood Plan (1992)*

### **Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the draft *Denver Comprehensive Plan 2040* vision and strategies, including:

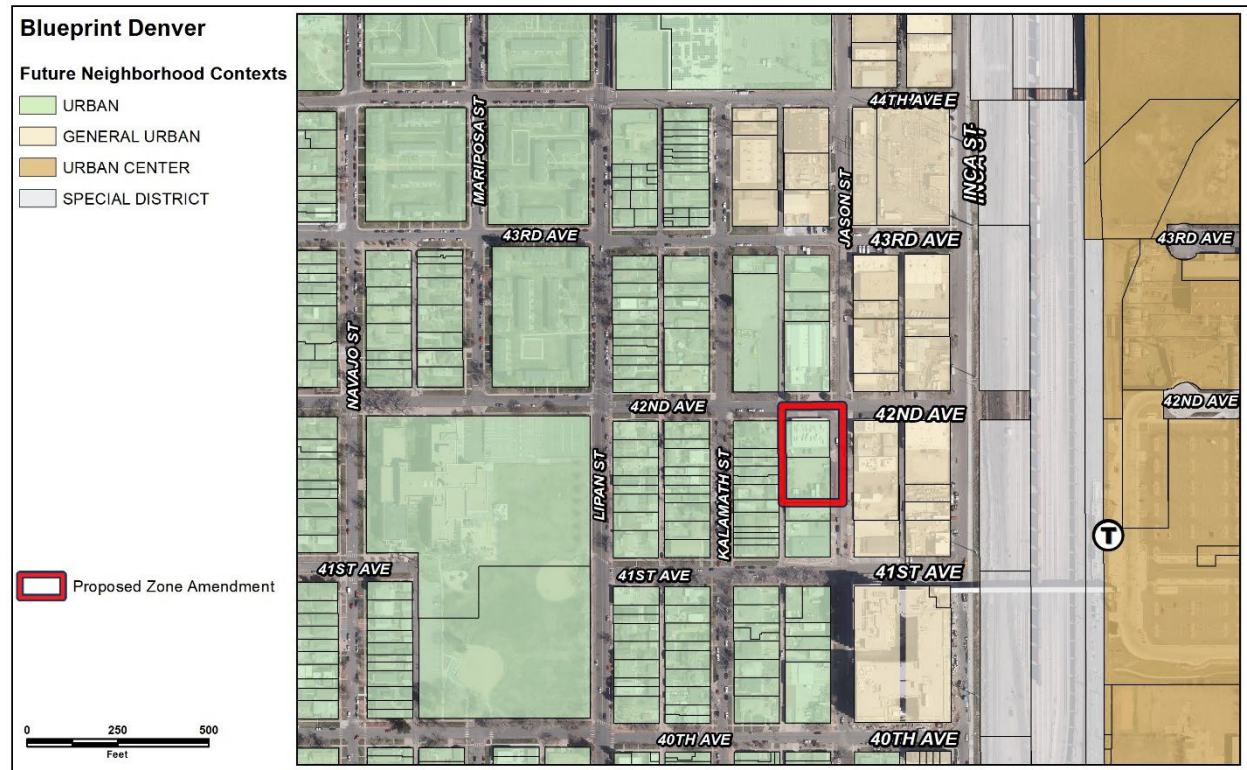
- Equitable, Affordable and Inclusive, Goal 2, “Build housing as a continuum to serve residents across a range of incomes, ages and needs” (p. 28).
- Equitable, Affordable and Inclusive, Strategy 2A, “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28).
- Strong and Authentic Neighborhoods, Strategy 1B, “Ensure neighborhoods offer a mix of housing types and services for a diverse population” (p. 34).
- Strong and Authentic Neighborhoods, Strategy 1D, “Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities” (p. 34).
- Environmentally Resilient Goal 8, Strategy A, “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will enable the development of mixed uses, adding to the mix of housing types available in the area, and the new structures will be at a compatible scale to the existing neighborhood. Finally, the new development is in an area where infrastructure and services are already in place. The requested U-RX-5 zone district broadens the mix of allowed land uses at a scale compatible with the existing neighborhood. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

## **Blueprint Denver**

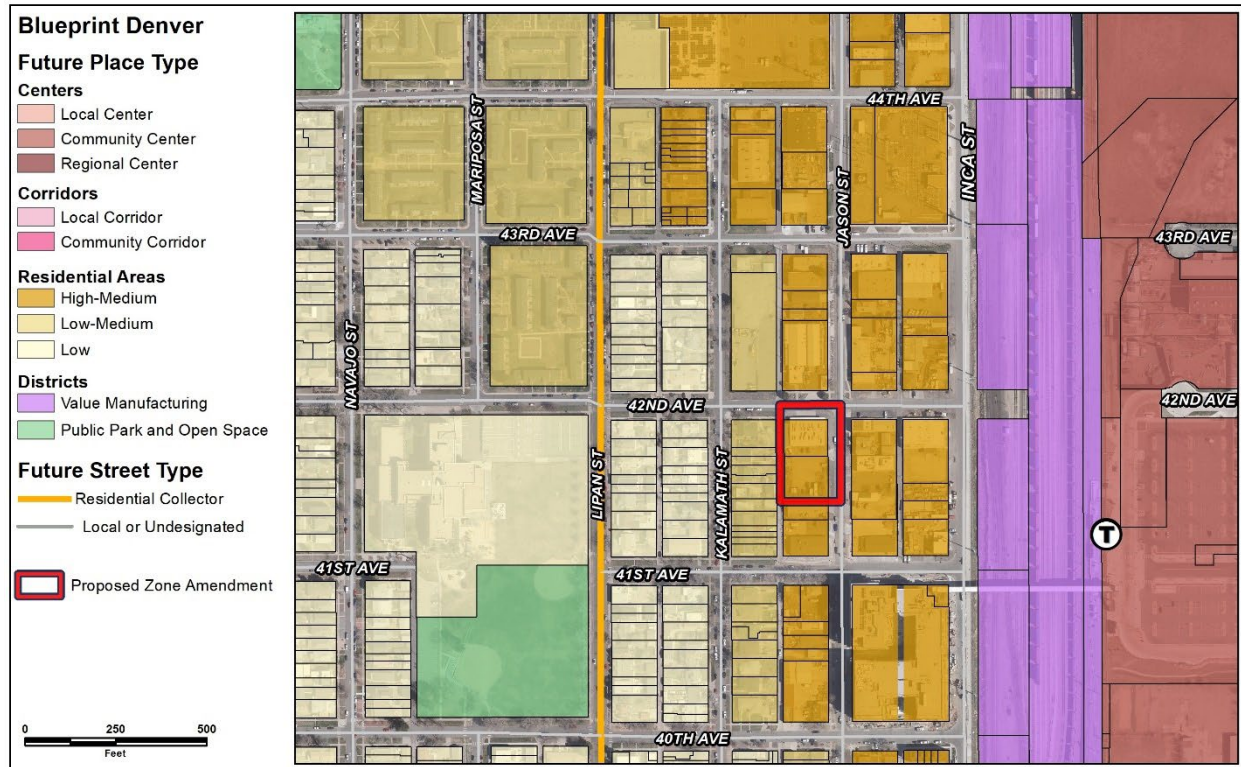
*Blueprint Denver* identifies the subject property as being located within the Urban future neighborhood context, in a High Medium Residential future place and on the Growth Strategy map within “All other areas of the city.”

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the Urban neighborhood context. The context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” (p. 222). The proposed U-RX-5 zone district is part of the Urban context and is intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Since the proposed district is primarily intended to accommodate residential uses with neighborhood-scaled shops and offices, the proposed rezoning to an Urban context is appropriate and consistent with the plan.

**Blueprint Denver Future Place**

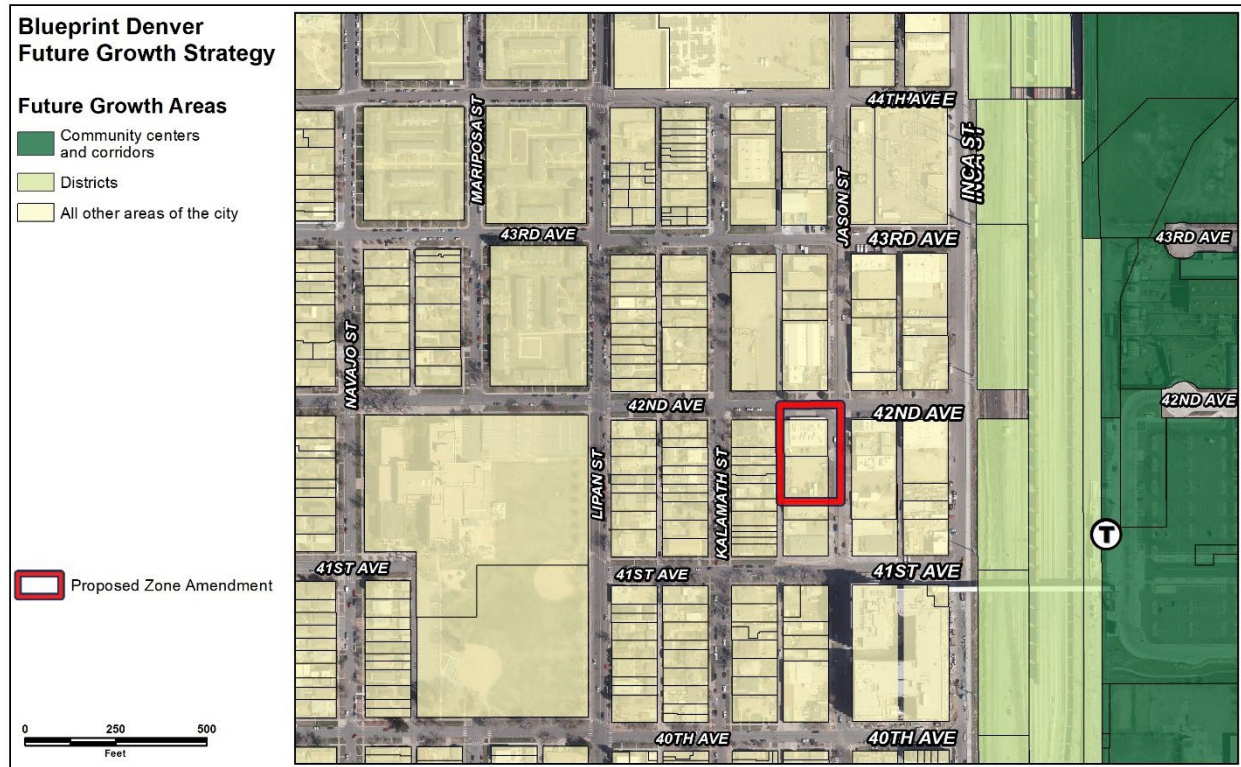


The Future Places map designates the subject property as a High-Medium Residential Area. *Blueprint Denver* describes the aspirational characteristics of High-Medium Residential Areas in the Urban context as having a “mix of mid-scale multi-unit residential options. Some neighborhood-serving mixed-use may be appropriate, especially along arterial streets or at non-local street intersections. Buildings are generally up to 5 stories in height” (p. 233). Consistent with this guidance, the proposed U-RX-5 zone district provides for a variety of residential options and allows for limited commercial uses.

**Street Types**

*Blueprint Denver* classifies North Jason Street and West 42<sup>nd</sup> Avenue as undesignated local streets. “Streets within the Urban context usually have high degrees of pedestrian and bike activity. Utilizing on-street parking on residential or local street to access nearby businesses on main street and mixed-use streets can be expected” (p. 234). As the proposed zone district, U-RX-5, allows for a range of residential and limited commercial uses along undesignated local street and this area is well-served by transit, the district is consistent with the future street types at this location.

### **Growth Strategy**




















The subject property is located within a High-Medium Residential place within an Urban neighborhood context, which is classified as “All other areas of the city” in *Blueprint Denver*. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the *Blueprint Denver Future Growth Areas* plan direction.

### **41<sup>st</sup> & Fox Station Area Plan (2009)**

The *41<sup>st</sup> & Fox Station Area Plan* was adopted by City Council in 2009 and applies to the subject property. The plan sets forth a vision for the creation of a “diverse, transit supportive and environmentally sustainable urban center” (p. 9). In the land use concept map, the subject property is mapped as Urban Residential 2-8 stories. These areas are intended as new, moderate density neighborhoods and are intended to create an improved new edge between the station and the existing neighborhood to the west. The Urban Residential 2-8 stories designation calls for a range of housing types including single-unit, accessory dwelling units, duplexes, townhouses and small condominium and apartment buildings. The requested zone district, U-RX-5 allows for a wide range of housing types and provides an opportunity for neighborhood-serving commercial uses within walking distance of the transit station. Therefore, this rezoning request is consistent with both the land use and building heights recommendations in the *41<sup>st</sup> & Fox Station Area Plan*.

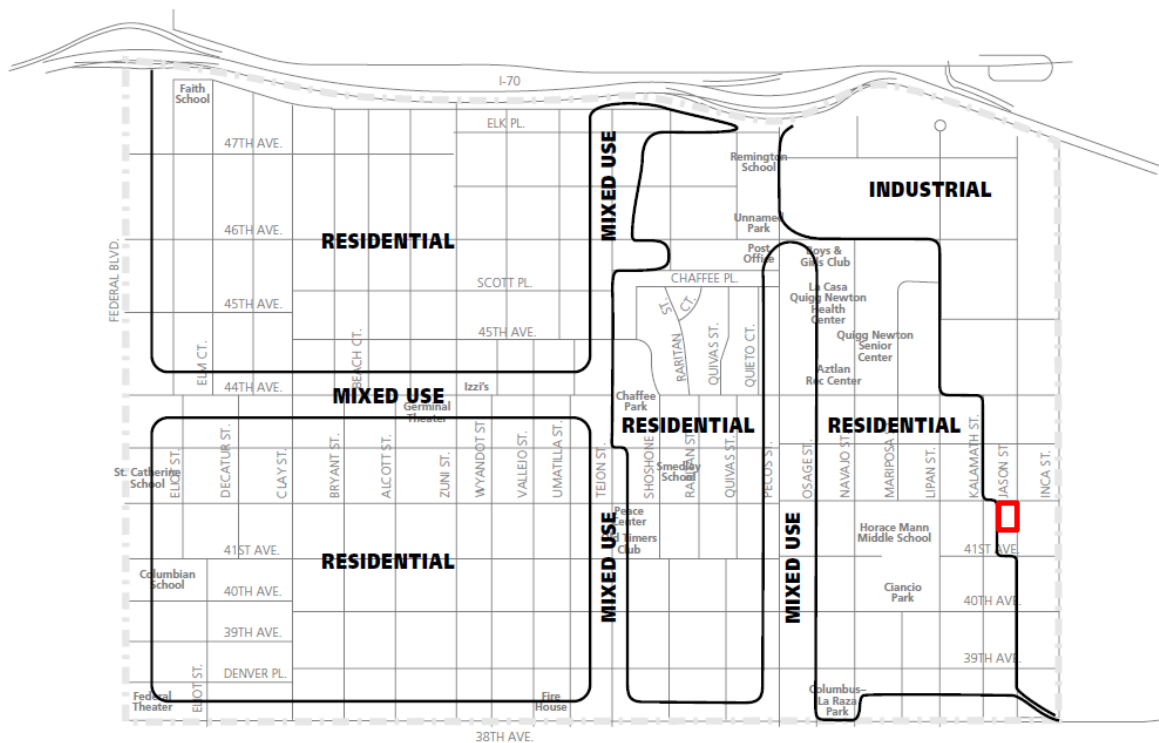


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|---|---|---|---|
|  | Pedestrian Shopping District (2-8 stories)  |  | Funded New Pedestrian/Bike Bridge over 38th Ave.        |
|  | Pedestrian Shopping District (2-5 stories)  |  | Proposed Ped. Bridge /Potential Future Vehicular Access |
|  | Mixed-Use Office/Residential (3-20 stories) |  | Transit Platform and Pedestrian Bridge                  |
|  | Urban Residential (2-12 stories)            |  | Future RTD Structured Parking                           |
|  | Urban Residential (2-8 stories)             |  | FasTracks Gold Line                                     |
|  | Urban Residential (1-3 stories)             |  | Existing Park   |
|  | Single Family / Single Family Duplex        |  | 38th Avenue Main Street                                 |
|  | Proposed Open Space/ Parks/ Plaza           |  | Historically Significant Buildings                      |
|   |   |  | Navajo District   |

**Sunnyside Neighborhood Plan (1992)**

The *Sunnyside Neighborhood Plan* was adopted in 1992 and applies to the subject property. The plan identifies the subject property as industrial, but it is at the edge of what is described as a residential area to the west. The plan further suggests that small scale shops and offices, particularly in commercial zones, would help maintain and stabilize the residential character of the neighborhood. At the time the plan was written, the subject property was zoned I-0 which is the least intense of Denver’s three industrial zone categories.

Although the *Sunnyside Neighborhood Plan* is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the *41<sup>st</sup> & Fox Station Area Plan*. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it provides more recent land use recommendations than the older *Sunnyside Neighborhood Plan*, which pre-dates the conception of FasTracks by more than a decade. Still, the proposed zone district, U-RX-5, is consistent with the overall goals of the plan as it supports housing options and the opportunity for limited neighborhood-serving commercial uses.



**Generalized Land Use Map**



## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-RX-5 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-RX-5.

## **3. Public Health, Safety and General Welfare**

The proposed map amendment furthers the public health, safety and general welfare of the City by implementing the vision set forth in the City's adopted plans, by allowing high-medium intensity mix of land uses and intensity of redevelopment that is in character with the surrounding 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: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) A City adopted plan..."*

Recent physical changes within close proximity to the subject site include the opening of the 41<sup>st</sup> & Fox Station in 2019 and the addition of the multi-use path along Inca Street that connects the Sunnyside neighborhood to downtown. There are also several new, predominantly residential projects in the immediate area including townhomes across the alley from the subject property, the Zia development on Inca Street and the new project under construction across the street. Rezoning to a district that allows for ground-floor retail will be necessary to providing neighborhood-serving uses for new and existing residents in the area.

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

The requested U-RX-5 zone district is within the Urban Neighborhood Context. The neighborhood context "generally consists of single-unit and two-unit residential uses, with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas" (DZC Section 5.1.1). Further, "Multi-unit residential and commercial uses are located along local streets, arterials, and main streets" (DZC Section 5.1.1). Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. (DZC Section 5.1.2) The proposed U-RX-5 zone district is consistent with this Neighborhood Context Description.

The general purpose for the residential mixed-use zone districts stated in the Denver Zoning Code is to "promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm" and "ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial

development and adjacent residential neighborhoods” (DZC Section 5.2.4.1). The proposed U-RX-5 zone district would facilitate appropriately scaled mixed-use development with a residential focus.

According to the zone district intent stated in the Denver Zoning Code, the U-RX-5 district “applies to residentially dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired” (DZC Section 5.2.4.2.B). The property to be rezoned is on North Jason Street, which is classified as an undesignated local street. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

## **Attachments**

1. Application