



TO: Land Use, Transportation, and Infrastructure Committee
FROM: Rob Haigh, Senior City Planner
DATE: September 5, 2023
RE: Official Zoning Map Amendment Application #2023I-00094

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2024I-00094.

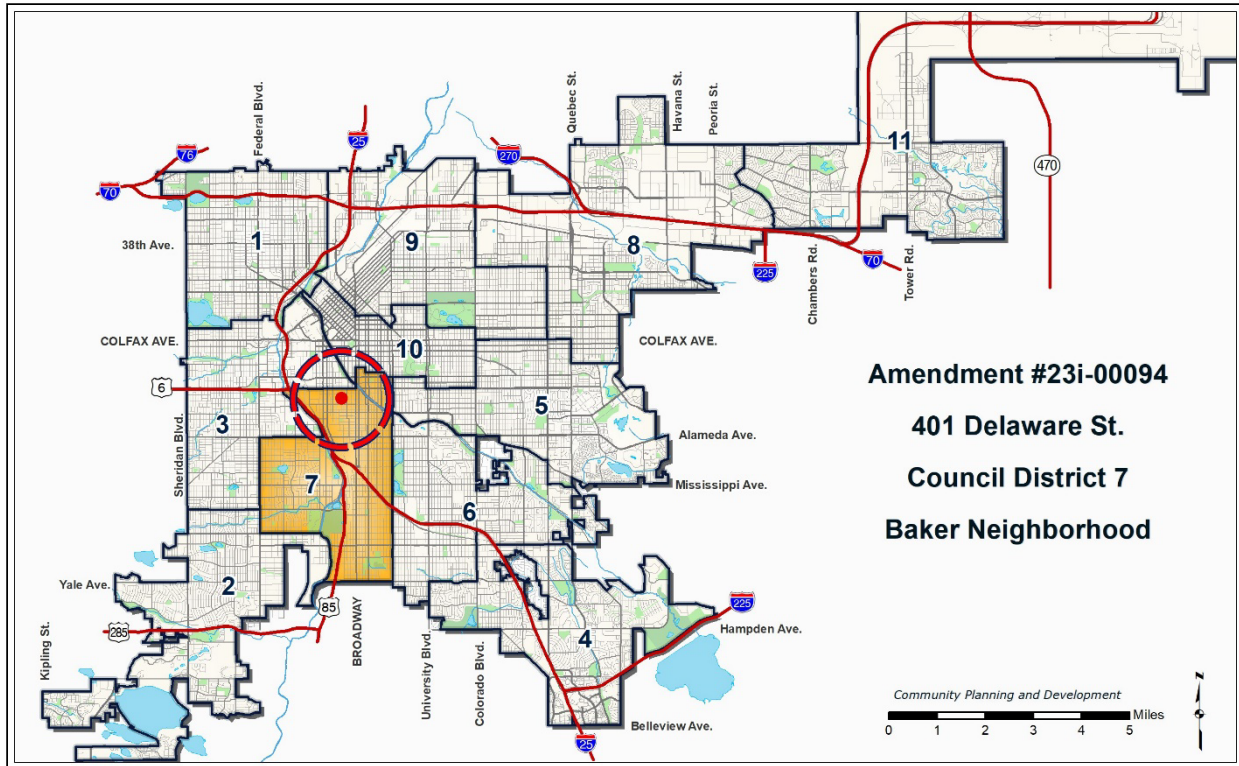
Request for Rezoning

Address:	401 North Delaware Street
Neighborhood/Council District:	Baker / Council District 7
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, Baker Historic Neighborhood Association.
Area of Property:	9,375 square feet
Current Zoning:	U-RH-2.5
Proposed Zoning:	U-MX-2x
Property Owner(s):	401 N Delaware Street LLC
Owner Representative:	Bruce O'Donnell, Starboard Realty Group

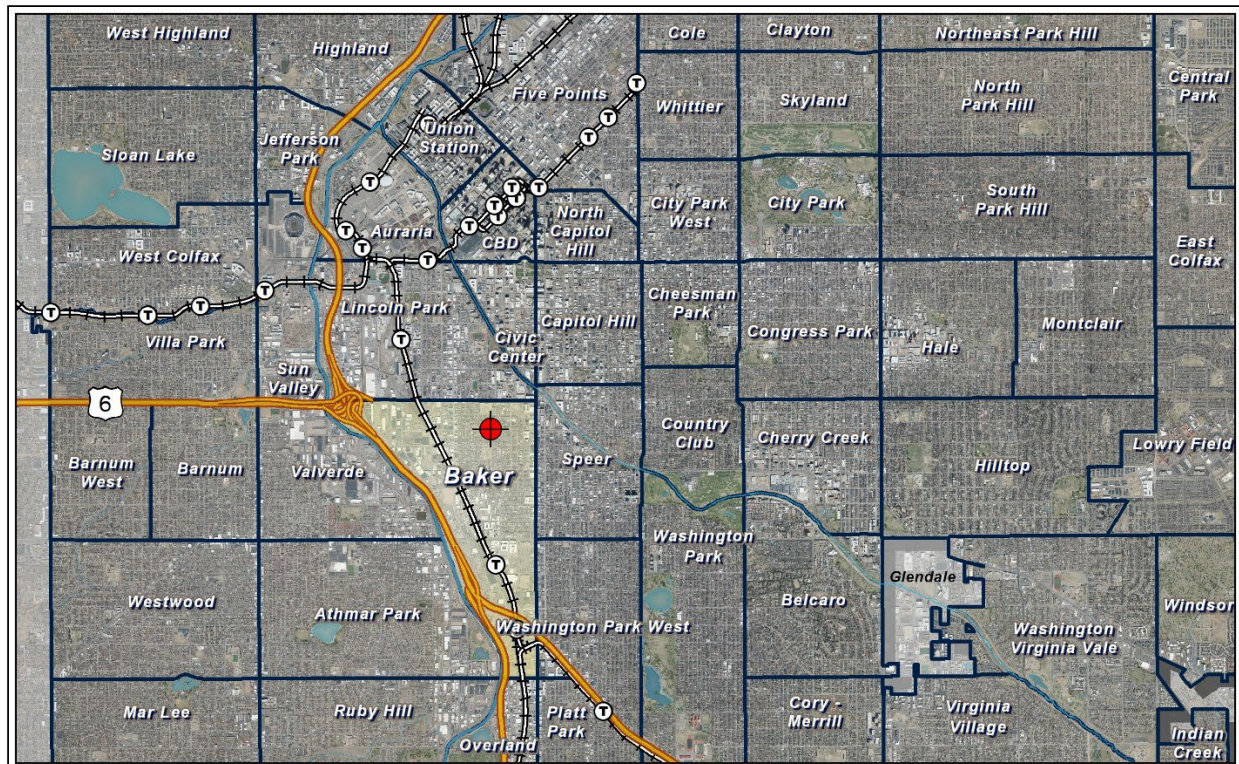
Summary of Rezoning Request

- The subject property is in the Baker neighborhood, at the northwest corner of the intersection of North Delaware Street and West 4th Avenue.
- The property is currently occupied by a one-story building, constructed in 1954 that most recently accommodated a single residential use.
- The applicant is requesting the rezoning to facilitate the redevelopment of the property that is consistent with the recommendations in the adopted plans.
- The U-MX-2x (**U**rban, **M**ixed Use, **2** story maximum height) zone district is designed for small sites embedded within neighborhoods and is limited to low intensity uses. It is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The "x" indicates that allowed uses and building forms are more limited than in the U-MX-2 zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

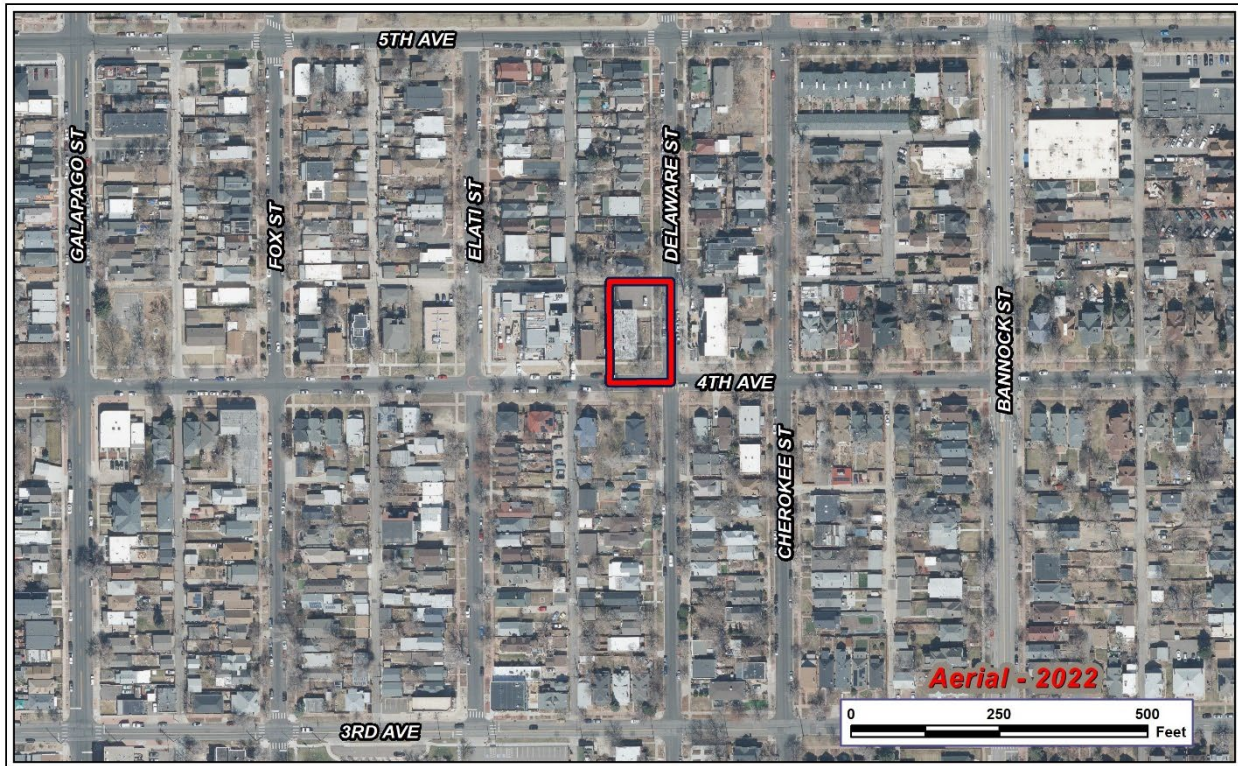
Council District



Neighborhood Location



Existing Context

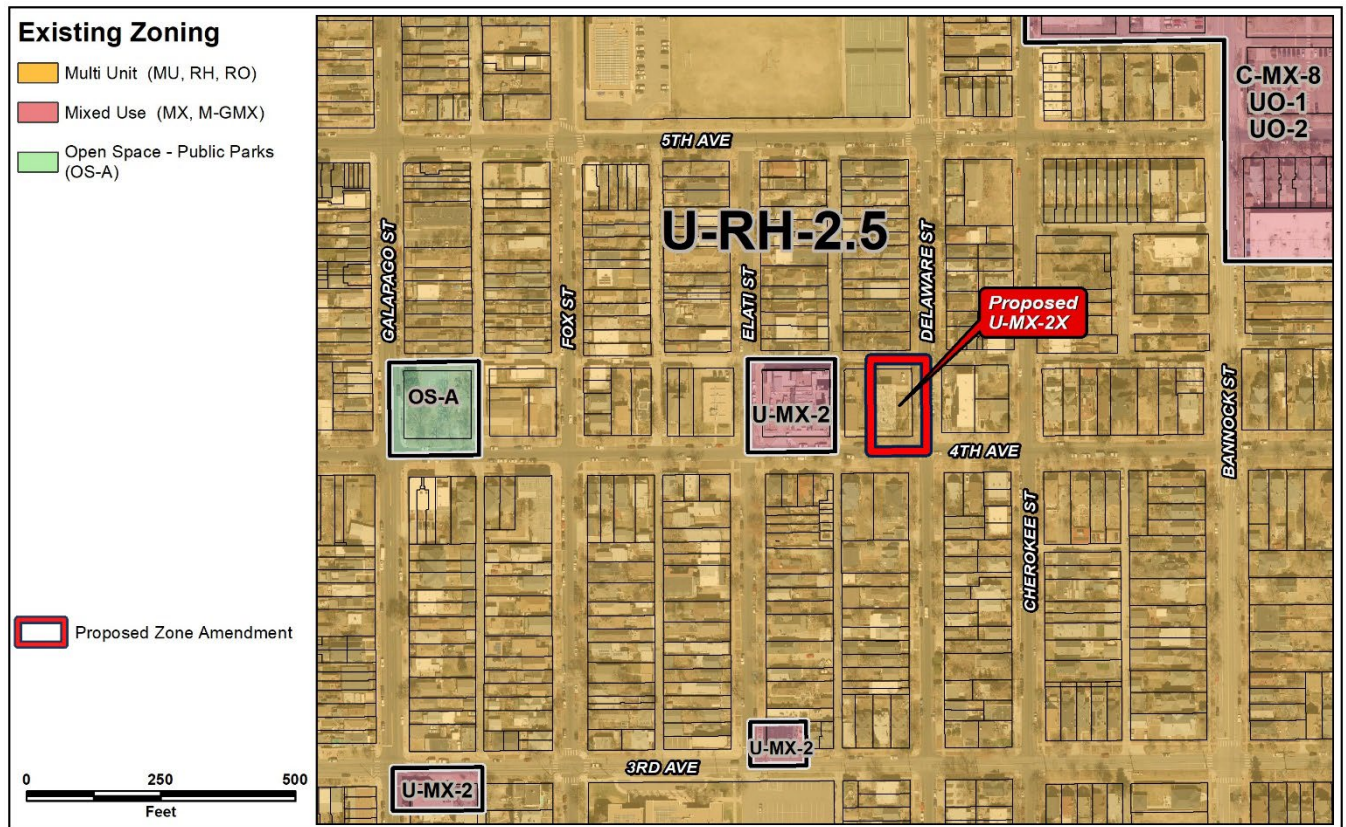


The subject property is located in the Baker Neighborhood, south of downtown Denver, and is located on the northwest corner of the intersection of North Delaware Street and West 4th Avenue. This area is a mix of single unit and multi unit residential uses, with some embedded commercial, office and public/quasi-public uses between the commercial corridor along Broadway and the industrial uses along Santa Fe and Kalamath. The Denver Center for International Studies is one block north of the subject property, DCIS at Fairmont is one block to the south and Flores Park is two blocks to the west. Transit access includes the Regional Transportation District (RTD) 52 bus route along South Bannock Street, RTD 0 bus route on South Broadway, and the RTD 1 bus route along South Galapago Street.

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
Subject Property	U-RH-2.5	Public/quasi-public	2 story concrete block building with surface parking on the alley	Generally regular grid street pattern; Elati Street is cut off by the schools north of 5 th Avenue and south of 3 rd Avenue Block sizes and shapes are generally consistent and rectangular. Existing alleys with detached sidewalks. Vehicle parking to the side or rear of buildings (alley access)
North	U-RH-2.5	Single unit residential	1 story brick house and detached garage	
South	U-RH-2.5	Single unit residential	1 story brick house with detached garage	
East	U-RH-2.5	Multi unit residential	3 story brick apartment building	
West	U-RH-2.5	Single unit residential	2 story brick shopfront building converted to residential use	

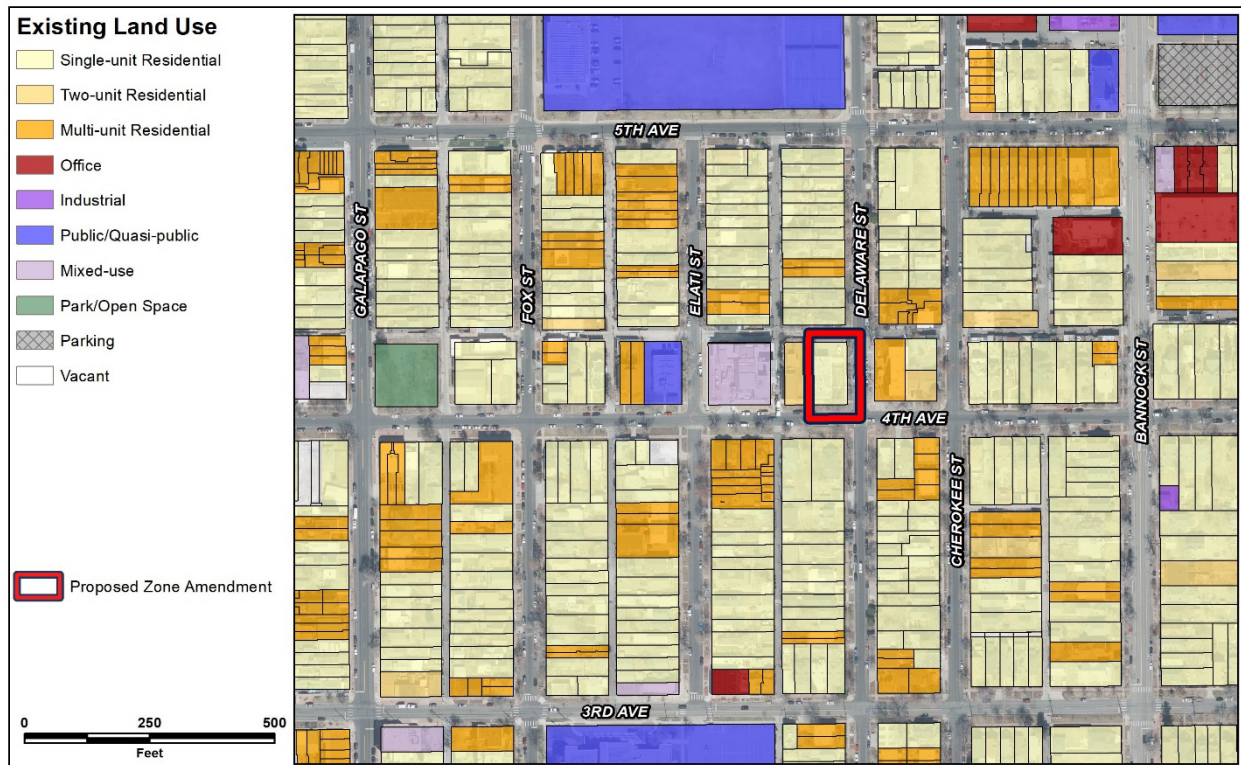
Existing Zoning



The existing zoning on the subject property is U-RH-2.5 which is residential district allowing urban houses, duplexes, and row houses with a maximum height of 2.5 stories. Blocks in this area have a mix of lot sizes, with varied configuration at the block ends similar to the subject property. This property has access to a public alley to the north. Despite the fairly uniform U-RH-2.5 zoning in the Baker Neighborhood, the surrounding area is predominately single and two-unit residential with embedded mixed use and row house development at certain intersections. For additional details of the zone district, see DZC Section 5.2.2.

The surrounding U-RH-2.5 zoning is a Protected District. If the subject property is rezoned to U-MX-2x, it will be subject to all Protected District standards including additional setbacks and use limitations. For Protected District standards see DZC Article 5, Section 5.3-23 and 5.3-25 for setbacks in the General and Shopfront building form and use limitations (DZC Article 11, Section 11.4.9, 11.5.8.2, 11.5.8.3 11.10.12.1, etc.).

Existing Zoning



Existing Building Form and Scale *All images from Google Maps Street View.*



Subject property looking west from above Delaware Street.



Subject property looking west from N. Delaware Street.



West - Properties to the west looking north from West 4th Ave.



South - Properties to the south of the subject property, looking west from N. Delaware Street.



East - Properties to the east of the subject property, looking east from N. Delaware Street.



North - Properties to the north of the subject property, looking west from N. Delaware Street.

Historic District

The subject property is adjacent to the Baker Neighborhood Historic Landmark District but is not within the district itself.



Proposed Zoning

The **U-MX-2x**, Urbane, Mixed-use, 2-story district is a mixed-use zone district in the urban context. It applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. In the U-MX-2x zone district the Town House, General and Shopfront building forms are allowed primary building forms. Maximum height allowed is two stories or 30 feet. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

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

Design Standards	U-RH-2.5	U-MX-2x
Primary Building Forms Allowed	Urban House, Duplex, Tandem House, Row House	Townhouse, General, Shopfront
Height in Stories / Feet, Front 65% of Zone Lot, (max.)	2.5 stories / 35 feet	2 stories / 30 feet
Height in Stories / Feet, Rear 35% of Zone Lot, (max.)	2.5 stories / 35 feet	2 stories / 30 feet
Zone Lot Size (min.)	6,000 sf	N/A
Zone Lot Width (min.)	50 feet	N/A
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	0
Side Street Setback (min.)	5 feet	5 feet*
Side Interior Setback (min.) *	5	7.5-10 feet**
Rear Setback, Alley / No Alley*	12 feet / 20 feet	12 feet / 20 feet**
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	0%

Primary Street Transparency (min.)	N/A	Town House: 40% General: 40% Shopfront: 60%, residential only buildings: 40%
Primary Street Build-To Percentages (min.)	N/A	Town House, General: 70% Shopfront: 75%
Primary Street Build-To Ranges (min./max.)	N/A	Town House: 10'/15' General: 0'/15' Shopfront: 0'/5' Residential Only Buildings: 0'/10'

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.

Development Services - Fire: Approved – No Comments.

Development Services - Transportation: Approved – No Response.

Parks and Recreation: Approved – No Comments.

Development Services – Wastewater: Approved – No Response

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

- 1) If the rezoning is approved, a new zoning permit will need to be issued through the Commercial Zoning Team to document the new use.
- 2) Building permits will be needed for any tenant improvements to convert from a residential use to a Retail or Eating / Drinking Establishment use.
- 3) Eating and Drinking Establishment uses in the U-MX-2x require a ZPSE process as part of the zoning permit process for the proposed use. ZPSEs typically require a public hearing with the Board of Adjustment.
- 4) Retail uses in the U-MX-2x are limited uses and are subject to DZC 11.4.11. A ZPIN may be required depending on surrounding context and the proposal.
- 5) Parking requirements for new uses will need to be met.

Public Health and Environment: Approved – No Response

Department of Transportation & Infrastructure – City Surveyor: Approved – No Comments.

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:	11/16/2023
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:	07/23/2024
Planning Board Hearing:	08/07/2024
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:	08/27/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	09/10/2024
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:	09/30/2024 (tentative)
City Council Public Hearing:	10/28/2024 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - Staff has not received any position statements from applicable RNOs.
- **Other Public Comment**
 - No comment letters have been received.

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)*
- *Baker neighborhood Plan (2003)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

Strong and Authentic Neighborhoods Vision Element

The proposed U-MX-2x zoning would allow for the redevelopment of the subject property in a scale that is consistent with the surrounding neighborhood. The existing structure could be converted to accommodate a broader variety of neighborhood-appropriate uses including housing, services, some limited retail, and employment, or it could be redeveloped with a new structure of similar dimension as allowed by the U-MX-2X zone district. The proposal is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- 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 Neighborhood Goal 3, Strategy E - Support the stewardship and reuse of existing buildings, including city properties (p.34)

Environmentally Resilient Vision Element

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

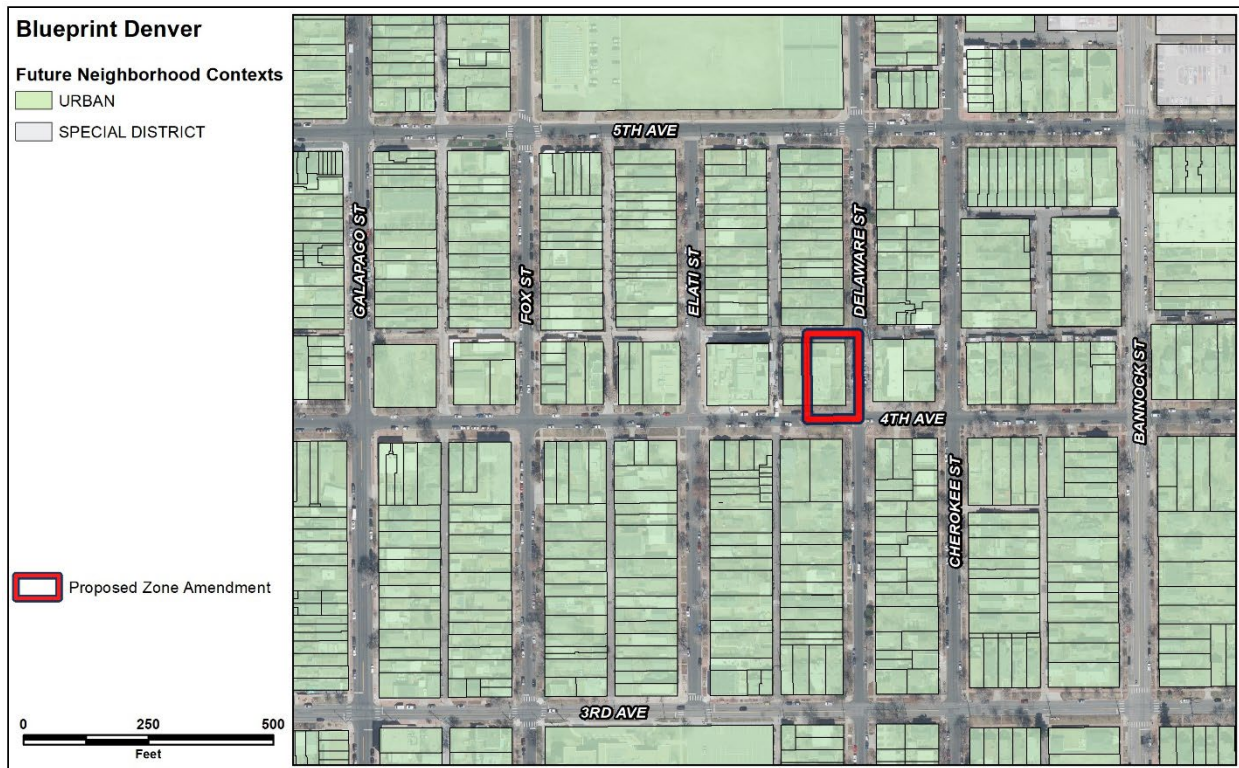
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).

The requested map amendment will enable adaptive reuse of a structure at an infill location where services and infrastructure are already in place. The requested U-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Creating complete neighborhoods with appropriately scaled mixed use developments embedded in residential areas is a vitally important part of developing more sustainably resilient neighborhoods. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of the Residential Low Medium future place within the Urban Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

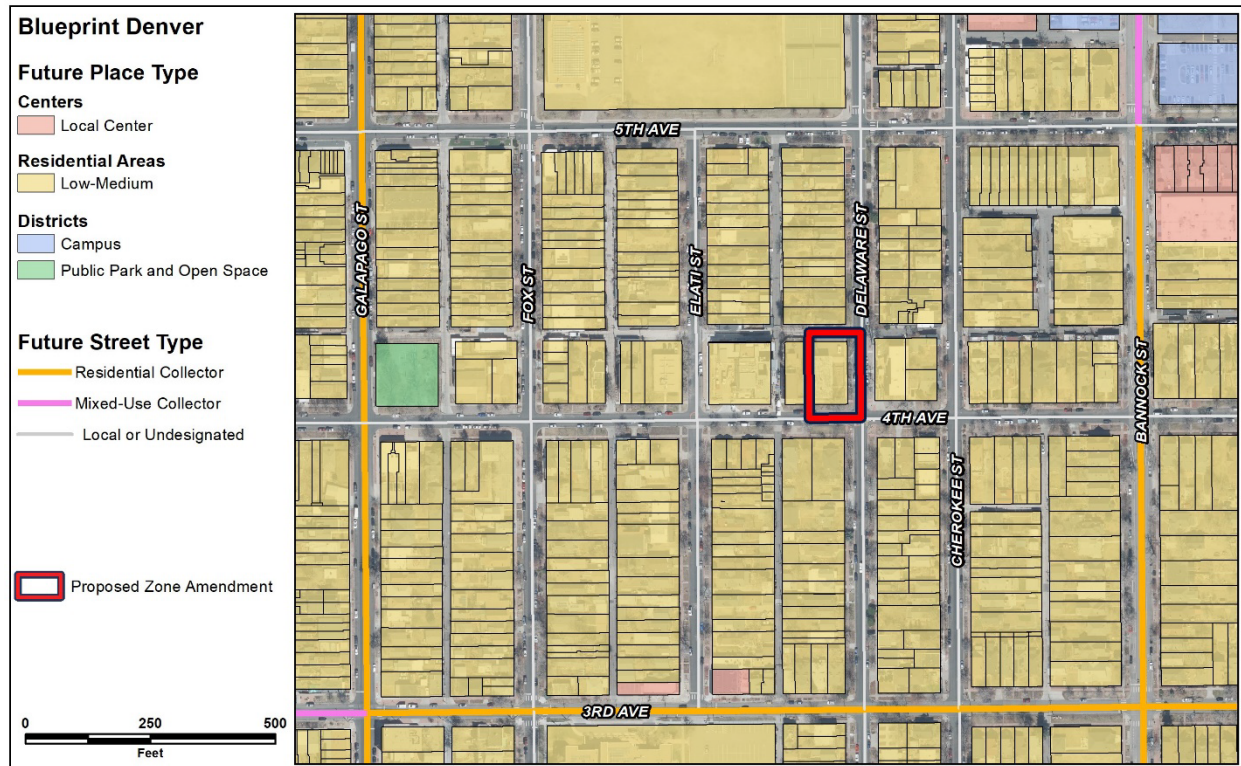


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 66). The subject property is within the Urban neighborhood context. The land use and built form in the Urban neighborhood context is described as “Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” (p. 136).

The proposed U-MX-2x zone district is part of the Denver Zoning Code Urban Neighborhood Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of

building forms that clearly define and activate the public street edge,” and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 5.2.3.1). The proposed rezoning further enables the development of pedestrian-scaled mixed use neighborhoods in the urban context and is consistent with *Blueprint Denver’s* future neighborhood context guidance.

Blueprint Denver Future Place



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Low-Medium Residential in the future places map. The Low-Medium Residential classification includes land uses and built forms that are “Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed- use along some arterial and collector streets and at intersections.” (p. 232) and where “Buildings are generally 3 stories or less in height.” (p. 232).

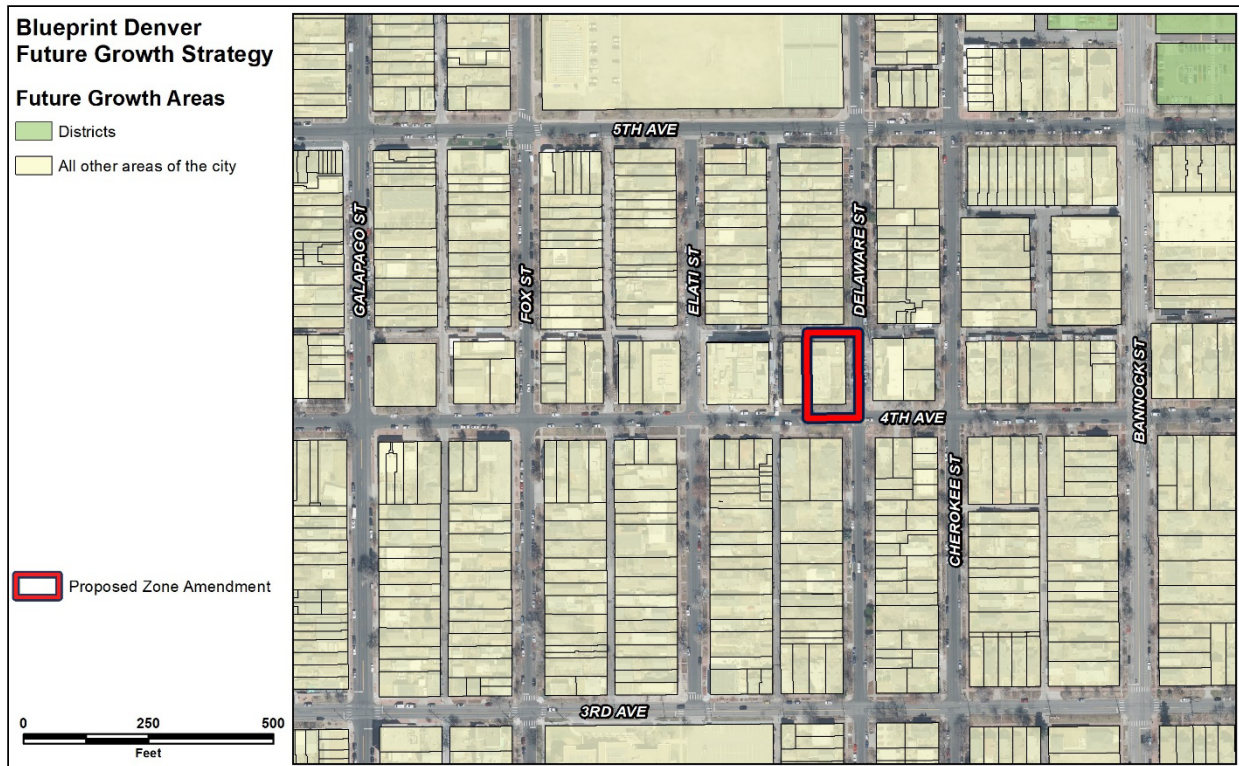
The proposed rezoning is consistent with the future place description because it will enable the establishment of limited mixed use at the intersection of West 4th Avenue and North Delaware Street as described in the Land Use & Built Form description for the Low-Medium Residential Future Place within the Urban Future Neighborhood Context.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies West 4th Avenue and North Delaware Street as Local or Undesignated Streets. Local streets “are designed for the highest degree of property access and the lowest amount of through movement”.

The proposed rezoning to U-MX-2x is consistent with the *Blueprint Denver* Undesignated Local classifications because U-MX-2x is intended for embedded mixed use areas primarily served by local streets. The scale of uses allowed by the U-MX-2x district primarily serve the surrounding neighborhood and fits well in a network of local streets allowing a high degree of property access.

Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-MX-2x is consistent with this map because it will enable compatible adaptive reuse of the existing structure or appropriately scaled redevelopment.

Baker Neighborhood Plan

The subject property is within the plan area of the Baker Neighborhood Plan which was adopted in 2003. This plan provided recommendations to guide the growth of the neighborhood in the short term and long term. The following recommendations from the plan are relevant to the proposed rezoning:

Land Use Recommendation: Applicants proposing a zone change to a more intense or different uses must substantially mitigate negative impacts on existing uses and demonstrate that new projects substantially further the neighborhood goals and vision.

The proposed U-MX-2x zone district is specifically designed to be integrated into residential areas and mitigate the negative impacts from the more intense uses. The U-MS-2x zone district restricts the

commercial and retail uses that are allowed and the Denver Zoning Code establishes limitations on those uses to help integrate future uses into surrounding residential areas.

Single Family and Rowhouse Residential Land Use Recommendation: Limit site rezonings to those that enhance the residential character. Community Planning and Development Agency and neighborhood associations should oppose inappropriate zoning applications to City Council.

The proposed U-MX-2x allows for a selection of neighborhood serving uses that support and enhance the surrounding residential character by contributing to the development of a more complete neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x 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-MX-2x.

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 the implementation of the City's adopted plans and by allowing for redevelopment in a manner that will provide for the establishment of additional neighborhood-serving amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood.

4. Justifying Circumstance

The rezoning is justified 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 a change may include: Change or changing conditions in a particular area or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* provides new guidance that encourages individual rezonings to institutional uses to facilitate development to create more complete neighborhoods. The plan was adopted after the date of approval of the existing zone district. There has also been redevelopment along South Broadway and within the Baker neighborhood and investment in local bike infrastructure has occurred along key corridors that will support more neighborhood scaled mixed use development at this location.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

The proposed rezoning is also consistent with the general purpose of mixed-use districts 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. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC Section 5.2.3.1). The

rezoning is consistent with the general purpose of the urban mixed use districts as these are existing neighborhood sites and will promote a pedestrian scaled area along North Delaware Street.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject property is embedded in an existing neighborhood at the intersection of two local or undesignated streets. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application