



TO: Land Use and Transportation Committee
FROM: William Prince, Associate City Planner
DATE: February 20, 2025
RE: Official Zoning Map Amendment Application #2024i-00077

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move application 2024I-00077 forward for consideration by the full City Council.

Request for Rezoning

Address:	3115 West 8 th Avenue
Neighborhood/Council District:	Villa Park/ Council District 3 – Councilmember Jamie Torres
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, United Northwest Denver, Villa Park Neighborhood Association
Area of Properties:	6,250 square feet or .14 acres
Current Zoning:	E-SU-D
Proposed Zoning:	E-RX-3
Property Owner(s):	3115 W 8 th LLC
Property Representative:	Charles Keener Jr.

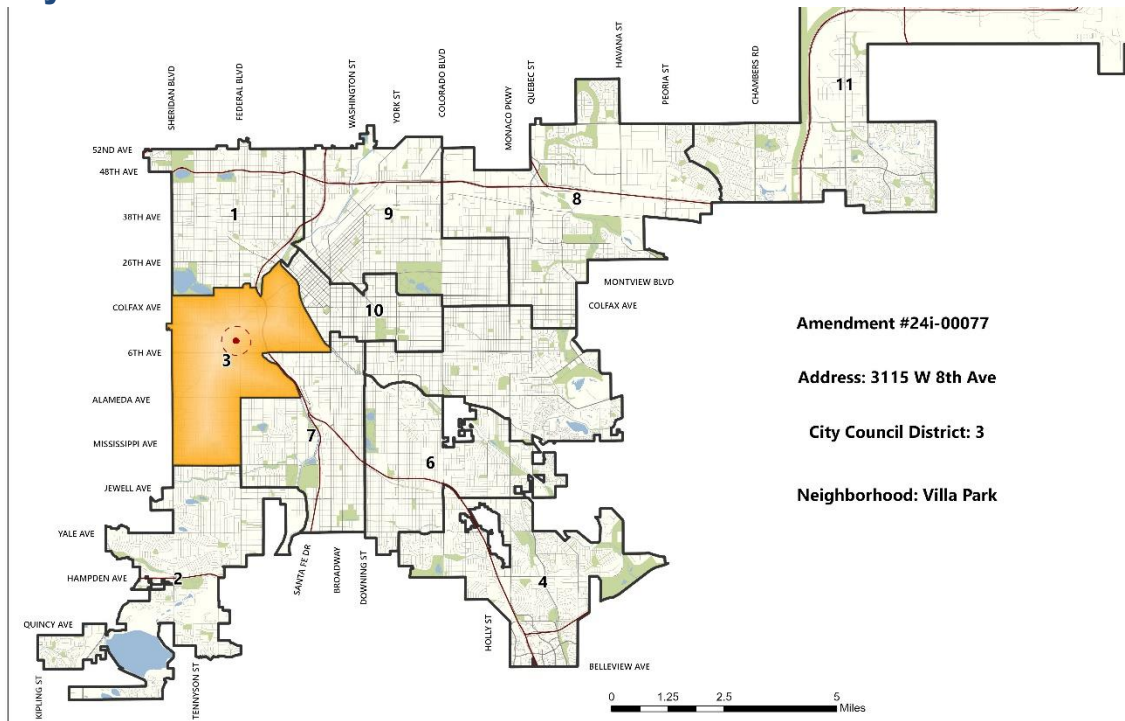
Summary of Rezoning Request

- The property owner is proposing to rezone 3115 West 8th Avenue from **E-SU-D to E-RX-3**.
- The subject site is located in the Villa Park statistical neighborhood located just west of the intersection West 6th Avenue and Federal Boulevard near Sandos Park.
- The property is currently vacant. The property owner is proposing to rezone the property to allow for the development of town houses.
- The proposed E-RX-3, Urban Edge, Residential Mixed Use, 3 stories, zone district allows town house and shopfront as the primary building forms. The maximum height of the allowed primary building forms ranges from 38 to 45 feet, up to 3 stories. This district is intended for use in the Urban Edge Neighborhood Context, which is characterized by single- and two-unit uses and allows for some multi-unit districts. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 4 of the Denver Zoning Code.
- On October 10, 2024, Community Planning and Development (CPD) issued the [West Area Plan – Rezoning Implementation Approach Policy Memo](#) which outlines issues related to displacement and increased development pressures in West Denver. The memo documents development trends, plan guidance, and states that “CPD has found potential rezonings of single unit districts (SU) to higher intensity districts in the West Area Plan geography are not consistent with the intent of adopted plans until further stabilization programs, tools and regulatory changes are in place, due to the phase of development lifecycle that the area is in. It is important to note that rezonings are consistent with adopted plans if there are programs and commitments to ensure

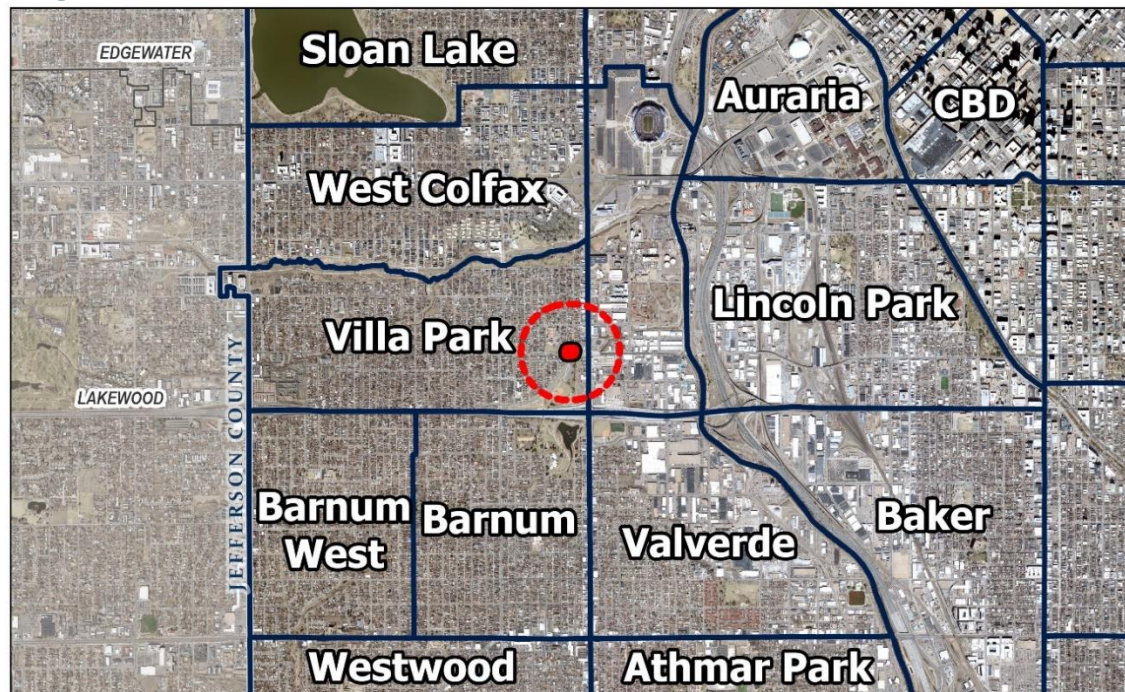
affordability as part of new missing middle housing opportunities.” The plan consistency analysis in the memo is outlined as part of the review criteria section of this staff report.

- The Advancing Equity in Rezoning text amendment was approved by City Council at public hearing on 2/3/25. It will be effective on 2/24/25. Because this rezoning would be considered by City Council after 2/24/25, the staff report includes analysis of the proposed new rezoning criteria.
- The application was presented at the December 18, 2024, Planning Board Hearing. No formal recommendation was made. A Document of Deliberation is attached to the staff report.
- Concurrent with the rezoning, the applicant has voluntarily proposed and signed an Affordable Housing Plan (AHP). The AHP includes a negotiated alternative to Mandatory Affordable Housing requirements for this site. The AHP requires that at least 20% of the units (1 unit out of the 5 total) will be income-restricted for-sale at 110% AMI. The income restricted unit will have at least three bedrooms. More information is included later in the staff report.
- While staff previously recommended denial at Planning Board, staff is now recommending approval given the voluntary concurrent AHP. The rezoning and the concurrent AHP together address plan guidance regarding affordability as outlined later in the staff report.

City Location



Neighborhood Location – Villa Park



Existing Context



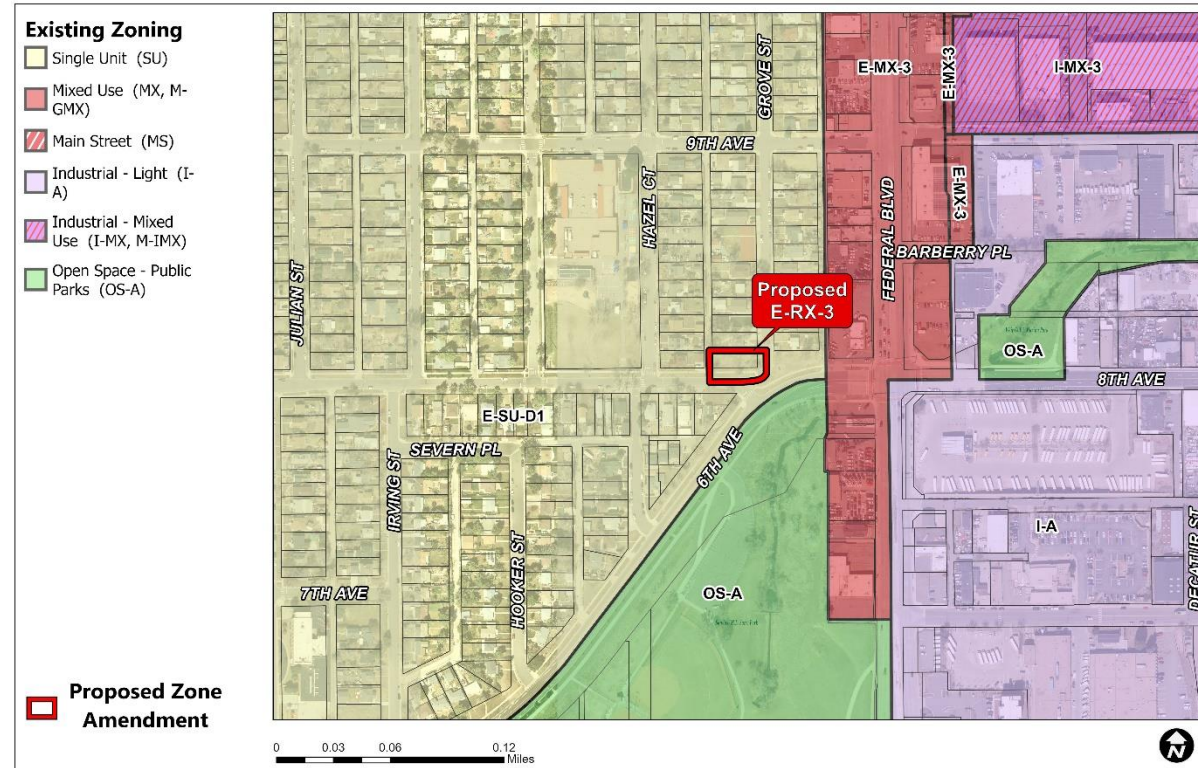
The subject property is located within the Villa Park neighborhood, near the intersection of the 6th Avenue and Federal Boulevard. The property is a corner lot with frontage on 8th Avenue and N. Grove Street. The area is characterized by mostly single-unit residences throughout with a transition to commercial and office uses at Federal Boulevard. Sandos Park is located across the street, south of the subject property with connections to Wier Gulch. Eagleton Elementary is located one block to the west. The subject property is served by RTD’s frequent bus routes 30 and 31 along Federal Boulevard, one block away. The subject property is a half mile from two stations along the light rail West Corridor.

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	E-SU-D	Vacant	Vacant, some trees	The area is served by a typical street grid and block pattern is regular. Driveways are common throughout. Just south of the subject
North	E-SU-D	Single-Unit Residential	1 story brick residential house with front driveway	
South	E-SU-D	Single-Unit Residential	2.5 story frame residential house with front driveway	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	E-SU-D	Single-Unit Residential	1 story frame residential house with front driveway	property, 6 th Avenue bisects the grid as a curvilinear street abutting Sandos Park.
West	E-SU-D	Single-Unit Residential	1 story frame residential house with front driveway	

Existing Zoning



The existing zoning on the subject property is E-SU-D which is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Allowed uses in E-SU-D are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. For additional details of the zone district, see DZC Section 4.2.2. The subject property is near OS-A and E-MX-3, which primarily allow public park uses and mixed residential and commercial uses respectively.

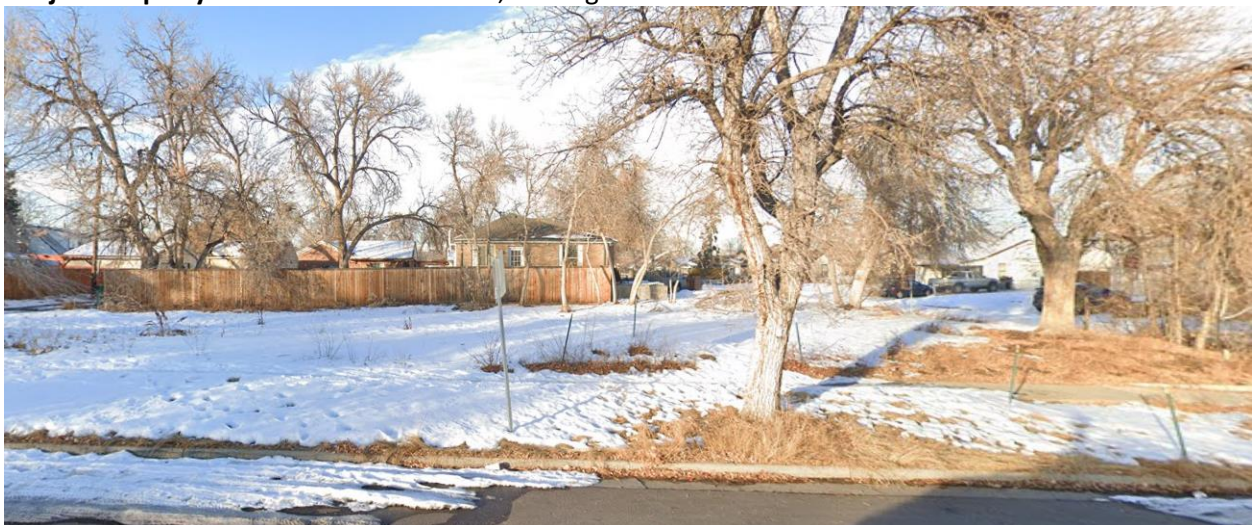
Existing Land Use Map



The subject property is vacant. The surrounding area is primarily single-unit residential with the exception of the nearby Eagleton Elementary School and Sandos Park. Commercial, Office and Industrial uses are located along and to the east of Federal Boulevard.

Existing Building Form and Scale (all images from Google Maps)

Subject Property – 3115 West 8th Avenue, looking north.



North – View of the property to the north of subject property, looking west.



South – View of the property to the south of subject property across 8th Avenue, looking south.



East - View of the property to the east, looking east.



West – View of the property to the west, across alley, looking east.



Affordable Housing Plan

Following Planning Board, the applicant worked the Department of Housing Stability and has voluntarily proposed and signed an Affordable Housing Plan (AHP). The AHP includes a negotiated alternative to Mandatory Affordable Housing requirements for this site. The AHP requires that at least 20% of the units (1 unit out of the 5 total) will be income-restricted for-sale at 110% AMI. The income restricted unit will have at least three bedrooms. The income-restricted unit is not required to provide an off-street dedicated parking space.

Proposed Zoning

The applicant is requesting to rezone to **E-RX-3** (Urban Edge Neighborhood Context – Residential Mixed Use – 3 stories) which allows the Town House and Shopfront primary building forms up to three stories in height (4 stories with the provision of enhanced affordable housing). The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods. Non-residential uses are allowed on the ground floor in the Shopfront form; uses on the second floor and above are limited to residential and lodging.

Further details of the proposed zone district can be found in Article 4 of the Denver Zoning Code (DZC). The primary building forms allowed and design standards in the existing zone district and the proposed zone district are summarized below:

Design Standards	E-SU-D (Existing)	E-RX-3 (Proposed)
Primary Building Forms Allowed	Urban House	Town House, Shopfront
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2.5 stories / 30 feet*	3 stories, 38 feet/45 feet**
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	1 story / 19 feet	N/A
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	24 feet	N/A
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	10' feet/0'
Side Street Setback (min.) *	5 feet	7.5 feet/0 feet
Side Interior Setback (min.) *	5 feet	5 feet/0 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	0 feet/0 feet
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	70%/N/A
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Other Detached Accessory Structures

*Based on subject property width of 50 feet

** Shopfront form allows height up to 4 stories and 55 feet with incentives for enhanced affordable housing

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 Comment.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approve Rezoning Only - Will require additional information at Site Plan Review

Development Services – Project Coordination: Approved – No Comment.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Health and Environment: Approved – No Comments.

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:	8/21/2024
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:	12/3/2024
Planning Board did not reach a vote and is forwarding the application without a recommendation. They have provided a Document of Deliberation, which is describe below and attached.	12/18/2024
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:	2/17/2025
Land Use, Transportation, and Infrastructure Committee of the City Council:	2/25/2025
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:	3/17/2025 (tentative)
City Council Public Hearing:	4/7/2025 (tentative)

Planning Board Deliberation

The Planning Board held a public hearing on December 18, 2024. Six board members were present. A motion for denial received a vote of 2 in favor and 4 against. A motion for approval received a vote of 4 in favor and 2 against. Since neither motion received 5 votes, Planning

Board is forwarding the application without a recommendation. On January 15, 2025, Planning Board approved a Document of Deliberation, which is attached to this staff report. The document outlines the arguments made both in favor and against a recommendation of approval.

Registered Neighborhood Organizations (RNOs)

To date, staff has received no comment letters from Registered Neighborhood Organizations.

Other Public Comment

11 letters of support or public comments, 1 neutral comment, and 1 opposed comment have been received as of the date of this report.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Public Interest
3. Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)
- *West Area Plan* (2023)

Denver Comprehensive Plan 2040

The following goals and strategies in the Equitable, Affordable and Inclusive vision element are relevant to this proposed rezoning:

- Equitable, Affordable, and Inclusive Goal 1: Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. (p. 28)
 - Strategy A - Increase development of housing units close to transit and mixed-use developments.
- Equitable, Affordable and Inclusive Goal 2: Build housing as a continuum to serve residents across a range of incomes, ages and needs (p. 28)
 - Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families.
 - Strategy B – Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options.
- Equitable, Affordable and Inclusive Goal 3: Develop housing that is affordable to residents of all income levels (p.28)

- Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.
- Equitable, Affordable, and Inclusive Goal 5: Reduce the involuntary displacement of residents and businesses (p. 29)

The proposed rezoning will allow for additional housing units and building forms, thereby meeting some aspects of this vision element. The concurrent affordable housing plan will ensure that income-restricted, affordable housing is provided on-site. The AHP furthers plan guidance regarding affordability and addressing displacement.

The following goal and strategy in Strong and Authentic Neighborhoods vision element is relevant to this proposed rezoning:

- Strong and Authentic Neighborhoods Goal 1: Create a city of complete neighborhoods (p. 34).
 - Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population.

The proposed rezoning will allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with this strategy.

The proposed rezoning is consistent with the following strategies in the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8: Clean our soils, conserve land and grow responsibly.
 - Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

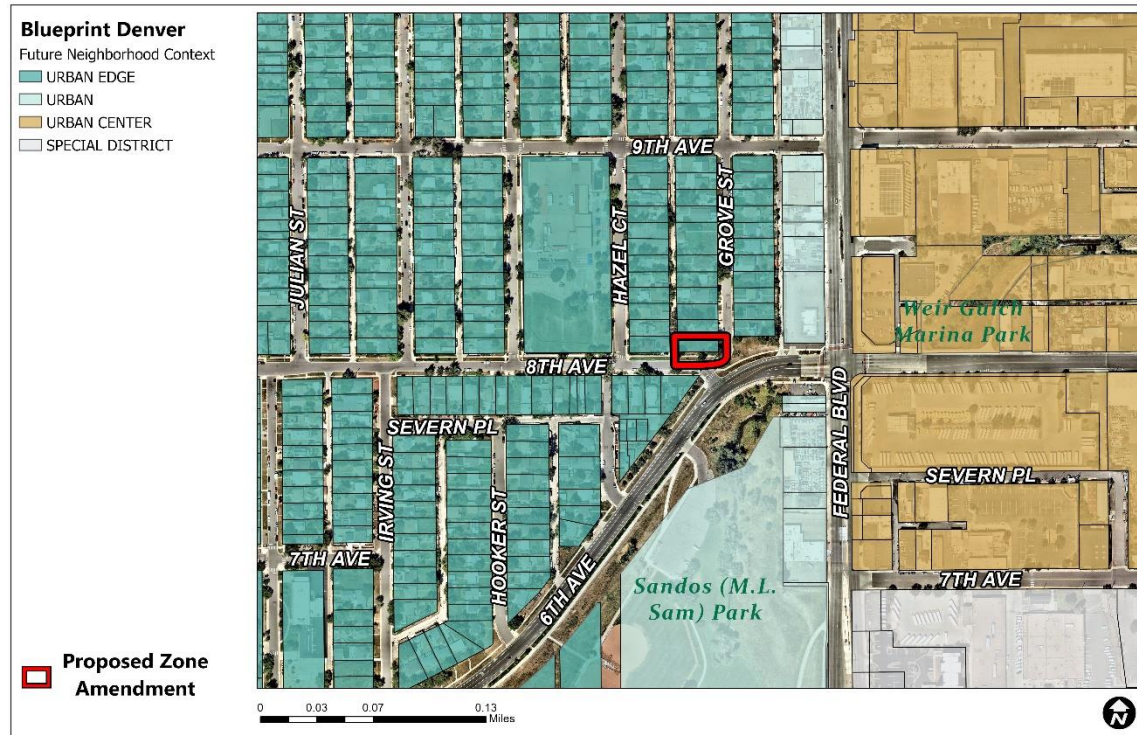
In summary, the proposed rezoning, together with the concurrent AHP, furthers *Comprehensive Plan 2040* policies by increasing additional housing units, allowing more building forms at an infill location where amenities are accessible, and providing on-site affordable housing.

Blueprint Denver (2019)

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 a High Medium future place within the Urban Edge Context and provides guidance from the future growth strategy for the city.

The proposed rezoning is consistent with much of the land use guidance in the plan. Further, the concurrent AHP addresses plan guidance to mitigate involuntary displacement and increase affordable housing options.

Blueprint Denver Future Neighborhood Context



The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts. “Homes in this context are typically low-scale single- and two-unit residential with some small scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (p. 205).

E-RX-3 is a zone district within the Urban Edge Neighborhood Context and is intended “intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm” and “intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.” (DZC Section 4.2.5.1). E-RX-3 is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing a low-scale mix of building forms that will be compatible with the existing residential and additional commercial areas.

Blueprint Denver Future Place



Within the Urban Edge Neighborhood Context, the subject site is categorized as High-Medium Residential which is described as “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. Building heights and scaling help provide transitions to adjacent places” (217).

The rezoning request is consistent with *Blueprint Denver*’s identified High-Medium Residential future place as it will allow a mix of low- to mid-scale residential and commercial buildings, forms, and uses.

Blueprint Denver Street Types

Blueprint Denver classifies West 8th Avenue and N. Grove Street as local or undesignated streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). The subject property is within close proximity to 6th Avenue which is classified as a Residential Collector. Residential collectors have “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context” (p.160). The proposed E-RX-3 district is consistent with this street type because it allows for primarily residential uses and some commercial uses.

Blueprint Denver 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 property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed E-RX-3 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's primarily residential character. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

Additional Guidance

Blueprint Denver articulates both the inherent complexity and importance of addressing involuntary displacement, calling for a "variety of strategies that cut across many disciplines, plans and partners" (p. 36) to ensure that Denver's diversity of its community is maintained. *Blueprint Denver* also calls for equity measures and mapping analysis in neighborhood plans to ensure that "neighborhood planning will need to address policies and strategies to mitigate involuntary displacement, especially since the plan may attract new investment to the area." This is directly applicable to the *West Area Plan*, since new investment is leading to displacement concerns.

As stated earlier in this report, the applicant has signed an affordable housing plan concurrent with the rezoning. The AHP will help to mitigate displacement in this area by providing income-restricted

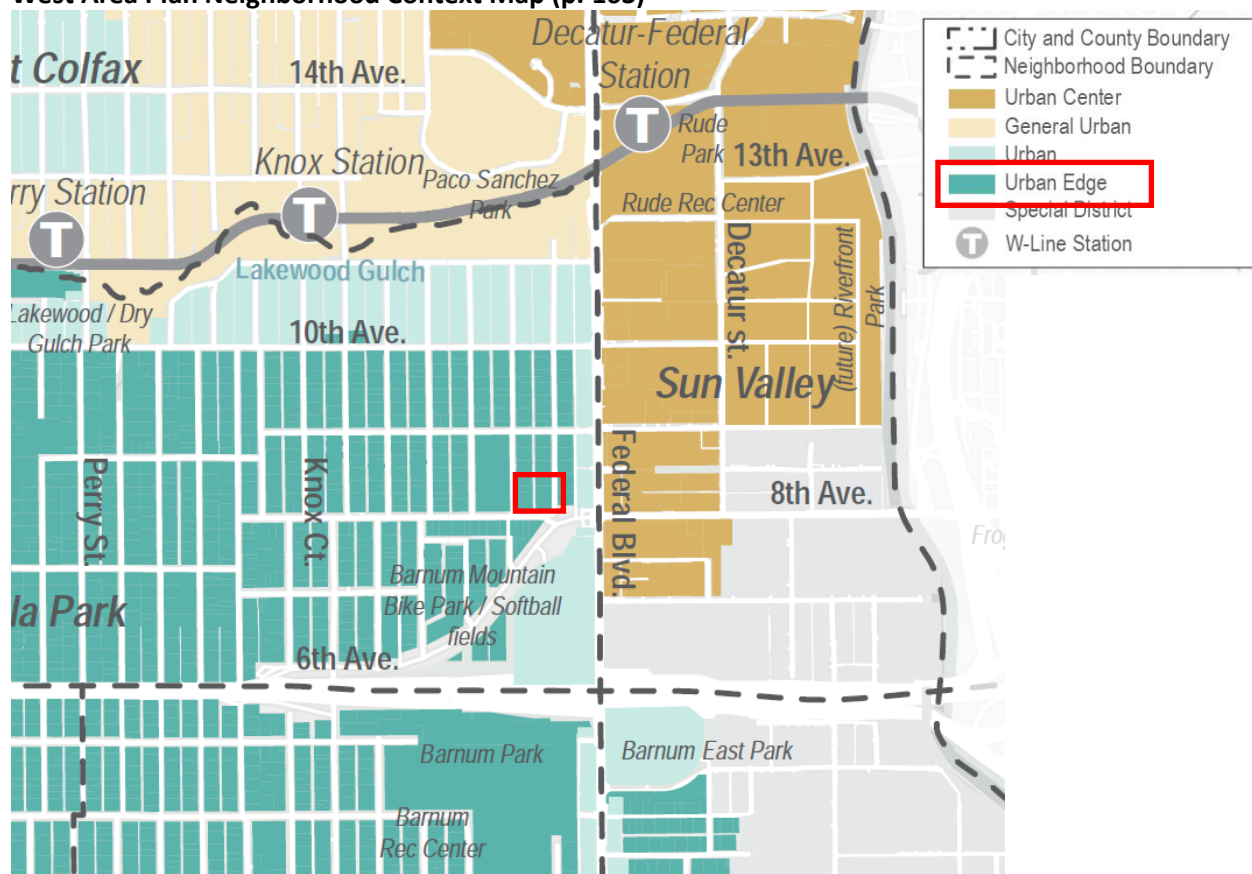
housing. While rezoning alone is not consistent with adopted plans until further stabilization programs, tools and regulatory changes are in place, the rezoning together with the concurrent AHP are consistent with *Blueprint Denver*.

This rezoning also furthers *Blueprint Denver's* goals related to climate by enabling additional housing with access to transit, parks, and bike amenities. The nearby amenities will encourage less auto-dependence, which can reduce greenhouse gas emissions from transportation.

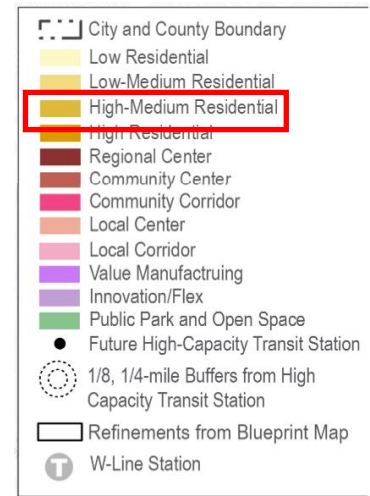
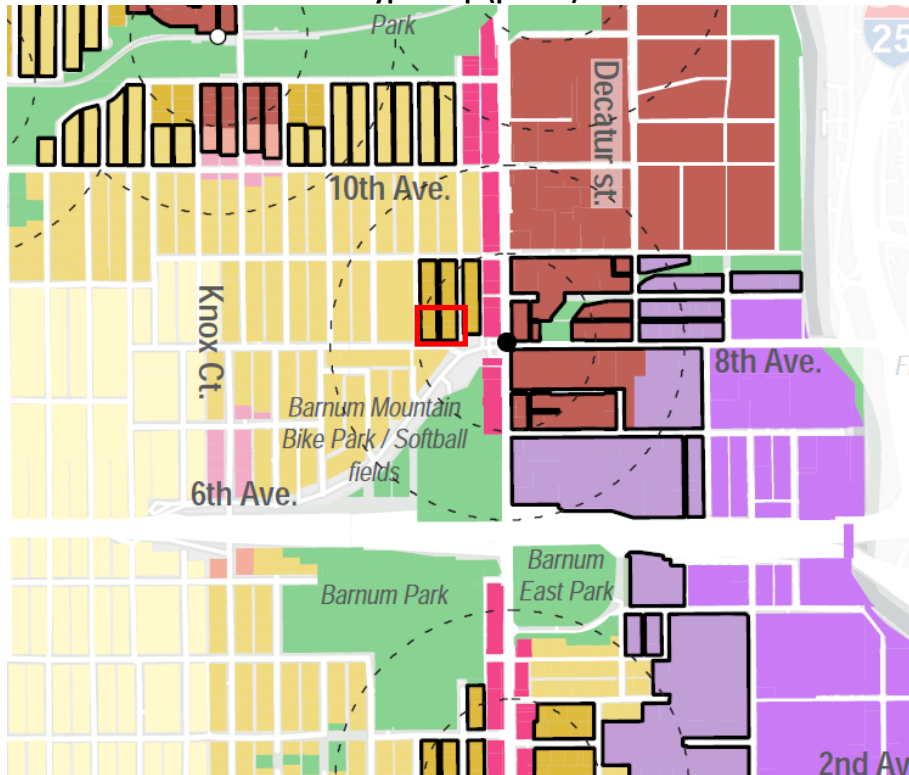
West Area Plan (2023)

The *West Area Plan* was adopted in March 2023 as part of Community Planning and Development's Neighborhood Planning Initiative. It updated the place, neighborhood context and growth strategy guidance in *Blueprint Denver*. In the *West Area Plan*, the subject property is within the Urban Edge Neighborhood Context and in the Future Place Map is classified as High-Medium Residential, which is described as a "combination of mid-scale multi-unit residential building forms containing a mix of neighborhood-serving uses appropriate for collector streets and intersections as well as arterial streets and intersections" (166). The height map recommends heights up to 5 stories.

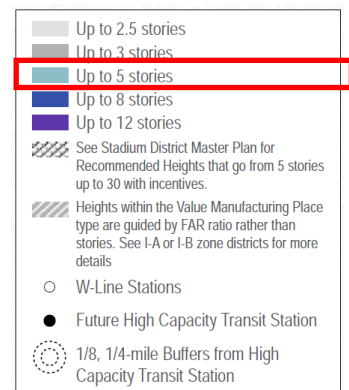
West Area Plan Neighborhood Context Map (p. 163)



West Area Plan Future Place Type Map (p. 167)



West Area Plan Future Place Type Map (p. 175)



Base Maximum Building Heights
This map shows the maximum building heights that should be allowed when Expanding Housing Affordability (EHA) height incentives are not applied."

The proposed rezoning is consistent with the neighborhood context, place, and height guidance in the plan as it would allow for a mix of residential forms and neighborhood-serving commercial uses in buildings up to 3 stories in height in the Urban Edge neighborhood context in the Denver Zoning Code.

West Area Plan Priorities

The plan highlights a series of community priorities related to quality of life, food access and housing affordability. Community feedback during the West Area planning process highlights a strong desire for affordable housing options for residents who want to stay in their neighborhood. The plan addresses these issues through strategies to advance equitable housing options, retain residents, and improve quality of life. The following language provides guidance on rezonings in the plan area: “Some of the zoning recommendations in this plan are intended to be implemented legislatively (i.e., initiated by the city) either through citywide processes or area-specific text amendments, instead of through applicant-driven rezonings (e.g., see Policy B-2 (P. 272) . . . Therefore, requests for one-off applicant-driven rezonings should be evaluated to determine if they are better suited as part of a legislative rezoning effort to more effectively advance the vision and recommendations of the plan” p. 14.

The following provides context from community outreach that speaks to a clear need to deploy strategies that counter gentrification and displacement.

- Plan – What We’ve Heard - HOUSING: “A desire for more affordable housing options.... Current housing trends are out of reach for working class families and seniors ... A desire for strategies to counter gentrification and displacement.” (p. 8)
- West Area Today - “The West Area is a vibrant and innovative community today. But the years of disinvestment, historic redlining practices and impacts of infrastructure decisions continue to create barriers between neighborhoods, affect economic conditions and isolate sections of the community today. The West Area Plan addresses the inequities and impacts of historical decisions by identifying equitable investment opportunities and future projects that help retain residents, improve quality of life, enhance mobility solutions and reflect neighborhood values and culture for years to come.” (p. 23)

The *West Area Plan* also contains specific recommendations for housing affordability, including examples of tools that can help to ensure affordability for existing residents:

- Recommendations, Policy E.1 - Preserve existing housing affordability and housing quality (p. 211)
 - A. B. Preserve naturally occurring affordable housing, particularly in areas close to transit and in areas vulnerable to displacement, through existing and new tools such as:
 1. Incentive programs for owners and landlords that provide financing for rehabilitation of small multi-unit properties and homes in exchange for affordability commitments.
 2. Partnering with existing cooperatives and other community-based organizations to assist tenants with acquiring and transforming housing into cooperative housing.
 3. Partnerships between the city, land trusts, non-profit organizations, and residents to develop new financial and/or regulatory tools.

- Recommendations, Policy E.2 – Explore strategies so affordable housing is available everywhere by implementing approaches that promote a diversity of affordable housing options within all neighborhoods and new development (p. 212).
 - A. Ensure the value of increased development potential is shared within communities through the provision of on-site affordable housing, a diversity of housing types and elements that promote complete neighborhoods.

Implementing the full intent of the plan requires strategies and programs, such as those referenced above in Policy E.1, to ensure that investment and redevelopment in the area is paired with tools to stabilize existing residents. The applicant has signed a concurrent affordable housing plan that commits to income-restricted housing on the subject site. The AHP puts a tool in place that addresses the plan guidance to mitigate displacement and ensure affordability with new development. The rezoning, with the concurrent AHP, is consistent with this *West Area Plan* guidance.

2. Public Interest

The proposed official map amendment with the concurrent affordable housing plan furthers the public interest through implementation of the city's adopted land use plan and facilitating affordable housing options.

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

The proposed E-RX-3 zone district within the Urban Edge Neighborhood Context. The neighborhood context generally consists of a "primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas...Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets...The Urban Edge Neighborhood Context consists of a regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid...Block sizes and shapes are consistent and include attached, detached and non-existent sidewalks, tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback...The Urban Edge Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets. There is reliance on the automobile with some pedestrian and bicycle activity and low to medium level of access to the multi-modal transportation system. (DZC 4.1-4.5)

According to DZC Section 4.2.5.1, General Purpose, the intent of the residential mixed use zone districts is to "promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public realm."

The specific intent of the E-RX-3 zone district "applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired." (DZC Section 4.2.5.2.A). Therefore, the proposed rezoning of E-RX-3 meets the criteria of the Denver Zoning Code context description, purpose, and intent statements.

Attachments

1. Application
2. Planning Board Document of Deliberation
3. Additional Public Comments