



TO: City Council
FROM: Edson Ibanez, Senior City Planner
DATE: November 10, 2022
RE: Official Zoning Map Amendment Application #2022I-000083

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-000083.

Request for Rezoning

Address: 3500 & 3600 Park Avenue West
Neighborhood/Council District and CM: Globeville neighborhood / Council District 9, CM CdeBaca
RNOs: United Community Action Network (UCAN), Inter-Neighborhood Cooperation (INC), Denver North Business Association, RiNo Art District, Globeville Civic Partners, and Reclaim the Eastside
Area of Property: 97,400 square feet or 2.24 acres
Current Zoning: I-B UO-2
Proposed Zoning: C-MX-8
Property Owner(s): Park Avenue Housing Corporation
Owner Representative: John Parvensky, Colorado Coalition for the Homeless / Park Avenue Housing Corporation

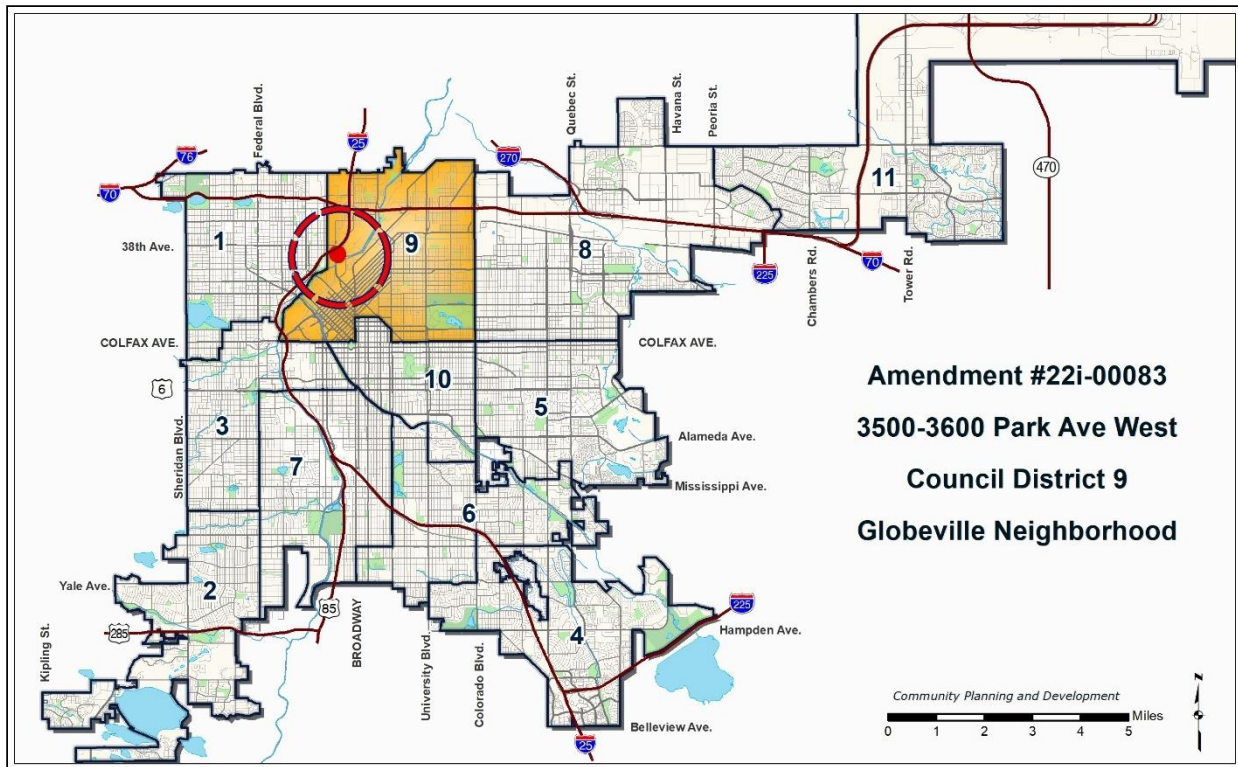
Summary of Rezoning Request

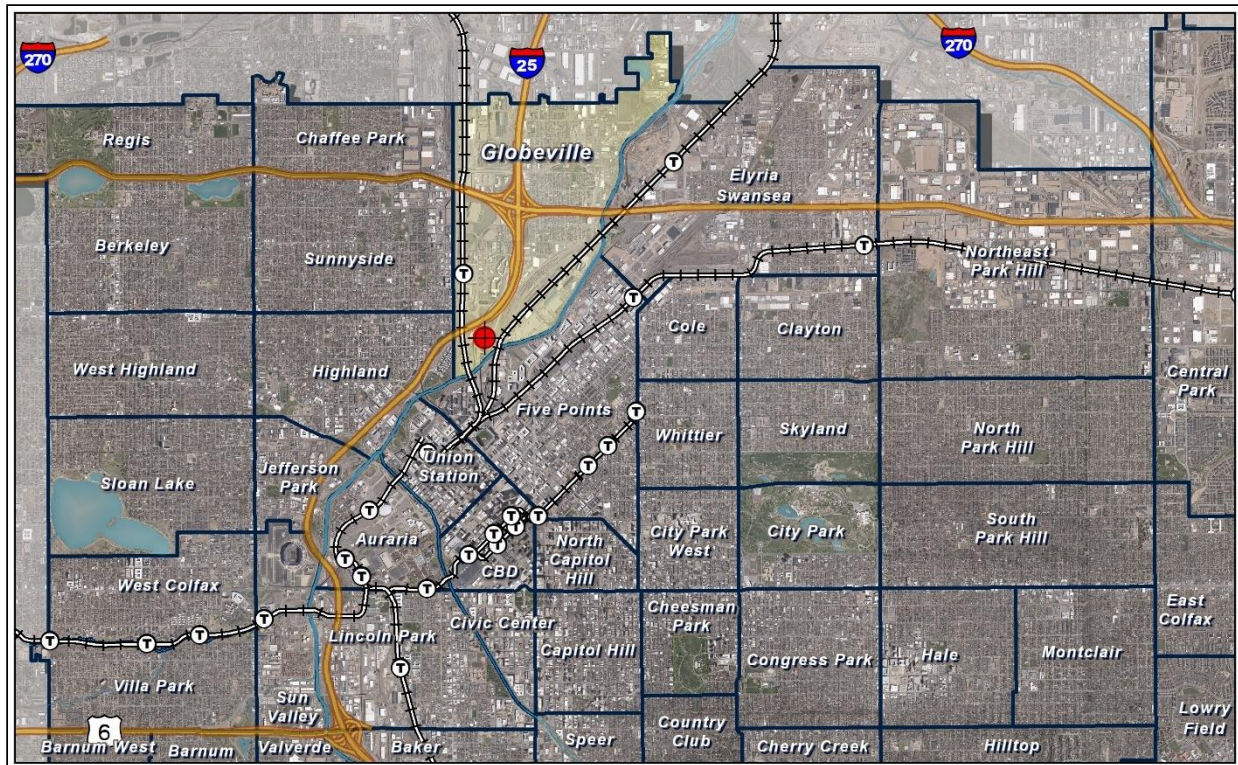
- The subject property is in the Globeville statistical neighborhood on the east side of Park Avenue West and south of the on-ramp for Interstate 25.
- The site is currently occupied by La Quinta Inn and the Old West Pancake House Restaurant.
- The subject site is within one of Denver’s Neighborhood Equity and Stabilization (NEST) focus neighborhoods; therefore, an equity analysis and the applicant’s equity response are included in this staff report.
- An acquisition loan was recently approved by Denver City Council's Safety, Housing, Education & Homelessness Committee. Applicant intends to construct 100% income restricted units below 60% AMI.
- The current zoning is I-B, UO-2. I-B is a general industrial zone district in the Industrial Context. The UO-2 is the Billboard Use Overlay which allows for the establishment and operation of billboards subject to additional standards and limitations. The applicant is not proposing to retain the Billboard Use Overlay (UO-2) that is currently mapped on the site. There is no billboard on the subject property.
- The requested C-MX-8 district stands for Urban Center Neighborhood Context – **Mixed Use – 8** stories maximum height. The 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 street edge, through the use of shallow front setback ranges and high build-to requirements.

- Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

Existing Context



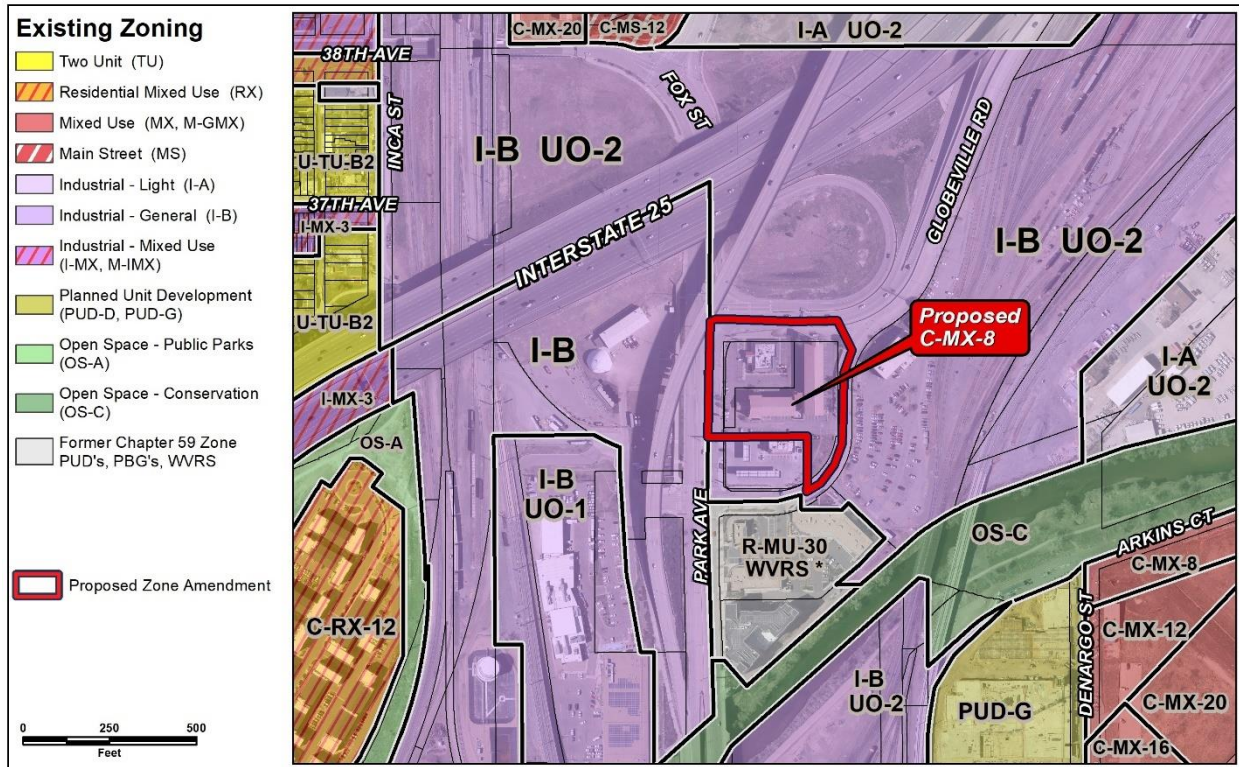


The subject properties are located in the Globeville statistical neighborhood, and the immediate area consists of irregular lot sizes without alleys and the absence of a grid due largely to Interstate 25 and rail running through the neighborhood. City of Cuernavaca Park is 0.4 miles southwest and the South Platte River Trail is 300 feet west of the subject properties. Approximately 300 feet south of the subject property is the Park Ave W and Globeville Road bus stop, which is served by the RTD 38 bus. The 38 bus runs from Downtown Denver to Arvada/Wheat Ridge with 30-minute headways.

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
Site	I-B UO-2	Commercial/Retail (Old West Pancake House and La Quinta Inn)	The Old West Pancake House is a one-story restaurant with curb-cut access off Park Avenue W. La Quinta Inn is a three-story hotel with curb-cut access off Park Avenue W and Globeville Road.	Irregular street grid with Interstate 25 cutting north-to-south through the neighborhood. The South Platte River runs diagonally from northeast to southwest through the neighborhood. Lot sizes vary in both shape and size due to the irregular street grid. Farther northeast of the site the neighborhood retains a regular grid pattern with alley access and more uniform lot sizes.
North	I-B UO-2	Interstate 25 On/Off Ramp	N/A	
South	I-B UO-2	Commercial/Retail (Sinclair Gas Station)	One-story gas station with a convenience store located in the rear with curb-cuts off Park Avenue W and Globeville Road	
East	I-B UO-2	Office (BSNF Railway)	Two-story office building with curb-cut access off Globeville Road.	
West	I-B; I-B UO-1	Industrial; Denver Police Department Training Facility	One-story structures with access off Globeville Road.	

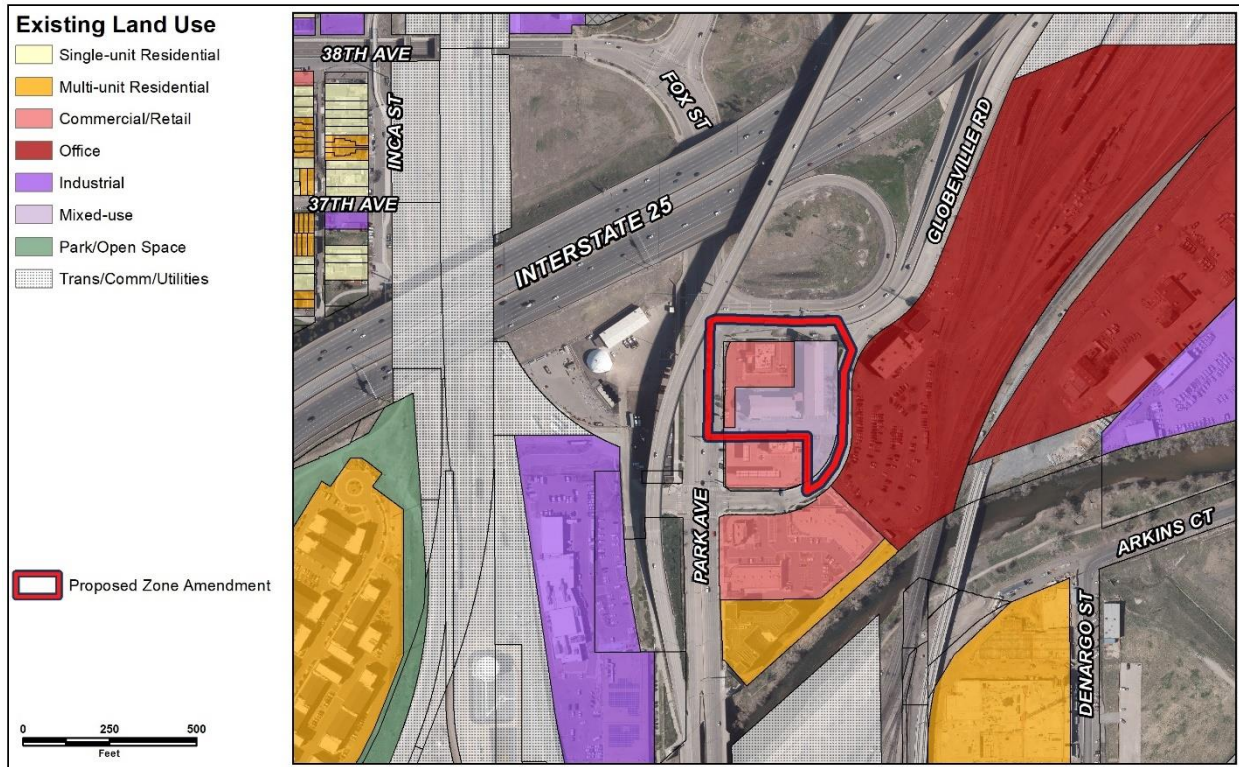
1. Existing Zoning



The existing zoning on the subject property is I-B UO-2. I-B is a general industrial zone district in the Industrial Context. It allows office, business, and intensive industrial uses. Residential uses are only permitted where an existing residential structure existed prior to July 1, 2004. The General and Industrial building forms are allowed in the I-B zone district and building mass is regulated by a maximum Floor Area Ratio of 2.0. No maximum building height is specified for the zone district except for when a site is within 175 feet of a Protected District, in which case the maximum permitted building height is 75 feet. There are no build-to requirements, transparency requirements, or street level activation standards in the I-B zone district. Surface parking is permitted between the building and primary and side streets. See DZC Division 9.1 for more information.

The UO-2 is the Billboard Use Overlay, which allows for “outdoor general advertising device” signs (i.e. billboards) on the zone lot. Additional standards and limitations regarding minimum separation and distance requirements also apply. There are currently no billboards on the subject site, and the applicant is not proposing to retain the UO-2.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images are from Google Street View.



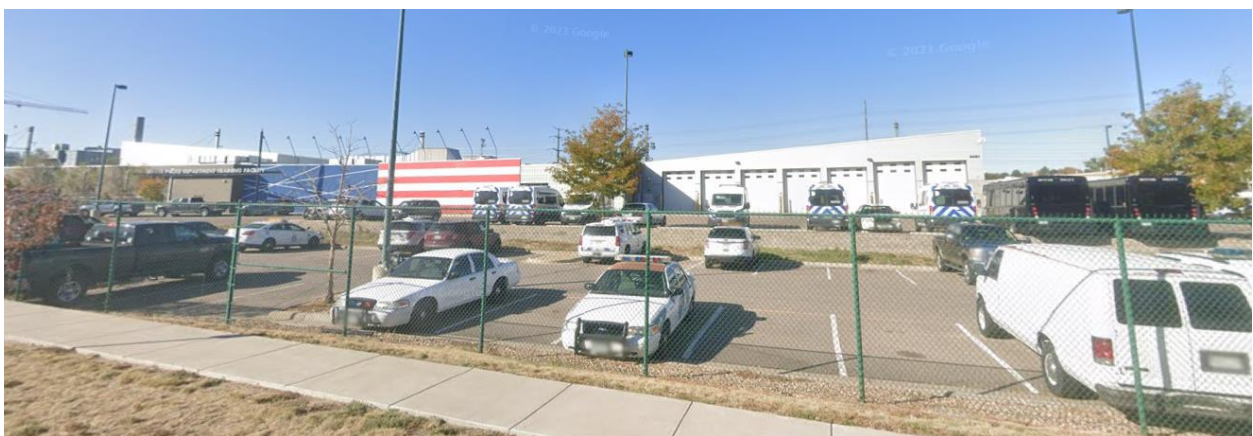
View of the subject properties, looking east.



View of the Interstate 25 on/off ramps to the north of the subject properties, looking east.



View of the properties to the south of the subject properties, looking east.



View of the Denver Police Department Training Facility to the west across Park Avenue West, looking west.



View of the property to the east along Globeville Road, looking southeast.

Proposed Zoning

The applicant is requesting to rezone to C-MX-8, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum height. C-MX-8 applies to areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (see DZC 7.2.2.2.C). The 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 street edge. (DZC 7.2.2.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

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

Design Standards	I-B UO-2 (Existing)	C-MX-8 (Proposed)
Primary Building Forms Allowed	General, Industrial	Town House, Drive Thru Services, Drive Thru Restaurant, General, Shopfront
Height in Stories / Feet (max) *	No maximum, except within 175' of a Protected District where the maximum height is 75'	5 stories/70' – Town House Form 8 stories/110' – General/Shopfront Form
Primary Street Build-To Percentage (min)	N/A	70% General 75% Shopfront/Townhouse
Primary Street Build-To Ranges (min/max)	N/A	10'/15'- Town House Form 0'/10' – General/Shopfront Form
Primary Street Setbacks (min)	20'	10' – Town House Form 0' – General/Shopfront Form
Side Street Setbacks (min)	10'	7.5' – Town House Form 0' – General/Shopfront Form
Billboards	Allowed by UO-2 overlay	Not allowed

*The C-MX-8 district allows incentive heights up to 12 Stories and 150 feet with the provision of 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 comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – Approve Rezoning Only - Will require additional information at Site Plan Review

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

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

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No Response

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

Project Coordinator does not take exception with proposed C-MX-8 rezoning. Proposed Development will be subject to a Site Development Plan (SDP) review led by Site, Design and Neighborhood Development workgroup. With initial Concept SDP Plan submittal, Applicant Team is encouraged to provide additional information as to Affordable Housing Program for subsequent Staff Review. Development Plan can be managed by dedicated Affordable Housing Review Team (AHRT) should Project meet qualifying AHRT criteria with initial Concept submittal.

Development Services – Zoning: Approved – No Comment

Development Services – Fire Prevention: Approved – No Response

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:	8/10/22
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:	9/6/22
Planning Board Public Hearing: Approved Unanimously	9/21/22
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 (10) working days before the meeting:	9/24/22
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	10/4/22
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:	10/24/22 (Tentative)
City Council Public Hearing:	11/14/22 (Tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received two letters of support from the Denver North Business Association and the RiNo Art District Registered Neighborhood Organizations. Letters are attached to this Staff Report.
 - **General Public Comments**

- To date, staff has received no public comment letters.

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 apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Globeville Neighborhood Plan (2014)*
- *Central Platte Valley Comprehensive Plan Amendment (1991)*

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.

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density close to transit. It is therefore consistent with the following goals and strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 Strategy A – Increase the development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2 Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive – Goal 3, 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 (pg. 28).

The proposed rezoning would enable mixed-use infill development close to transit. The proposed C-MX-8 zone district would allow for a broader variety of uses including housing and retail with pedestrian-friendly building forms. It is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B - 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).

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

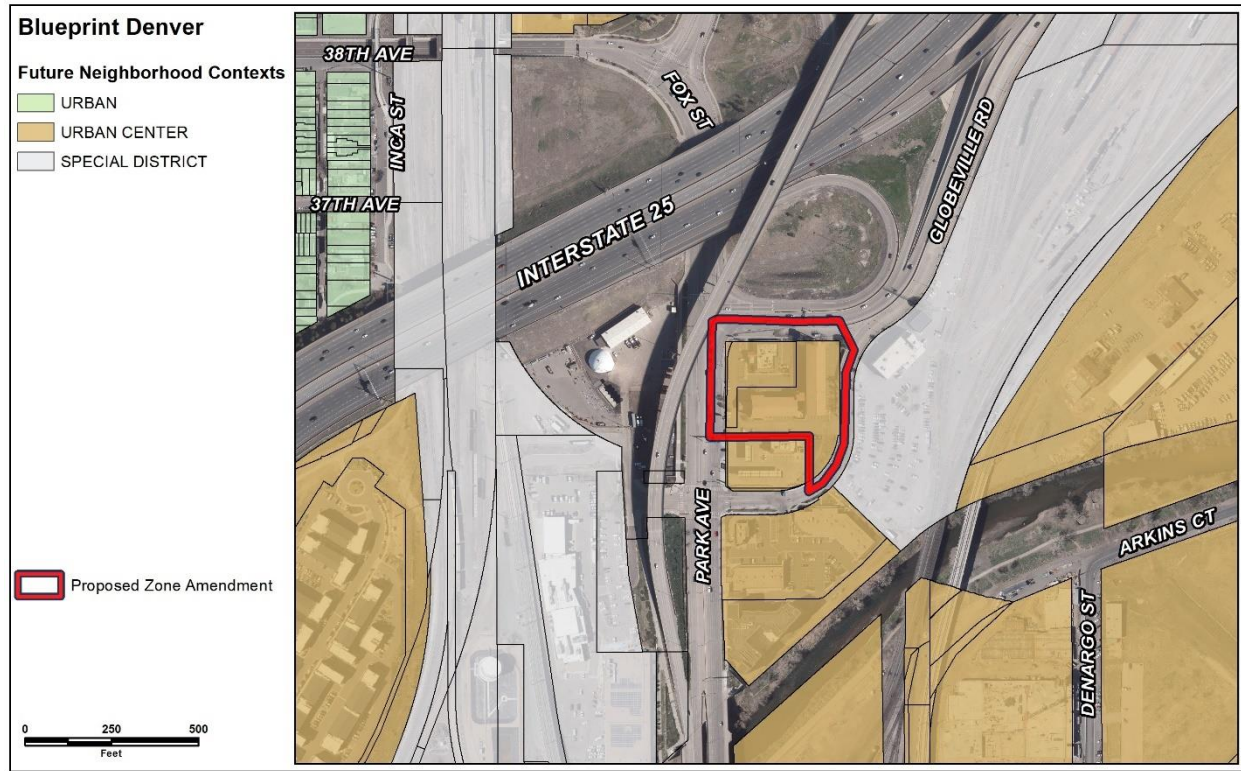
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B - Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).

The requested map amendment will enable mixed-use development at an infill location where strong transit connections are already in place. The requested C-MX-8 zone district broadens the variety of uses allowing residents to live, work and play in the area, therefore the rezoning is consistent with Denver Comprehensive Plan 2040 recommendations. The application further provides an opportunity for more affordable housing in the neighborhood, so residents can continue to live within their community.

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 a Community Center place within the Urban Center Neighborhood Context and provides guidance from the future growth strategy for the city.

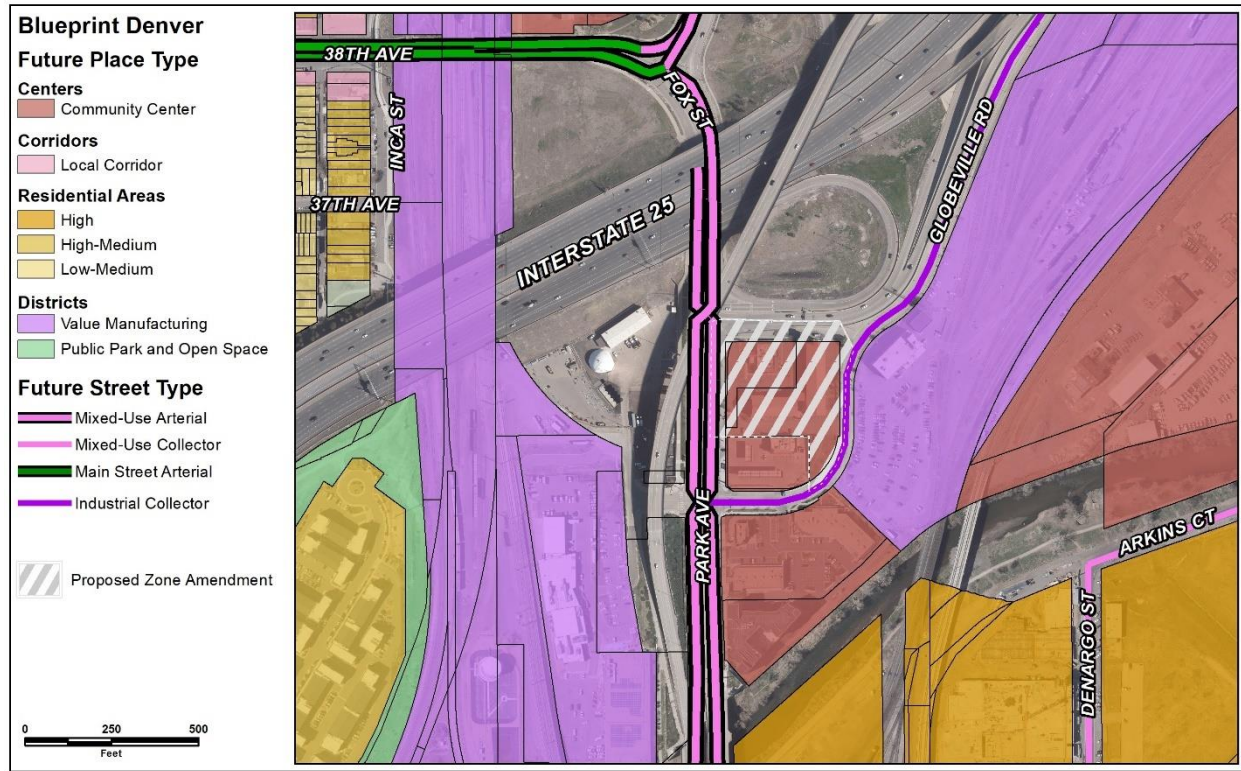
Blueprint Denver Future Neighborhood Context



The subject property is shown on the context map as the Urban Center neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Center neighborhood context contains “A high mix of uses throughout the area, with multi-unit residential typically in multi-story, mixed-use building forms. Block patterns are generally regular with consistent alley access. Larger scale buildings close to the street” (p. 137).

The intent of the proposed C-MX-8 district is to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge” (DZC, Section 7.2.2). The proposed rezoning to C-MX-8 is appropriate and consistent with the Urban Center context plan direction, as it will allow for development of an appropriately scaled mixed use node along a mixed-use arterial street.

Blueprint Denver Future Places



The Future Places map shows the subject property as part of a “Community Center” area. *Blueprint Denver* describes these areas as having “a balance of either residential and employment; residential and dining/shopping; or employment and dining/shopping uses. Buildings are mid-scale, but vary by context and surrounding character. Buildings often orient to the street or other public spaces” (p. 144). In a community center, the Urban Center neighborhood context, recommended “heights are generally up to 12 stories” (p. 256).

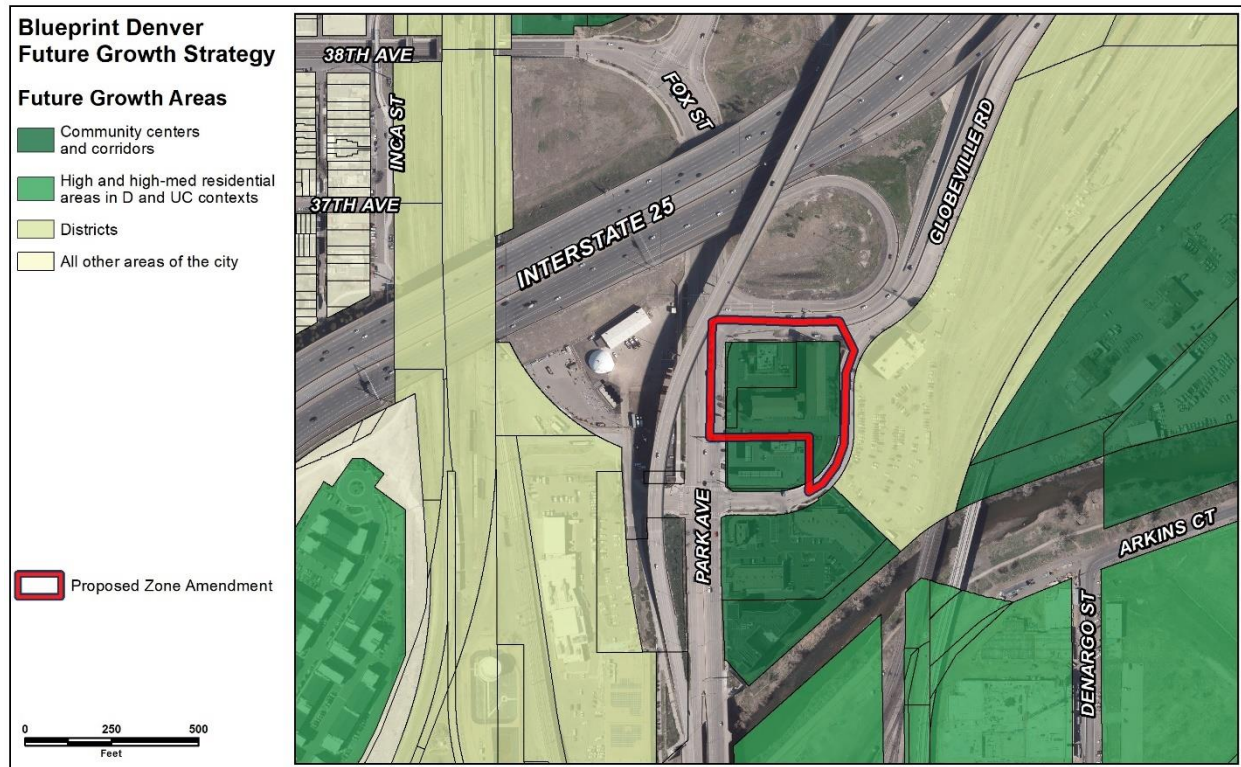
The proposed rezoning to C-MX-8 is appropriate and consistent with the “Community Center” plan direction and will foster a better balance of residential and employment uses than the current zoning allows.

Street Types

Blueprint Denver street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). The subject property is located on Park Avenue West, which *Blueprint Denver* classifies a Mixed-Use Arterial. Arterial streets “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). These streets contain a varied mix of uses including retail, office, residential and restaurants. Globeville Road is an Industrial Collector. Industrial streets are “characterized by manufacturing but may contain other uses” (p. 160).

Because C-MX-8 enables a wide range of residential, quasi-public uses, and commercial uses, the proposed district is consistent with the plan direction for this location and is appropriate along the existing mixed-use arterial street. Section 7.2.2.2.C. of the DZC also indicates that “C-MX-8 applies to areas or intersections served primarily by arterial streets.”

Blueprint Denver Growth Strategy



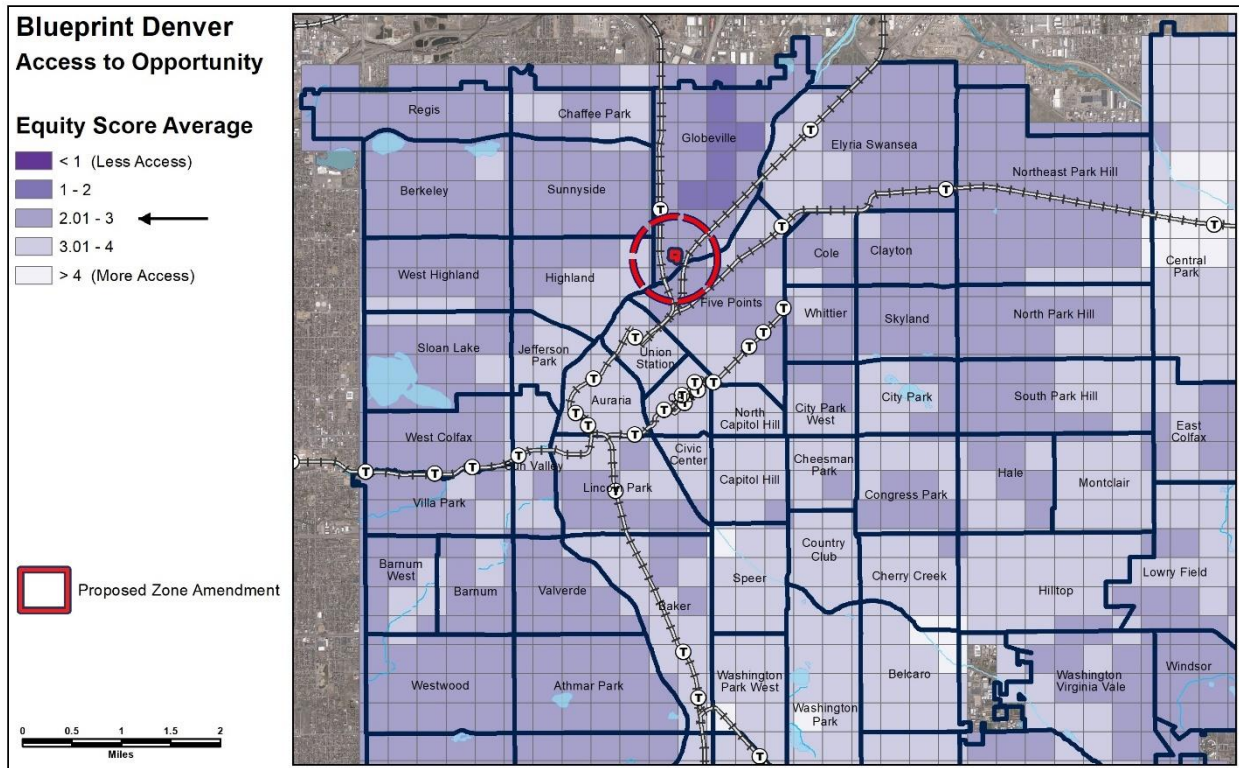
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the “Community centers and corridors” growth area. These areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to C-MX-8 is consistent with the “Community centers and corridors” growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that help inform implementation actions through large rezonings along with other implementation actions. Given that the subject site is within one of Denver's Neighborhood Equity and Stabilization (NEST) focus neighborhoods, an equity analysis is

included in this staff report and was shared with the applicant for consideration. The applicant's response is included with the application that is attached to the staff report.

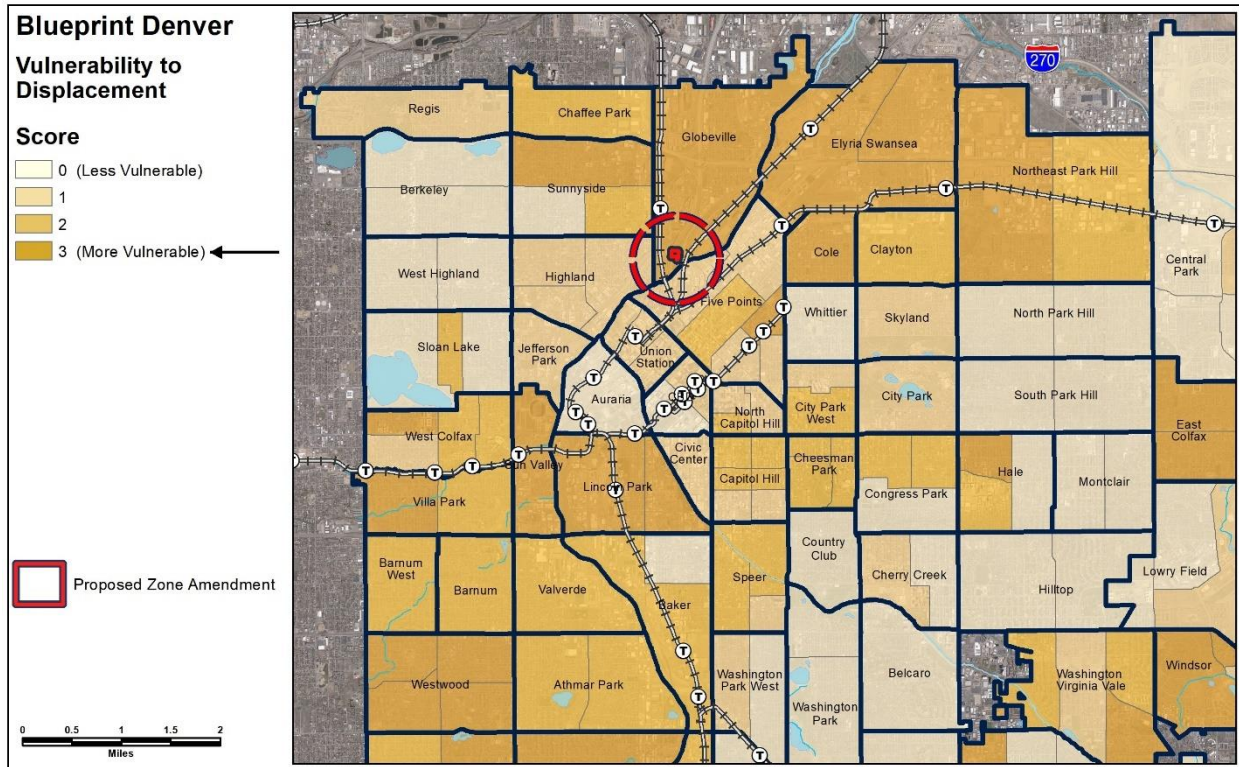
I. Access to Opportunity



The subject property is in an area with moderate access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. The subject area is less equitable than Denver as a whole when it comes to access to fresh foods, healthcare, and transit. These scores are related to a higher-than-average percentage of children with obesity.

The proposed district will allow for a mix of uses, thereby increasing the opportunity for access to retail, housing and services in an area that is well-served by transit. As part of the Equity Response, a set of considerations the applicant provides in response to the Equity Analysis, the applicant noted their intentions to help address this measure through supportive services and other methods.

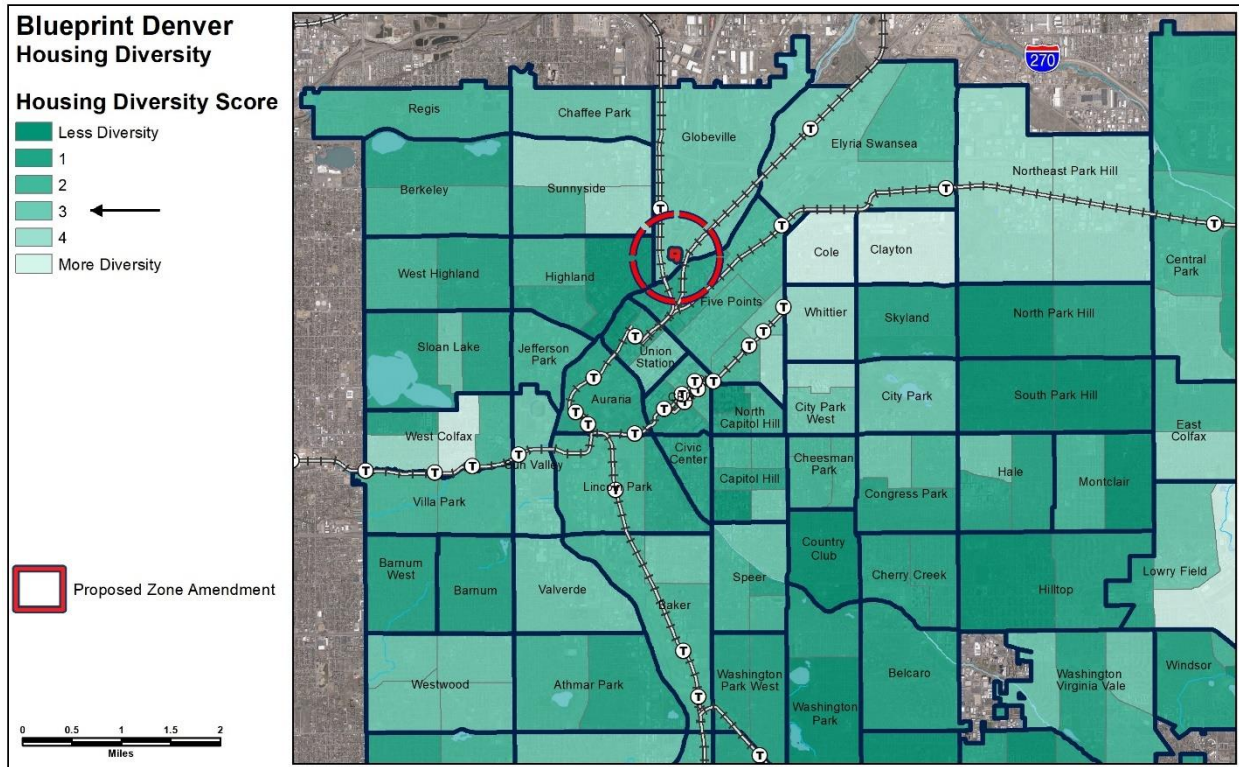
II. Vulnerability to Involuntary Displacement



The subject property is in an area that has high vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver’s Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in all three categories. In areas with high vulnerability to involuntary displacement, it is important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

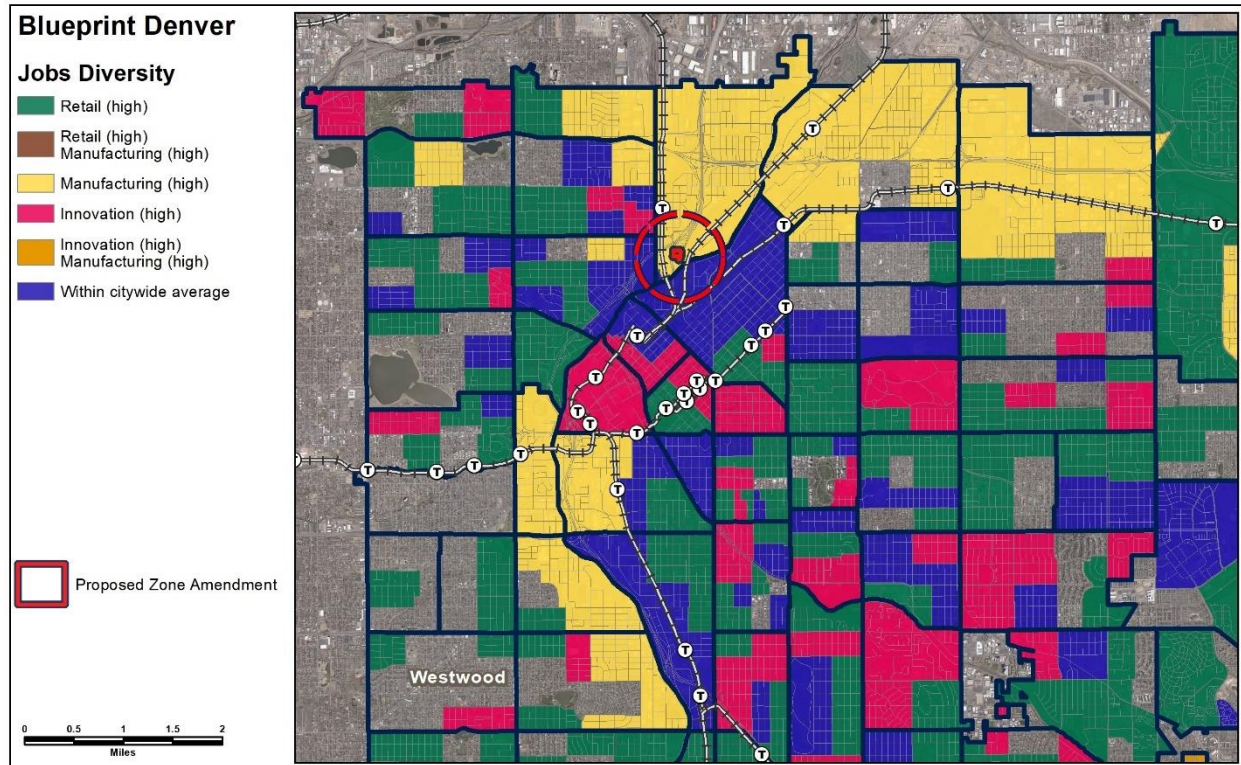
The proposed district will allow for a mix of uses, including multi-unit residential, which will increase housing opportunities in the area. As part of the Equity Response, the applicant noted their ongoing work with HOST and intention to provide on-site affordable housing.

III. Expanding Housing and Jobs Diversity



The subject property is in an area that has moderate housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of the percentage of missing middle housing and housing costs. In areas with a moderate level of housing diversity it is important to increase the number of affordable housing units alongside natural growth in market-rate housing.

The proposed zone district will allow for mix of uses, including multi-unit residential, which will increase housing opportunities in the area. As part of the Equity Response, the applicant noted their ongoing work with HOST and intention to provide on-site affordable housing.



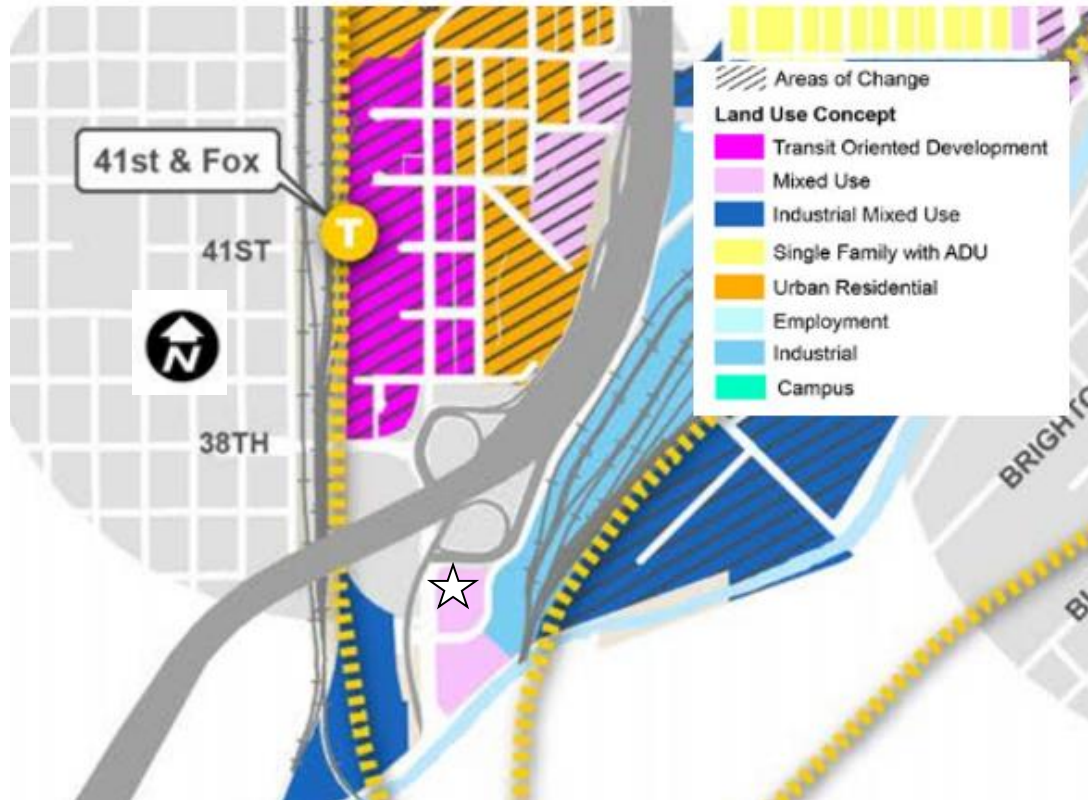
The map above shows the mix of jobs in areas of the city (dominant industry depicted by color). With a greater emphasis on manufacturing jobs in the Globeville neighborhood, the subject property has a mix of jobs that is dissimilar to the city's overall mix of job types. Globeville has 29.59% Retail jobs, 31.47% innovation Jobs and 38.93% Manufacturing Jobs. Manufacturing Jobs is significantly higher than city wide average of 10.7%. The total number of jobs are 4,356 with 5.29 jobs per acre.

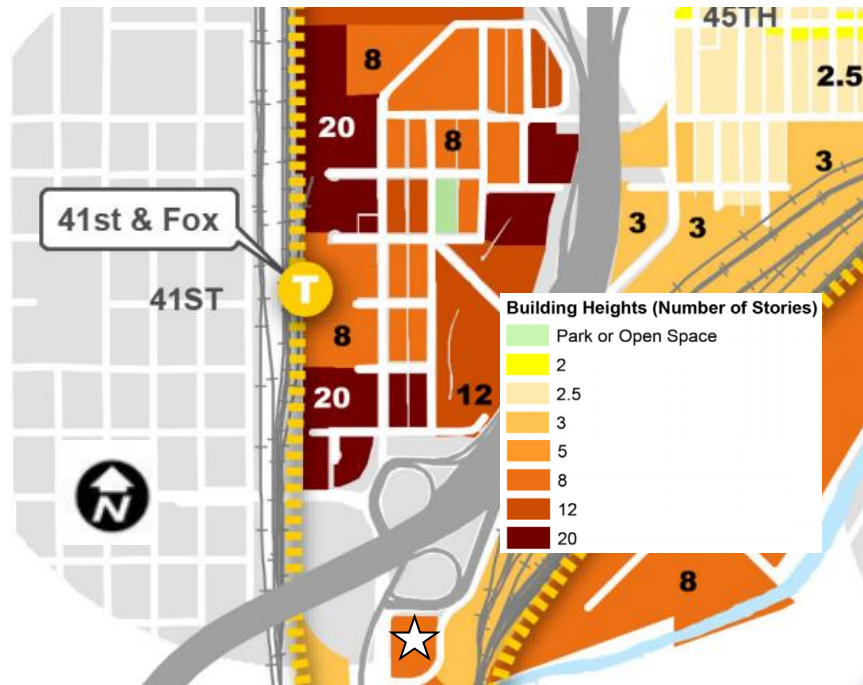
The proposed district could enable residents with different incomes and education levels to live in a neighborhood with greater access to a variety of jobs and lead to wealth-building opportunities, particularly because the Globeville neighborhood has higher scores regarding access to centers and corridors. The proposed zone district also allows for a mix of uses, including office and retails, that provides the opportunity to contribute to diversifying jobs in the area.

Small Area Plan: *Globeville Neighborhood Plan (2016)*

The *Globeville Neighborhood Plan* identifies the subject properties as part of the Industrial Edge, within an area of stability and with a land use recommendation of mixed-use. Within the Industrial Edge, policy E12G specially references this location by stating "most of this area is zoned for general industry, it no longer has industrial character as the Railyard Marketplace and other commercial uses have been developed near the intersection of Park Avenue and Globeville Road. Visibility from Park Avenue and the I-25 interchange make this area more desirable for commercial uses than industrial uses. This Plan's Concept Land Use and Areas of Change Map recommends Mixed Use for the properties east of Park Avenue, and Industrial Mixed Use west of Park Avenue to reflect this change in land use and overall character" (p.115). Regarding the land use designation, the Plan provides the following description:

“These areas have both a sizable employment base as well as a variety of mid to high-density housing options. Intensity is higher in mixed-use areas than in predominantly residential areas. Land uses may be, but are not necessarily, mixed in each building, development, or block. Pedestrian access is important within these areas, with residential and non-residential uses always within short walking distance of one another” (p. 30).: The Building Heights map recommends up to 8 stories for the subject properties.





Overall, the proposal is consistent with the recommendations of the *Globeville Neighborhood Plan* in that it supports the mixed use and building heights are consistent with *Blueprint Denver*. Therefore, C-MX-8 is consistent with *Blueprint Denver* and the *Globeville Neighborhood Plan*.

Central Platte Valley Comprehensive Plan Amendment (1991)

The Central Platte Valley Comprehensive Plan Amendment identifies the subject properties as flex areas. Flex Areas allow for mid-rise buildings where development can be “next to elevated roadways to allow a greater proportion of the building to be above the street (p.76).” The plan did not provide specific height guidance.

The proposal is consistent with the recommendations of the Central Platte Valley Comprehensive Plan Amendment in that it supports the development in Flex Areas.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 will result in the uniform application of zone district building form, use and design regulations.

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, specifically *Comprehensive Plan 2040* and *Blueprint Denver*. Mixed use zone districts enable a mix of uses on one zone lot, allowing people to live, work, and play, reducing automobile trips and achieving improved public health outcomes. The C-MX-8 zone district building form standards will compel improved site and building design that promotes pedestrian interest and activity, which is linked to improved built environments and improved safety.

The specific intent of the Denver Zoning Code includes “promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods” (DZC 1.1.2). The C-MX-8 zone district reinforces the plan guidance that Park Avenue W should be an area of transformation towards a more livable, pedestrian-oriented, and transit-rich corridor.

4. Justifying Circumstances

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8, “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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan”. Both *Blueprint Denver* and the *Globeville Neighborhood Plan* were adopted since the existing zone district was put in place and provide guidance for this site as part of a community center on a mixed-use arterial in an area where growth should to be directed. Therefore, the adopted plans provide a justifying circumstance.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses (DZC 7.1.1). As discussed above, and given the surrounding context and plan guidance, application of a zone district from the Urban Center Context is appropriate for this site.

Within the Urban Center context, Mixed-Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC 7.2.3.1). The purpose of the Mixed-Use Zone Districts is appropriate for a site in an area envisioned for vibrant, mixed-use development.

The C-MX-8 district applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired. The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for mixed-use development at a maximum height of 8 stories.

Attachments

1. Application
2. Comment Letter
3. Equity Brief and Equity Response