



TO: Denver City Council
FROM: Jeff Hirt, Senior City Planner
DATE: July 13, 2017
RE: Official Zoning Map Amendment Application #2016I-00138
4000-4090 N. Jason Street & 4001 Inca Street
Rezoning from I-A UO-2 to C-RX-8

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2016I-00138 for a rezoning from I-A UO-2 to C-RX-8.

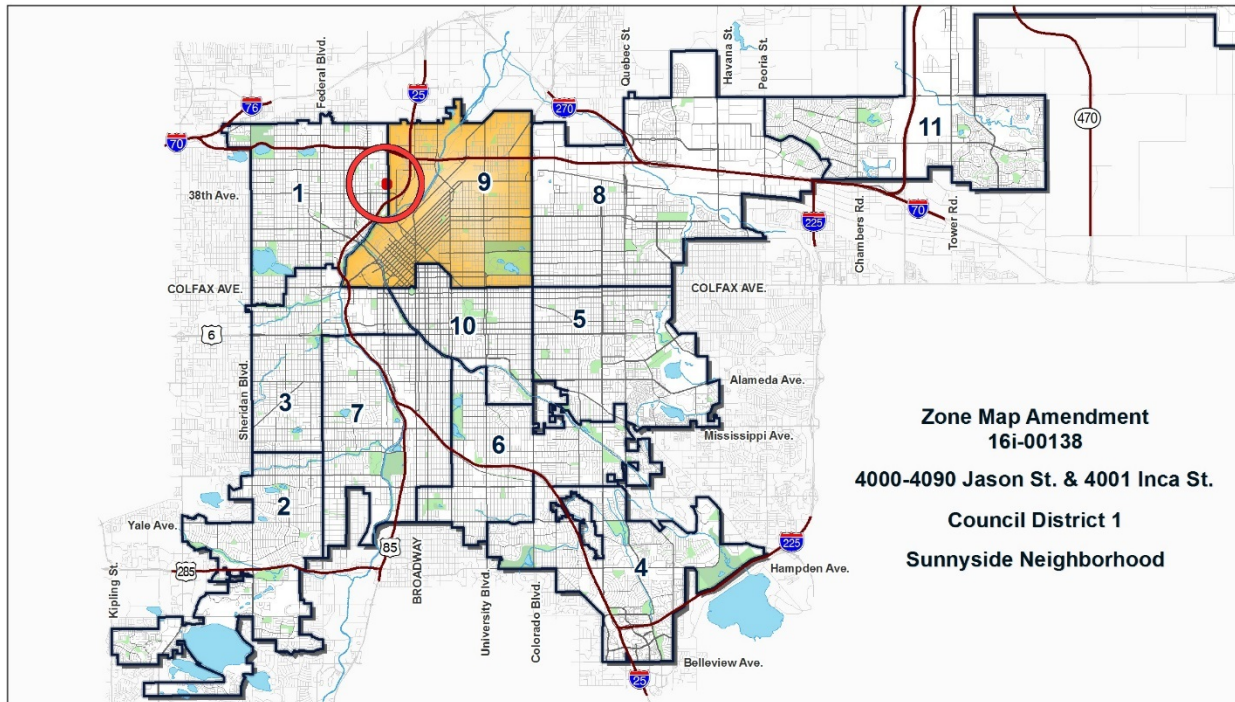
Request for Rezoning

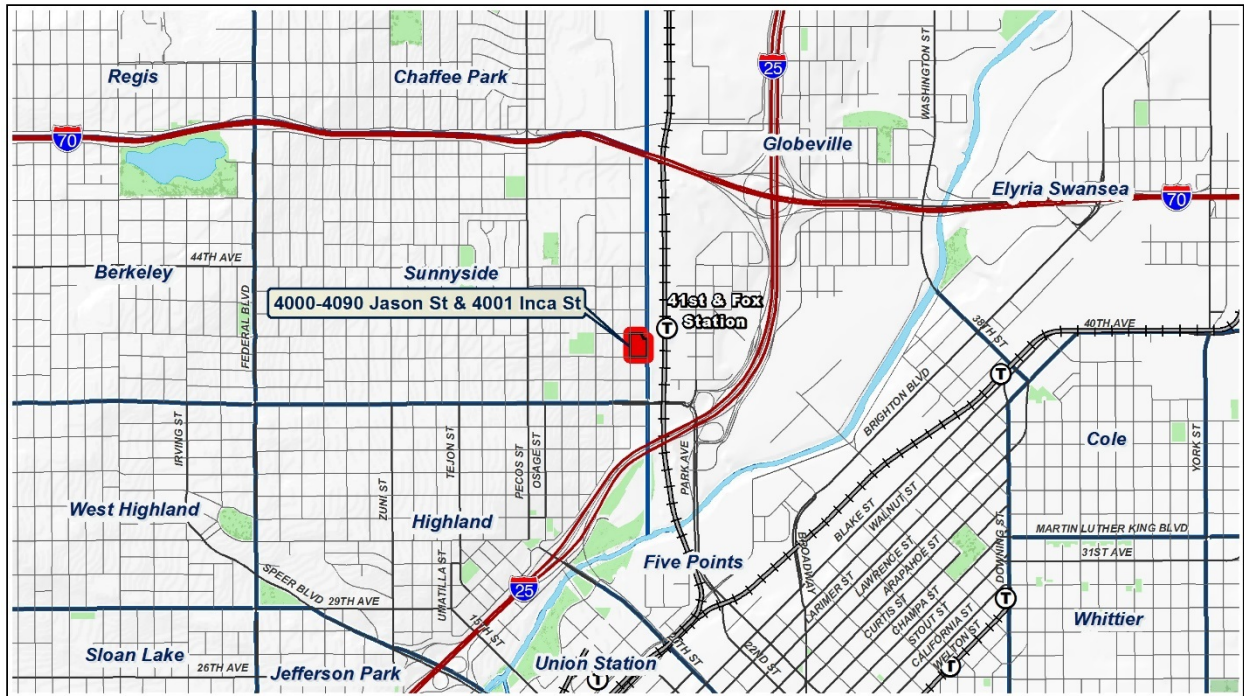
Application: #2016I-00138
Address: 4000-4090 N. Jason Street & 4001 Inca Street
Neighborhood/Council District: Sunnyside / Council District 1
RNOs: Sunnyside United Neighbors, Comunidades Unidas Globeville Elyria & Swansea, Globeville Civic Association #2, Elyria Swansea/Globeville Business Association, United Community Action Network, United North Side Neighborhood, Globeville Civic Partners, North Neighborhoods Democratic Council, Globeville K.A.R.E.S., Denver Urban Resident Association, Denver Neighborhood Association, Inter-Neighborhood Cooperation
Area of Properties: 90,740 SF (2.08 AC)
Current Zoning: I-A UO-2
Proposed Zoning: C-RX-8
Property Owner(s): CD-Inca LLC
Owner Representative: Lauren Vogl, Craine Architecture

Summary of Rezoning Request

- The subject properties encompass most of one city block that is bisected by a public alley and are located in the 41st & Fox station area in the Sunnyside neighborhood.
- The subject properties are immediately adjacent to a pedestrian bridge with a direct connection to the new commuter rail station.
- The subject properties are mostly vacant, but also include a mix of industrial, office, and surface parking uses. The applicant is seeking a rezoning to implement the adopted station area plan, which calls for transforming the industrial blocks along Inca and Jason streets into an urban residential area.
- The current zoning is I-A UO-2. I-A is a light 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.

- The requested C-RX-8 district stands for Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices.
- Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).





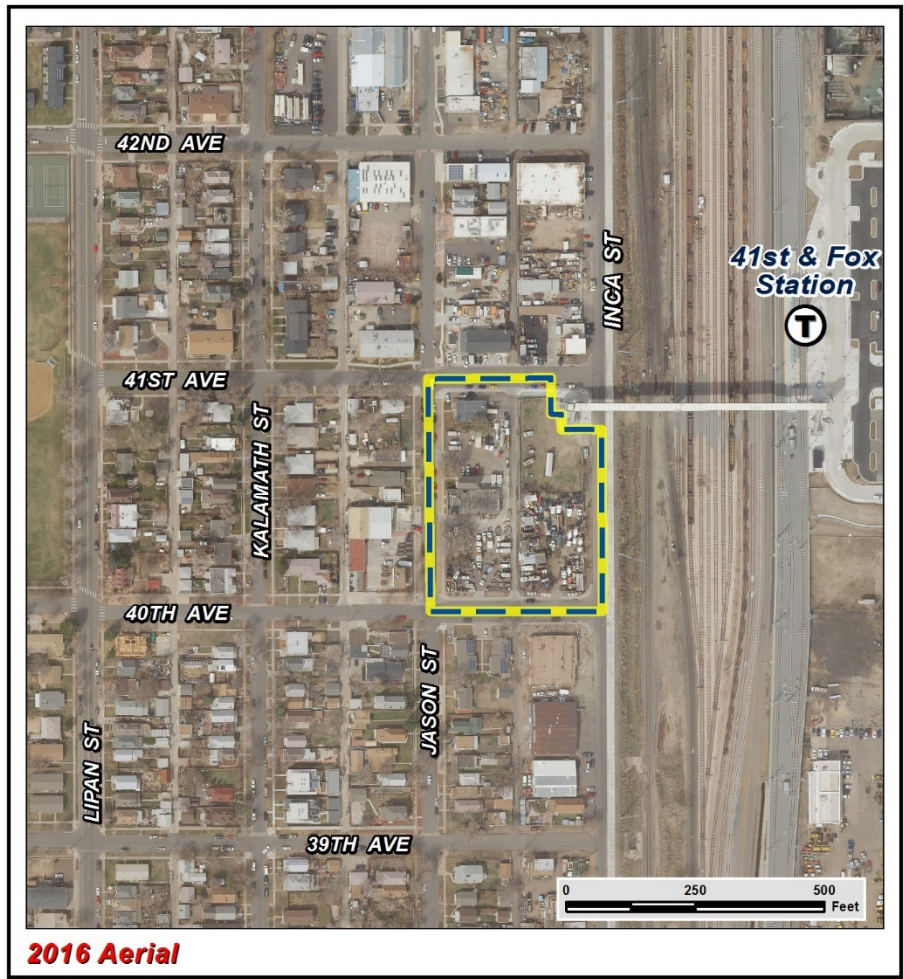
Proposed Rezoning

The applicant is requesting to rezone to C-RX-8, which stands for Urban Center Neighborhood Context – Residential Mixed Use – 8 stories maximum. C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (see DZC 7.2.3.2.B). Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scale shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or commercial; however, buildings containing only commercial uses are limited in gross floor area to 10,000 square feet (DZC 7.2.3.1). Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).



Existing Context

The subject properties encompass most of one city block and are located in the Sunnyside neighborhood in the western half of the 41st & Fox station area. The station is a stop on the G Line (Gold Line), which was originally scheduled to open for service in late 2016, but the opening has been delayed pending a fix of the signal crossing technology that is shared by the G Line and the A Line. Most of the land area of the subject site is currently vacant, with some industrial, office, and surface parking/vehicle and equipment storage to the west of the alley. Surrounding uses consist of industrial, office, surface parking, and single family and multi-unit residential. Freight rail and commuter rail tracks are located due east of site, across Inca Street. A large pedestrian bridge serving the station is immediately adjacent to the northeast corner of the site, at the intersection of 41st & Inca. The Inca Street Multi-Use path is across Inca Street from the site and provides direct pedestrian and bicycle connections to downtown.



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

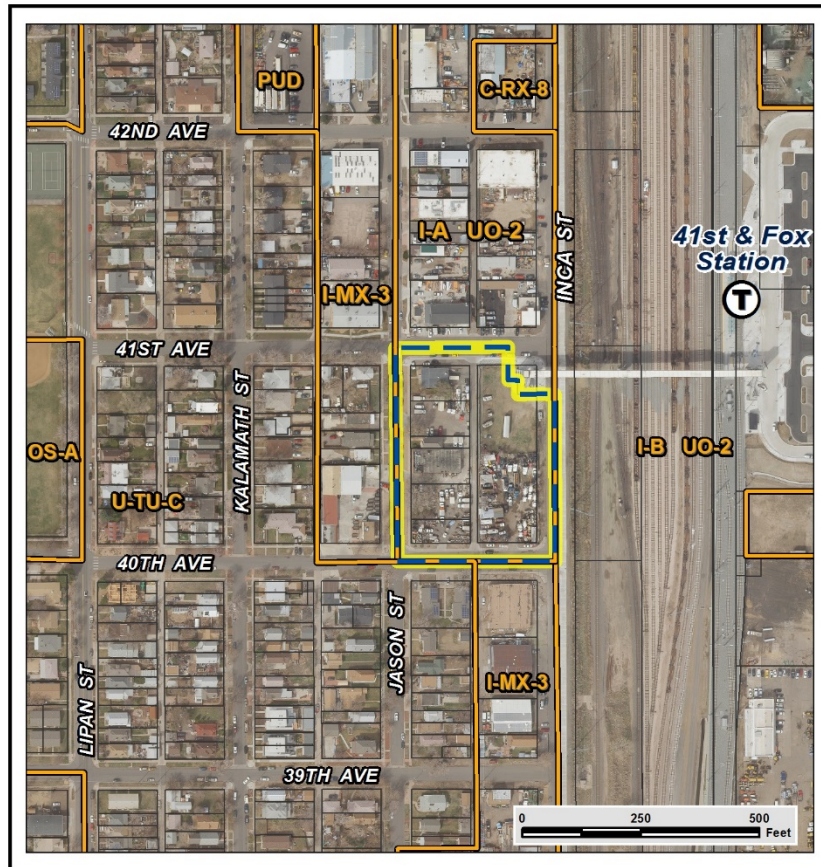
	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A UO-2	Vacant, Industrial, Office, Surface Parking	<p>The eastern half (4001 Inca) of the subject site across the alley is vacant, as is about 1/3 of the western half across the alley.</p> <p>The western half of the site also includes two one story office/warehouse buildings built in 1951 and 1960. There is also a two story residential structure (built in 1946 according to assessor's records) on the western half of the site that has been converted to an office use.</p> <p>Over 80% of the site does not have any buildings and is either vacant or used for surface parking and/or vehicle and equipment storage.</p>	<p>Rectilinear block pattern follows the north Denver neighborhood street grid. Alleys run north-south and are present on most blocks.</p> <p>Industrial uses predominate to the north and northwest of the subject site. The block to the west along Jason Street is a mix of office, warehouse, single family, two family, and multi-unit residential.</p> <p>The block to the south of the subject site is a mix of industrial and two-unit residential fronting Inca Street, and single family and multi-unit residential along Jason Street.</p>

	Existing Zoning	Existing Land Uses	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
North	I-A UO-2	Industrial	Two story office building, one story warehouse building	
South	I-MX-3, U-TU-C	Industrial, Multi-Unit Residential	One story warehouse building, two one story residential buildings (total of four units)	
East	I-B, UO-2	Transportation/Communication/Utilities	n/a- freight and commuter rail alignments	
West	I-MX-3	Office, single family residential	About half of the east side of the 4000 block of Jason Street are one-story single family residential buildings, with the other half a variety of warehouse buildings and a two-story residential structure converted to an office use.	

1. Existing Zoning

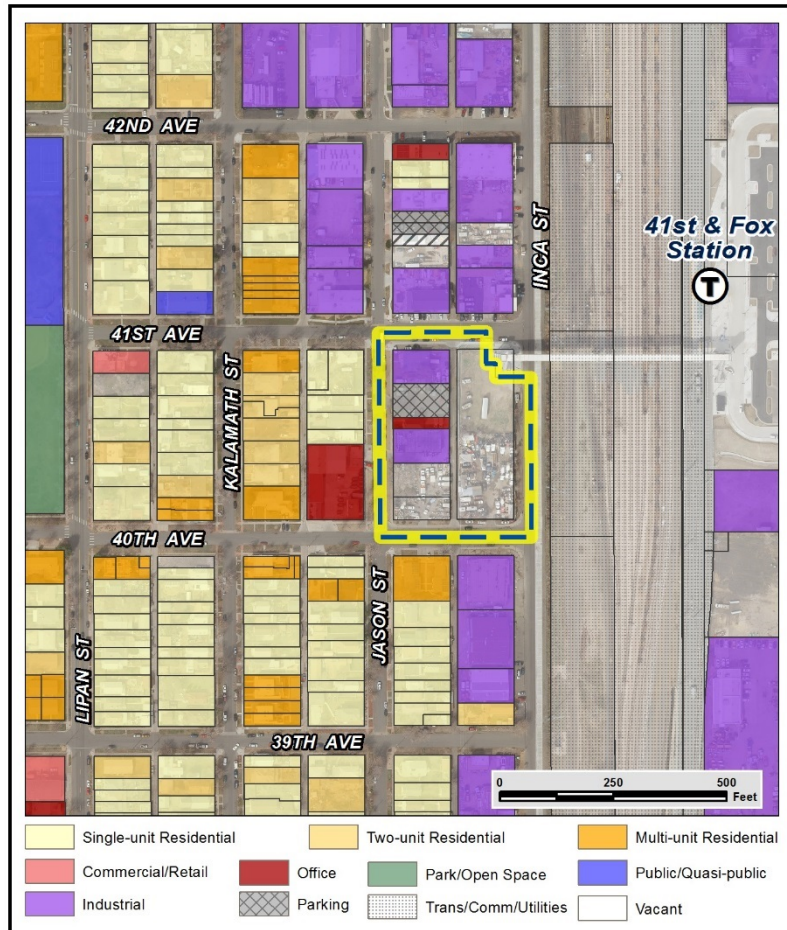
The existing zoning on the subject property is I-A UO-2. I-A is a light industrial zone district in the Industrial Context. It allows office, business, and light industrial uses. Residential uses are only permitted where an existing residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial building forms and regulates building mass through a maximum Floor Area Ratio of 2.0. The I-A zone district does not specify a maximum building height except for when a site is within 175’ of a Protected District, in which case the maximum permitted building height is 75’. Building forms within the I-A zone district do not include a build-to requirement, transparency requirement, or street level activation standards, and surface parking is permitted between the building and primary and side streets.

The UO-2 is the Billboard Use Overlay which allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. 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

The subject properties are mostly vacant, but also include a mix of industrial, office, and surface parking. Properties to north are also industrial. The lots to the west fronting Jason Street (4000 block) are all zoned Industrial Mixed Use Three (I-MX-3), but about half are single family residential and half are a mix of warehouses and an office building. The lots to the south fronting 40th Avenue are a mix of industrial and multi-unit residential. The land use to the east across Inca Street is classified as transportation/communication/utilities, reflecting the presence of freight rail tracks and, further to the east, the new G Line commuter rail alignment.



3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the images on the following pages.

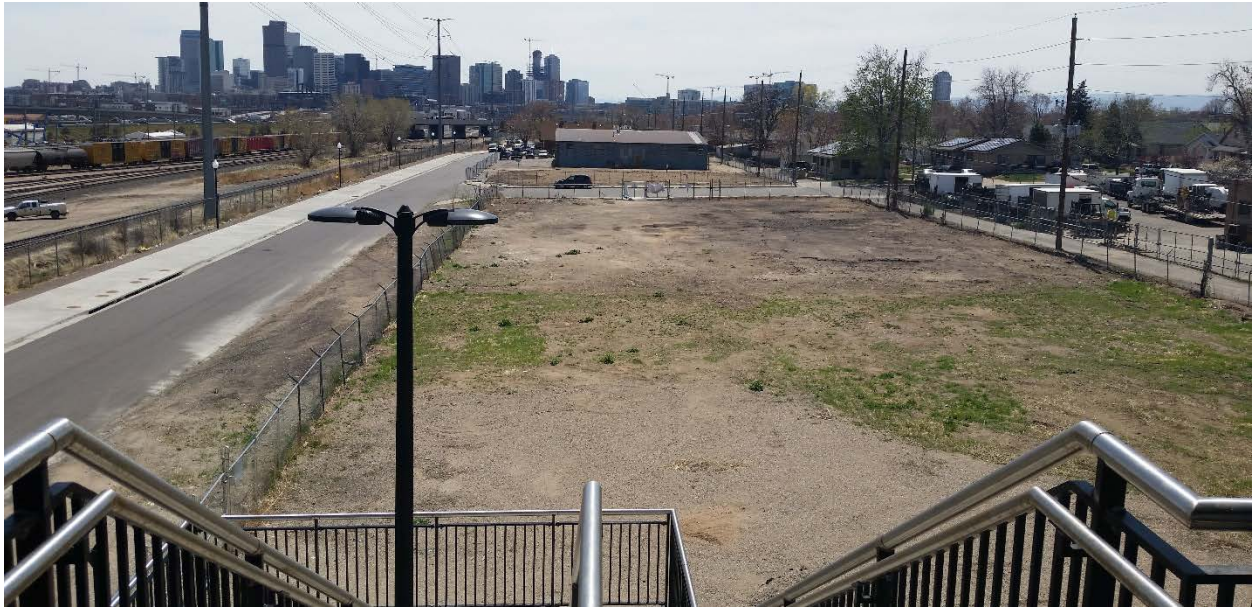
Subject Site Images (source: Google Maps, CPD photos)



View of the site looking north, with the 41st and Fox station area pedestrian bridge to the northeast of the site



View of the 41st and Fox pedestrian bridge looking southwest at the subject site



View of the eastern half of the site looking south from the 41st and Fox station area pedestrian bridge, with Inca Street and the new multi-use path on the left, adjacent to the freight and commuter rail tracks.



View of the site looking north from 40th Avenue, with the public alley that bisects the properties running north/south

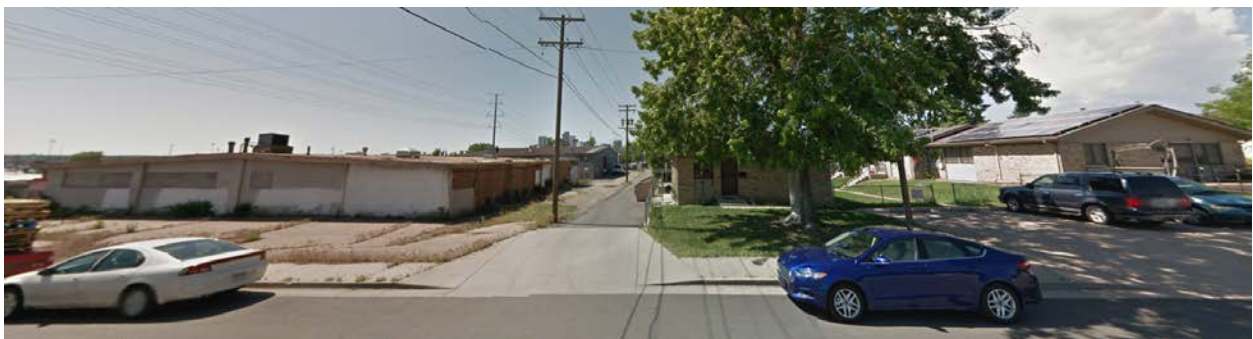


View of southwest corner of subject site, looking northeast from the corner of 40th Avenue and Jason Street.



View of subject site and existing office buildings, looking east from Jason Street

Surrounding Property Images



View of warehouse and multi-unit buildings to south of site, from 40th Avenue.



View of industrial properties north of subject site, looking east from 41st Avenue, with the pedestrian bridge to the right



View of office, warehouse, and industrial properties to the west of the subject site from Jason Street (the southern half of the 4000 block of Jason Street)



View of single family residential properties to the west of the subject site from Jason Street (the northern half of the 4000 block of Jason Street)

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:

Public Works – Surveyor: Approved with corrections to legal description

Development Services – Wastewater: Approved - See Comments Below

There is no objection to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

Asset Management: Approved – No Comments

Public Review Process

The public process for the proposed rezoning is summarized below:

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations on page 1 of this staff report.	Monday, February 6, 2017
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 and registered neighborhood organizations. On May 17, 2017, Planning Board recommended approval of the proposed rezoning by a vote of 8-0. There was one public comment in support of the application.	May 2 - May 17, 2017
Following Planning Board review, the rezoning application was referred to the Land Use, Transportation, and Infrastructure (LUTI) Committee of the City Council for review at a public meeting on June 6, 2017. Following LUTI review, the rezoning application was referred to the full City Council for final action at a public hearing.	City Council: July 17, 2017

The RNOs identified on page 1 were notified of this application. As of the time of this writing, no public comments 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 apply to this property:

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *Sunnyside Neighborhood Plan (1992)*
- *41st & Fox Station Area Plan (2009)*

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – Conserve land by: promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods; creating more density at transit nodes. (p. 39)
- Environmental Sustainability Strategy 4-A – Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work. (p. 41)
- Land Use Strategy 3-B – Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses. (p. 60)
- Land Use Strategy 4-A - Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (p. 60)
- Mobility Strategy 4-E – Continue to promote mixed-use development, which enables people to live near work, retail and services. (p. 78)
- Denver’s Legacies Strategy 3-A – Identify areas in which increased density and new uses are desirable and can be accommodated. (p. 99)

The proposed map amendment will enable residential mixed-use development at an infill location where services and infrastructure are already provided and where investment in rail transit is taking place. With the opening of the 41st and Fox Station, the surrounding area will be catalyzed and offer opportunities for sustainable transit-oriented living, consistent with Comprehensive Plan 2000. The C-RX-8 zone district broadens the variety of uses to include residential uses and allows increased density appropriate for a TOD area. The requested rezoning is consistent with the referenced Comprehensive Plan 2000 recommendations.

Blueprint Denver (2002)

According to *Blueprint Denver*, this site has a concept land use of Urban Residential and is located within an Area of Change.

Future Land Use

Blueprint Denver describes Urban Residential areas as “higher density and primarily residential, but may include a noteworthy number of complementary commercial uses” (p. 41). Blueprint Denver also notes that “retail or other similar active uses on the main floor” are appropriate options for Urban Residential Areas along with “prominent street facing entries,” “extensive ground floor windows,” and “pedestrian scaled facades and contextual design” (p. 66). A mixture of housing types is present in Urban Residential areas, including single family houses, townhouses, small multifamily apartments, and sometimes mid to high-rise residential structures (p. 41).

The proposed map amendment supports the Blueprint Denver Urban Residential concept land use

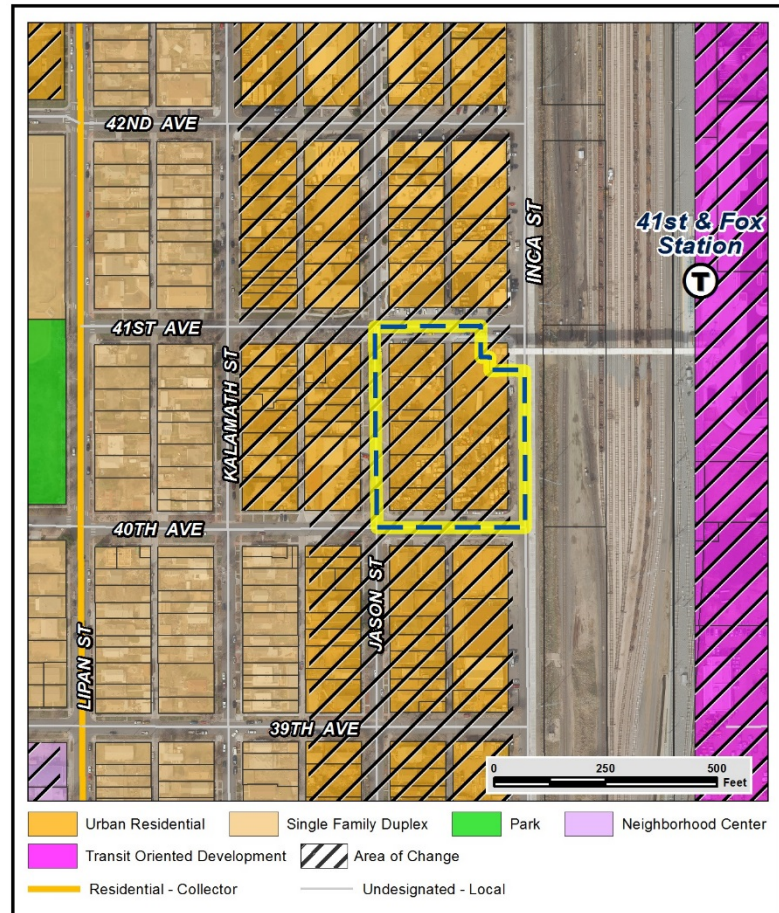
designation by allowing for higher density residential uses while also allowing a limited amount of complementary commercial uses. The General form within the C-RX-8 zone district includes build-to, transparency, entrance, and upper story setback standards, implementing the design recommendations stated in Blueprint Denver.

Area of Change

The site is in an Area of Change. The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips (p. 127). The rezoning application is consistent with the Blueprint Denver Area of Change recommendations by allowing for limited mixed-use, primarily residential redevelopment at an appropriate, transit-oriented location, improving access to jobs, housing, and services.

Street Classifications

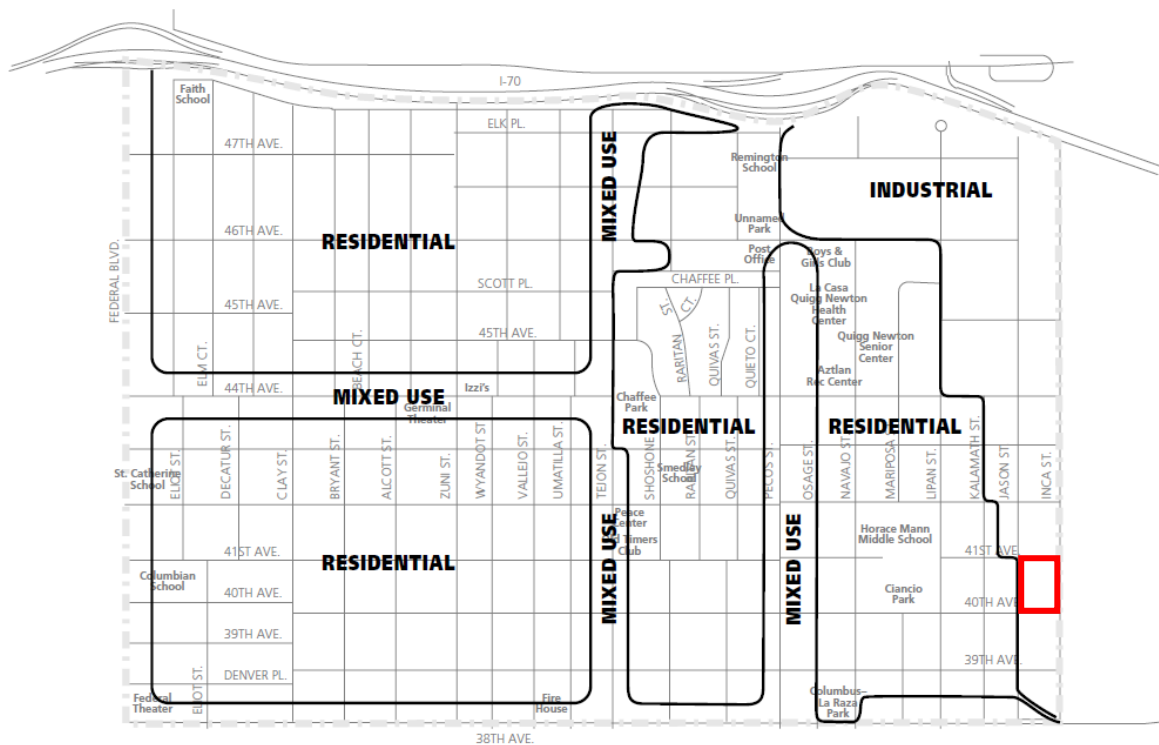
All four streets surrounding the subject site are identified in Blueprint Denver as Undesignated-Local streets (40th and 41st Avenue, Jason and Inca Streets). The design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets (p. 51). The closest collector street in the vicinity is Lipan, two blocks to the west.



It's important to note that the street grid in this portion of the city is interrupted in three directions (by 38th Ave and I-25 to the south, freight rail tracks to the east, and I-70 to the north). Most streets fail to connect across these barriers, and as a result provide primarily local access. However, the new rail line and the Inca Street Multi-Use Path both cross these barriers. The intensity of the proposed C-RX-8 district is justified more by the subject site's proximity to the station platform and the recently-completed Inca Street Multi-Use Path than by the street classifications of the adjacent road network. The Map Amendment application is consistent with *Blueprint Denver's* street classification recommendations, as the site's excellent pedestrian connectivity to the station offsets the lack of collector and arterial streets that might otherwise be necessary to accommodate the proposed development densities.

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, and states that the far eastern edge of the neighborhood is desirable for industry because of access to I-25 and I-70, and the proximity to rail facilities. The plan further suggests that scattered residential uses located within the industrial area could eventually be redeveloped as industrial uses (p.16).



Generalized Land Use Map

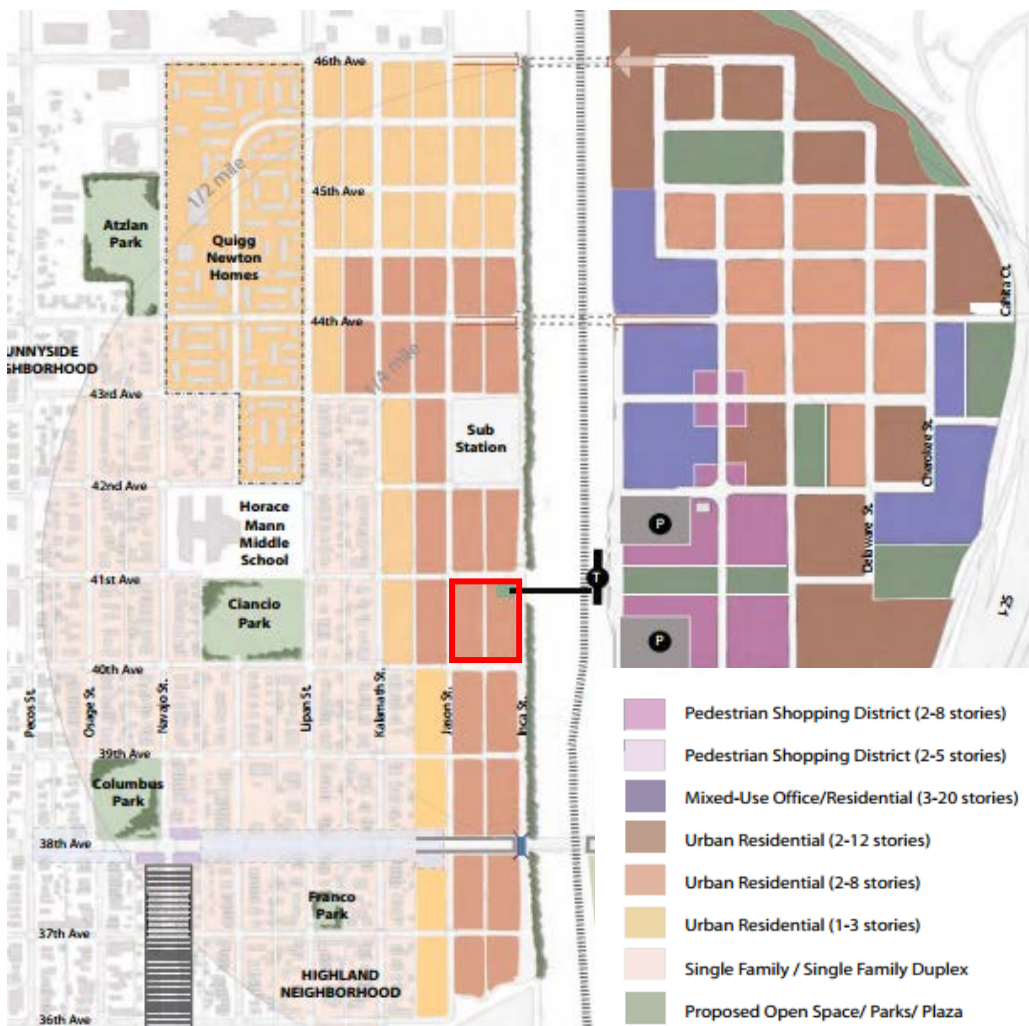
Although the Sunnyside Neighborhood Plan is an adopted plan that continues to guide policy and development decisions within the neighborhood, the eastern portion of the plan area (including the subject site) has more recent guidance from the 41st & Fox Station Area Plan. The station area plan was adopted in 2009 in response to new opportunities presented by the commuter rail station. As a result, it

provides substantially different land use recommendations than the older Sunnyside Neighborhood Plan, which pre-dates the conception of FasTracks by more than a decade. The 41st & Fox Station Area Plan does not recommend any industrial within the portion of Sunnyside that it covers (approximately 36th Ave. to 46th Ave.). For additional details on relevant recommendations from the 41st & Fox Station Area Plan, please refer to the next section of this staff report.

41st and Fox Station Area Plan (2009)

The 41st and 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). The plan concept is to develop a new urban center within walking distance of the station on the east side of the railroad tracks, and a mid-density residential edge along Inca and Jason Streets on the west side of the tracks.

The station area plan’s land use map identifies the subject site as Urban Residential 2-8 stories. The proposed C-RX-8 zone district is consistent with both the land use and building height recommendations by allowing residential and limited mixed uses with a maximum building height of 8 stories.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-RX-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. The rezoning would allow redevelopment of underutilized land into a new, safe, walkable, pedestrian-friendly environment in close proximity to a commuter rail station.

4. Justifying Circumstance

The proposed official map amendment is in an area with changed and changing conditions. DZC Section 12.4.10.8.A.4. states that "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." Changed conditions include the introduction of the 41st & Fox commuter rail station and the associated pedestrian bridge that provides a new connection across the railroad tracks to Globeville. Another relevant infrastructure improvement is the recently-completed Inca Street Multi-Use Path which connects to a bridge over 38th Avenue, providing a multi-modal direct link from this site to downtown and other activity centers along the South Platte River Trail. These improvements have created a shift in transportation opportunity that supports higher-intensity, mixed use development. Recently, other properties on both sides of the station area have similarly pursued rezoning for future transit oriented redevelopment, signaling new market interest in development.

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 multi-unit residential and mixed-use commercial strips and commercial centers (DZC 7.1.1). Within this context, the Residential 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 C-RX-8 zone district applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired (DZC 7.2.3.2.B).

The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for residential mixed use development at a maximum height of 8 stories. Although the subject site is not adjacent to collector or arterial streets, the broader area is served by collector and arterial streets, it is immediately adjacent to a direct pedestrian connection to a commuter rail station, and is located in an area that is recommended by an adopted station area plan for 8 story development.

Attachments

1. Rezoning application