



**TO:** LUTI  
**FROM:** Edson Ibanez, Senior City Planner  
**DATE:** December 12, 2023  
**RE:** Official Zoning Map Amendment Application #2021I-00038

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00038.

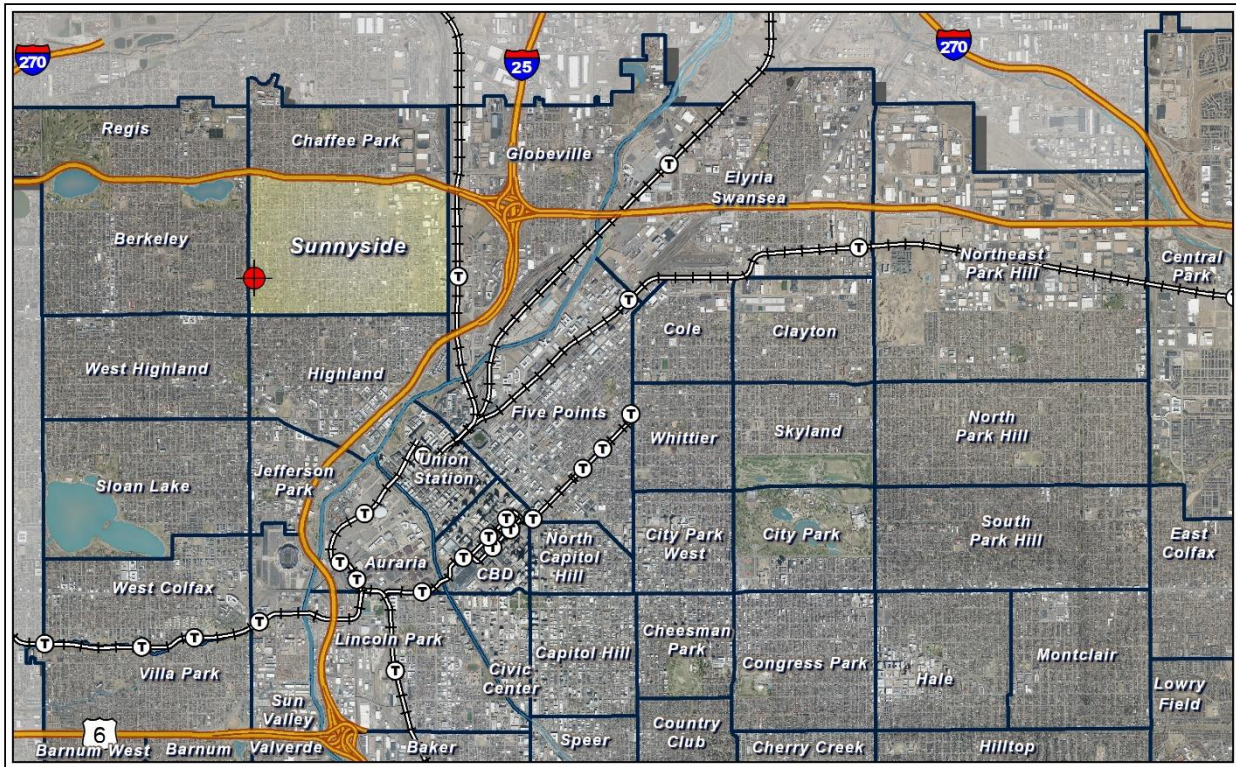
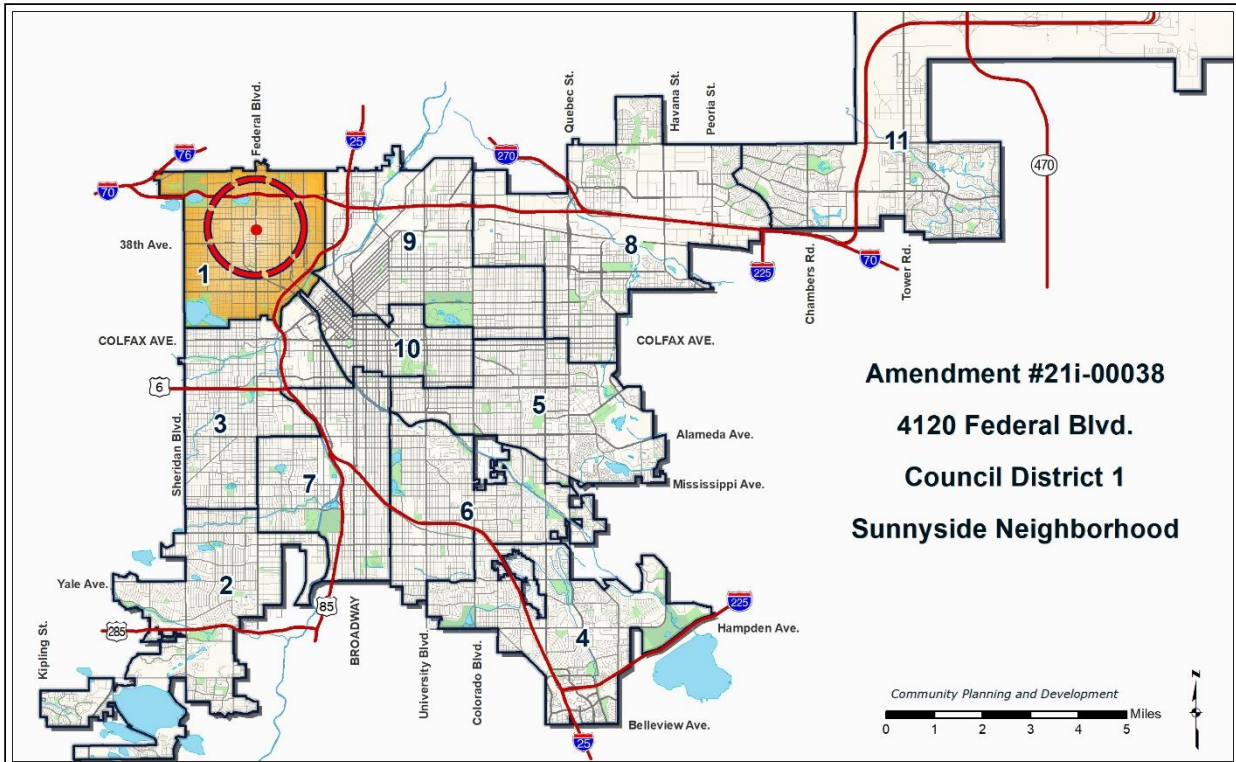
### **Request for Rezoning**

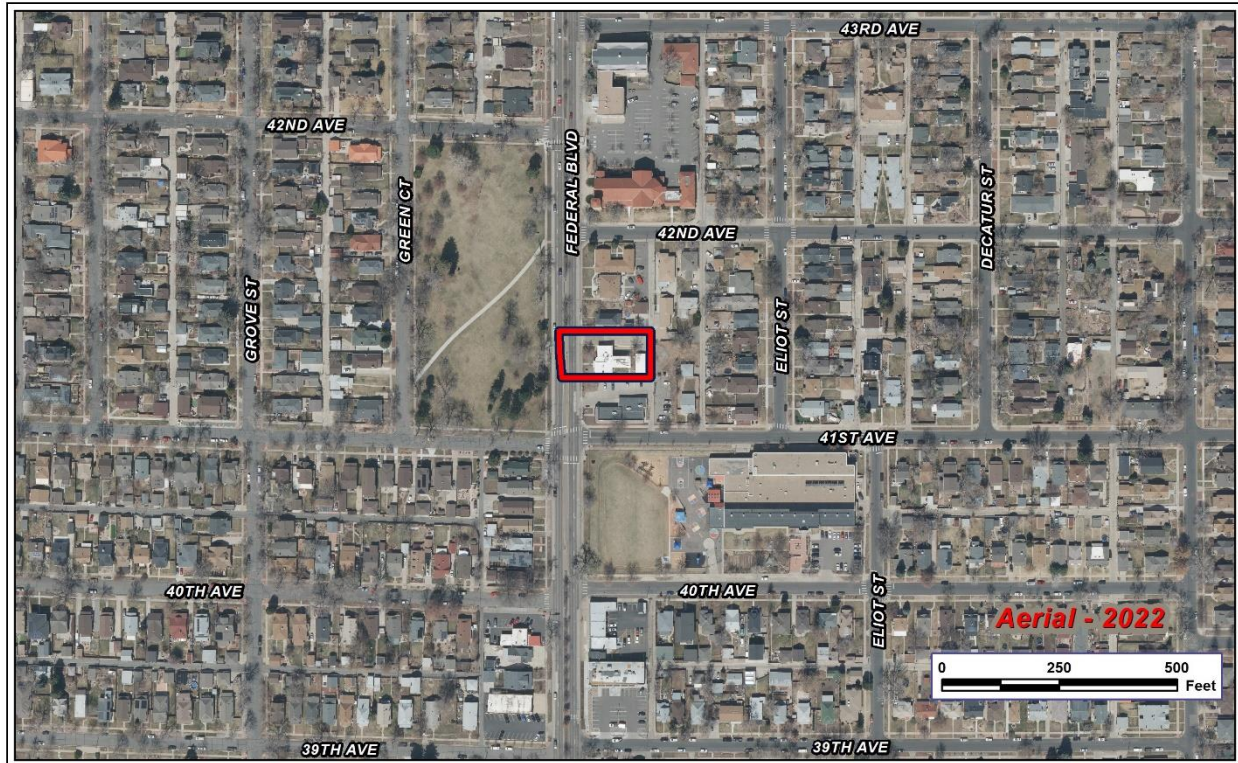
Address: 4120 North Federal Boulevard  
Neighborhood/Council District: Sunnyside / Council District 1  
Councilwoman Amanda Sandoval  
RNOs: Berkeley Regis United Neighbors, Sunnyside United Neighbors Inc., Unite North Metro Denver, and Inter-Neighborhood Cooperation (INC), Harkness Heights Neighborhood Association, and Strong Denver  
Area of Property: 12,375 square feet or 0.28 acres  
Current Zoning: U-SU-C1 CO-8  
Proposed Zoning: U-RX-3  
Property Owner(s): 4120 N Federal, LLC  
Owner Representative: Steven Ferris, The Real Estate Garage

### **Summary of Rezoning Request**

- The proposed rezoning is in the Sunnyside statistical neighborhood, between 41<sup>st</sup> Avenue and 42<sup>nd</sup> Avenue along Federal Blvd.
- The subject property contains a one-story structure which formerly served as a medical clinic but is now a vacant use and surface parking.
- The proposed rezoning is intended to facilitate redevelopment of the site. The applicant is interested in developing 9 townhomes on the site.
- The proposed U-RX-3, Urban, Residential Mixed Use district allows for the town house and shopfront building forms up to 3 stories. The district is intended for use in the Urban Neighborhood Context to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. Compared to Mixed Use districts, Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices for residents. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

### Existing Context





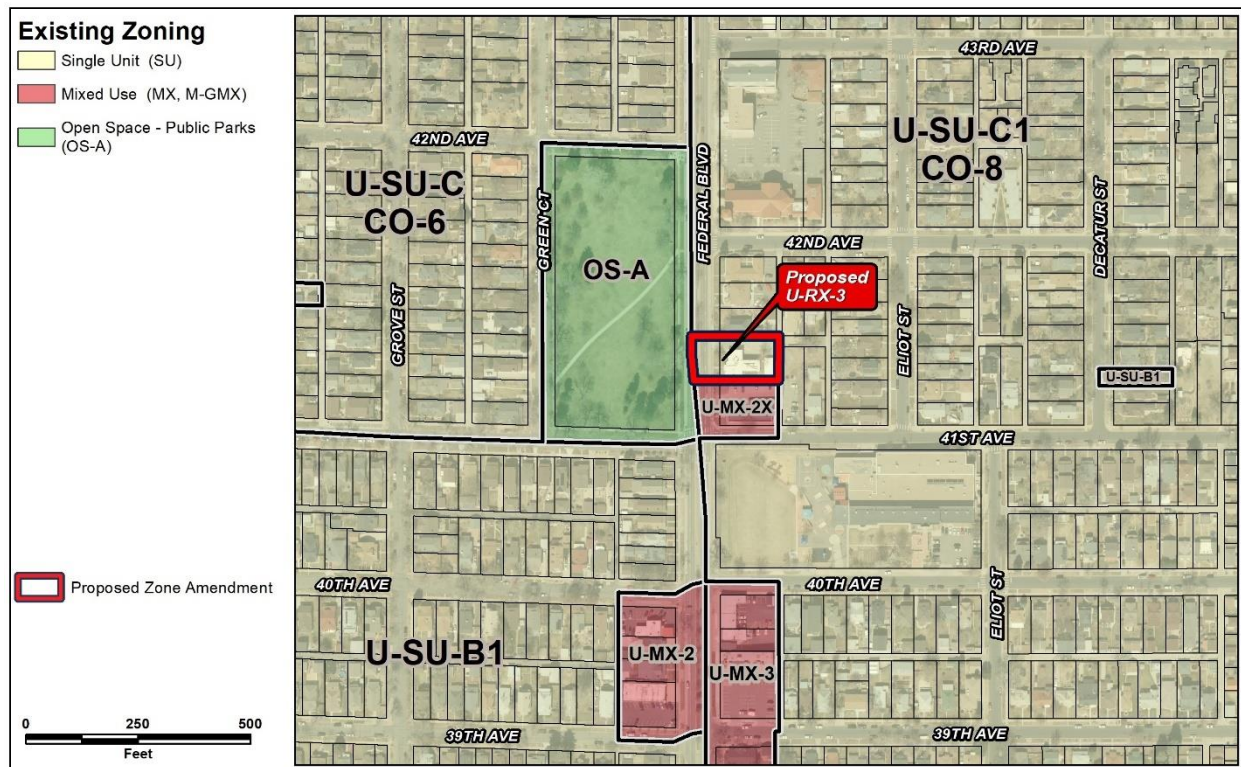
The subject site is located on the western edge of the Sunnyside neighborhood and east of McDonough Park. This neighborhood is characterized primarily by single-unit residential uses with commercial uses located along Federal Boulevard and 38<sup>th</sup> Avenue. . Columbian Elementary School is one half block to the south and is the elementary school that serves the neighborhood. The area consists of primarily one- to two-story commercial/residential structures along Federal Boulevard. The subject property is 0.7 miles south of I-70. RTD Bus Route 31 serve the Federal Boulevard corridor with a 10-minute headway route 44 runs east-west on West 44<sup>th</sup> Avenue and route 38 runs east-west on West 38<sup>th</sup> Avenue.

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	U-SU-C1 CO-8	Commercial/Retail	1-story former family clinic with access off of Federal Blvd. with moderate setbacks	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-
North	U-SU-C1 CO-8	Single-unit Residential	1.5 -story single family home with moderate setback with access from the alley	
South	U-MX-2x	Commercial/Retail	1-story day spa with access off of Federal Blvd. with moderate setbacks	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C1 CO-8	Parking/Single-unit Residential	Uncovered surface parking with access from the alley and W. 41 <sup>st</sup> Ave.	street vehicle parking.
West	OS-A	Park – Open Space	McDonough Park	

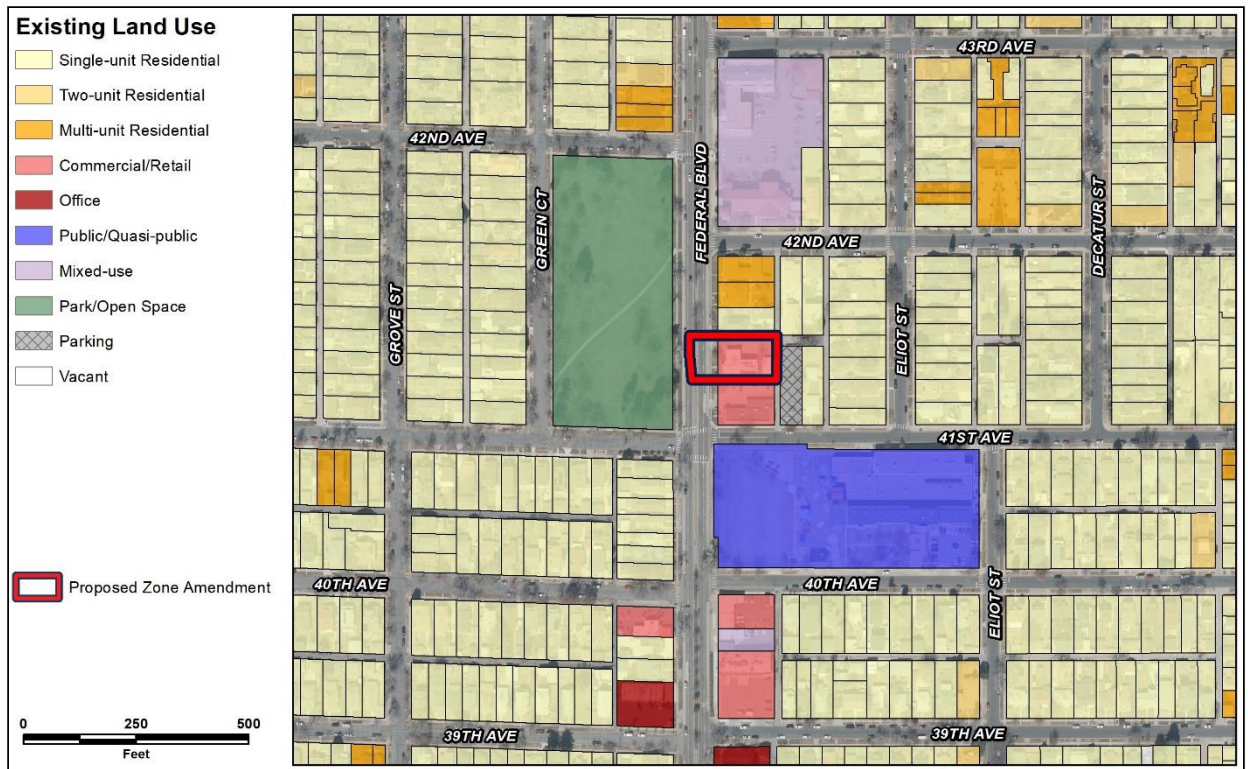
### 1. Existing Zoning



The U-SU-C1 zone district is a single-unit district allowing urban houses and detached accessory dwelling units on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Units, Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

The CO-8 is the Sunnyside Conservation and Brick Overlay District. The intent of the overlay district is to promote conservation of the mass, scale, and other design characteristics of residential neighborhoods within Single Unit (SU) or Two Unit (TU) Underlying Zone Districts in the Sunnyside neighborhood.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale

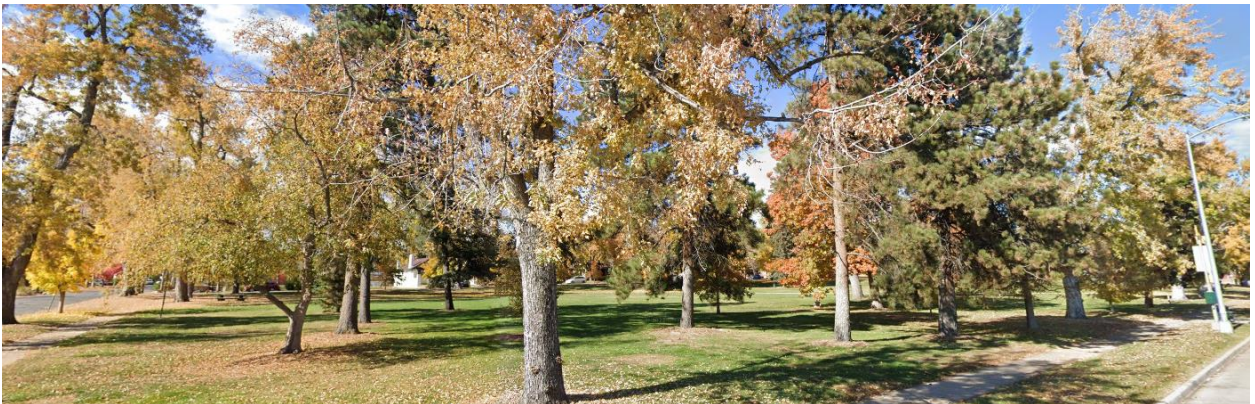
All images from Google Maps Street View.



Subject site facing east from Federal Boulevard.



Single Family Residence located directly north of the subject property, facing east from Federal Boulevard.



McDonough Park directly west of the subject property, across Federal Boulevard, looking west.



Day Spa, south of the subject property, looking east from Federal Boulevard.



Parking and Single-unit residence East from the subject property, looking north on 41<sup>st</sup> Avenue.

### Proposed Zoning

The requested U-RX-3 zone district is found in the Urban Neighborhood Context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 5.2.4). A variety of building forms, including Town House, and Shopfront are available in this zone district. A wide range of residential, quasi-public, and commercial uses are permitted (with and without limitations) in U-RX-3. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose” from the Section 5.2.4.1. For additional details of the requested zone district, see DZC Sections 5.2.3, 5.3 and 5.4.

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

Design Standards	U-SU-C1 (Existing)	U-RX-3 (Proposed)
Primary Building Forms Allowed	Urban House	Town House; Shopfront
Maximum Height in Stories/Feet	2.5 stories / 30 feet	3/45'
Zone Lot Size (Min.)	5,500 square feet	n/a
Primary Street Build-To Percentages (min)	n/a	70%
Primary Street Build-To Ranges	N/A	0' to 15'
Primary Street Setbacks (min)	20 feet	0' to 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 Response.

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

**Department of Public Health and Environment:** Approve Rezoning Only – No Comments.

**Denver Parks and Recreation:** Approved – No comments

**Department of Transportation and Infrastructure – R.O.W. - City Surveyor:** Approved – No Comments.

**Development Services - Transportation SURVEYOR:** Approved –See Comment:

### LEGAL DESCRIPTION:

Lots 8, 9, 10, and 11, Block 18, Boulevard Heights Subdivision Second Filing, City and County of Denver, State of Colorado.

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

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

**Development Services – Project Coordination:** Approve Rezoning Only – No Response.

**Development Services – Fire Prevention:** Approved – No comments.

**Development Services – Zoning Administration:** Approve – No Comments



**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	2/23/2023
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:	12/4/2023
Planning Board Public Hearing	12/20/2023
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:	12/22/2023
Land Use, Transportation, and Infrastructure Committee of the City Council:	1/2/2024
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 (tentative):	1/22/2024
City Council Public Hearing (tentative):	2/12/2024

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

- Attached to the application, the applicant provided a letter of support from Sunnyside United Neighbors Inc. (SUNI). The good neighbor agreement between the property owner and the RNO is attached.
- To date, staff has not received any other letters of support or opposition from other RNO's.

- **General Public Comments**

- To date, staff has one letter of support from the property owners to the north of the subject site. The applicant, property owners and property owners to the north of the subject site participate in mediation and were able to reach a good neighbor agreement with a letter of support for the rezoning.

## 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 site:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Sunnyside Neighborhood Plan*
- *Federal Boulevard Corridor Plan (1995)*
- *Near Northwest Area Plan (In Process – Draft)*

### Denver Comprehensive Plan 2040

The proposed rezoning is consistent with the following adopted *Denver Comprehensive Plan 2040* goals and strategies. The following goals apply from the Equitable, Affordable, and Inclusive vision element:

- 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).*
- 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).*

The proposed map amendment is consistent with the *Comprehensive Plan 2040's* Equitable, Affordable and Inclusive Goal to ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities. The U-RX-3 zone district limits commercial uses on the ground floor and allows residential uses. The rezoning is, therefore, consistent with the above goal in the Equitable, Affordable, and Inclusive vision element.

The following goals and strategies apply from 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).*

The requested map amendment will enable additional residential mixed-use development at an infill location which is consistent with the strategies in the Strong and Authentic vision element.

Similarly, the proposed legislative rezoning meets 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 site is an infill location where infrastructure is already in place and provides services in proximity to residential neighborhoods, which is consistent with the above strategies in the Environmentally Resilient vision element. The requested U-RX-3 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.

#### **Blueprint Denver**

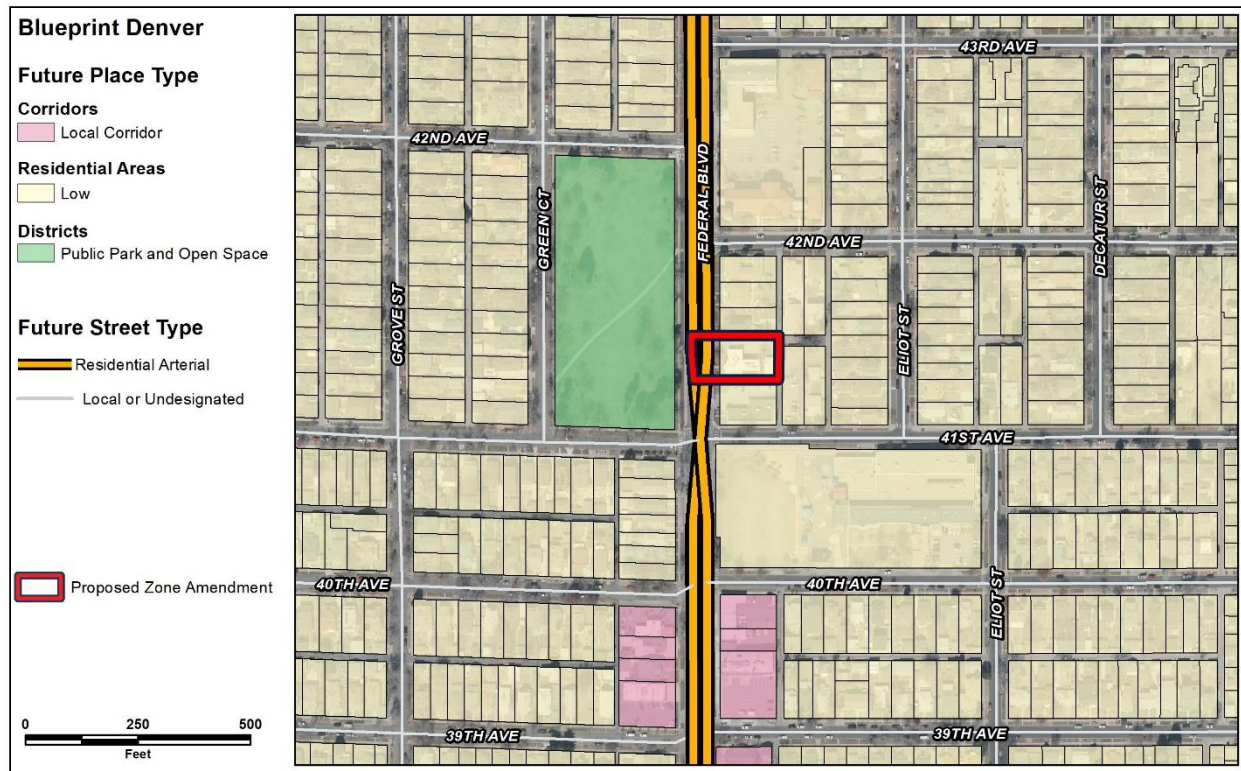
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential future place within the Urban future neighborhood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

*Blueprint Denver* Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). The proposed U-RX-3 zone district is part of the Urban context and is intended to promote safe, active and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm. Since the proposed district is primarily intended to accommodate residential uses with neighborhood-scaled shops and offices, the proposed rezoning to an Urban context is appropriate and consistent with the plan.

Blueprint Denver Future Places



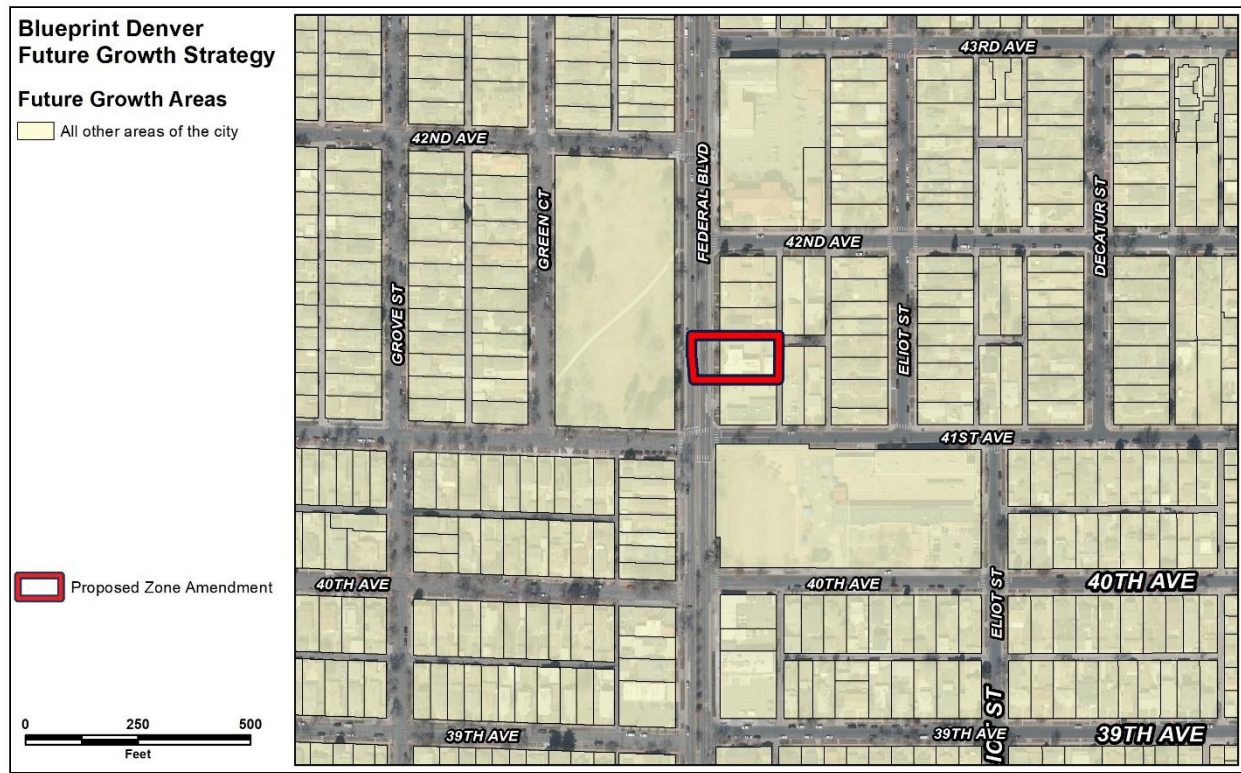
The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots... and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established,” and “building heights are generally up to 2.5 stories in height” (p. 230). Consistent with this guidance, the proposed U-RX-3 zone district provides for a variety of residential options and allows for limited commercial uses.

In regard to height, *Blueprint Denver* explains “The building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. Factors to consider when applying *Blueprint Denver* building height guidance may include: Guidance from a current small area plan, Surrounding context, including existing and planned building height, Transitions, including transitions from higher intensity to lower intensity areas, Adjacency to transit, especially mobility hubs, Achieving plan goals for community benefits, and Furthering urban design goals” (p. 66). The small area plan is silent in regard to height, but it does recommend mixed use. The property owners have an executed Good Neighbor Agreement with the SUNI RNO to construct nine townhomes and enhance design features. The maximum height for townhomes in the U-RX-3 zone district is 38 feet. The current zoning of U-SU-C1 allows for a maximum of 35 feet. The transition of allowed height is very minimal. The subject property is adjacent to the 41<sup>st</sup> and Federal RTD Bus Stop for Route 31 which serves the Federal Boulevard corridor with a 10-minute headway. U-RX-3 will further urban design goals. Consistent with this height guidance, the proposed U-RX-3 zone district provides for an appropriate transition to the residential area with community benefits specified in the Good Neighbor Agreement.

### Street Types

“Blueprint Denver’s street typology is intended to serve as a framework to develop context-sensitive street design guidelines and to update regulations and standards for how streets are designed” (p. 155). Street types tend to be consistent over larger stretches of roads rather than varying at the parcel level. For the purposes of rezonings, the street types are intended to “work in concert with the future place” to inform “the appropriateness of the intensity of the adjacent development” (p. 67). This portion of Federal Boulevard is classified as a Residential Arterial street which, “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). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. As the proposed zone district, U-RX-3, allows for primarily residential uses and some limited commercial uses, the district is consistent with the future street types at this location.

### Growth Strategy

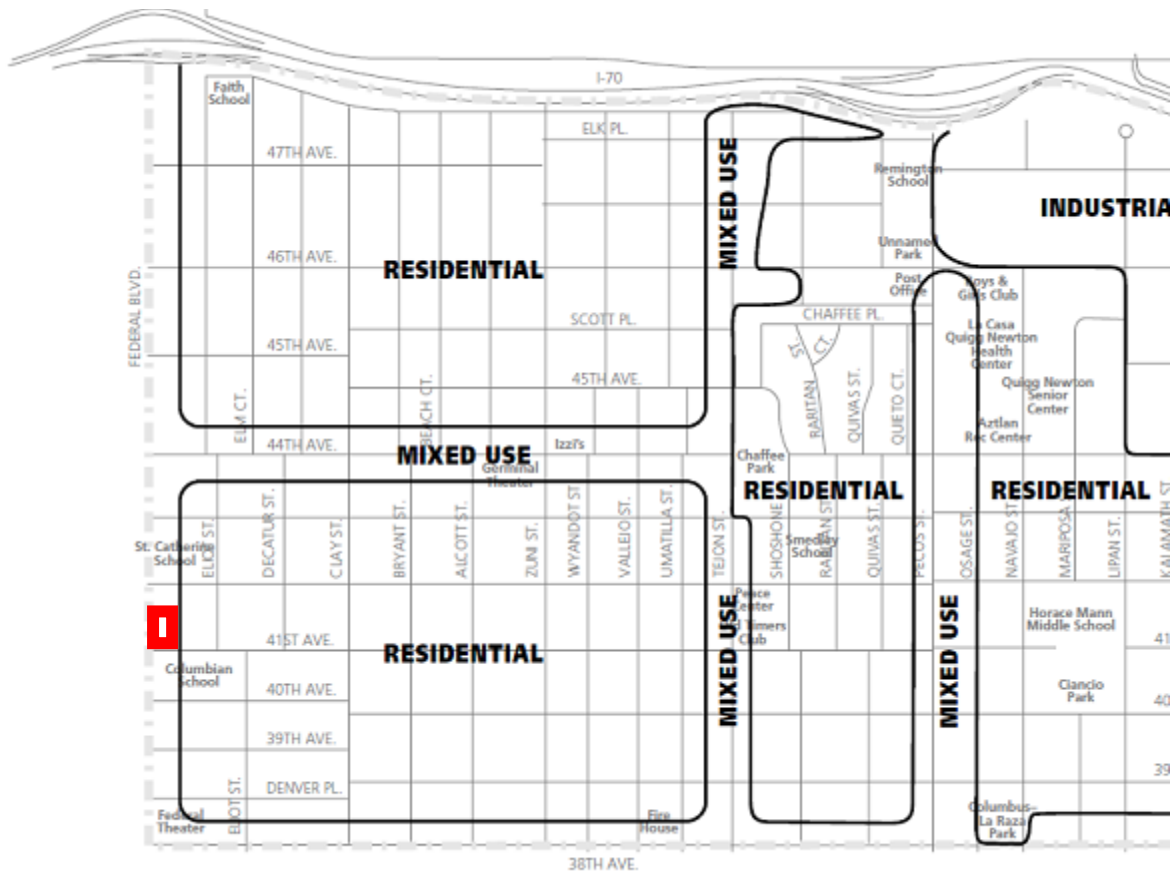


The subject property is located within a Low Residential place within an Urban neighborhood context , which is classified as “All other areas of the city” in Blueprint Denver. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units and offer the opportunity for additional jobs, which is an appropriate change given these growth goals. Access to jobs, housing, and services can improve in the

residential mixed-use zone districts, and this site has access to multiple bus and rail transit lines. Therefore, this rezoning is consistent with the Blueprint Denver Future Growth Areas plan direction.

### **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 mixed use. The plan further suggests that small scale shops and offices, particularly in commercial zones, would help maintain and stabilize the residential character of the neighborhood.



**Generalized Land Use Map**

The goal of the Land Use and Zoning section states to “maintain and stabilize the residential character of Sunnyside while encouraging small scale shops and offices... that will enhance and serve the neighborhood.” The plan also explains a recommendation in ED-4 stating to “work towards a goal of concentrated commercial nodes, rather than scattered site development. The commercial areas on 44th Avenue, Tejon Street, Federal Boulevard, and 38th Avenue should be priorities for city Assistance” (p.45). The proposed zone district, U-RX-3, is consistent with this plan as it allows for a range of residential building forms and introduces the opportunity for limited neighborhood-serving commercial uses.

### **Federal Boulevard Corridor Plan**

The *Federal Boulevard Corridor Plan* was adopted in 1995 and seeks to enhance the image of the corridor, improve safety and efficiency for pedestrians and vehicles, and limit land acquisition to the amount needed to improve the image and safety of the corridor. The plan recommends “commercial development be limited to existing zoned nodes of development” (p. 51). The proposed zone district is consistent with the adopted plan guidance. Additionally, the Plan recommends streetscape improvements when private development occurs, such as tree laws and detached sidewalks. When this property redevelops, the property owner will be required to meet the Department of Transportation and Infrastructure’s current streetscape requirements.

### **Near Northwest Area Plan (in progress)**

The Near Northwest Area Plan is currently underway and includes the subject property. This plan has not been adopted so the guidance in the proposed plan is not yet applicable to this rezoning. This plan was approved by Planning Board on 12/6/2023 and is expected to be presented before City Council on 1/22/2024.

In the draft recommendation, the subject site is Low Medium Place Type with height recommendations of 3 stories. Low Medium is described as “Mix of low- to mid-scale multi-unit residential building forms. Small-scale multi-unit buildings are dispersed among single and two-unit residential building forms. Limited neighborhood serving commercial can be found (p.35). The proposed U-RX-3 is consistent with the draft recommendations of the Near Northwest Area Plan.

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

The proposed rezoning to U-RX-3 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 through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near transit with improved design standards and foster the creation of a walkable, urban area along North Federal Blvd.

## **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “*Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: (a.) Changed or changing conditions in a particular*



*area, or in the city generally; or, (b.) A City adopted plan; or, (c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”*

Since the approval of the existing zone district, the City has adopted the Comprehensive Plan 2040, and Blueprint Denver 2019. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-RX-3 zone district is within the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses with embedded, small-scale, multi-unit residential uses and commercial areas. The street, block, and access patterns in this context provide a regular pattern of block shapes with a consistent presence of alleys (DZC Division 5.1). This neighborhood is comprised of a regular rectangular pattern of blocks with alleys and small scale residential and commercial development, so rezoning this site to U-RX-3 is consistent with the neighborhood context description.

Residential Mixed-Use 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. Residential Mixed-Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and to improve the transition between commercial development and adjacent residential neighborhoods. Compared to the Mixed-Use districts, the Residential Mixed-Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and they provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed-Use district may have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses.” (DZC Section 5.2.4.1). The proposed map amendment is consistent with the general purpose of Residential Mixed-Use zone districts as it would facilitate predominantly residential uses and convenient access to small-scale commercial uses as an appropriate transition from residential uses to the north and east, respectively, to the lower-scale residential uses to the south and west.

The proposed U-RX-3 zone district is specifically intended for residentially-dominated areas served primarily by local or collector streets (DZC Section 5.2.4.2). The request is consistent with the specific intent of U-RX-3.

### **Attachments**

1. Application
2. GNA + Public Comments