



TO: Denver Planning Board
FROM: Jason Morrison, Senior City Planner
DATE: November 24th, 2021
RE: Official Zoning Map Amendment Application #2021I-00111

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of Application #2021I-00111.

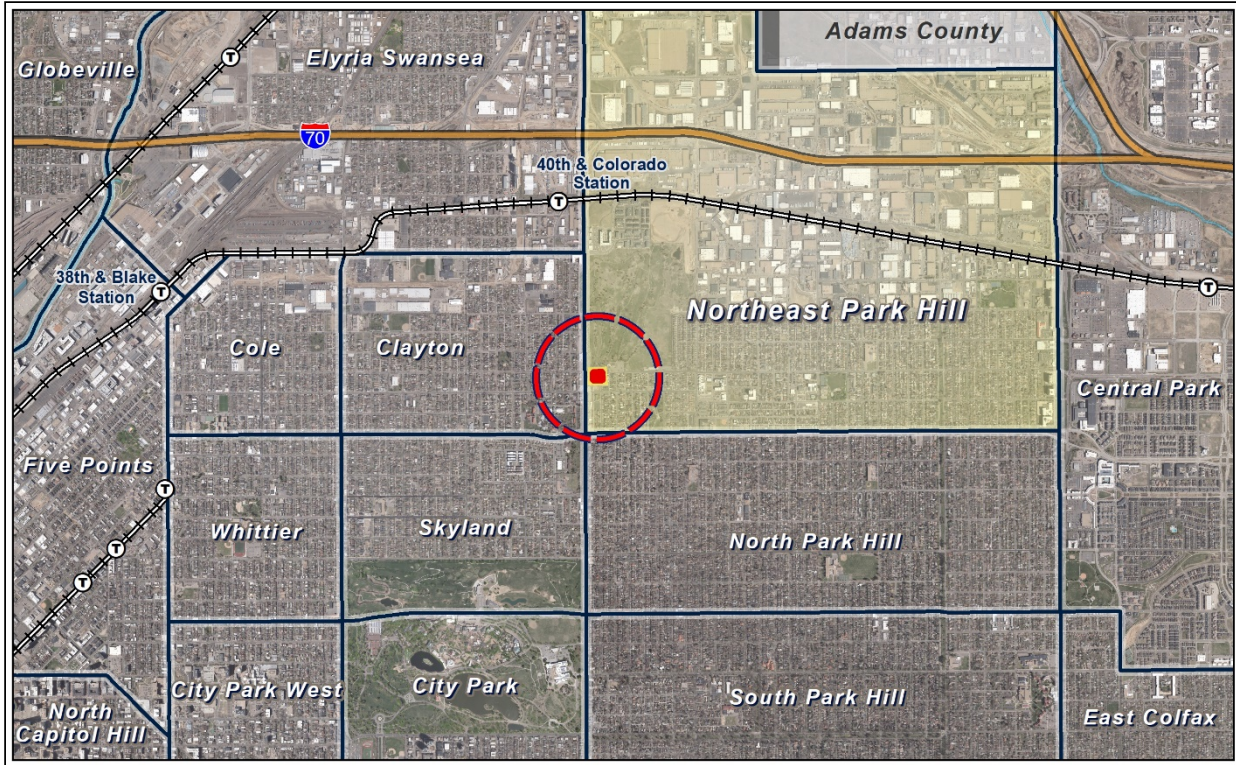
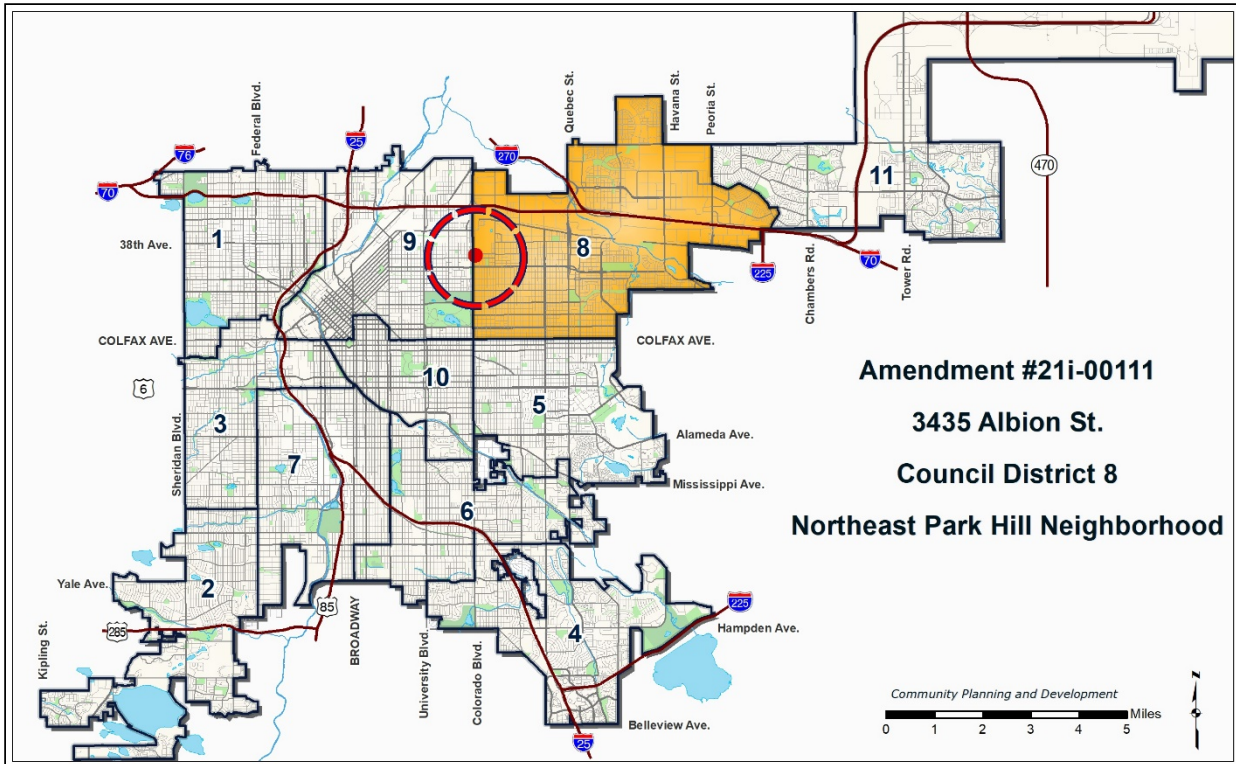
Request for Rezoning

Address:	3435 N. Albion Street
Neighborhood/Council District:	Northeast Park Hill Neighborhood / Council District 8
RNOs:	UCAN, The Points Historical Redevelopment Corp., Greater Park Hill Community Inc., Clayton United, Opportunity Corridor Coalition of United Residents, Northeast Park Hill Coalition, Reclaim the East Side, United Neighbors of Northeast Denver, District 9 Neighborhood Coalition, Denver for All, East Denver Residents Council, District 8 Neighborhood Coalition, Inter-Neighborhood Cooperation (INC)
Area of Property:	14,062 square feet or 0.32 acres
Current Zoning:	PUD 539
Proposed Zoning:	E-MX-2x
Property Owner(s):	3435 Albion, LLC.
Owner Representative:	Mark Kung (KUNG Architecture)

Summary of Rezoning Request

- The subject site is zoned PUD 539 which is a custom zone district based on Former Chapter 59 and adopted in 2002. PUD 539 allowed for the expansion of an existing restaurant use and the addition of a sunroom to the existing single-unit Victorian structure (the restaurant is no longer operational). A maximum building height of two stories (38 feet applies) to the site and minimum setbacks and encroachments conform to the B-1 zone district (Former Chapter 59).
- Under a separate Landmark Designation application, the existing 132-year-old Victorian single-unit structure on the property is in the process of being designated as a contributing historic structure. Built in 1889, the Robinson House is one of the oldest homes in the area and was added to the National Register of Historic Places in 2003. The property owner is requesting the rezoning to provide additional residential units for the neighborhood, while preserving this important piece of Northeast Park Hill.
- The E-MX-2x (Urban Edge Neighborhood, Mixed Use, 2 story maximum height) zone district is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The “x” indicates that allowed uses and building forms are more limited than in the E-MX-2 zone district. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC).

Existing Context





The site is located in the Northeast Park Hill neighborhood at the southwest corner of North Albion Street and East 35th Avenue which is one half block east of Colorado Boulevard and directly south of the former Park Hill Golf Course. The area is generally characterized as a mix of residential uses, with a concentration of commercial and retail uses along Colorado Boulevard. The Clayton Early Learning Campus is located to the southwest of the site, across Colorado Boulevard. The City of Axum Park is located four blocks east, and City Park Municipal Golf Course is located 1 mile south. Transit access includes the Regional Transportation District (RTD) 34 bus route along Bruce Randolph Avenue and the RTD 40 bus route along Colorado Boulevard. Colorado Boulevard is identified as an enhanced transit corridor and a high frequency transit corridor (15-minute routes). Additionally, the 40th and Colorado Commuter Rail Station is located approximately 1 mile to the north.

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

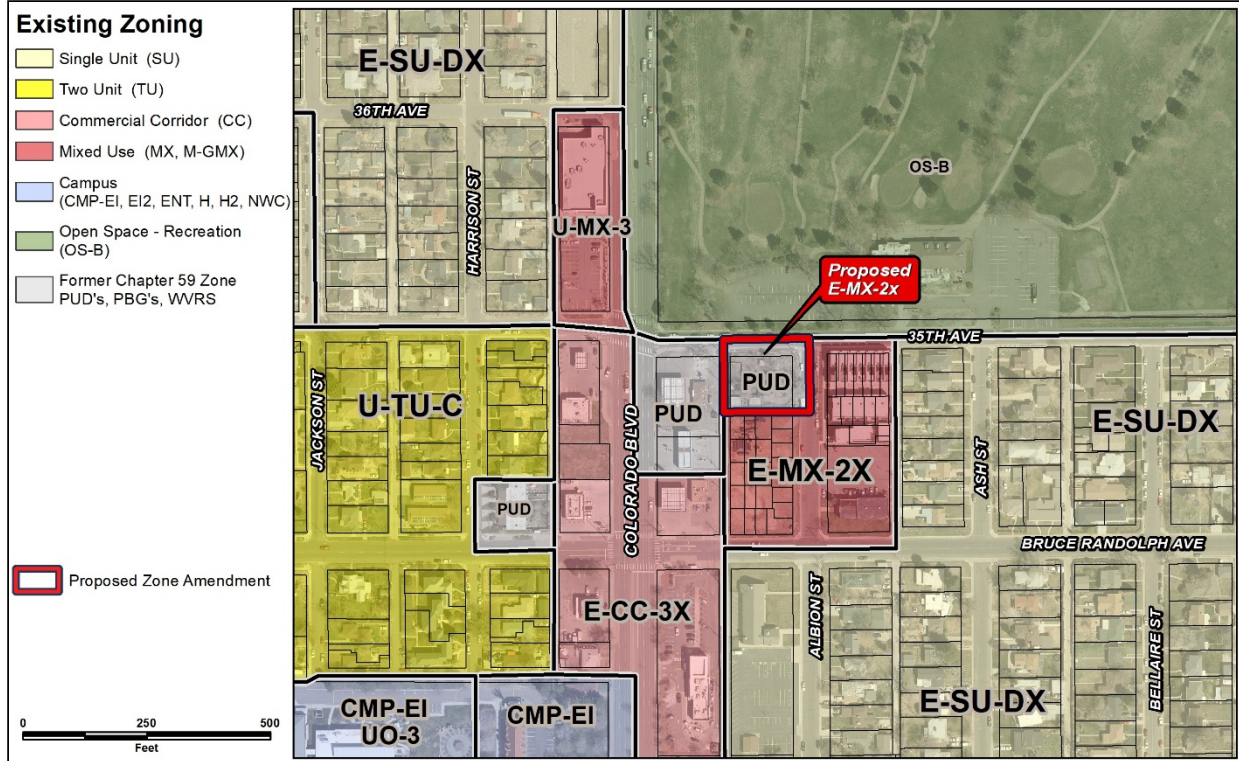
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 539	Mixed-Use	2-story Victorian-style residential structure converted to a commercial use with medium to large setbacks	Generally regular grid of streets interrupted to the north by the Park Hill Golf Course
North	OS-B	Open Space - Recreation	Open Space with public parking available and structures that serve the recreational golf course use	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	E-MX-2X	Multi-Unit Residential	Two-story residential (townhouse) duplex with a shallow setback from Albion Street and Bruce Randolph Avenue	Block sizes and shapes are generally consistent and rectangular. Rear-loaded garages with alleys.
West	E-CC-3x, PUD 22	Commercial/Retail	Multiple 1-story auto-oriented and drive-through commercial buildings with large setbacks	
East	E-MX-2x	Multi-Unit Residential	Two-story residential (townhouse) with minimal setback from 35 th Avenue	

1. Historic District or Structures

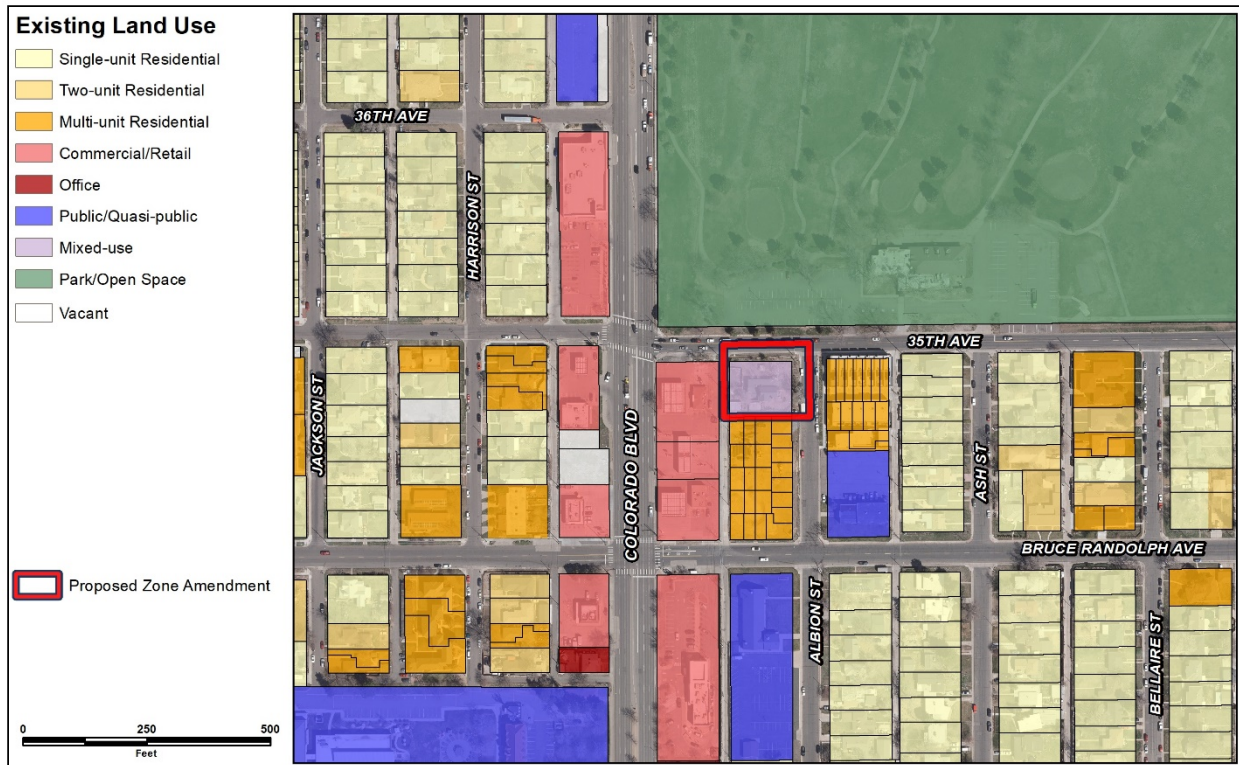
Concurrent with this map amendment application the applicant is proposing to locally designate the existing 132-year old Victorian structure on the subject site as a Landmark Structure. This will ensure the historical, architectural, geographical, and cultural importance of this structure will be protected through City review of building modifications.

2. Existing Zoning



The subject site is currently zoned PUD 539 which was established in 2002 and is a custom zone district from Former Chapter 59 zoning that allows for the expansion of the existing restaurant use and adds a sunroom to the single-unit Victorian structure. A maximum building height of two stories or 38 feet applies to the subject site and the Maximum Gross Floor Area for the proposed uses can't exceed 3,772 square feet. Minimum setbacks and permitted encroachments must conform to Section 59-249(b) of the B-1 zone district (Former Chapter 59). Additional information on PUD 539 can be found attached to this staff report.

3. Existing Land Use Map



The existing land use on the subject site is mixed-use. Surrounding land use includes multi-unit residential, commercial/retail and park/open space.

4. Existing Building Form and Scale

All images are from Google Street View.



Subject site facing west from North Albion Street.



Park Hill Golf Course north of the subject site, facing north from 35th Avenue.



Multi-unit (2-story) residential east of the subject site, facing south from 35th Avenue.



Multi-unit (2-story) residential south of the subject site, facing north from Bruce Randolph Avenue.



Commercial (Gas Station) west of the subject site, facing east from Colorado Boulevard

Proposed Zoning

The requested E-MX-2x zone district is found in the Urban Edge 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 4.2.4). It is a multi-unit zone district that allows for a mix of uses in a variety of building forms including Townhouse, General and Shopfront primary building forms. The “x” indicates that allowed uses and building forms (including Drive Thru Services and Drive Through Restaurants) are more limited than in the E-MX-2 zone district. The maximum building height for all primary building forms is two stories or 30 feet maximum. Minimum vehicle parking requirements in the E-MX-2x zone district are generally the same or lower than the minimum vehicle parking requirements in the existing PUD 539. For additional details of the requested zone district, see Article 4 of the Denver Zoning Code.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized here:

Design Standards	Existing PUD 539	Proposed E-MX-2X
Primary Building Forms Allowed	Single-Unit	Townhouse, General and Shopfront
Height in Stories / Feet (max)	2 stories / 38 feet	2 stories / 30 feet
Primary Street Build-To Range (min)	N/A	70-75%*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	16 feet	0 feet – 10 feet*
Building Coverages (max)	20%	N/A
Primary Street Transparency	N/A	40-60%**

*Standards vary by building form

**Standards vary by building form and use

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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approved – See Comments Below

1. Approve Rezoning Only - Will require additional information at Site Plan Review
2. The application lists the intent for a zone lot split. A zone lot amendment pre-application meeting would be needed through the Zoning Administration Team prior to site plan submittal. As the existing building is indicated to remain, the location of a future zone lot boundary will be subject, but not limited to Fire and Building Code separation requirements.
3. The proposed building forms allowed in the E-MX-2X zone district are Townhome, General, and Shopfront. The existing structure does not meet the building form criteria for those forms, so would be designated either compliant or non-conforming. Both designations impact the ability for future additions, renovations, repairs, and replacements. The existing structure is more in line with Urban or Suburban House forms that are permitted in different zone districts.
4. The application indicates intent for a future Townhome project on the north end of the parcel. Per Section 13.1.5.3.C. the Primary Street would need to be 35th Avenue for the Townhomes due to the OS-B condition to the north and the Residential Collector status in Blueprint Denver. Albion would need to be a side street, and rear zone lot lines on the south and west.
5. The townhome project would be subject to a two-phase concept plan and Site Development Plan review process. It is highly recommended to submit a concept plan concurrent with the formal rezoning process so dimensional compliance can be vetted for your goals before obtaining a new zoning designation. The depth of the zone lot from 35th Avenue to the south rear zone lot line may limit the ability to site townhomes with parking and drive aisle access from the alley.
6. The 5-Townhome project would need to fully comply with the Townhouse building form standards for the E-MX-2X zone district and parking requirements. Units would need to face 35th Avenue if located within 20' of the zone lot lines.
7. Plans and permits for the remaining single-family home would be processed through the residential review team after the zone lot amendment is completed.

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – See Comments Below

1. DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process.

Development Services- Wastewater: 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:	9/28/2021
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:	11/16/2021
Planning Board public hearing	12/1/2021
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 (tentative):	12/24/2021
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	1/4/2022
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):	1/24/2022
City Council Public Hearing (tentative):	2/14/2022

- **Registered Neighborhood Organizations (RNOs):** At the time of this staff report, staff has received one letter of support from the Northeast Park Hill Coalition. A copy of this letter is attached to this staff report.

- **Other Public Comment:** At the time of this staff report, staff has received no public comment.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Park Hill Neighborhood Plan (2000)*

Denver Comprehensive Plan 2040

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

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase 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* (p. 28).

The requested E-MX-2x zone district will allow a mix of multi-unit housing options, including the Townhouse, General and Shopfront primary building forms. The subject site is located blocks away from high-capacity transit along Colorado Boulevard and within 1 mile of the 40th and Colorado Commuter Rail station served by the Regional Transportation District. The request is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive vision element.

The following strategies apply from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (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).

In addition to offering additional housing types for a diverse and growing population, the proposed zone district also introduces mixed-uses which provide additional goods and services to the community.

Furthermore, the zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. The proposed zone district is of similar intensity to the existing zone districts adjacent to the subject site and offers increased access to amenities. The request is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the application is also consistent with the following strategies in the Environmentally Resilient vision element:

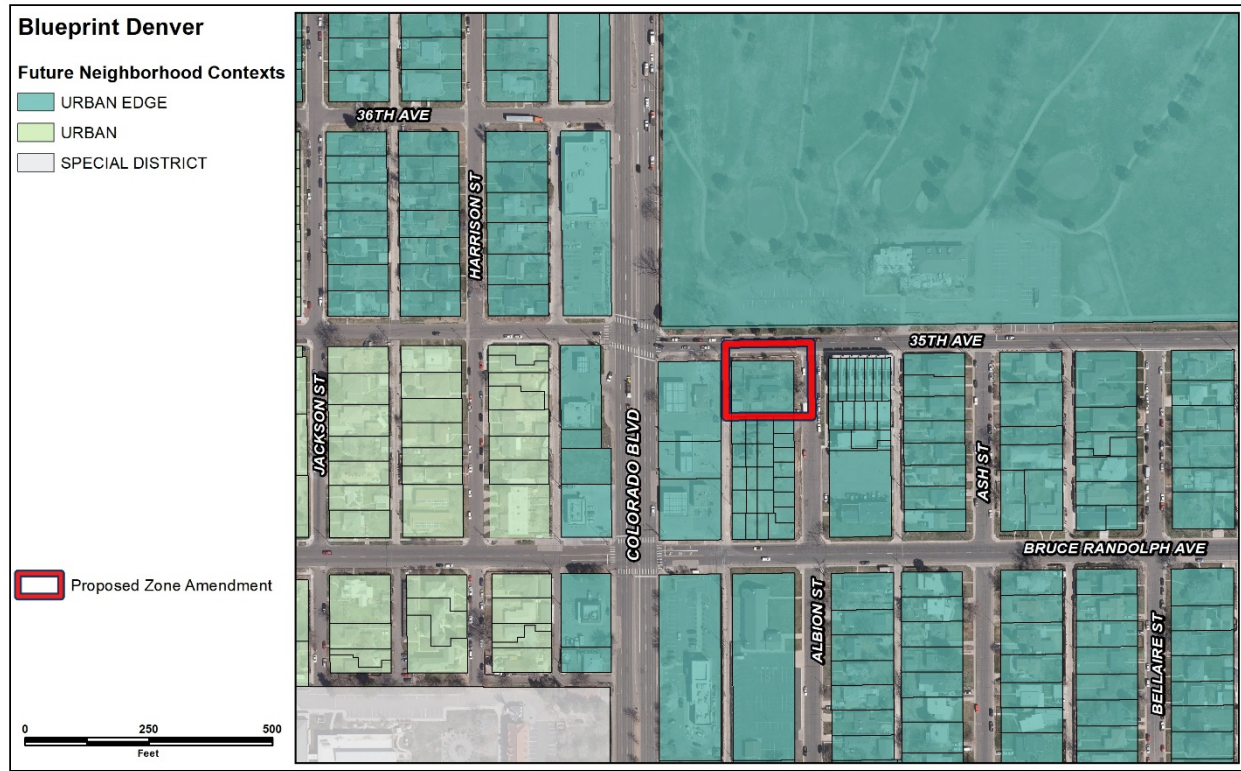
- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place* (p. 54).
- *Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. Similarly, the proposal focuses any future growth that results from this rezoning close to high-capacity transit (Colorado Boulevard and the 40th and Colorado Commuter Rail station). Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the Environmentally Resilient strategies of *Comprehensive Plan 2040*.

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 Low-Medium Residential area within the Urban Edge neighborhood context and provides guidance from the future growth strategy for the city.

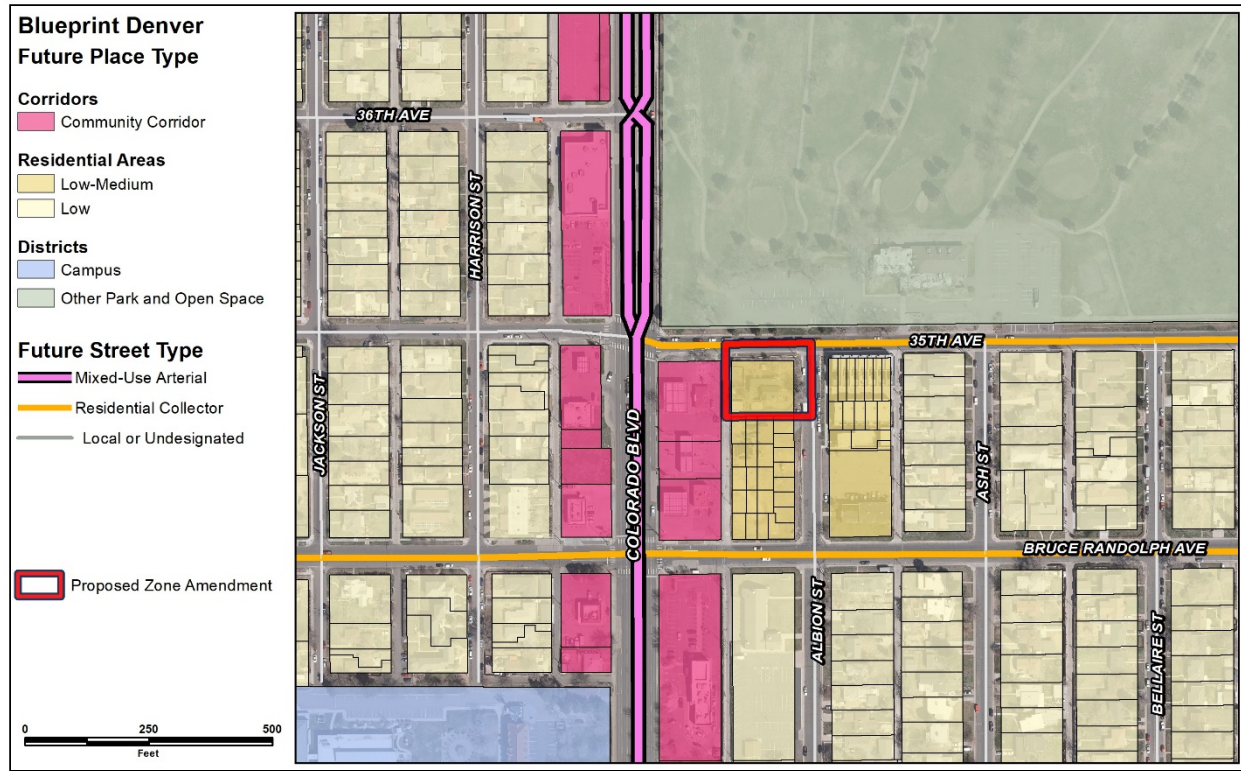
Blueprint Denver Future Neighborhood Context



The subject site is shown on the context map as an Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206).

The proposed E-MX-2x zone district is a mixed-use zone district in the Urban Edge Context and is intended, 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 4.2.4). The proposed rezoning to E-MX-2x is appropriate and consistent with the Urban Edge neighborhood context plan direction as it will allow for the development of an appropriately scaled mixed use node embedded in a 1-unit and 2-unit residential area, and will ensure quality development appropriate for the Northeast Park Hill neighborhood.

Blueprint Denver Future Places



Within the Urban Edge Neighborhood Context, the subject property is categorized as a Low-Medium Residential future place with a land use and built form defined by *Blueprint Denver* as a “mix of low- to mid-scale multi-unit residential options interspersed between single- and two-unit residential [with] limited mixed-use along arterial and collector streets and at some intersections” (p. 216). *Blueprint Denver* also notes that buildings are generally three stories or less in height within this future place.

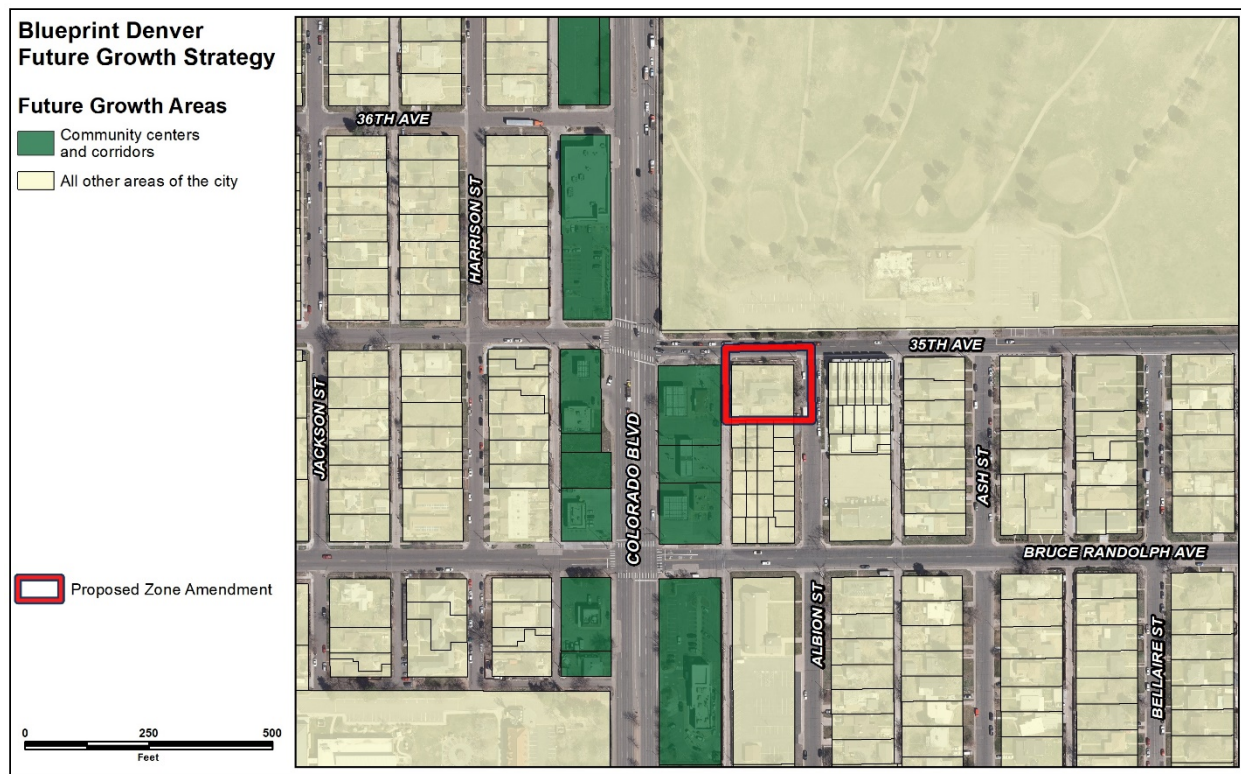
The proposed rezoning to E-MX-2x is appropriate and consistent with Low-Medium Residential designation as it allows for both residential uses and limited, low-scale mixed use along 35th Avenue which is classified as a Residential Collector. Additionally, the maximum height guidance of two stories in the E-MX-2x aligns with this plan direction. Any new development that may result from this rezoning will comply with building form standards, design standards, and uses that work together to ensure new development contributes positively to established residential character in Northeast Park Hill, and improves the transition between commercial development along Colorado Boulevard and adjacent residential uses to the east. Therefore, the request to rezone to E-MX-2x is consistent with the overall intent of the Future Places map, and the E-MX-2x zone district appropriately balances plan direction and the existing condition.

Blueprint Denver Street Types

Blueprint Denver street types work with future place designations to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies 35th Avenue as a Residential Collector and North Albion Street as an undesignated local street. Residential Collector streets “collect movement from local streets and convey it to arterial streets” whereas Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Both street types typically contain primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

The proposed E-MX-2x zone district is consistent with this plan direction for this location as the zone district specifically applies to small sites served primarily by local streets embedded within an existing neighborhood (DZC 4.2.4.2). Additionally, this type of mixed-use district is appropriate along corridors, such as 35th Avenue (DZC 4.2.4.1).

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 “All Other Areas of the City”, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to E-MX-2x will enable compatible mixed-use growth for this location.

Strategies

Blueprint Denver provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district such as E-MX-2x under the DZC is consistent with *Blueprint Denver*.

This rezoning request also furthers many of the general goals in *Blueprint Denver* via the following policies:

- Encouraging higher-density development in transit-rich areas (General Land Use & Built Form Policy 01)
- Diversifying housing options by exploring opportunities to integrate missing middle housing into low residential areas (Housing Land Use & Built Form Policy 02)
- Incentivizing the preservation of structures that contribute to the established character of an area (Design Quality and Preservation Policy 06)

Small Area Plan: Park Hill Neighborhood Plan

The Park Hill Neighborhood Plan was adopted by Denver City Council in 2000 and applies to the subject site. The format of the Park Hill Neighborhood Plan includes general land use goals and recommendations that apply throughout the planning area. Applicable goals and recommendations of the Plan include:

- Maintain existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities;
- Maintain and enhance the small-scale neighborhood character of the business areas and foster the development of “main street” type imagery;
- Minimize the visual impacts and create an improved buffer area between the industrial, commercial, and residential areas;
- Preserve the land areas of historical significance through historic districts or historic landmark designation;
- Maintain and enhance viability of residential and commercial land uses on Colorado Boulevard;
- Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds

The E-MX-2x district allows for the townhouse, shopfront and general building forms all with a maximum height of 2 stories or 30’ feet. Although the proposed E-MX-2x zone district will allow more than just low-scale residential uses, it is the lowest intensity mixed use district in the Urban Edge

context, which helps “maintain and enhance the small-scale neighborhood character” as cited in the Park Hill Neighborhood Plan. The scale of any future development will provide an important transition between the prevailing neighborhood pattern of single- and two-unit to the east, and the higher-density activity along Colorado Boulevard to the west. The proposed E-MX-2x zone district is an appropriate zone district at this corner and will encourage any development that results from this rezoning to be consistent with the adjacent established residential uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MX-2x will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned E-MX-2x.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

4. Justifying Circumstance

The application identifies 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: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 539 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood as evidenced by recent redevelopment east and south of the subject site.

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

The requested E-MX-2x zone district is within the Urban Edge Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses, with small-scale

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

multi-unit residential uses and commercial areas embedded in residential areas. The proposed rezoning to E-MX-2x is consistent with the neighborhood context description. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets. (DZC 4.1.1). The proposed rezoning to E-MX-2x is consistent with the Urban Edge neighborhood context description because of its low-scale nature and the site is served by a local street (Albion Street).

The proposed rezoning is also consistent with the general purpose of mixed-use districts to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping, and public gathering within and around the city's neighborhoods. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC 4.2.4.1). The rezoning is consistent with the general purpose of the urban edge mixed use districts as this is an existing neighborhood site and will promote a pedestrian scaled area along 35th Avenue.

According to the zone district intent stated in the Denver Zoning Code, the E-MX-2x district "applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses" (DZC Section 4.2.4.2). The proposed rezoning at 3435 N. Albion is located on the corner of a local street and residential collector, is limited to one parcel with low-scale building forms and low intensity uses, and is within an existing neighborhood. The request is therefore consistent with the stated intent of the E-MX-2x zone district.

Attachments

1. Existing PUD
2. Application
3. RNO/Public Comment