

Denver Planning Board
2024i-00077
Document of Deliberation
Approved January 15, 2025

At the Planning Board hearing on December 18th, 2024, Community Planning and Development Staff recommended that the Board advise City Council to deny the application for Map Amendment 2024I-00077, rezoning 3115 West 8th Avenue, finding that it did not meet review criteria as it currently stands or as proposed in the Advancing Equity in Rezoning text amendment.

More specifically, though the rezoning may comply with some plan guidance, Staff recommended denial as outlined in the staff report and in the West Area Plan – Rezoning Implementation Approach Policy Memo, dated October 10th, 2024. This memo outlines staff's interpretation of plan guidance in the recently adopted West Area Plan that recommends reducing displacement and gentrification while also allowing increased density in the plan area. The West Area Plan includes the Villa Park neighborhood in which this property sits.

Six planning board members were present at the meeting. Given the attendance, five of those six members would have had to vote in consensus. A motion for denial, as recommended by Staff, resulted in a board vote of 2 in favor and 4 against. A motion for approval also resulted in a vote of 4 in favor and 2 against, leading to no formal recommendation from Planning Board to City Council. Below are the primary thoughts and considerations of the Planning Board, both in favor and against the rezoning:

Arguments **against** recommending approval of the rezoning

- Some members suggested that although the property in question is currently vacant, the displacement mitigation contemplated in the West Area Plan and the October 10th memo are intended to address community and neighborhood level impacts, not exclusively one for one unit displacement. The intent of the guidance in the memo was to reduce potential harm to neighbors and the community overall from any future development, and the proposed rezoning clearly fell within that category and thus should include affordability considerations as instructed by the memo. The measurement of who would be displaced by this development is not that of who lives on the property now, but how the development will impact the ability of the community members to stay in place.
- The purpose of the October 10th memo to supplement the West Area Plan was to create space and time to develop tools to protect the neighborhoods against the continued displacement and gentrification pressure that have accelerated in recent years. This was a notably nuanced, thoughtful, and innovative step in the process that directly reflects CPDs and the City and County of Denver's prioritization of equity and recognition of the need to adjust existing systems and tools. The rezoning in question is exactly the kind of rezoning that the memo contemplates, where the full impacts of displacement and/or gentrification cannot be accurately contemplated or addressed by our current standards and tools. Thus, this is exactly the type of rezoning that does not comply with the memo guidance, and by extension plan guidance.
- Although the prior owner was a nonprofit entity intending to build affordable housing, we have no knowledge of why that did not come to fruition and no reason to believe it was because building affordably there was not workable.
- Concern was expressed that consideration of best possible use of a currently vacant lot could create an incentive to demolish prior to applying for a rezoning and that it could become a work around, and it is important to think about potential precedent setting.

Arguments **in favor** of recommending approval of the rezoning

- The aforementioned memo and staff report recommends that Single Unit (SU) zone districts not be rezoned to greater density until other tools are implemented to stem displacement of existing

residents. Though Planning Board largely agrees with this concept, some members suggested that the subject parcel does not have any residents to displace as the house on site was torn down several years prior to the creation of this memo. Therefore, no one is being directly displaced by this proposed rezoning.

- Though the board acknowledges that the development of newer housing in a rapidly changing neighborhood may lead to indirect displacement due to rising costs of property and taxes along with other gentrification challenges, the board members voting in favor of rezoning believed that a rezoning and development plan that allows for additional housing units where currently there are none has a net positive effect on affordability through increased supply, particularly as no residential units are being removed on site.
- The requested zone district, which board members in favor believe would have met plan guidance and other criteria without the provisions of the memo, allows only building forms that would include two or more units on site (and likely more) meaning that the rezoning would result in providing more available housing units and in forms (townhomes or apartments) that may be available at a more attainable cost than a detached single family home currently permitted through existing zoning.
- Though the applicant did not negotiate an agreement with HOST regarding the provision of affordable units, the members in favor did not believe that this was a required step for this rezoning as it would not trigger those affordability requirements in another context. It is also notable that the previous owner was an affordable housing non-profit entity. This entity demolished the existing house with the intention of developing affordable units and was unable to make the project work, leading to the sale of the property to the applicant.
- Finally, from those that voted in favor there was also the issue that the memo came out after the applicants made their submittal and that they have been working on this for quite some time.