



TO: Denver City Council
FROM: Elizabeth Weigle, AICP, Senior City Planner
DATE: November 29, 2018
RE: Official Zoning Map Amendment Application #2018I-00091

Staff Report and Recommendation

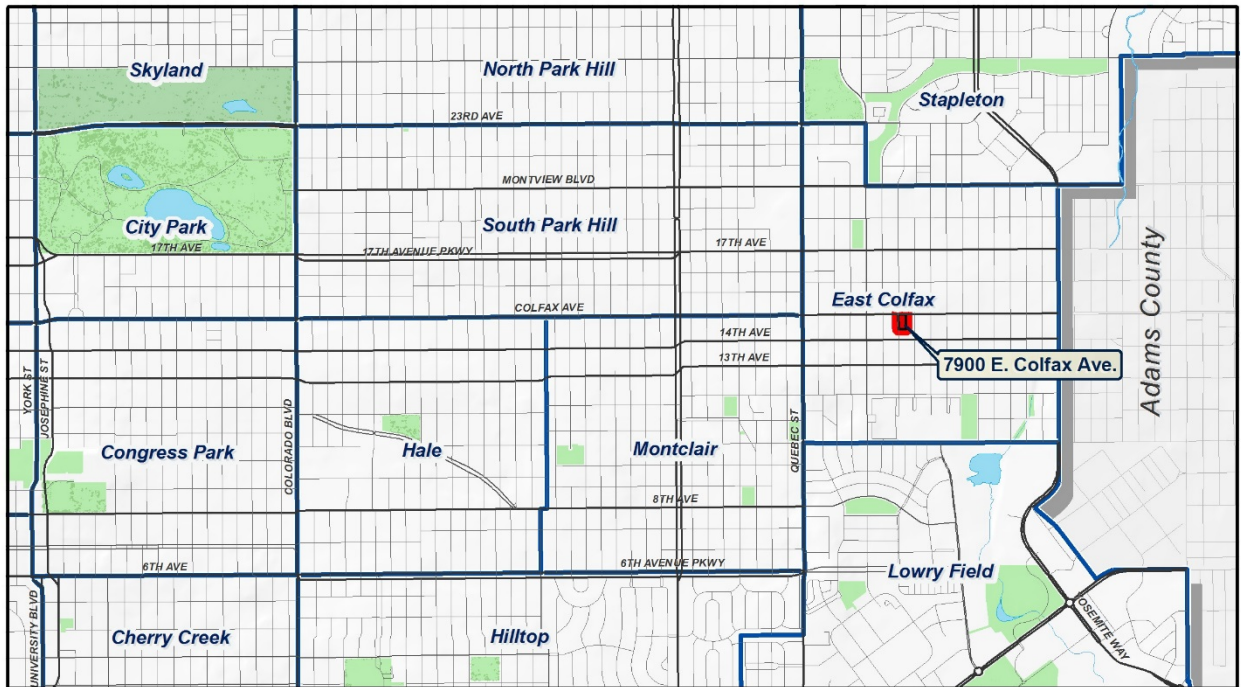
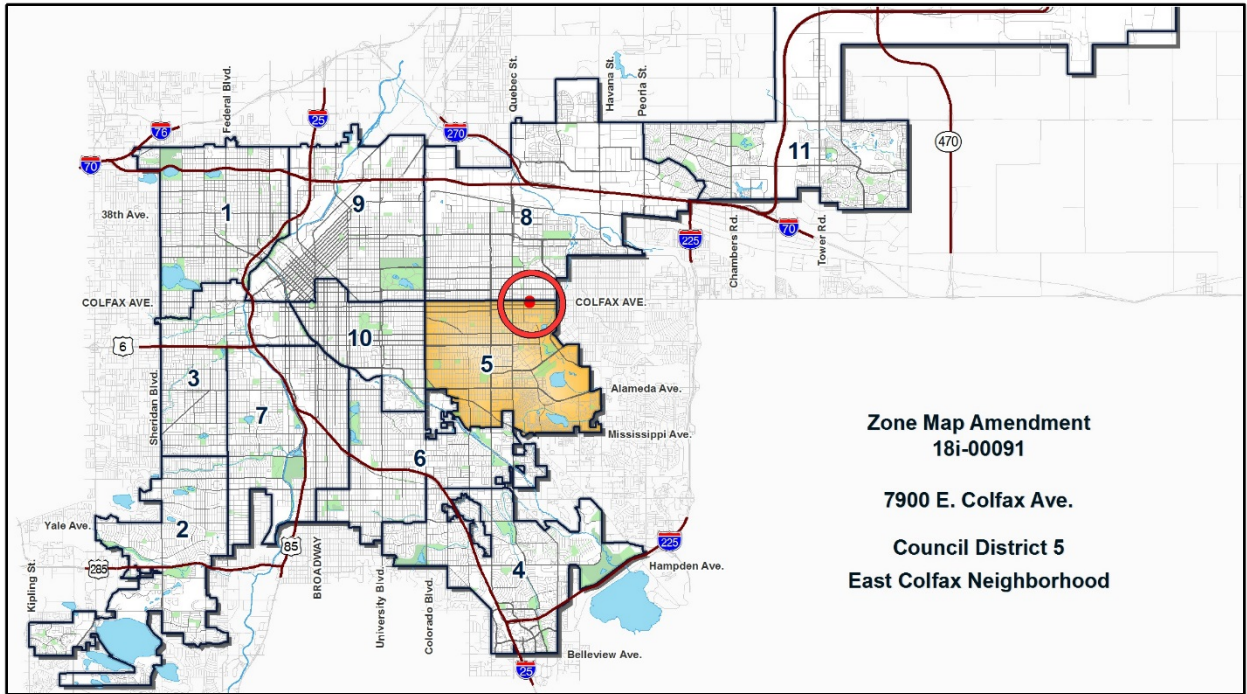
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2018I-00091.

Request for Rezoning

Address:	7900 East Colfax Avenue
Neighborhood/Council District:	East Colfax Neighborhood / Council District 5
RNOs:	Inter-Neighborhood Cooperation (INC); East Colfax Neighborhood Association; Fax Partnership; Opportunity Corridor Coalition of United Residents
Area of Property:	30,500 square feet or .7 acres
Current Zoning:	E-MS-3
Proposed Zoning:	E-MS-5
Property Owner(s):	City and County of Denver
Representative:	Executive Director, Community Planning and Development, on behalf of Office of Economic Development

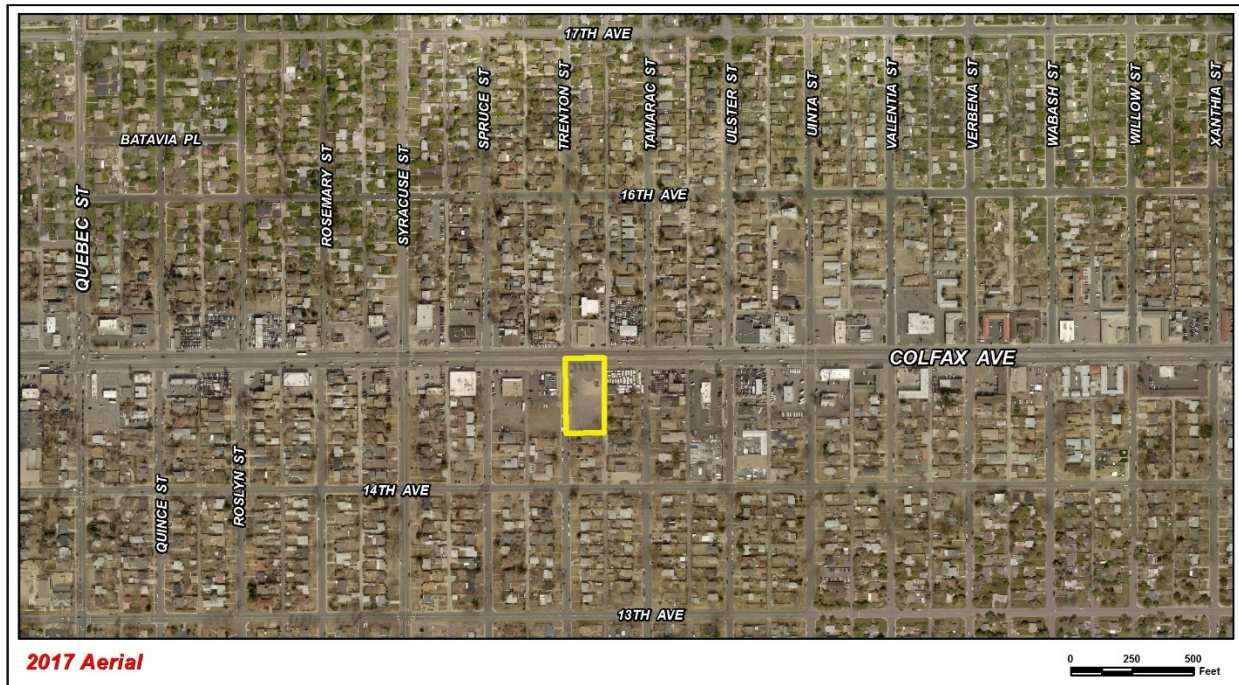
Summary of Rezoning Request

- The subject property is located in the East Colfax neighborhood at the southeast intersection of East Colfax Avenue and Trenton Street.
- The subject property is currently vacant. A former bar on this site was demolished in 2011.
- The proposed rezoning will allow for the property to be redeveloped with a mix of residential and commercial uses up to 5 stories. The City and County of Denver intends to issue an Request for Proposals to redevelop the site with affordable housing.
- The requested E-MS-5 district stands for Urban Edge Neighborhood Context – Main Street – 5 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. Further details of the proposed zone district can be found in Article 4 of the Denver Zoning Code (DZC).



Existing Context

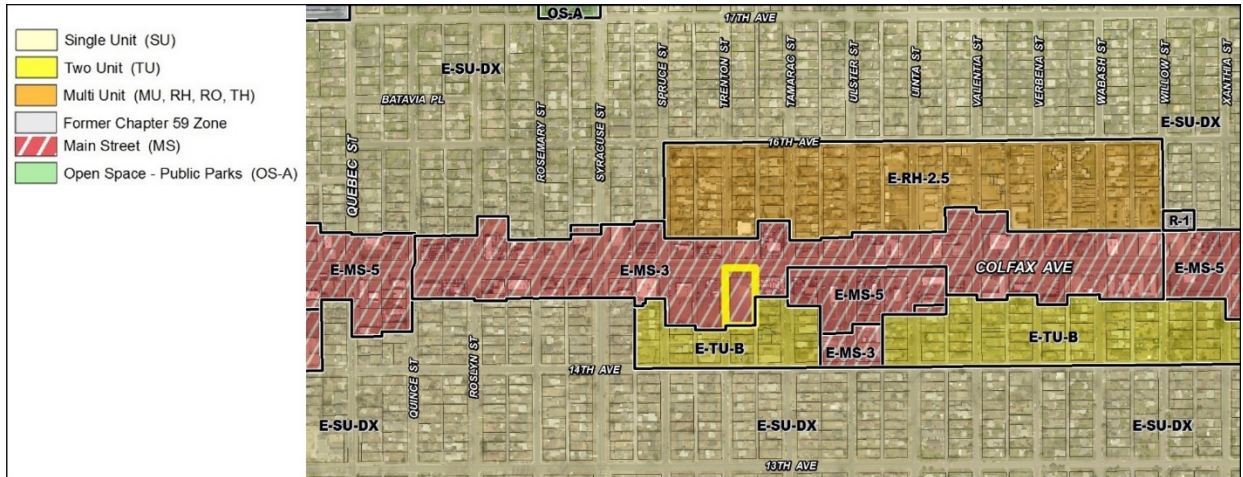
The site is located in the East Colfax neighborhood at the southeast intersection of East Colfax Avenue and Trenton Street. The area is characterized by a mix of commercial and auto-related uses along East Colfax Avenue and single-, two-, and multi-unit uses to the south and north of East Colfax Avenue. Transit access includes the 15 and 15L RTD bus lines that run frequently along East Colfax 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	E-MS-3	Vacant	Vacant	Consists of a regular pattern of rectangular block shapes in an orthogonal grid. Vehicle parking generally occurs in the front and side of buildings on East Colfax Avenue. Residential parking is generally accessed from the alley.
North	E-MS-3	Medical office; auto repair	1-story building with surface parking	
South	E-TU-B	Two- and Multi-unit residential	1-story residential structures	
East	E-MS-3; E-TU-B	Auto sales; single-unit residential	1-story building with surface parking; 1-story residential structures	
West	E-MS-3	Commercial (restaurant)	1-story building with surface parking	

1. Existing Zoning



The subject site is currently zoned E-MS-3. The E-MS-3 zone district is a Main Street district that allows a mix of uses and is intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. The 3-story district is intended to apply primarily to local or collector street corridors.

2. Existing Land Use Map



3. Existing Building Form and Scale

The existing building form and scale of the subject site and adjacent properties are shown in the following images. (Source: Google Maps)



View of subject site
on E. Colfax
Avenue, looking
southwest

Aerial view of subject property, looking north.



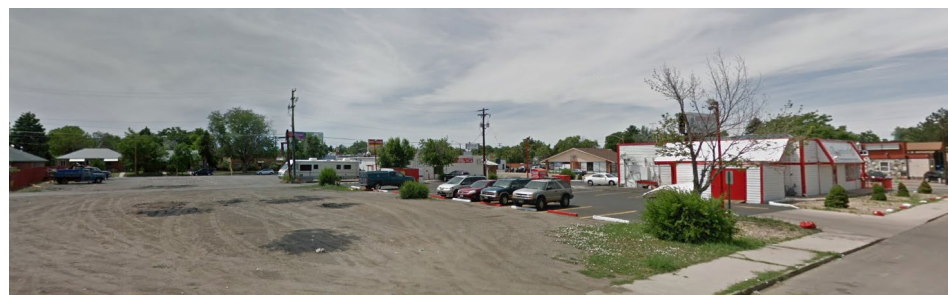
Property to the east
of the subject site
on E. Colfax
Avenue, looking
southeast



Properties to the
north of the subject
site on E. Colfax
Avenue, looking
north



Properties to west
of the subject site
on Trenton Street,
looking northwest



Properties to
south of the
subject site on
Trenton Street,
looking east



Properties to
east of the
subject site on
Tamarac
Street, looking
west



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:

Development Services (DS) – Wastewater: DS 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 – Transportation: Approved - See Comments Below.

- Right of Way improvements will be required when redevelopment occurs.

Public Works – City Surveyor: Approved - No Comments.

Public Health and Environment: Approved - See Comments Below.

- Notes. The Denver Department of Public Health and Environment (DDPHE) concurs with the rezoning request
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Assessor’s Office, Department of Finance – Real Estate Division, Department of Parks & Recreation, Development Services – Project Coordination, and Development Services – Fire Prevention did not provide a formal response to the referral, and, therefore, approved the rezoning application.

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	7/17/18
Community meetings with East Colfax Neighborhood Association to discuss the proposal (attended by Office of Economic Development)	April 2017; 2/8/18; 8/21/18

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:	9/17/18
Planning Board hearing, voted unanimously to recommend approval:	10/3/18
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:	10/8/18
Land Use, Transportation and Infrastructure Committee of the City Council:	10/23/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	11/9/18
City Council Public Hearing:	12/3/18

- **Registered Neighborhood Organizations**
 - The Registered Neighborhood Organizations on the first page of this staff report were notified of this application. East Colfax Neighborhood Association submitted a position statement in support of the rezoning application, which is attached to this report. Fax Partnership submitted a letter in support, which is also attached to this report.
- **Planning Board**
 - Planning Board voted unanimously (5-0) to recommend approval.
 - Two members of the public spoke in favor of the application at the Planning Board public hearing.
- **Other Public Comment**
 - One comment in opposition to the rezoning application has been received and is attached to this staff report.

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)
- East Montclair/East Colfax Neighborhood Plan (1994)
- Housing an Inclusive Denver (2018) (note that this plan is not adopted as a supplement to the Comprehensive Plan, but was adopted by City Council)

Denver Comprehensive Plan 2000

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

- 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 3-B: *Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area. (p 77)*
- Mobility Strategy 4-E: *Continue to promote mixed-use development, which enables people to live near work, retail and services. (p 78)*
- Economic Activity Strategy 4-B: *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and create jobs. Consider the following key strategies as top priorities...Continue to strengthen and, where necessary, revitalize Denver's commercial corridors, such as East and West Colfax... (p. 135)*
- Environmental Sustainability Strategy 2-F: *Conserve land by promoting infill development with 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)*

This proposed zoned district supports Comprehensive Plan 2000 by encouraging mixed-use development at an infill site that is well-served by public transit and by supporting the revitalization of the East Colfax commercial corridor. The increase in height from the existing zone district will facilitate

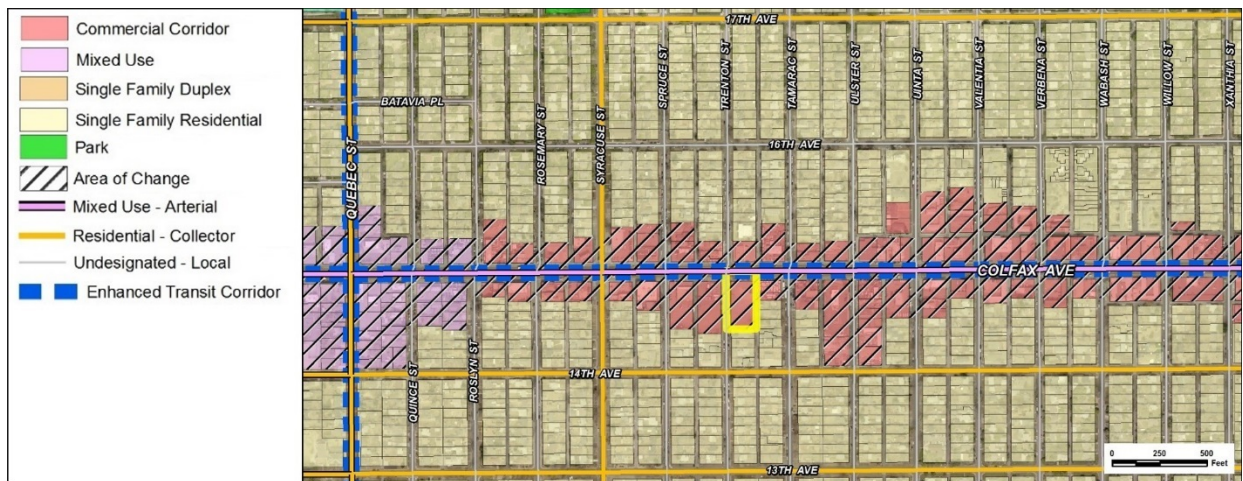
additional density at a transit node, enabling more housing and amenities so that residents can live, work, and play in their own neighborhood.

Blueprint Denver

According to the Plan Map adopted in Blueprint Denver, this site has a concept land use of Commercial Corridor and is located in an Area of Change.

Future Land Use

Commercial corridors are linear business districts primarily oriented to heavily used arterial streets. They share similarities with pedestrian shopping corridors but are larger and accommodate more auto traffic. Many corridors accommodate major bus transit routes and have significant numbers of transit users. Well-designed commercial corridors include street trees, wide sidewalks, on-street parking and attractive bus stops, and, as a result, exhibit a fair amount of pedestrian activity (p. 45). The E-MS-5 zone district is consistent with the Commercial Corridor land use recommendation as it will facilitate compact, mixed uses near transit and building forms that contribute to a pedestrian-friendly environment.



Blueprint Future Land Use and Street Designation Map

Area of Change / Area of Stability

The subject site is located in an Area of Change. In general, “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). Blueprint also provides specific guidance for the area of change located on East Colfax Avenue from Colorado Boulevard to Yosemite, recommending the introduction of mixed-uses along the major bus corridor (p. 140).

The rezoning application is consistent with the Blueprint Denver Area of Change recommendations. The E-MS-5 zone district will facilitate additional housing, jobs and services on the high-frequency 15 and 15L bus corridor and planned Bus Rapid Transit corridor, which will encourage fewer auto trips.

Street Classifications & Enhanced Bus Transit Corridor

East Colfax Avenue is identified as a Mixed Use Arterial in Blueprint Denver, and Trenton Street is identified as an Undesignated Local. Arterials are “designed to provide a high degree of mobility and generally serve longer trips” (p. 51). The Mixed-Use classification is used to identify streets that “emphasize a variety of travel choices” and are typically located in “high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” (p. 57). Local streets are “influenced less by traffic volumes and 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 proposed E-MS-5 zone district is consistent with the Blueprint Denver street classifications as the zone district is intended primarily for collector or arterial corridors.

Blueprint Denver also identifies East Colfax Avenue as an Enhanced Bus Transit Corridor. The plan encourages development of “more intensive, mixed-use development surrounding stations and along transit corridors,” specifying bus rapid transit (p. 26). Finally, the plan states that “focusing development around rail stations reduces vehicle trips and creates less pollution than other types of development that strictly rely on the automobile” (p. 46). The proposed E-MS-5 zone district is consistent with this guidance as it will facilitate mixed use development adjacent to a high-frequency transit corridor.

Small Area Plan: East Montclair/East Colfax Neighborhood Plan (1994)

The East Montclair/East Colfax Neighborhood Plan was adopted in 1994 and envisions an improved East Colfax Avenue with more business opportunities and reinvestment (p. 28, 45). The plan refers to Colfax as the “main street of the Denver metropolitan region... a major transportation corridor between Aurora, Denver, and Lakewood. Commercial land uses abut the corridor along its entire length. These businesses serve both the metropolitan region and immediate neighborhood” (p. 33). The land use map in the plan, which generally depicts existing land uses at the time, shows the area where the subject property is located as “business” with “multi-family residential” and “single-family residential” adjacent. In addition to describing the land uses, the neighborhood plan also includes a map of zoning at the time that shows the subject site with the Former Chapter 59 zone districts of B-4 (General Business District) and P-1 (Off-street Parking District). This portion of East Colfax Avenue is identified as a commercial district on the urban design framework plan. The neighborhood plan does not include guidance for building heights.

story setbacks, and use limitations in proximity to protected zone districts. The additional height allowed in the E-MS-5 district as compared to the current E-MS-3 district will facilitate additional residential and commercial uses to meet the plan's goals while requiring upper story setbacks adjacent to protected districts to ensure an appropriate height transition.

Housing an Inclusive Denver (2018)

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council. *Housing an Inclusive Denver* calls for the City to "leverage publicly owned land for affordable housing development" (p. 8). A goal of the plan is also to create affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit (p. 56). The additional height in the E-MS-5 district will facilitate more housing units than could be achieved in the existing 3-story district, therefore furthering the housing plan's goal of leveraging publicly owned land and facilitating the development of additional housing in a neighborhood that is considered vulnerable and also has rich transit access.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-MS-5 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 by implementing the City's adopted plans including Comprehensive Plan 2000, Blueprint Denver, and the East Montclair/East Colfax Neighborhood Plan. Additionally, the proposed zone district will promote health, safety and general welfare by facilitating development of building forms and site designs that will improve the pedestrian environment and enhance walkability.

4. Justifying Circumstances

This application identifies several changed or changing conditions on the site, the surrounding area, and in the city generally 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." The changes identified include:

- The closing of the bar on the site and the site's current vacant and underutilized condition;
- Increased demand for housing opportunities in the city;
- The City and County of Denver's purchase of the property and the guidance in the recently adopted Housing an Inclusive Denver plan that recommends leveraging public land and creating affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit;
- Growth in job centers located along the 15 and 15L transit corridor, including in Downtown and at the Anschutz Medical Campus in Aurora;
- New housing built in the southern portion of Stapleton about a half mile from the subject site;
- A five-story mixed use building constructed about a half mile from the site; and

- Planned investment in a bike lane on Syracuse Street and bus rapid transit on East Colfax Avenue.

The changes described in the application are appropriate justifying circumstances for the proposed rezoning.

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

The requested zone district is within the Urban Edge Neighborhood Context which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The context is primarily single-unit and two-unit residential uses, with some small-scale multi-unit residential uses and commercial areas. (DZC Section 4.1.1). Within this context, the Main Street 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 Section 4.2.6.1). The E-MS-5 zone district applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired (DZC Section 4.2.6.2.D).

The requested rezoning is consistent with the neighborhood context description and zone district purpose and intent, as the requested zoning is intended to provide for mixed use development at a maximum height of 5 stories. The subject site is served by a mixed-use arterial street and bus transit corridor. The Urban Edge context is consistent with the surrounding neighborhood.

Attachments

1. Application
2. Public Comments