



TO: Denver Planning Board
FROM: Francisca Peñafiel, Senior City Planner
DATE: May 31, 2023
RE: Official Zoning Map Amendment Application #2023I-00022

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2023I-00022.

Request for Rezoning

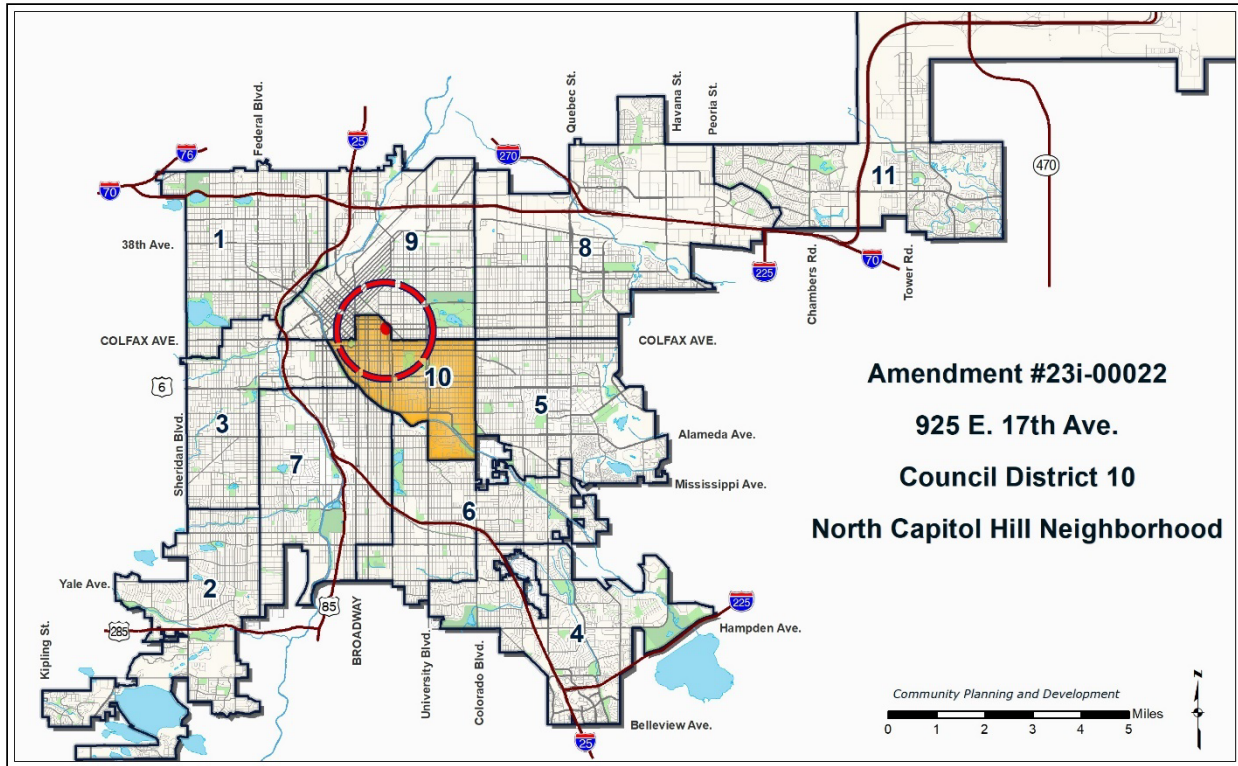
Address: 925 East 17th Avenue
Neighborhood/Council District: North Capitol Hill/ Council District 10
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, Capitol Hill United Neighborhoods, Opportunity Corridor Coalition of United Residents, Neighbors for Greater Capitol Hill.

Area of Property: 5,670 square feet or 0.13 acres
Current Zoning: G-RO-5
Proposed Zoning: G-MS-3
Property Owner(s): Meaghan Len Richmond
Owner Representative: Trina Borja

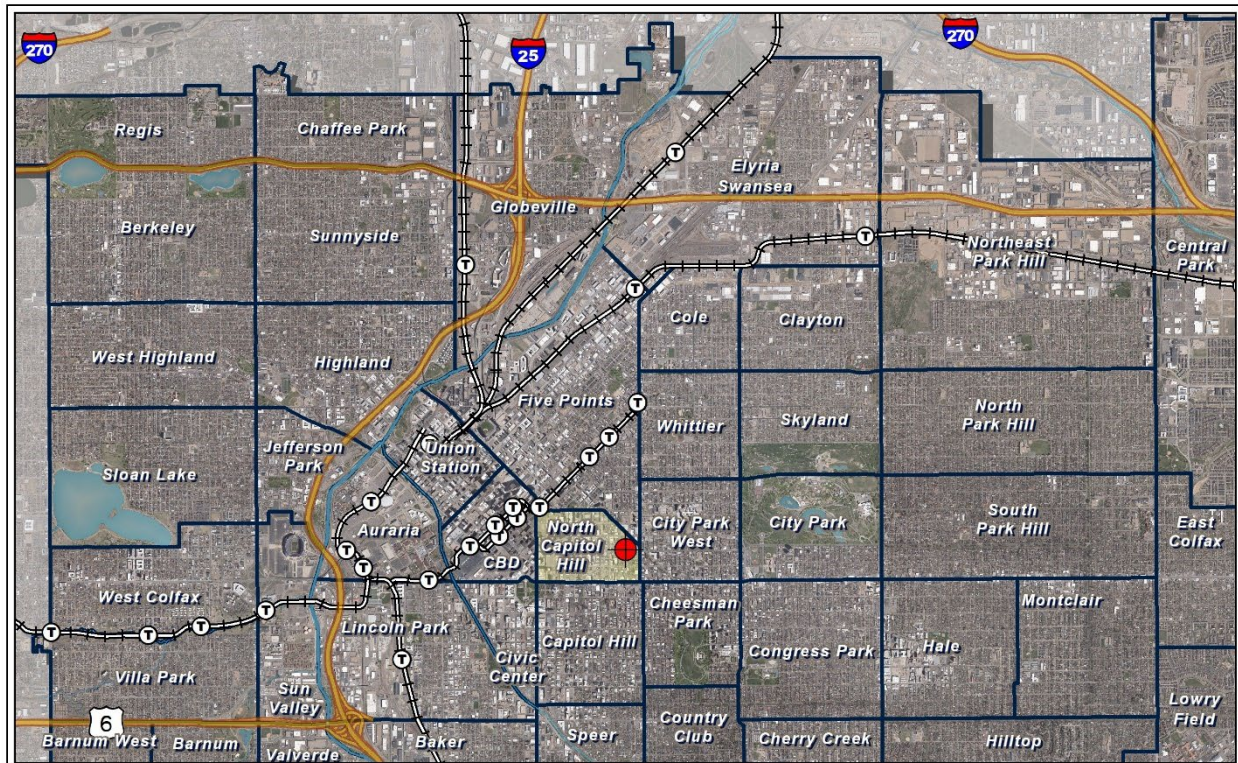
Summary of Rezoning Request

- The subject property is in the North Capitol Hill neighborhood, between North Ogden Street and North Emerson Street, along East 17th Avenue, in the Swallow Hill Historic Landmark District.
- The property is occupied by a two and a half-story Victorian house, built in 1896. The bottom floor of the building is currently used as a coffee shop, while the top levels are used as law offices.
- The applicant is proposing to rezone the property from G-RO-5 to G-MS-3, to allow the coffee shop as a primary use while preserving the historic building's design.
- The property received a zoning permit in 2006 that allowed the coffee shop accessory use to the primary office use. When the Denver Zoning Code (DZC) was adopted in 2010, the property was rezoned from R-4 to G-RO-5, a DZC district that does not allow for a coffee shop use. The rezoning is proposed primarily so that the coffee shop use can be reestablished.
- The property is a contributing structure in the Swallow Hill Historic District, which means there are significant protections in place to preserve the existing building. All exterior changes that require a building or zoning permit will be reviewed by Landmark Preservation.
- The proposed G-MS-3 (**G**eneral Urban, **M**ain Street, **3**-story) zone district allows a broad range of commercial, residential, and civic uses in the Town House and Shopfront building forms with a maximum height of five stories. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 6 of the Denver Zoning Code (DZC).

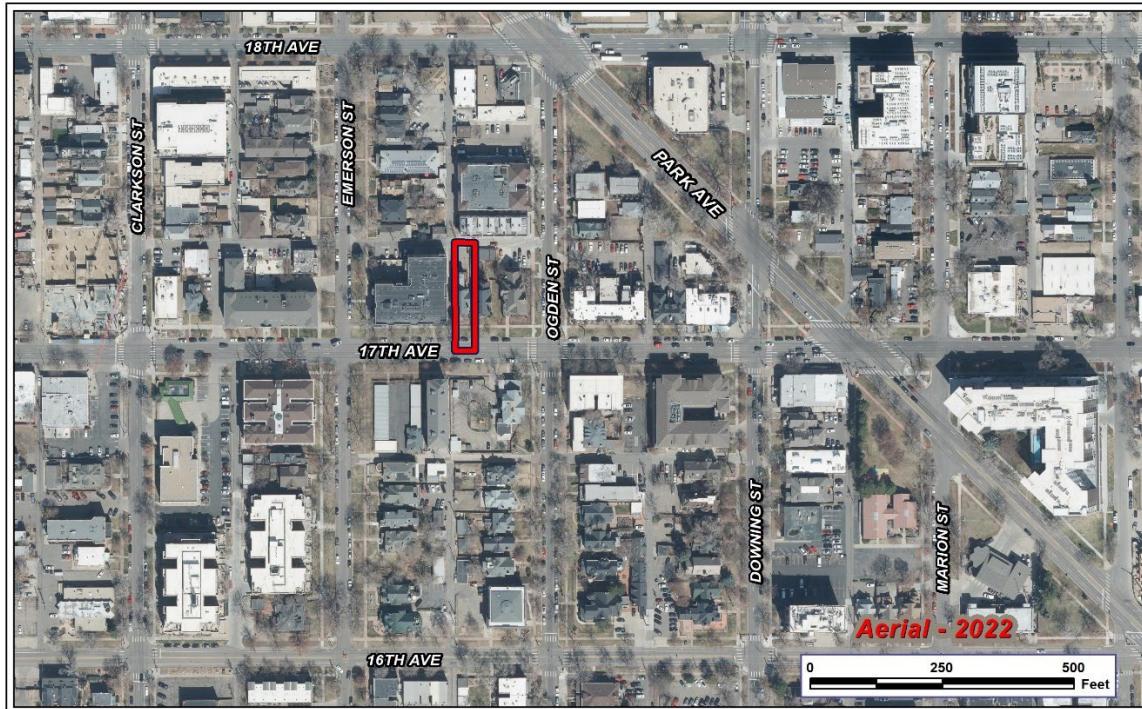
City Location



Neighborhood Location – North Capitol Hill



1. Existing Context

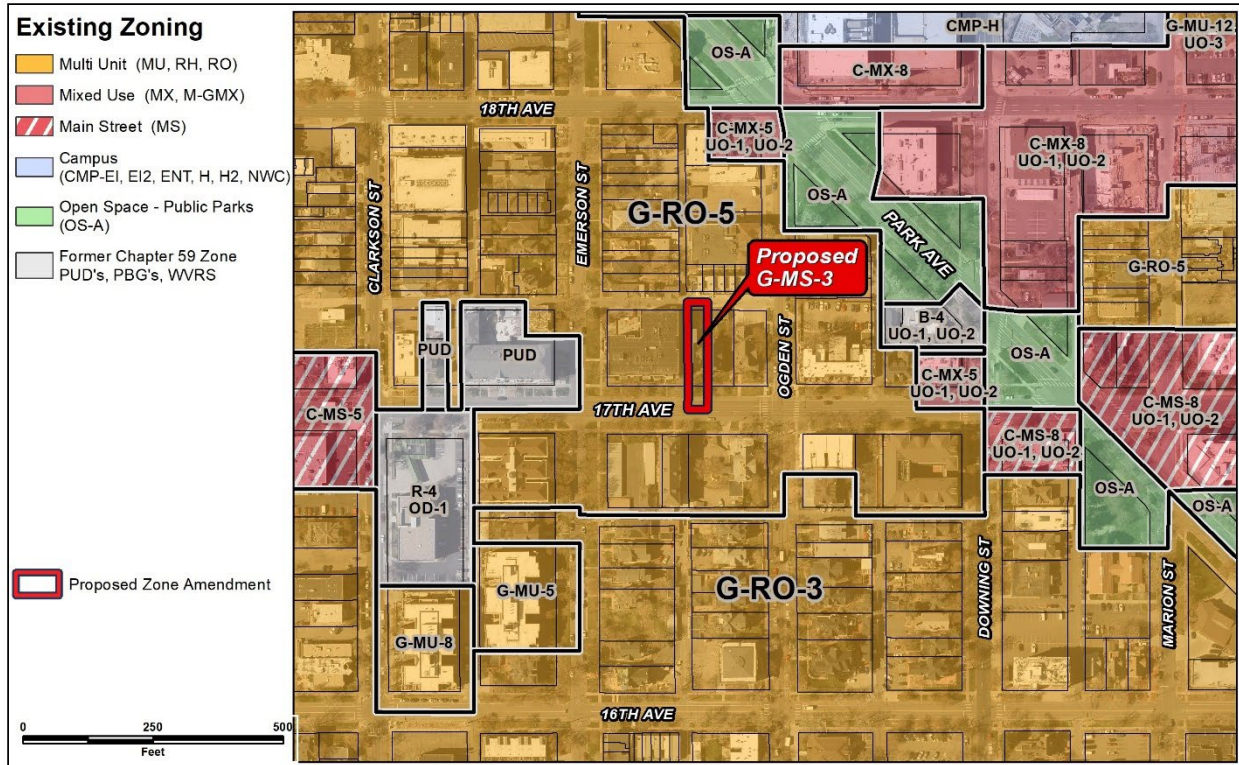


The subject property is in the North Capitol Hill neighborhood, between North Emerson Street and North Ogden Street, along the north side of East 17th Avenue. It is one and a half blocks from Park Avenue which crosses diagonally between North Downing Street and North Ogden Street. The area has a mix of predominantly commercial/retail and office uses on East 17th Avenue with some single-unit and multi-unit residential uses. Saint Joseph Hospital is .3 miles northeast from the subject site and the Denver Center for 21st Century Learning, one of the elementary schools that serves the neighborhood, is .5 miles east from the subject site. Transit access includes the Regional Transportation District (RTD) bus route 20 along East 17th and 18th Avenues and RTD bus route 12 on North Downing and Ogden Streets. There are bus stops for both RTD lines on North Ogden Street and at the corner of North Downing Street and East 17th Avenue, one block and a half west from the subject site.

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	G-RO-5	Office	2.5-story Queen Ann structure built as a residence	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with on-street vehicle parking. One and a half blocks east of the subject site on East 17 th Avenue the grid gets interrupted by Park Avenue, which cuts through diagonally.
North	G-RO-5	Multi-unit residential	3-story row houses.	
South	G-RO-5	Office	Surface parking lot servicing a Queen Ann structure	
East	G-RO-5	Single unit residential	2.5-story single-unit Queen Ann house	
West	G-RO-5	Multi-unit residential	3-story brick apartment building	

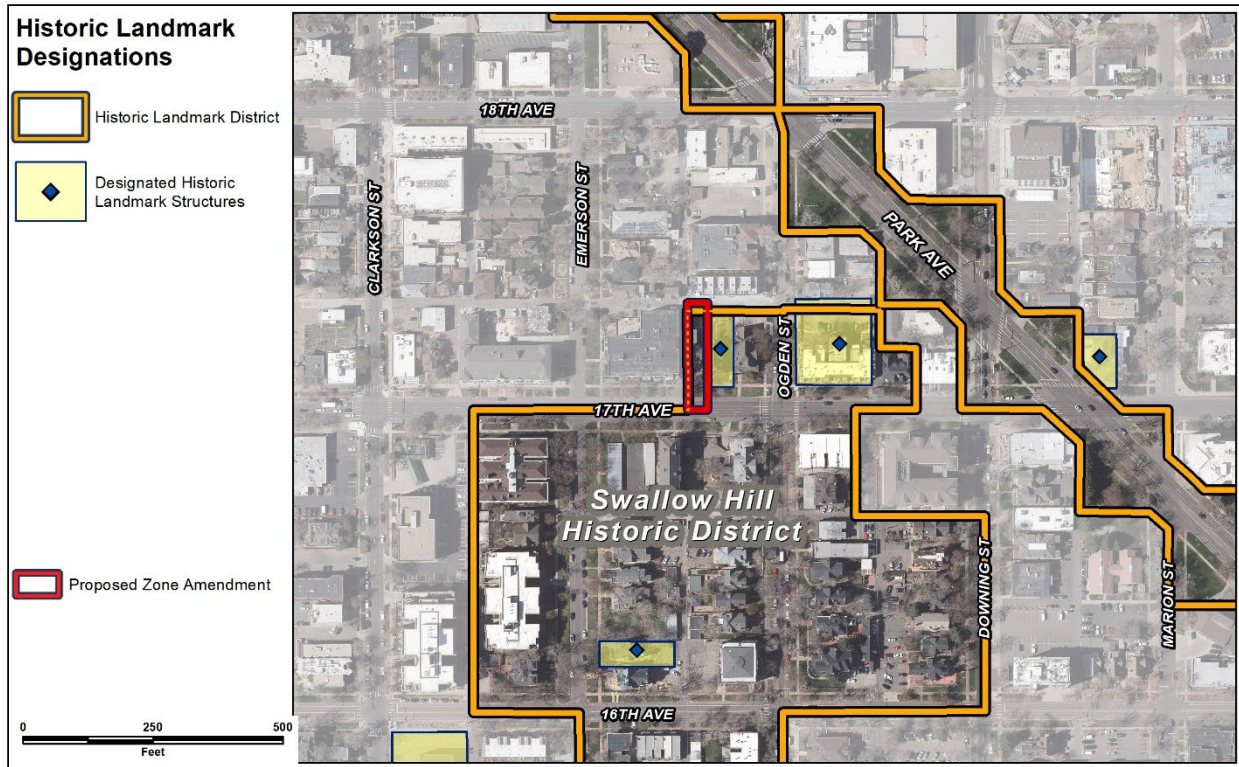
1. Existing Zoning



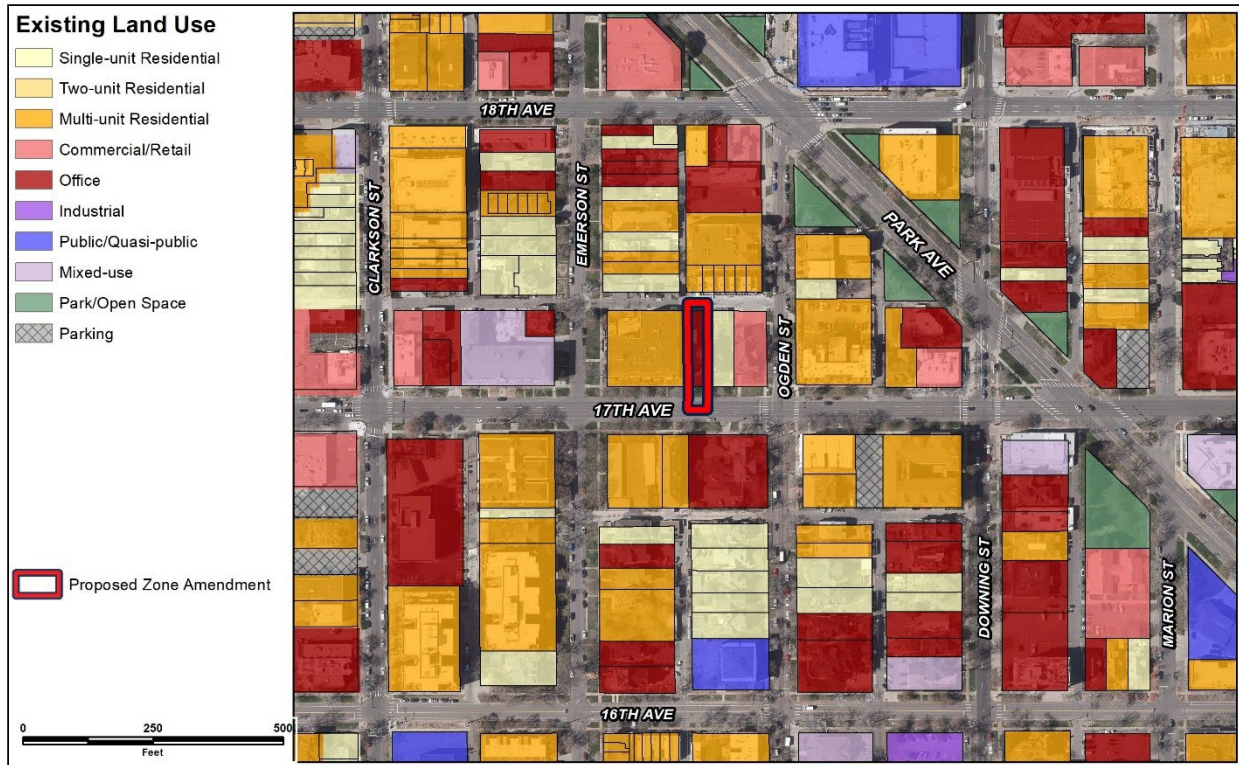
The existing zoning on the subject property is G-RO-5, which allows residential and office uses in the urban house, duplex, town house, and apartment building forms up to five stories and 65 feet tall. Structures are generally required to have primary street setbacks consistent with existing structures on the block and side setbacks ranging from 3 feet to 12.5 feet. Parking requirements are generally one space per residential unit and 1.875 spaces per 1,000 square feet of office floor area. For additional details of the zone district, see DZC Article 6.

2. Historic District or Structures

The subject property is within the Swallow Hill Historic District, which was established in 1999. The subject property is a contributing structure to the district, qualifying it as a Historic Structure as defined in Article 13 of the DZC. All demolition or new construction on the property will require review and approval by the Landmark Preservation Commission to ensure changes are compatible with the character of the historic designation.



3. Existing Land Use Map



4. Existing Building Form and Scale

All images from Google Maps Street View.



Subject property, looking north on East 17th Avenue.



North – Properties north to the subject site, across the alley on North Ogden Street.



West – Properties directly west of the subject site, on East 17th Avenue, looking northwest.



South – Property to the south of the subject site, across the street on East 17th Avenue, looking south



East – Properties to the east of the subject site, on East 17th Avenue, looking northeast.

Proposed Zoning

The requested G-MS-3 zone district has a maximum height of three stories or 45 feet with allowable encroachments and height incentives. The minimum primary street setback is zero feet, except for the town house building form which has a 10-foot minimum primary street setback. A variety of mixed residential, commercial, and civic uses are allowed. Build-to requirement ranges between 50% and 75%, depending on the building form. For additional details of the requested zone district, see DZC Sections 6.2.5, 6.3 and 6.4.

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

Design Standards	G-RO-5 (Existing)	G-MS-3 (Proposed)
Primary Building Forms Allowed	Urban House; Duplex; Town House; Apartment	Town House; Drive Thru Services; Drive Thru Restaurant; Shopfront
Stories/Heights (max.)	Urban House: 3/35* Duplex: 3/35* Town House: 5/65' Apartment: 5/65'	Drive Thru Services: 3/45' Drive Thru Restaurant: 3/45' Town House: 3/38' Shopfront: 3/45'**
Primary Build-To Percentages (min.)	Urban House: N/A Duplex: N/A Town House: 70% Apartment: 60%	Drive Thru Services: 50% Drive Thru Restaurant: 70% Town House: 75% Shopfront: 75%
Primary Build-To Ranges (min./max.)	Urban House: N/A Duplex: N/A Town House: 10'/15' Apartment: 10'/20'	Drive Thru Services: 0'/15' Drive Thru Restaurant: 0'/5' Town House: 10'/15' Shopfront: 0'/5' • 0'/10' Residential only
Primary Street Setbacks (min.)	Urban House: 10-20' Duplex: 10-20' Town House: 10' Apartment: 10'	Drive Thru Services: 0' Drive Thru Restaurant: 0' Town House: 10' Shopfront: 0'
Primary Street Transparency (min.)	Urban House: N/A Duplex: N/A Town House: 40% Apartment: 40%	Drive Thru Services: 60% Drive Thru Restaurant: 60% Town House: 40% Shopfront: 60% • 40% Residential only

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

*Additional height up to 4 stories or 55 feet is permitted in C-MS-3 with the provision of enhanced affordable housing.

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 comments.

Denver Public Schools: Approved – No response.

Denver Fire Department: Approved – No comments.

Development Services - Transportation: Approved – No response.

Denver Parks and Recreation: Approved – No comments.

Development Services – Project Coordination: Approved – Approve Rezoning Only - Will require additional information at Site Plan Review

1) An updated use permit for the existing uses in the structure would need to be issued if the rezoning is approved.

2) Any change of uses in the structure will require Zoning and Building permit review. Zoning permits can be processed through Commercial Zoning. A new Zoning permit will need to be issued with any change of uses in the building.

4) The proposed G-MS-3 zone district allows for the use of Townhome or Shopfront building forms. Based on indicated proposed uses in the rezoning application, the Shopfront building form will need to be used for the structure.

5) DZC Section 1.4.4. applies.

6) The Landmark Preservation Commission would need to approve any exterior building modifications.

Development Services – Wastewater: Approved – No comments.

Department of Public Health and Environment: Approved – Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – City Surveyor: Approved – No comments.

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:	03/24/2023
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:	05/23/2023
Planning Board Public Hearing:	06/07/2023
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 working days before the meeting:	06/12/2023 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	06/27/2023 (tentative)
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:	07/24/2023 (tentative)
City Council Public Hearing:	08/14/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - No comment letters have been received
- **Other Public Comment**
 - No comment letters 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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *East Central Area Plan*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

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 1, Strategy C - Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food and the arts (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 G-MS-3 zoning allows for a variety of uses including residential, retail services, and employment close to residences and transit. This map amendment may increase access to services and amenities for nearby residences.

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 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).

- Strong and Authentic Neighborhoods Goal 3, Strategy C – Ensure city policies and regulations support historic preservation and eliminate barriers in city processes to help all neighborhoods preserve what matters most (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy E – Support the stewardship and reuse of existing buildings, including city properties (p. 34).

The proposed G-MS-3 zone district would allow the Historic Property to continue to operate as an office and coffee shop as a Contributing Structure in the Swallow Hill Historic Landmark District, creating a complete neighborhood, preserving the City's authenticity, and ensuring a strong local economy.

Economically Diverse and Vibrant Vision Element

- Economically Diverse and Vibrant Goal 3, Strategy A – Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver (p. 46).

The proposed rezoning would allow additional commercial uses, promoting small businesses consistent with the strategy in the Economically Diverse and Vibrant vision element.

Environmentally Resilient Vision Element

- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

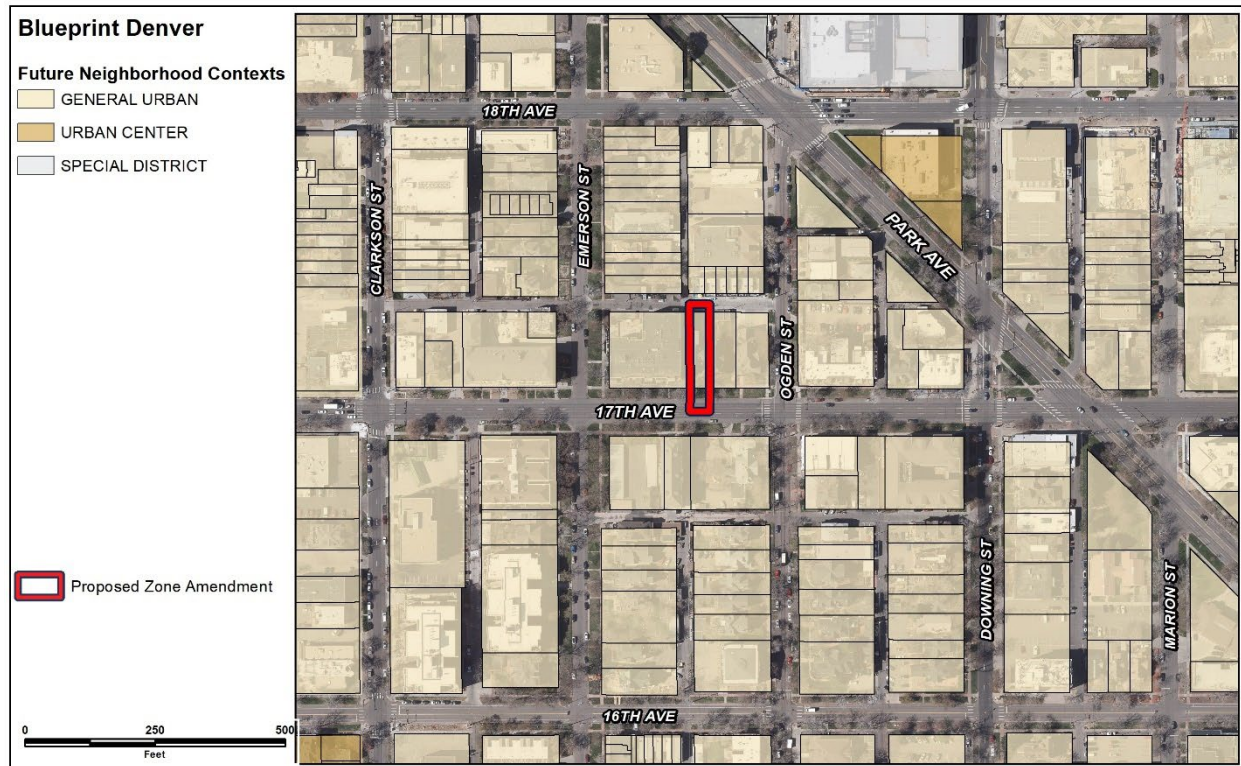
The proposed rezoning would allow for compatible commercial uses in an established neighborhood, consistent with the strategies from the Environmentally Resilient vision element.

The proposed map amendment will allow a mixed-use development where infrastructure and services such as water, stormwater, and streets already exist. It also encourages mixed-use communities by allowing residential, commercial, and employment uses near transit and existing residential areas while preserving a historic building. Rezoning this property where infrastructure exists, and near transit allows Denver to grow responsibly and promotes land conservation. 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 property as part of the Community Corridor future place within the General Urban Context and provides guidance from the future growth strategy for the city.

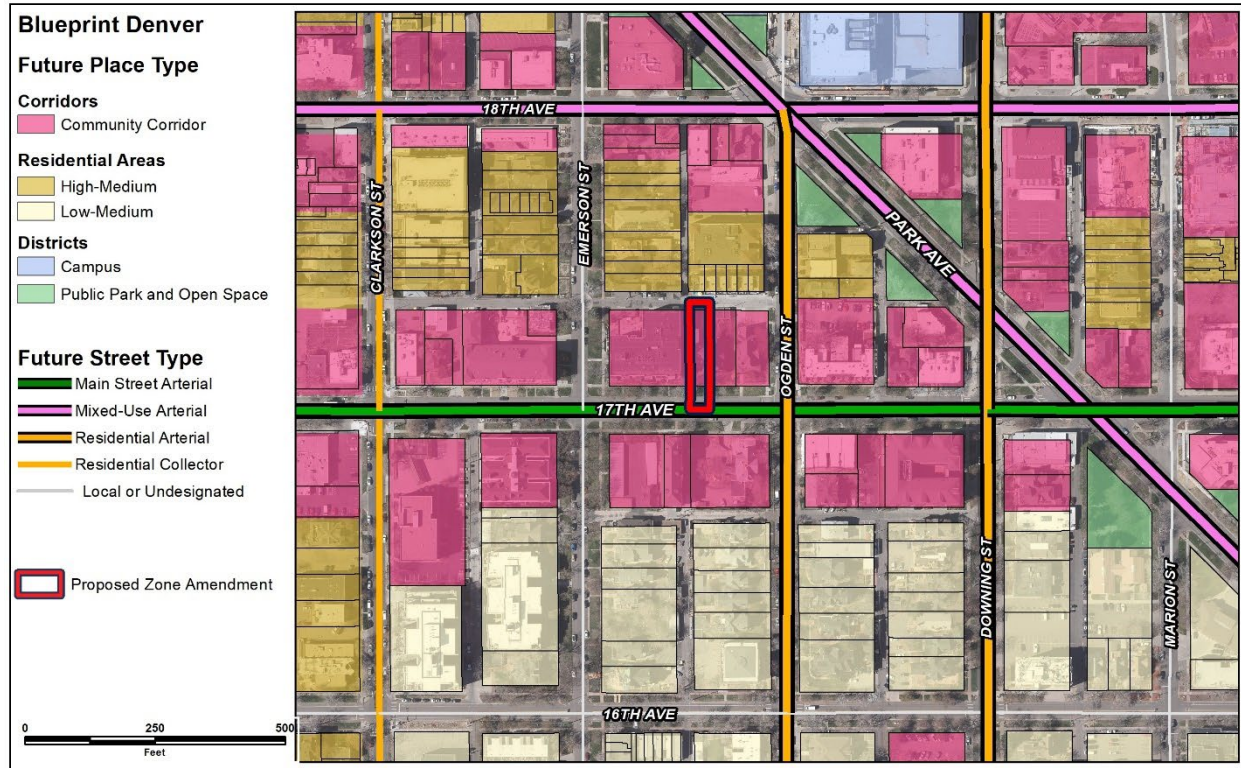
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to understand differences across land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban context, which “are typically located at the edge of higher intensity contexts like urban center and downtown” (p. 241) and are characterized by multi-unit residential and community-serving mixed uses. The General Urban neighborhood context is described as varying “from mixed-use multi-unit buildings to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 238).

The proposed G-MS-3 zone district is part of the General Urban context 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” (DZC 6.2.5.1). Since the proposed district allows a substantial mix of uses with allowable building forms that contribute to street activation, the proposed rezoning to a General Urban context is appropriate and consistent with the plan.

Blueprint Denver Future Place



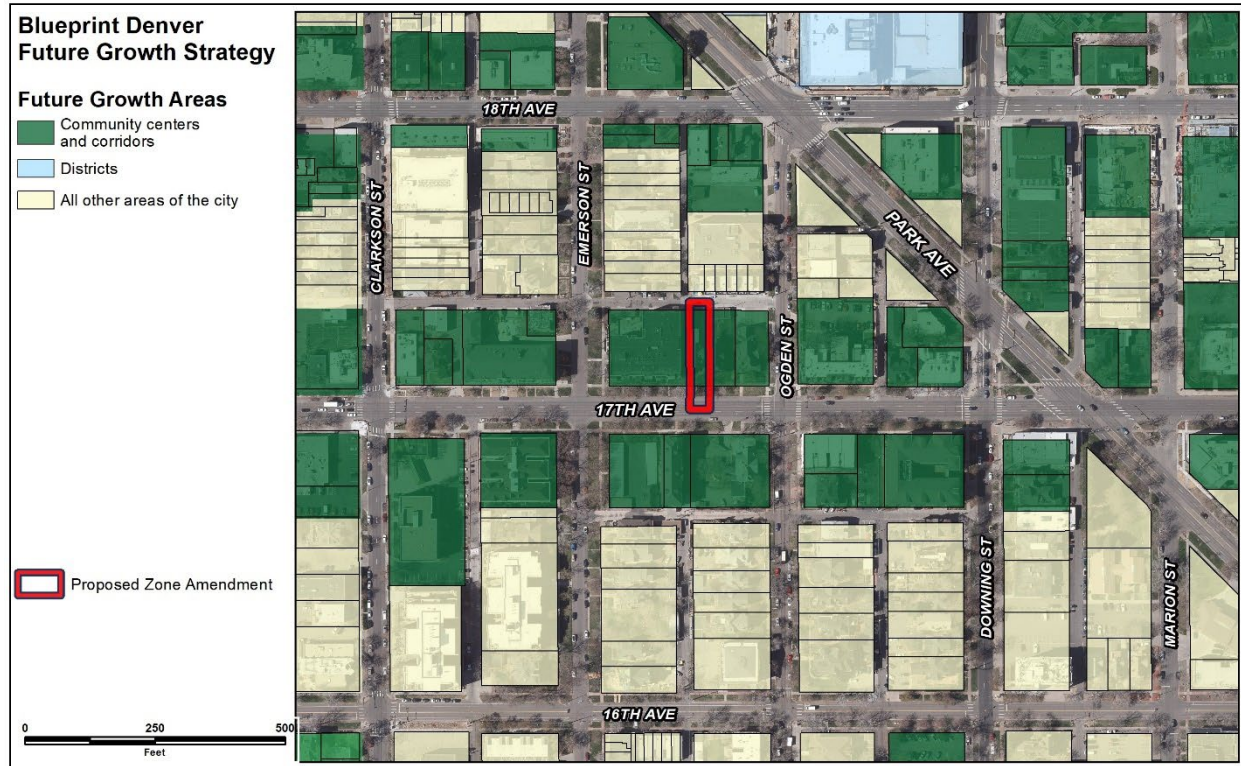
The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Community Corridor in the Future Place Map. *Blueprint Denver* describes the aspirational characteristics of Community Corridor in the General Urban context as “typically provides some mix of office, commercial and residential uses... Buildings have a distinctly linear orientation along the street. Building footprints are typically larger. Heights are generally up to 3 stories. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas.” (p. 244).

The proposed district of G-MS-3 provides a wide range and mix of uses in building forms that address the street and define the public realm. The future proposed height of up to 3 stories is appropriate for a Community Corridor in this location.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies East 17th Avenue as a Main Street Arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p.154). The use and built form characteristics of Main Street streets is described as, “a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency” (p.158). The proposed G-MS-3 district would allow for a mix of uses that is consistent with the Main Street Arterial Future Street Type classifications.

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 part of a Community Center and Corridors. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The plan states that "focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver" (p. 49).

The proposed map amendment to G-MS-3 will focus mixed-use growth to a Community Center and Corridor where it has been determined to be most appropriate. The proposed G-MS-3 district is consistent with these descriptions as it is intended to allow a mix of uses along East 17th Avenue.

Additional Strategies

In *Blueprint Denver*, there are recommendations that form a comprehensive list of policies and strategies to guide implementation of the plan. They are organized by the three elements of complete neighborhoods. There are several strategies around historic preservation and promoting small businesses that the rezoning request is consistent with.

- Land Use and Built Form, General – Policy 02 Strategy E: In historic areas, balance efficiency with preservation through strategies that encourage the reuse of structures (p. 72).
- Use and Built Form, Design Quality and Preservation – Policy 02 Strategy A: Continue the city's commitment to existing historic districts and landmarks and use historic designation to preserve the character of an individual structure or district or where there is historic, architectural, cultural, and/or geographic significance (p.99)

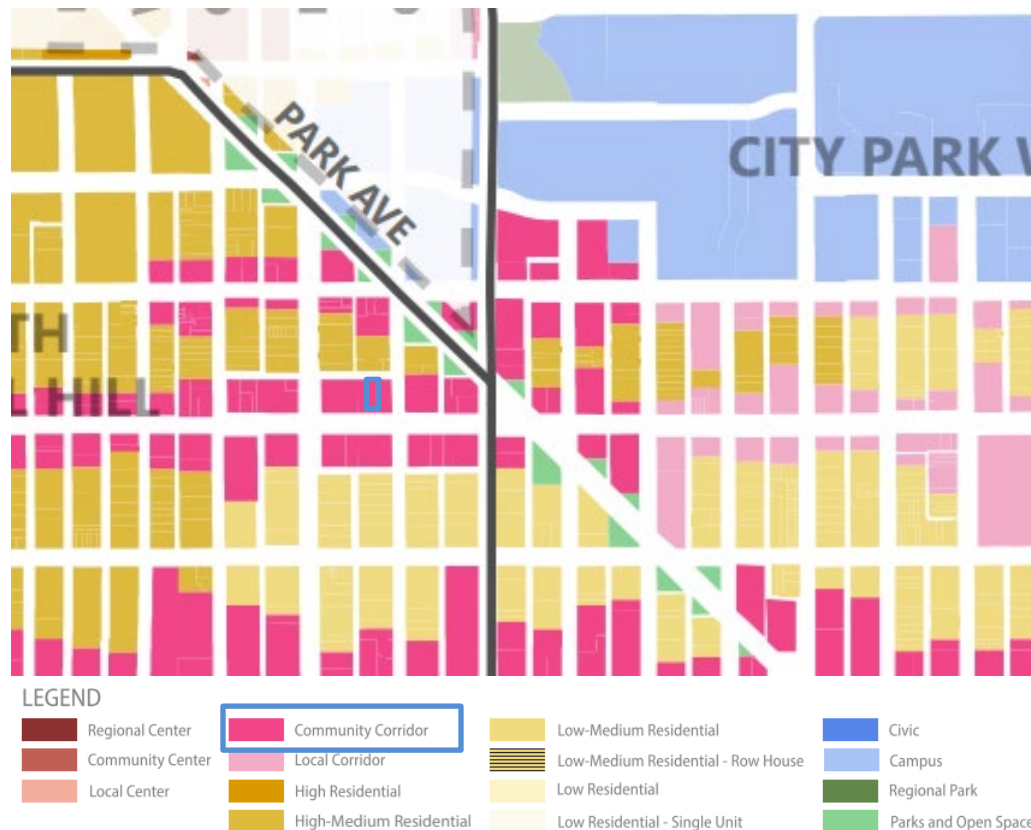
- Use and Built Form, Design Quality and Preservation – Policy O2 Strategy I: Promote incentives to preserve the reuse of historic buildings and the unique historic features of Denver’s neighborhoods (p. 99).

The proposed map amendment would promote the preservation of this existing Queen Anne house, which is a contributing structure to a historic district, and facilitate their continued use, consistent with these recommendations from *Blueprint Denver*.

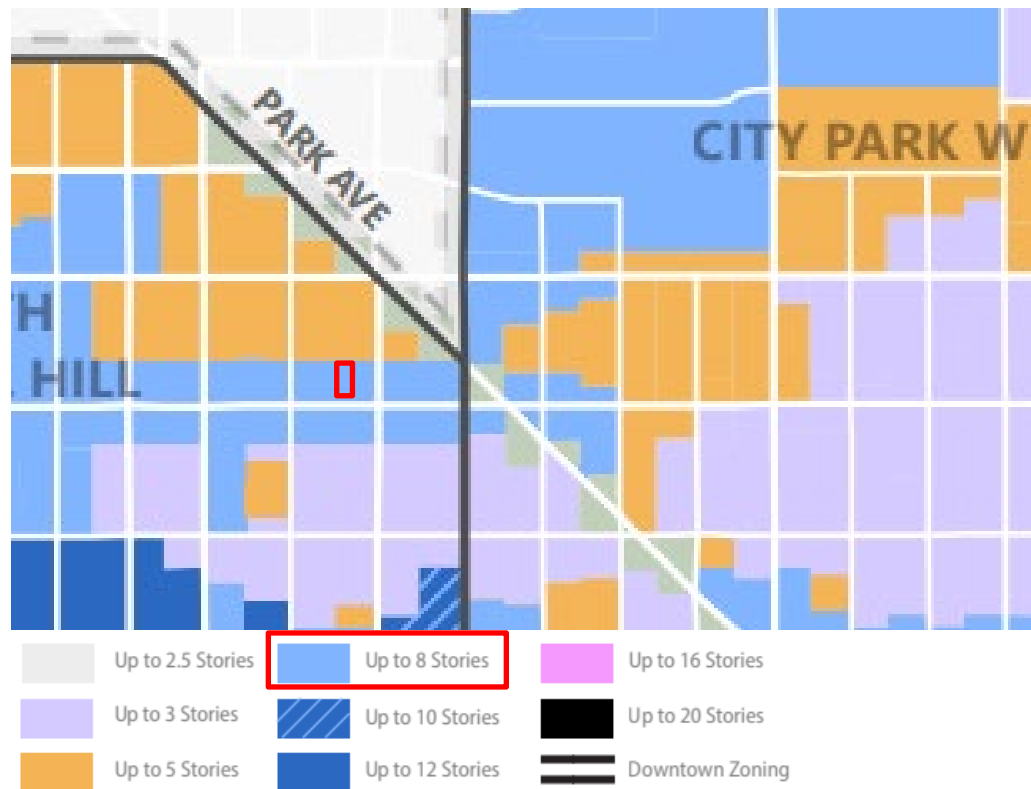
East Central Area Plan

The East Central Area Plan was adopted by City Council in 2020 and applies to the subject property. The plan includes general recommendations and neighborhood-specific recommendations and utilizes the same context and place framework as *Blueprint Denver*. The subject property is designated General Urban Community Corridor, the same as *Blueprint Denver*, and the place description is very similar: “Typically provides some mix of office, commercial and residential uses. Have a distinctly linear orientation along the street. Lot coverage is typically higher, with open spaces that are often accommodated by spaces between buildings rather than along the street” (p. 30). The Maximum Building Heights map on page 35 indicates the maximum height for the subject property is 8 stories.

Future Place Map



Future Heights Map



The general recommendations in the Land Use and Built Form section of the plan, Policy L6 states: "Retain the character of High, High-Medium, and Low-Medium Residential Places and facilitate compatible infill development" (p.42). Strategies related to this policy include A. "Promote preservation of historic and character defining single-unit, multi-unit, and mixed-use buildings. Consider individual landmarks, historic districts, or other tools as appropriate". Also, Policy L8: "Encourage high-quality design and character preservation in Centers and Corridors" (p.44).

The proposed G-MS-3 provides a wide range and mix of uses in building forms that address the street and define the public realm what would allow for high quality design while preserving the character of the neighborhood. The proposed map amendment is consistent with the *East Central Area Plan's* context and place designations and would promote compatible commercial uses at an appropriate location in North Capitol Hill neighborhood, making it consistent with the plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MS-3 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 G-MS-3.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city's adopted land use plan, contributing to a walkable, mixed-use area, and fostering the preservation of a historic structure.

4. Justifying Circumstance

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, "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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* and the *East Central Plan* specifically mapped this site as Community Corridor up to 8 stories, consistent with the proposed district of G-MS-3 that provides a wide range and mix of uses in building forms that address the street and define the public realm. These plans were adopted after the date of approval of the existing zone district; 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 G-MS-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally consists of multi-unit residential uses in a variety of building forms and commercial uses in a variety of building forms that may contain a mixture of uses within the same structure (DZC, Division 6.1). The proposed rezoning would allow multi-unit residential and commercial uses at an appropriate location consistent with the neighborhood context description.

The General Urban Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets and should be applied where a higher degree of walkability and pedestrian activity is desired (DZC, Section 6.2.5.1).

The specific intent of the G-MS-3 zone district is to apply "primarily to collector or arterial street corridors... where a building scale of 1 to 3 stories is desired" (DZC Section 6.2.5.2.A). East 17th Avenue is an arterial corridor where the neighborhood plan calls for up to eight stories. The proposed rezoning would facilitate development consistent with the intent of the G-MS-3 zone district.

Attachments

1. Application