



TO: Denver Planning Board
FROM: Francisca Peñafiel, Senior City Planner
DATE: May 10, 2023
RE: Official Zoning Map Amendment Application #2022I-00188

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2022I-00188.

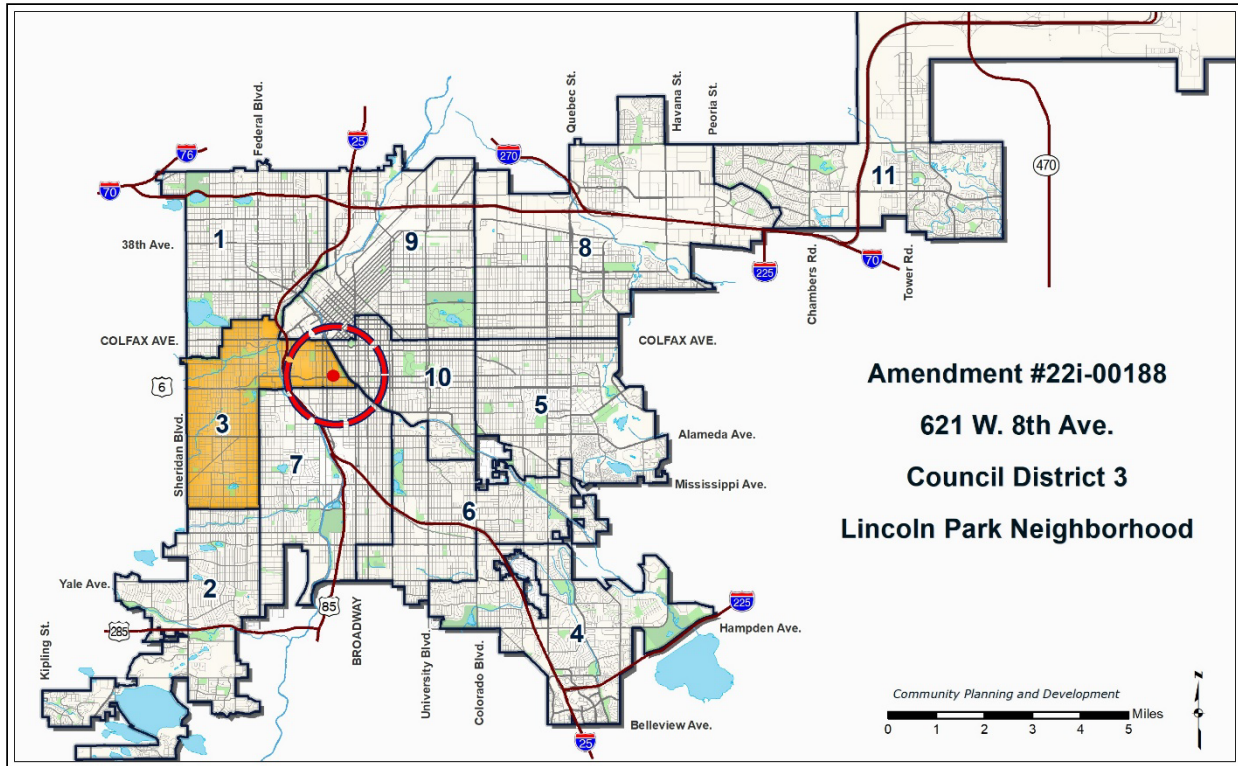
Request for Rezoning

Address:	621 West 8 th Avenue
Neighborhood/Council District:	Lincoln Park / Council District 3
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, United Northwest Denver, La Alma Neighborhood Association, La Alma Lincoln Park Neighborhood Organization.
Area of Property:	6,225 square feet or 0.14 acres
Current Zoning:	U-RH-3A, UO-3
Proposed Zoning:	C-MS-5
Property Owner(s):	West 9 th Partners LLC
Owner Representative:	Steve Ferris, Real Estate Garage, LLC

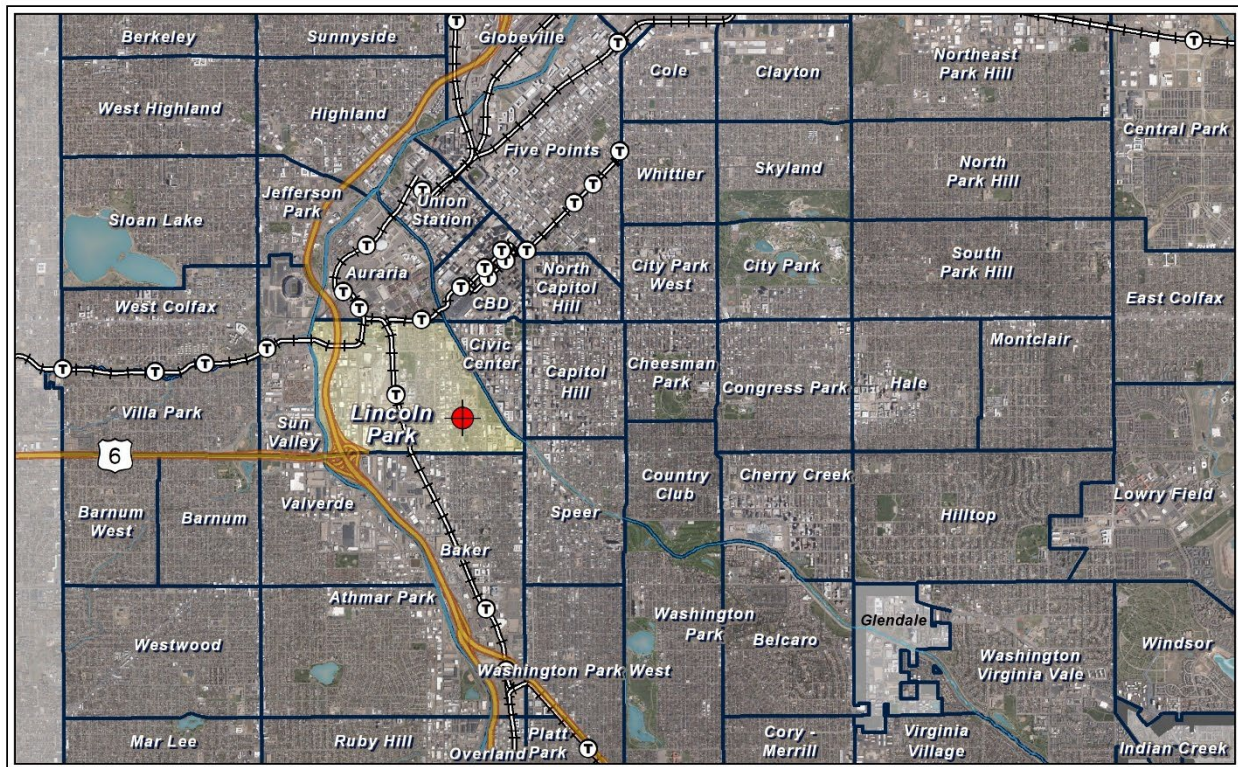
Summary of Rezoning Request

- The subject property is in the Lincoln Park neighborhood, between West 8th Avenue and West 9th Avenue, along North Galapago Street.
- The applicant is proposing to rezone the property to facilitate redevelopment. The applicant owns both the subject rezoning area and the area immediately to the south that is zoned C-MS-5, UO-1, UO-2. The applicant would like to redevelop the entire property with the Shopfront building form, which is allowed in the Main Street (MS) district but not in U-RH-3A, UO-3. There is no shared primary building form between the C-MS-5 and U-RH-3A districts. Therefore, the applicant is proposing to rezone the northern portion of their property to allow redevelopment of the whole site using the same building form.
- The property is currently used as a surface parking lot that serves the building to the south.
- The proposed C-MS-5 zone district (Urban Center – Main Street – 5 Stories) zone district is typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets. It should be applied where active street level retail is desired or within larger mixed-use areas to promote street level retail activity. C-MS-5 applies where a building scale of 2 to 5 stories is desired. Further details about the C-MS-5 zone district can be found in Article 7 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location



Existing Context

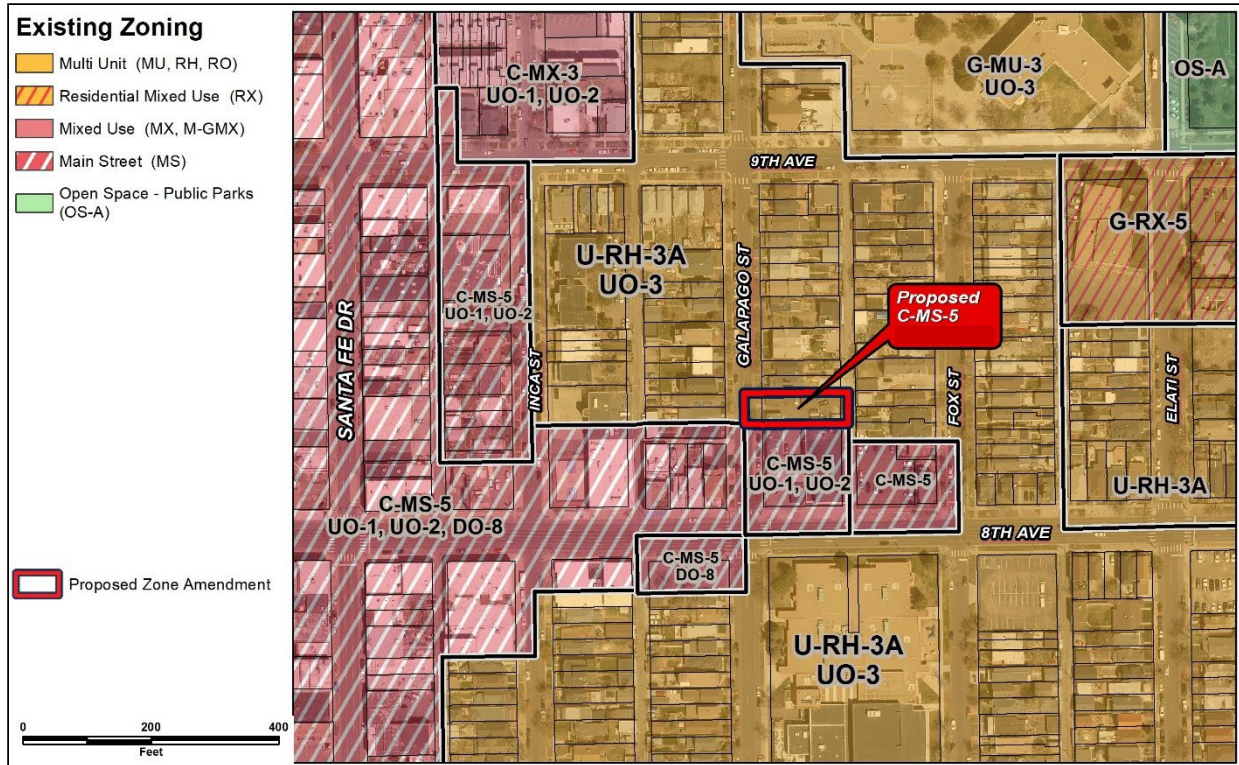


The subject property is located between West 8th Avenue and West 9th Avenue, along the east side of Galapago Street. It is located three blocks east of North Santa Fe Drive and two blocks west of Sunken Gardens Park, which provides a variety of recreational opportunities. The site is located 3 blocks northwest from the Denver Health Medical Center campus. The site is currently used as surface parking that services the industrial building in the south portion of the parcel. The subject property is just outside the half a mile buffer of the RTD 10th & Osage light rail station. This station services light rail lines D, E and H. RTD bus routes 9 and 1 runs just north of the site on 8th Avenue and provide service to Union Station in the eastbound direction and Lakewood in the westbound direction.

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

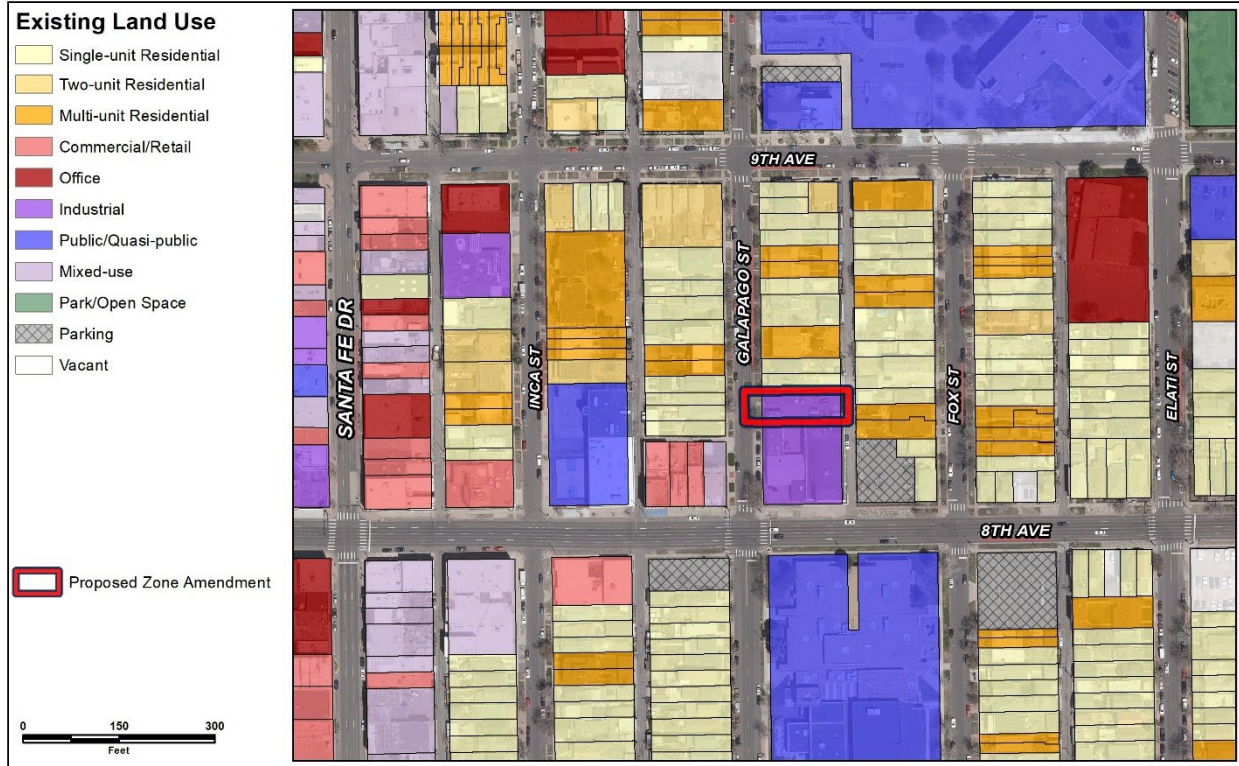
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-RH-3A, UO-3	Industrial	Surface parking lot	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking.
North	U-RH-3A, UO-3	Single-unit residential	1.5 story brick house with detached garage on the alley	
South	C-MS-5 UO-1, UO-2	Industrial	1-story industrial building/warehouse with pedestrian and vehicular access on West 8 th Avenue	
East	U-RH-3A, UO-3	Multi unit residential	Brick duplex with detached garage on alley	
West	U-RH-3A, UO-3	Single-unit residential	1.5-story brick house with parking space on the alley	

1. Existing Zoning



The existing zoning on the subject property is U-RH-3A, UO-3 which is a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. Apartments are allowed up to three stories on certain corner lots; however, an apartment form would not be allowed on this property given its location. Structures are generally required to have 20-foot primary street setbacks and five-foot side interior and side street setbacks. Allowed uses are mostly limited to civic uses and single unit, two unit, and multi-unit dwellings with one parking space required per unit. For additional details of the zone district, see DZC Article 5. The UO-3 district is a Historic Structure Use Overlay district that encourages preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1. The UO-3 overlay is intended to be applied in conjunction with residential districts and is not proposed to be retained with this rezoning.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images from Google Maps Street View.



Subject property, looking east from North Galapago Street.



North – Properties directly north of the subject site, looking east.



South – Southern part of the parcel, from the corner of North Galapago Street and East 8th Avenue, looking northeast.



West – Properties to the west of the subject site, across North Galapago Street, looking west.



East – Properties to the east of the subject site, on North Fox Street, looking southwest.



East (alley) – View from the alley to the east of the subject site, looking south.

Proposed Zoning

The requested C-MS-5 zone district has a maximum height of five stories or 70' with allowable encroachments and height incentives. The minimum primary street front setback is 0', except for the town house building form which has a 10' minimum primary street setback. A variety of residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Article 7.

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

Design Standards	U-RH-3A (Existing)	C-MS-5 (Proposed)
Primary Building Forms Allowed	Urban House; Duplex; Tandem House; Row House	Town House; Drive Thru Services; Drive Thru Restaurant; Shopfront
Stories/Heights (max)	3/35'	5 stories/70'*
Primary Build-To Percentages (min)	N/A	70% to 75%**
Primary Build-To Ranges	N/A	0' to 5', 10' to 15'**
Minimum Zone Lot Size/Width	50'*	N/A
Primary Street Setbacks (min)	20'	0' to 10'**

*Additional height up to 7 stories or 95 feet is permitted in C-MS-5 with the provision of enhanced affordable housing. However, on this site, the height would be limited to 75 feet due to the proximity to a protected district.

**Standard varies between building forms

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 response.

Development Services - Transportation: Approve Rezoning Only - Will require additional information at Site Plan Review

DES Transportation approves the subject rezone.

Note that redevelopment of property 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 when a property begins the redevelopment process.

Denver Parks and Recreation: Approved – No comments.

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

During the Site Development Plan phase development would be required to demonstrate that it won't adversely impact neighboring residential properties.

In particular:

1. Transformers and other large utility equipment should be located to minimize visual and noise impacts on neighboring residential uses and to minimize impact to the residential neighborhood streetscape.
2. Loading areas should be buffered from the neighboring residential uses with landscape buffer or located away from the adjacent residential uses.
3. Residential setback and entrances along N Galapago Street should be incorporated with the building design to complement residential development to the north of the site.
4. Rooftop use should be limited in the rear of the property directly adjacent to the neighboring residential property.

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.

Rezoning Application #2022I-00188
621 W 8th Avenue
May 10, 2023
Page 10

However, providing such information about a specific site is beyond the scope of these zoning application comments.

Development Services – Wastewater: Approved – See Comments Below.

Onsite detention and water quality are required for disturbing area 0.5 acre or more.

Department of Transportation & Infrastructure – City Surveyor: Approved – See Comments Below.

I revised the description to what it should be. I intended the 2nd comment in the previous review to be the name of the subdivision.

621 W 8TH AVE

LOTS 14 and 15, BLOCK 16, SMITH'S ADDITION TO THE CITY OF DENVER

A portion of the property known by street and number as: 621 W 8TH AVE, DENVER, CO 80204

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:	02/27/2023
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:	05/02/2023
Planning Board Public Hearing:	05/17/2023
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:	06/05/2023 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	06/20/2023 (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:	07/10/2023 (tentative)
City Council Public Hearing:	08/07/2023 (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)*
- *La Alma / Lincoln Park Neighborhood Plan (2012)*

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.

The proposed rezoning would facilitate the development of an underutilized site that would allow for additional housing options near transit within an established neighborhood, consistent with the following strategies in 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 for all individuals and families (p. 28).

The proposed rezoning would facilitate the vision of West 8th Avenue as a mixed-use center by allowing a mix of housing and services, including neighborhood-serving businesses, through pedestrian-oriented infill, which is consistent with the following strategies in 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 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 4, Strategy A – Grow and support neighborhood-serving businesses (p. 35).

The proposed map amendment would allow for compatible infill development in an established neighborhood with accessible parks and recreation facilities, services and transit, consistent with the following strategies from 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).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

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. 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 local corridor future place type within the general urban neighborhood context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

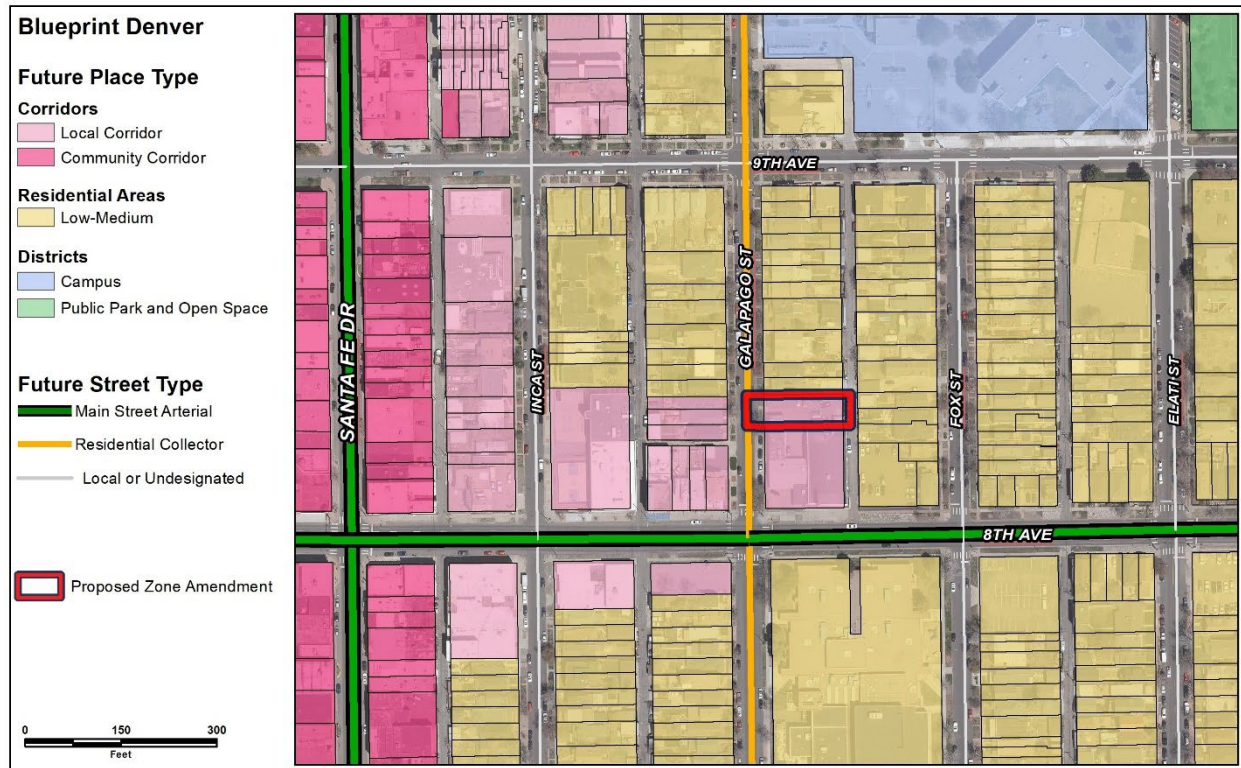


In *Blueprint Denver*, future neighborhood contexts are used to understand differences across land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the General Urban context, which “are typically located at the edge of higher intensity contexts like urban center and downtown” (p. 241) and are characterized by multi-unit residential and community-serving mixed uses. Properties along 8th Avenue at this location identified as being within *Blueprint Denver*’s General Urban recommended future neighborhood context are zoned within the Urban Center context in the Denver Zoning Code. While *Blueprint Denver* identifies this property as part of the General Urban context, the applicant for this rezoning proposed C-MS-5 to be consistent with the zoning of the rest of the property, enabling redevelopment that spans through the parcel with a single set of regulations.

The proposed C-MS-5 base zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse commercial streets through the use of building forms that clearly define and activate the public street edge” and “the Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.” (DZC 7.2.4.1).

Staff finds that the proposed C-MS-5 zone district is consistent with the future neighborhood context as it achieves very similar outcomes and goals as a General Urban neighborhood context zone district would achieve. Districts in both the Urban Center and General Urban neighborhood contexts allow the same Shopfront building form with nearly identical standards for building form (height, transparency, etc.) and uses.

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 Local Corridor in the Future Place Map. *Blueprint Denver* describes the aspirational characteristics of Local Corridor in the General Urban context as “Primarily provides options for dining, entertainment and shopping. May also include some residential and employment uses... Buildings have a distinctly linear orientation along the street with very shallow setbacks. Due to shorter lot depths, special attention may be needed for transitions to nearby residential areas.” (p. 244).

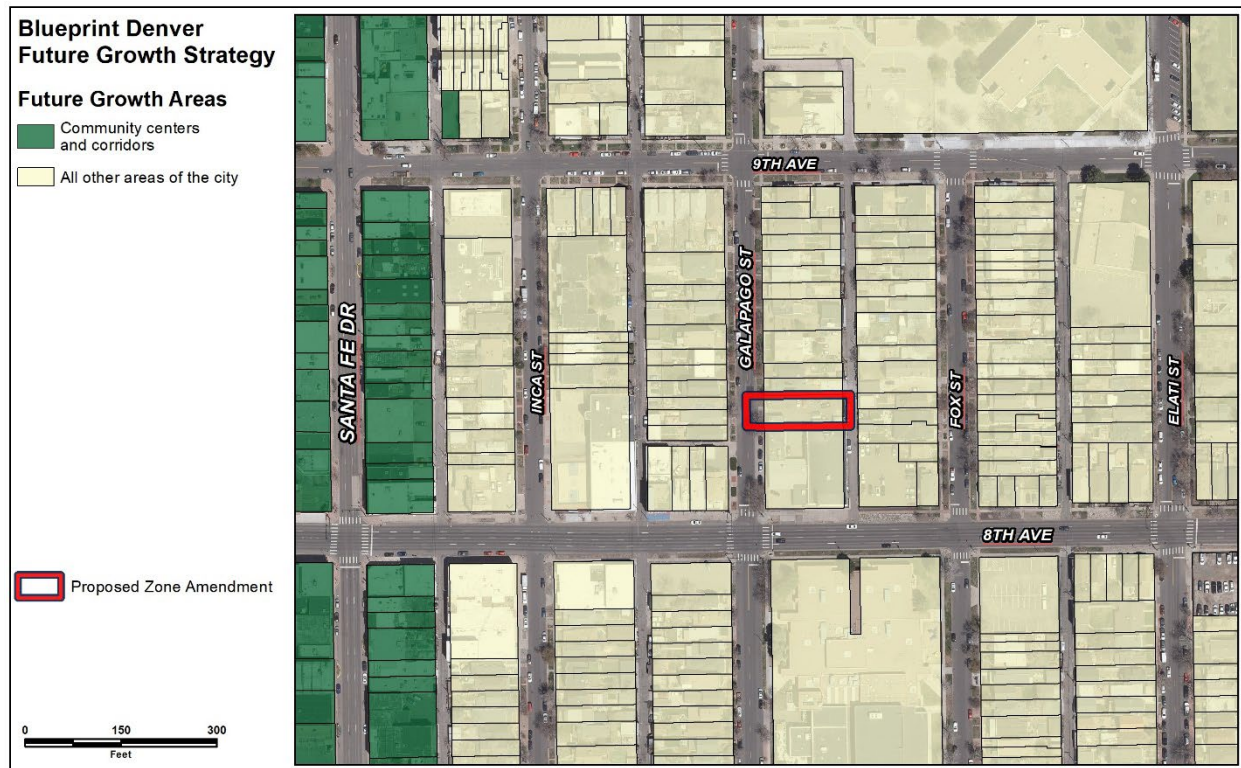
The Local Corridor future place type recommends a maximum height of up to 3 stories (p. 244). However, *Blueprint Denver* provides that “small area plans will provide more certain height guidance through maps of proposed building height,” and “factors to consider when applying *Blueprint Denver* building height guidance may include guidance from a small area plan and surrounding context, including existing and planned building height...” (p. 66). As further detailed below in the analysis of the *La Alma Lincoln Park Neighborhood Plan*, these factors support a maximum building height of 5 stories in this location.

As such, staff finds the proposed C-MS-5 zone district is consistent with the Local Corridor Future Place mapped in *Blueprint Denver* along 8th Ave.

Street Types

In *Blueprint Denver*, future street types work in concert with the future place type to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Galapago Street as a Residential Collector. *Blueprint Denver* states that “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). 8th Avenue is classified as a Main Street Arterial, where MS zone districts are appropriate. The proposed C-MS-5 zone district would allow for a mix of uses that is consistent with both the Residential Collector and the adjacent Main Street Arterial Future Street Type classifications.

Growth Strategy



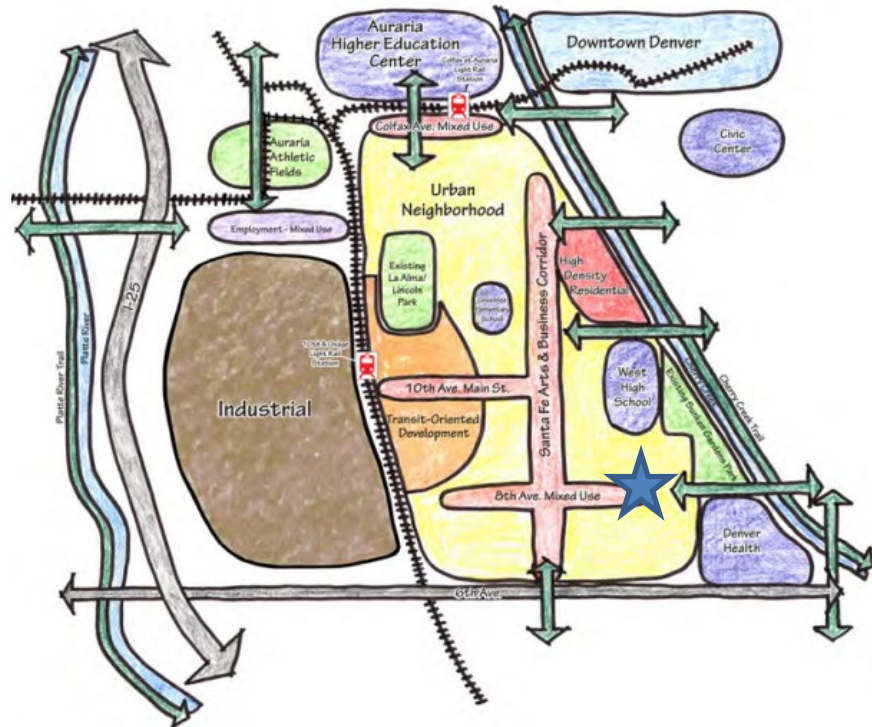
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” in *Blueprint Denver*. These areas are projected to account for 10 percent of jobs and 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.

La Alma Lincoln Park Neighborhood Plan (2012)

The subject property is within the boundaries of the *La Alma / Lincoln Park Neighborhood Plan* (the Plan). The Plan has several relevant recommendations, including guidance for Character Areas, the Framework Plan, and Recommended Land Use and Building Heights Maps.

Vision and Goals

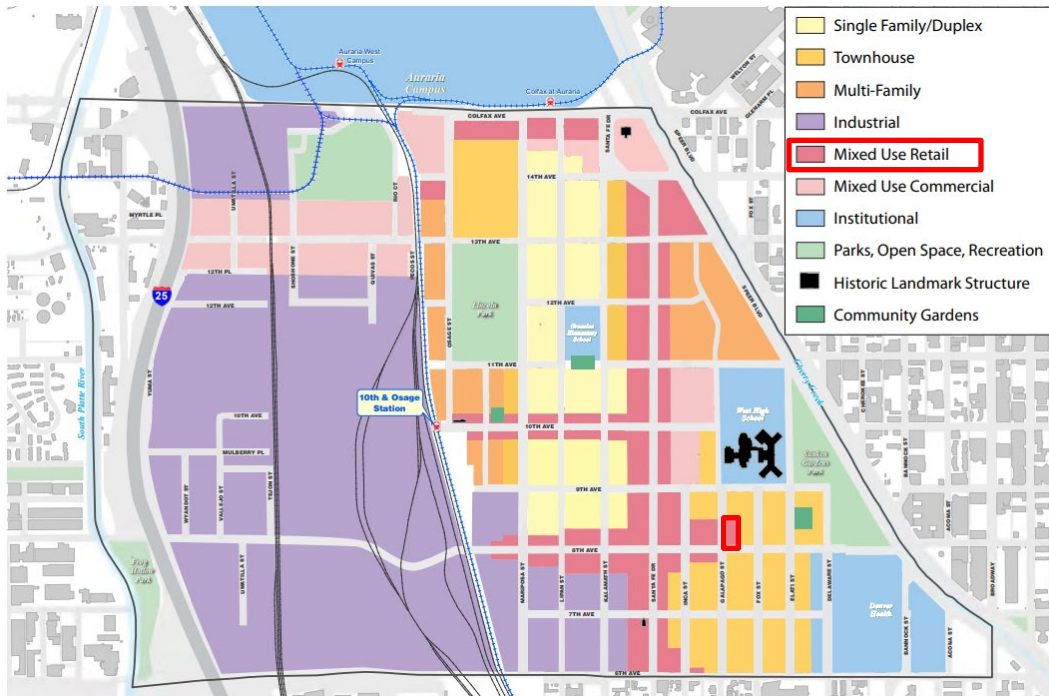
The Plan envisions La Alma Lincoln Park as a mixed income residential neighborhood with a vital arts and commercial core along Santa Fe, high walkability and multi-modal connections (p. 14-15). The Plan’s Fundamental Concept Diagram shows the subject property as part of an 8th Avenue Mixed Use area adjacent to the residential Urban Neighborhood to the north and south. The proposed rezoning would support a mix of uses consistent with the vision diagram.



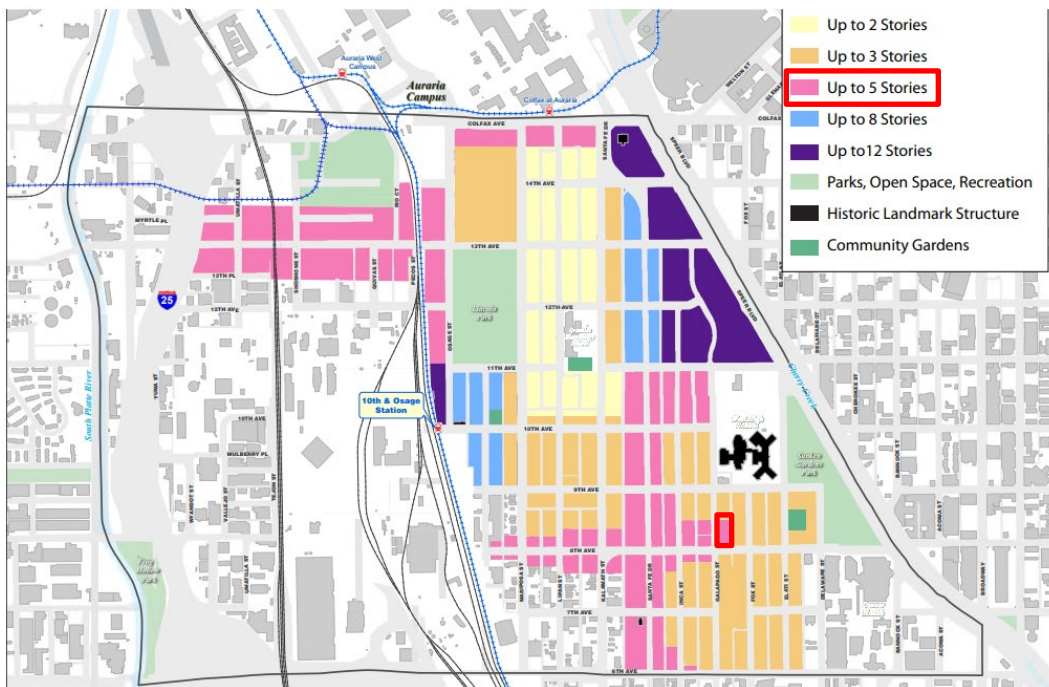
Fundamental Concept Diagram (p.14)

Framework Plan

The Plan includes more detailed guidance in the Framework Plan (p.19), where it provides land use and urban design recommendations and accompanying maps. The site is classified as “Mixed Use Retail” up to 5 stories in height (p.23-25).



Recommended Land Use map (La Alma / Lincoln Park Neighborhood Plan – 2012)



Recommended Building Height map (La Alma / Lincoln Park Neighborhood Plan – 2012)

Land Use and Urban Design Recommendations

- Encourage a mixture of uses that assure the availability of neighborhood services and amenities that reinforce the role, identity and needs of the neighborhood, as appropriate to the subarea.

The proposed C-MS-5 zoning is consistent with the Framework Plan recommendations. It contributes to maintaining the character of the neighborhood while embracing the Plan's vision through low to mid-rise building heights and mixed-use projects through the development of an underutilized lot. The C-MS-5 building form standards will ensure that new development is pedestrian-friendly and compatibly transitioned to the adjacent protected district.

Character Areas

The Plan divides the plan area into Character Areas and provides direction for each. The subject site is located in the "Residential Character Area," which is recommended as an area where continued housing opportunities and related support service should be provided. While generally shown as part of the Residential Character Area, the Plan specifically calls out 8th Avenue as mixed use on both the Fundamental Concept Diagram and the Recommended Land Use Map as described above. The proposed rezoning is consistent with the plan vision for mixed uses along 8th Avenue in support of the adjacent residential areas.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MS-5 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 C-MS-5.

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 C-MS-5 zone district will allow a range of uses more compatible with a mixed-use corridor, creating opportunities for more housing and community-serving businesses on the property, with standards that ensure new development contributes positively to established residential neighborhoods. Together, the use and form standards in the C-MS-5 zone district will promote the welfare of the area with expanded uses while protecting health and safety through reasonable restrictions. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities.

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, *La Alma/Lincoln Park neighborhood Plan* specifically mapped this site as Mixed Use, up to 5 stories, consistent with the proposed district of C-MS-5 that provides a wide range and mix of uses in building forms that address the street and define the public realm. This plan was 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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets” (DZC Section 7.1.1). The site is located on a residential collector street, adjacent to main street, and the general area is transforming into a transit-oriented neighborhood with a mix of uses. These conditions make the rezoning consistent with the Urban Center Neighborhood Context description.

The C-MS zone districts are “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 Section 7.2.4.1.A). As these districts are also intended to enhance the ease of walking and support transit, C-MS-5 is consistent and appropriate given the purpose of the district and the location in which it is requested.

According to the zone district intent stated in the Denver Zoning Code, the C-MS-5 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 7.2.4.2.A). The site is directly served by a collector street. The standards of the district, including the protected district standards, will ensure that development is compatible with the adjacent neighborhood. As such, the site and rezoning are consistent with the specific zone district intent.

Attachments

1. Application