



TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: December 7, 2023
RE: Official Zoning Map Amendment Application #2023I-00054

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00054.

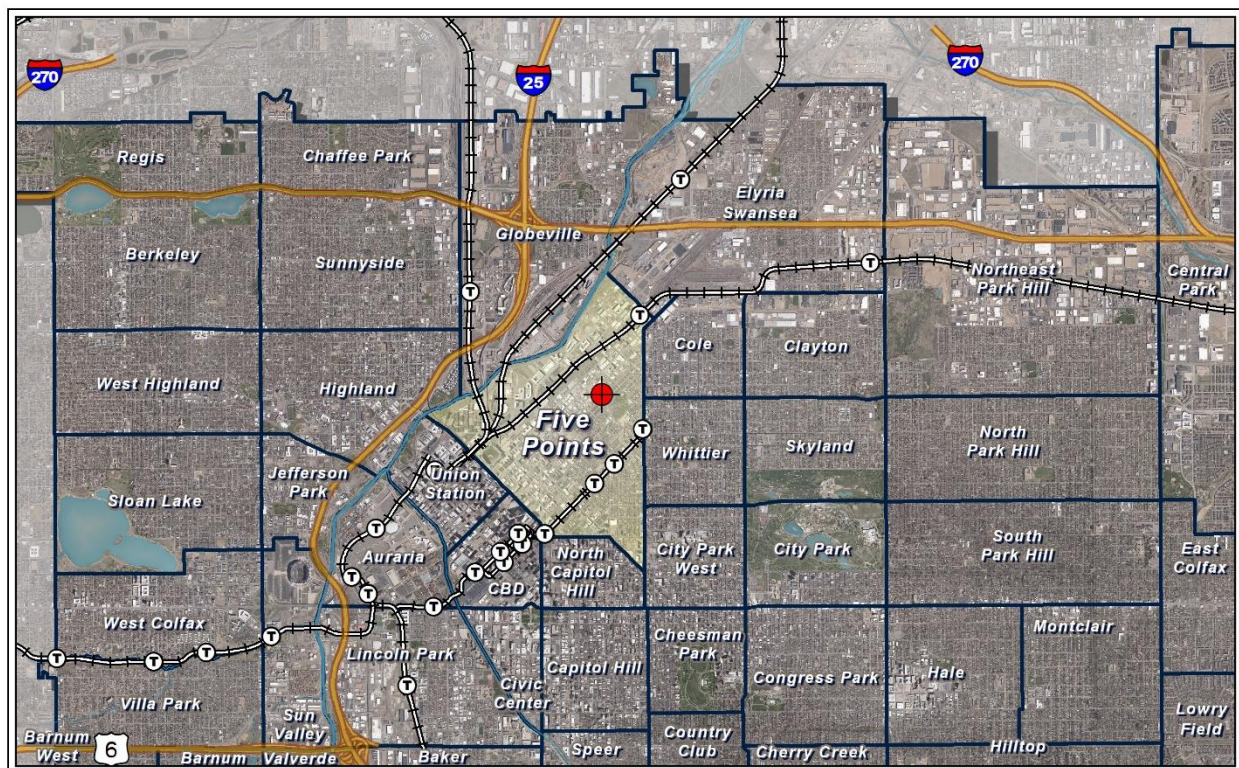
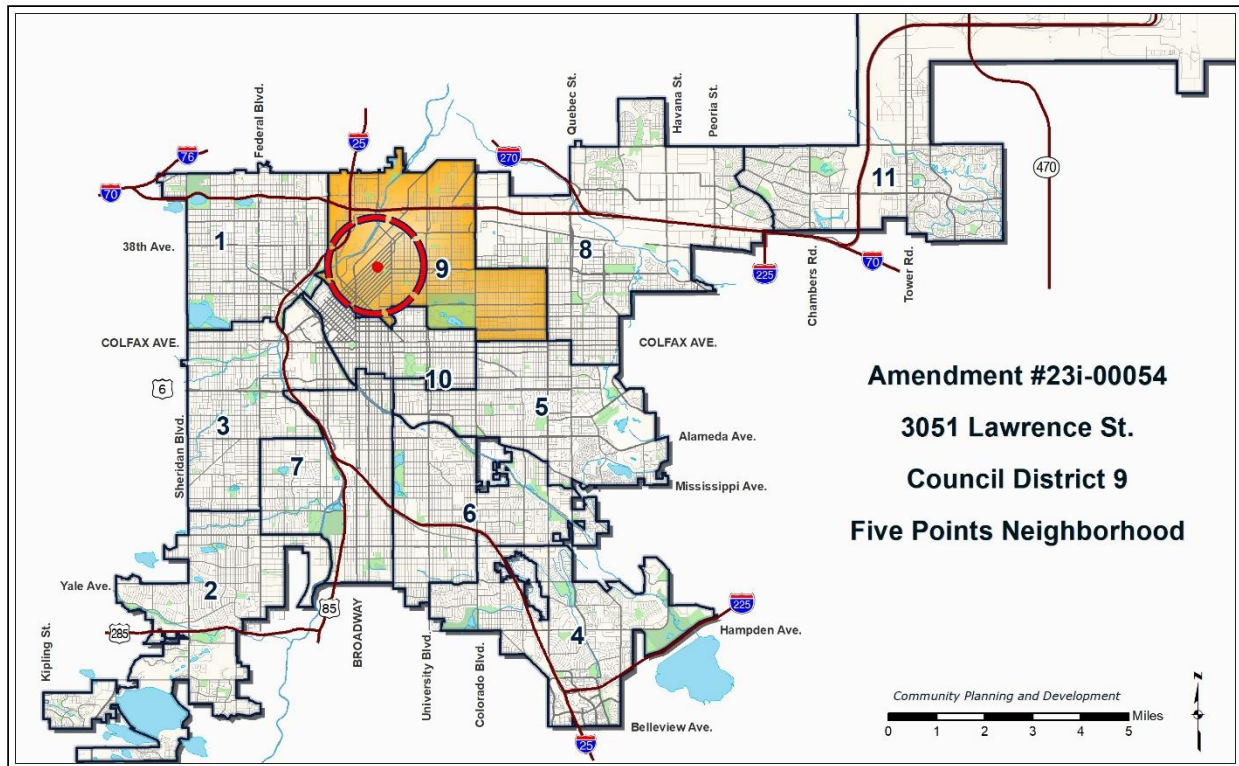
Request for Rezoning

Address: 3051 Lawrence Street
Neighborhood/Council District and CM: Five Points / Council District 9, CM Watson
RNOs: United Community Action Network, Denver North Business Association, Reclaim the Eastside, Globeville Civic Partners, Unite North Metro Denver, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property: 9,370 square feet or 0.22 acres
Current Zoning: G-RH-3, UO-3
Proposed Zoning: G-RX-3
Property Owner(s): Christine Kruzick and Daniel Newman

Summary of Rezoning Request

- The subject property is in the Five Points neighborhood and in Council District 9, at the corner of Lawrence Street and 31st Street, one block northwest of Mestizo-Curtis Park.
- There is one two-story home on the property, built in 1904. Landmark Staff reviewed this rezoning proposal and noted they had no issue with the rezoning but would review for historic designation if the applicant pursued demolition of the existing structure.
- The applicant is requesting the rezoning to allow for a broader range of uses on the site.
- The proposed G-RX-3 (**G**eneral Urban, **R**esidential Mixed-Use, **3**-story) zone district allows a broad range of commercial and residential uses in the Town House and Shopfront building forms with a maximum height of three stories. All uses above the ground floor are limited to residential and lodging. 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).

Existing Context



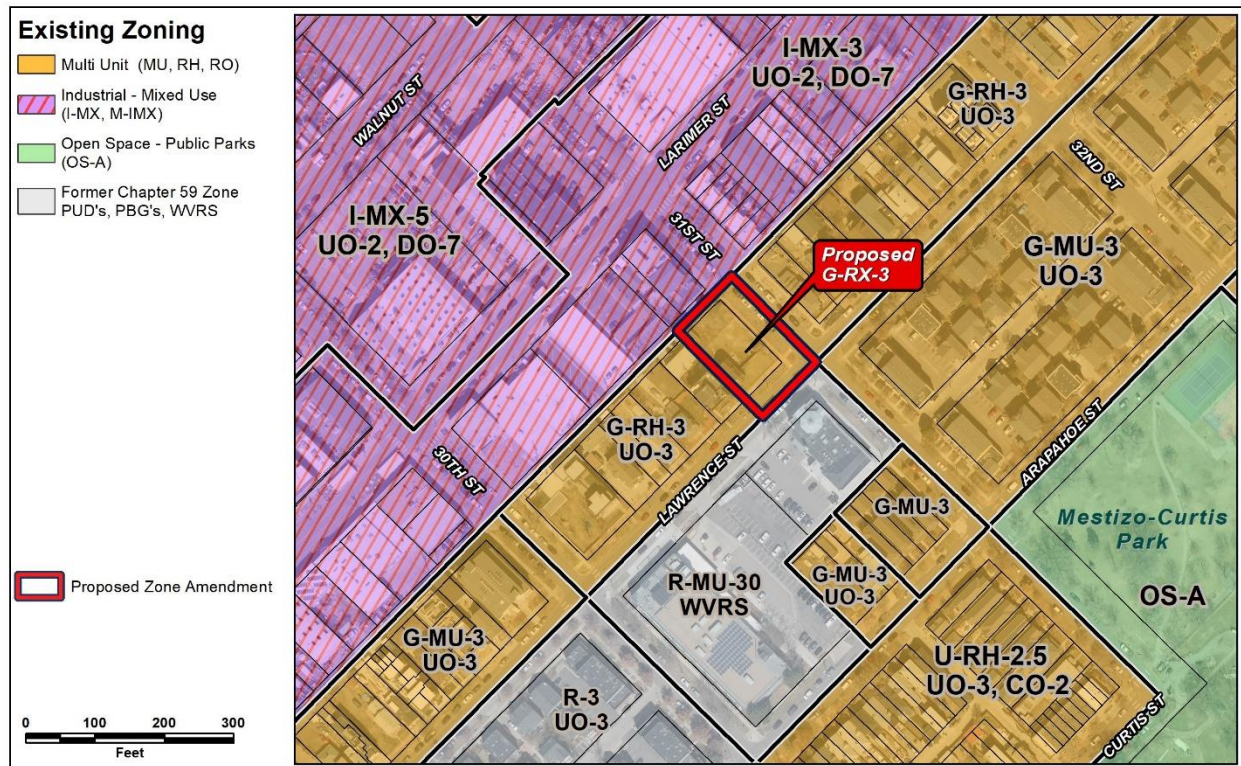
This area has a mix of single-, two- and multi-unit residential with some office uses. The blocks to the northwest along Larimer, Walnut, and Blake Streets include a variety of industrial uses. One block to the southeast is the 8.2-acre Mestizo-Curtis Park. The subject property is just over ½ mile to the 30th and Downing light rail station and about 1 mile from the 38th & Blake light rail station. The RTD 44 bus route has stops one block away on Larimer Street.



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

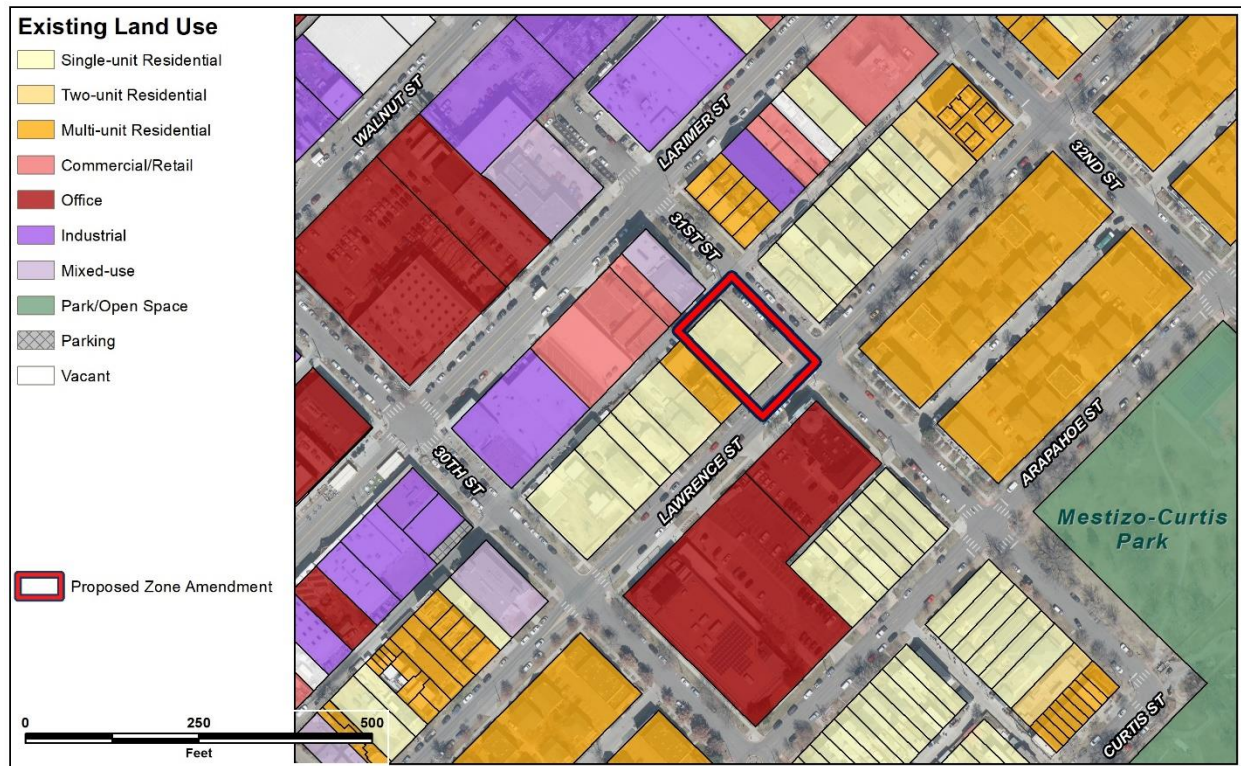
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	G-RH-3, UO-3	Single-unit residential	2 -tory single-unit residential building	Immediate surroundings are part of Denver's original angular street grid with regular shaped blocks and alleys present on most blocks.
Northwest	I-MX-3, UO-2, DO-7	Multi-unit residential	2-3 story multi-unit residential and commercial building. Ground floor commercial fronting Larimer Street with residential behind and above.	
Northeast	G-RH-3, UO-3	Single-unit residential	1 story single-unit residential	
Southeast	R-MU-30 WVRS	Office	3 story former church and school now occupied by an architecture firm and bridal shop	
Southwest	G-RH-3, UO-3	Multi-unit residential	3 story side-by-side duplex	

1. Existing Zoning



The existing G-RH-3, UO-3 zoning is a Row House district that allow the Urban House, Duplex, and Row House building forms up to three stories or 30' in height with requirements for building siting and setbacks that respect adjacent properties. For additional details of the zone district, see DZC section 6.3. The UO-3 Historic Structure Use Overlay is intended to encourage preservation, protection, adaptive reuse, and enhancement of historic structures. For additional details of the overlay district, see DZC section 9.4.4.8.

2. Existing Land Use Map



3. Existing Building Form and Scale



View of the subject property, looking west (Source: Google Maps)



View of the property to the northwest, looking southwest (Source: Google Maps)



View of the property to the northeast, looking north (Source: Google Maps)



View of the property to the southeast, looking south (Source: Google Maps)



View of the property to the southwest, looking northwest (Source: Google Maps)

Proposed Zoning

The requested G-RX-3 zone district has a maximum height of three stories or 30 feet with siting and design requirements to project adjacent properties. 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. Uses above the ground floor are limited to residential and lodging. Build-to requirement ranges between 50% and 70%, 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-RH-3 (Existing)	G-RX-3 (Proposed)
Primary Building Forms Allowed	Urban House; Duplex; Row House	Town House; Shopfront
Stories/Heights (max)	3/30' front 80% and 19' rear 20%	3/38-45'*
Upper Story Setbacks (minimum)	15' above 25' side interior and side street	N/A
Setbacks (minimum)	3' side and 12' rear**	0'-7.5' side and 0' rear**
Minimum Zone Lot Size/Width	3,000 sf and 25'**	N/A

*4 stories or 55' with incentives

**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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - 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.

Denver Parks and Recreation: Approved – No Response

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

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – No Response

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:	09/07/23
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:	10/31/23
Planning Board public hearing	11/15/23
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 (10) working days before the meeting:	12/02/23
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	12/12/23
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:	01/08/24 (tentative)
City Council Public Hearing:	01/29/24 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - At the time of this staff report, no comments from RNOs have been received.
 - **General Public Comments**
 - At the time of this staff report, no public comments 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 apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Northeast Downtown Neighborhood Plan* (2011)

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 is 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 is consistent with the following strategies in 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 neighborhood and offers opportunities for increased development (p. 34).

The proposed rezoning is consistent with the following strategies from the Environmentally Resilient vision element:

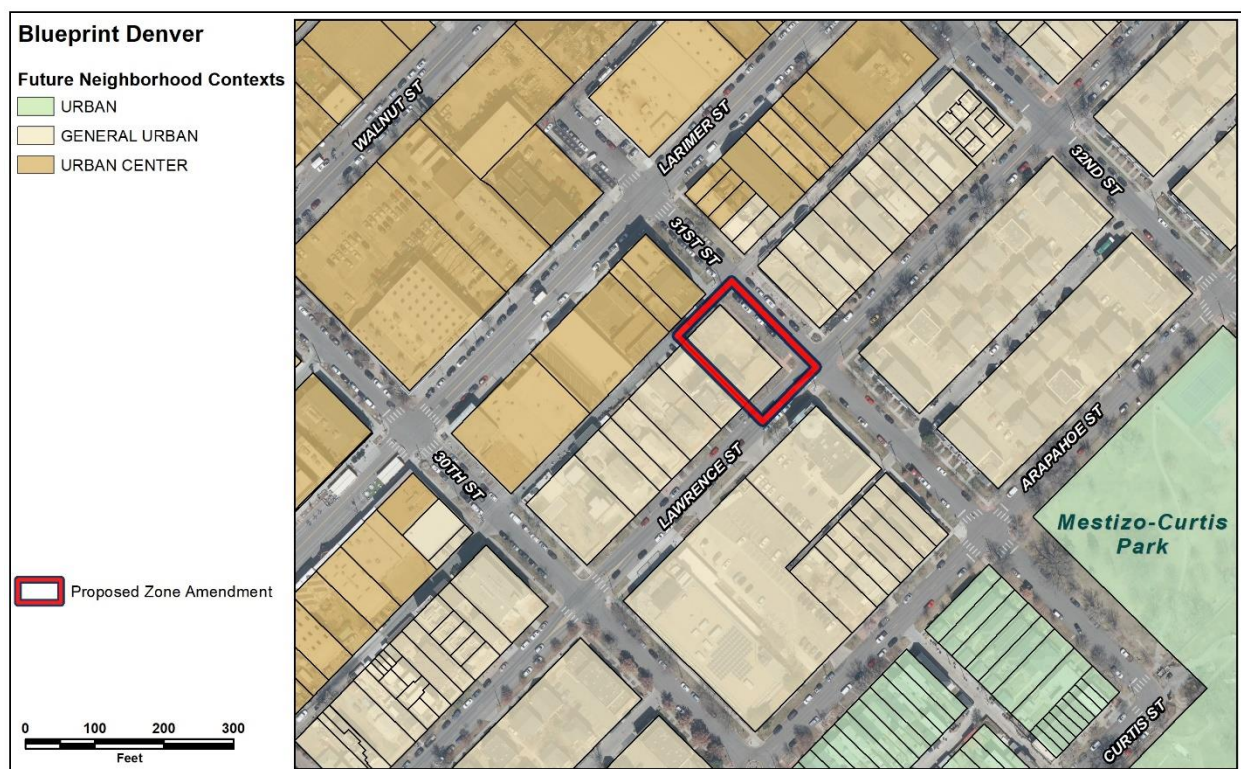
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).

As described above, the proposed rezoning to G-RX-3 would facilitate mixed-use development at an appropriate location, consistent with the recommendations 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 High-Medium place 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 help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). 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-RX-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 6.2.3.1). 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.

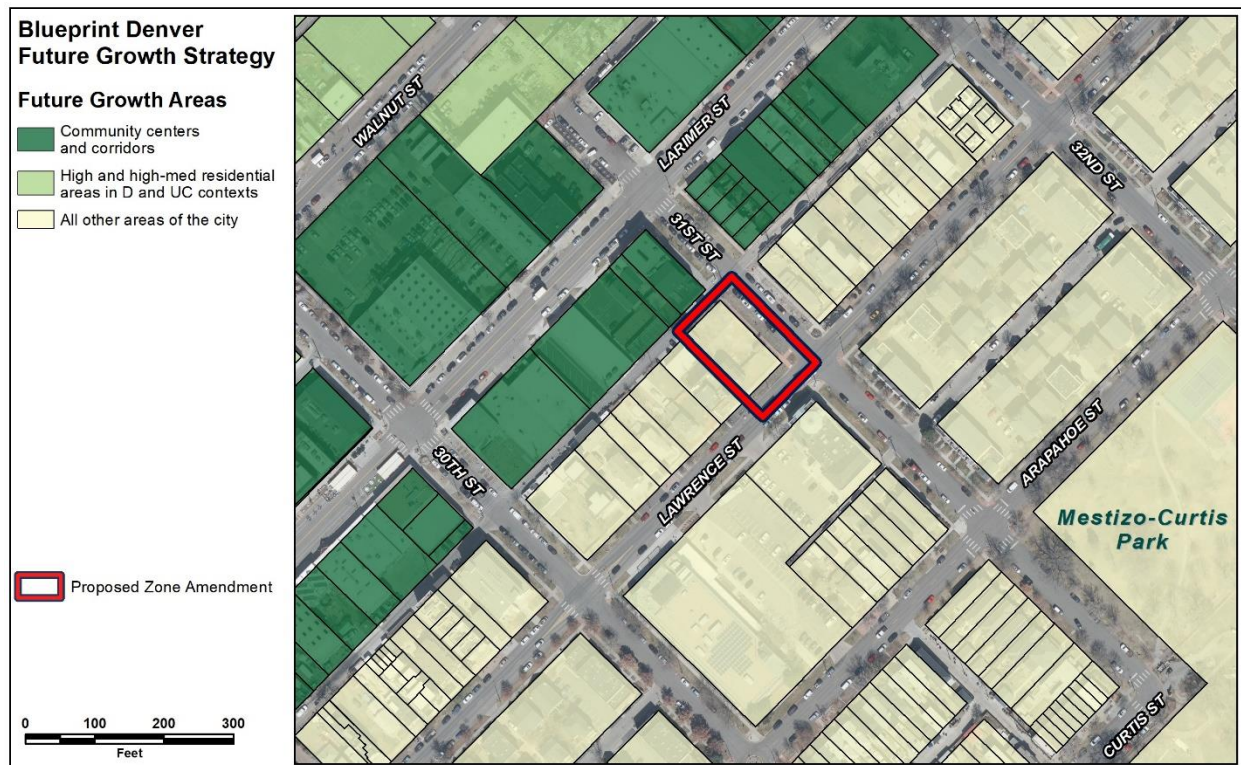
Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a High-Medium Residential place type. *Blueprint Denver* describes the aspirational characteristics of High-Medium place types in the General Urban context as “a mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed-use distributed throughout. Buildings are generally up to 8 stories in height.” (p. 246). *Blueprint Denver* also states that small area plans will provide more certain height guidance. The Residential Mixed-Use is also intended to be predominantly residential by limiting uses above the first floor to residential or lodging. The proposed district of G-RX-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 this location, particularly given the height guidance in the adopted small area plan that is discussed later in this staff report.

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 Lawrence Street as a Residential Collector. Collector streets are described as “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes, and other similar uses. Building on residential streets usually have a modest setback.” (p.160). Overall, given that G-RX is a predominantly residential district the proposed rezoning is consistent with the context, place, and street type recommendations of *Blueprint Denver*.

Blueprint Denver Growth Strategy



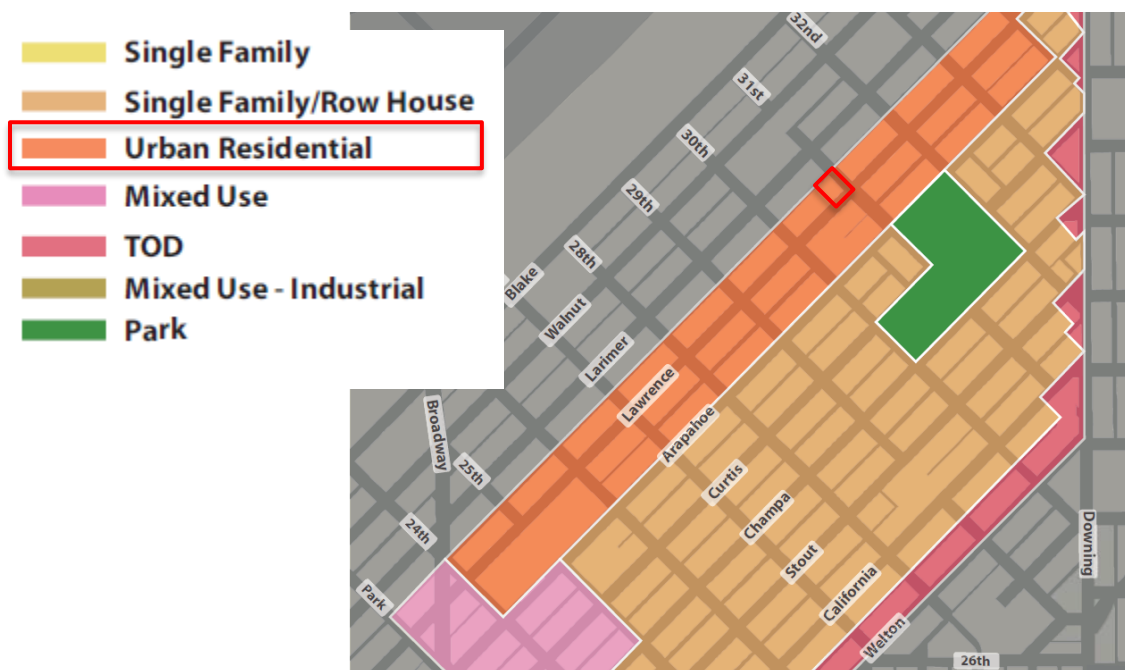
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of all other areas of the city. These areas are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to G-RX-3 will focus small-scale mixed-use growth where it has been determined to be most appropriate.

Northeast Downtown Neighborhoods Plan (2011)

The *Northeast Downtown Neighborhoods Plan* identifies the subject site as in an Urban Residential area with future building heights up to 3 stories (pp. 16-17, 19). Urban Residential neighborhoods are described as, “higher density and primarily residential but may include a noteworthy number of complimentary uses” (p. 16). The G-RX zone district would allow for primarily residential in a

location where complimentary uses would be appropriate. This seems applicable given the stated goal for “development of vacant land, including both large properties and interior neighborhood vacant lots” (p. 77). The plan also recommends that in area where moderate intensity development transitions to residential neighborhoods we should “allow for a moderate and mixed scale of general, shopfront, apartment, and rowhouse building forms” and allow a mix of uses within the area and within buildings” (p. 18). In Northeast Downtown, urban residential uses tend to be located in areas that transition from historic residential neighborhoods to more intense mixed use neighborhoods.” (p. 16). Further plan guidance states we should, “Allow a mix of land uses consisting primarily of residential uses with limited neighborhood-serving commercial (p. 20). The subject property is a corner lot on a collector street immediately adjacent plan guidance for higher intensity. By limiting upper story uses to residential the proposed zone district assures this site will remain primarily residential but have the option to contain some form of complimentary uses on the ground floor.

Northeast Downtown Neighborhoods Plan Future Land Use and Height Maps





The proposed rezoning to G-RX-3 zone district is consistent with the plan guidance of allowing higher density primarily residential with a greater allowance of limited neighborhood-serving commercial uses. The proposed rezoning is consistent with the recommendations of the *Northeast Downtown Neighborhoods Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RX-3 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 through implementation of the city's adopted land use plans and allowing for compatible infill development

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...." The applicant has noted the significant change to the area in the transformation of

the blocks to the northwest with new opportunities to work and live. The investments in the RTD light rail system in the area have made it a more desirable place to live while complementing the existing residential neighborhood of Curtis Park. Another justifying circumstance is the neighborhood plan which was adopted in 2011 after the establishment of the current zone district in 2010. These changed and changing conditions alongside implementation of the neighborhood plan justify the proposed rezoning to G-RX-3 as in the public interest.

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

The requested G-RX-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally consists of multi-unit and single-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 predominantly residential with complementary commercial uses at an appropriate location consistent with the neighborhood context description.

The General Urban Residential Mixed-Use zone districts are intended to apply “promote safe, active, and pedestrian scaled commercial streets through the use of building forms that clearly defined and activate the public realm. They Residential Mixed-Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s residential neighborhoods” (DZC 6.2.4). The proposed G-RX-3 is consistent with the general purpose of the General Urban Residential Mixed-Use zone districts.

The specific intent of the G-MS-5 zone district is to apply “to residentially dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired” (DZC 6.2.4.2). The proposed rezoning would facilitate development consistent with the intent of the G-RX-3 zone district.

Attachments

1. Application