



TO: Denver City Council
FROM: Libby Kaiser, Senior City Planner
DATE: July 7, 2022
RE: Official Zoning Map Amendment Application #2021i-00061

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2021i-00061 forward for consideration by the full City Council

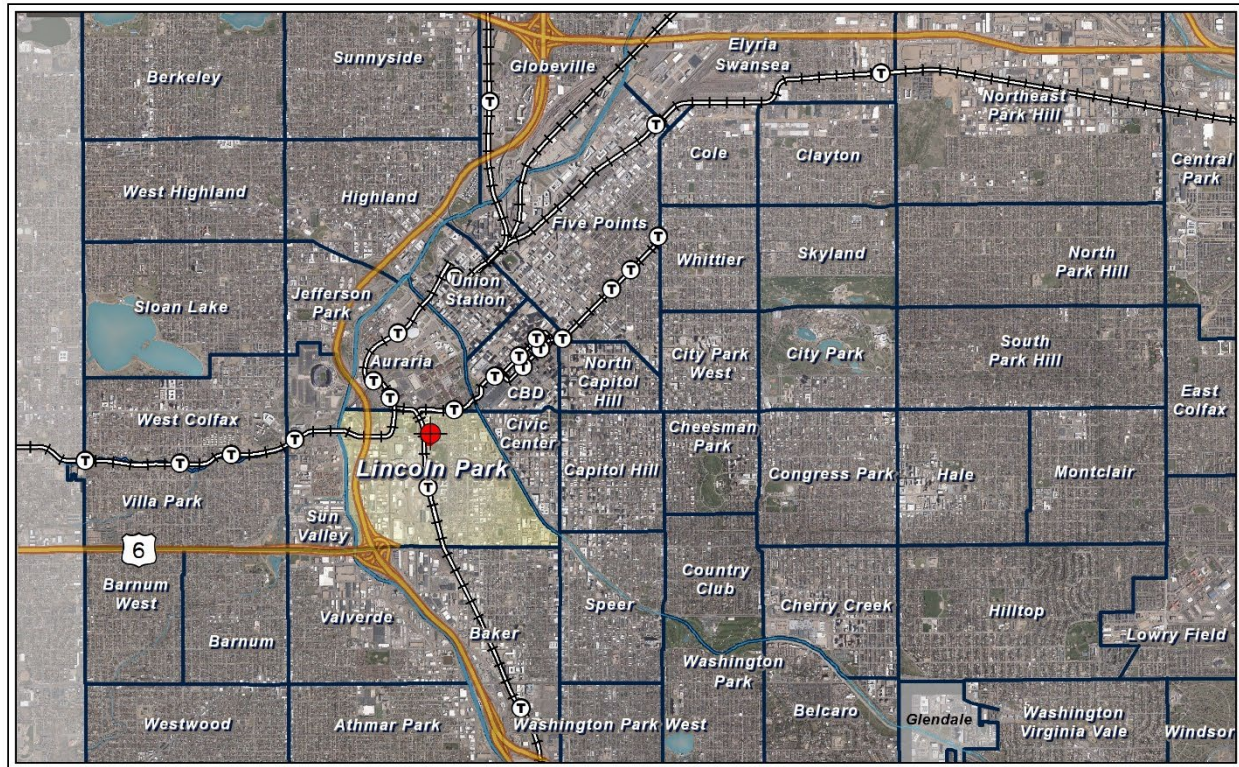
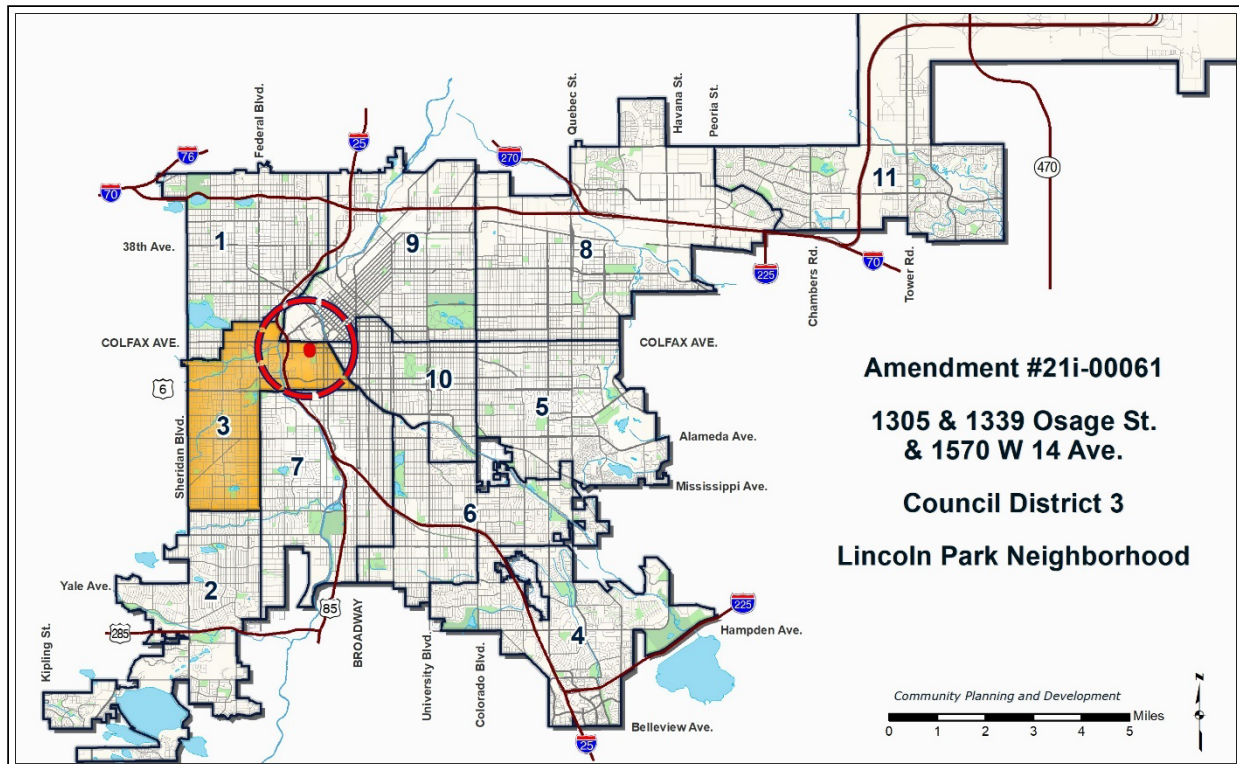
Request for Rezoning

Address: 1305, 1339 & 1365 N. Osage St. and 1520 W. 14th Ave.
Neighborhood/Council District and CM: Lincoln Park Neighborhood / Council District 3, CM Jamie Torres
RNOs: United Northwest Denver, La Alma Neighborhood Association, La Alma / Lincoln Park Neighborhood Association, Inter-Neighborhood Cooperation (INC)
Area of Property: 88,837 square feet or 2.04 acres
Current Zoning: G-MX-3, UO-2
Proposed Zoning: G-RX-5, UO-2
Property Owner(s): GSW Ventures, DTCB Inc, Nippon Kan - AHAN
Owner Representative: Brian Bair

Summary of Rezoning Request

- The property is in the Lincoln Park statistical neighborhood on N. Osage Street between W. 13th Avenue and W. 14th Avenue.
- The property is occupied by industrial buildings and a restaurant.
- The applicant is requesting this rezoning to enable a multi-unit housing development.
- The site is currently zoned G-MX-3, UO-2 (general urban context, mixed use with the billboard use overlay) which allows a broad range of residential, civic, commercial, and industrial uses up to a maximum height of three stories or 45 feet.
- The proposed zone district is G-RX-5 (General Urban Residential Mixed Use - 5 stories) which also allows a broad range of residential, civic, commercial, and industrial uses up to a maximum height of five stories or 70 feet.
- Further details of the existing and requested zone districts can be found in Article 6 of the Denver Zoning Code (DZC).

Existing Context





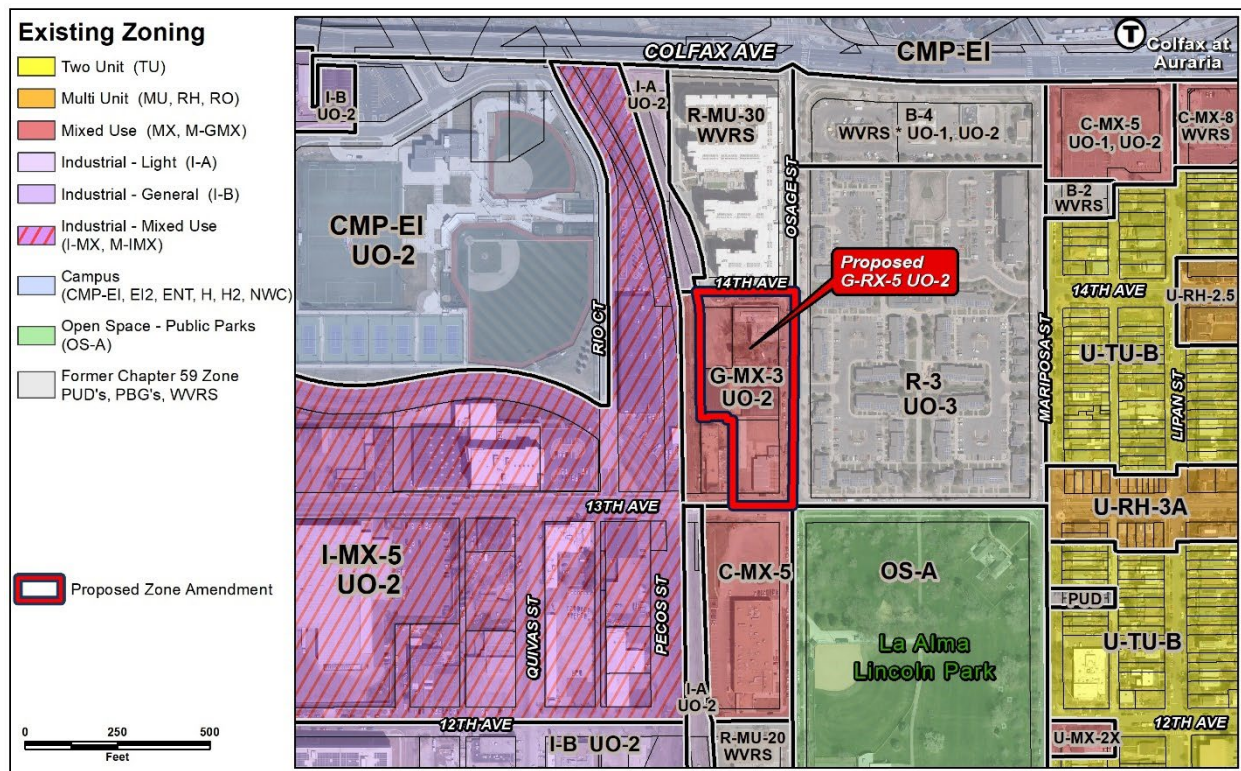
The subject property is located within the Lincoln Park Neighborhood on N. Osage Street between W. 13th Avenue and W. 14th Avenue. Multi-unit residential uses up to 5 stories are north and east of the site and industrial and commercial uses up to 6 stories are located to the west and south. The W. Colfax Avenue commercial corridor and Auraria Campus are also located to the north while the La Alma Lincoln Park is southeast of the site, which is less than one-half mile from 2 light rail transit stations. An east-west protected bike lane runs along W. 13th Avenue and a north-south bike lane runs along N. Mariposa Street to the east.

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-MX-3, UO-2	Industrial and a restaurant	1-story buildings and surface parking	Streets are generally orthogonal, and a north-south railroad runs along the west side of the site. Block sizes, shapes, building setbacks, and street orientation are varied. Surface parking
North	R-MU-30 with Waivers (FCH59)	Multi-unit residential	5 stories	
South	C-MX-5	Vacant and a technical college	2 stories	
East	R-3 UO-3 (FCH59)	Residential	2-story townhomes and surface parking	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	I-MX-5 UO-2	Industrial, commercial and a railroad	1 – 6 stories	is prevalent and is provided to the front, side and rear of buildings. Alleys are prevalent to the east but less common to the west.

1. Existing Zoning



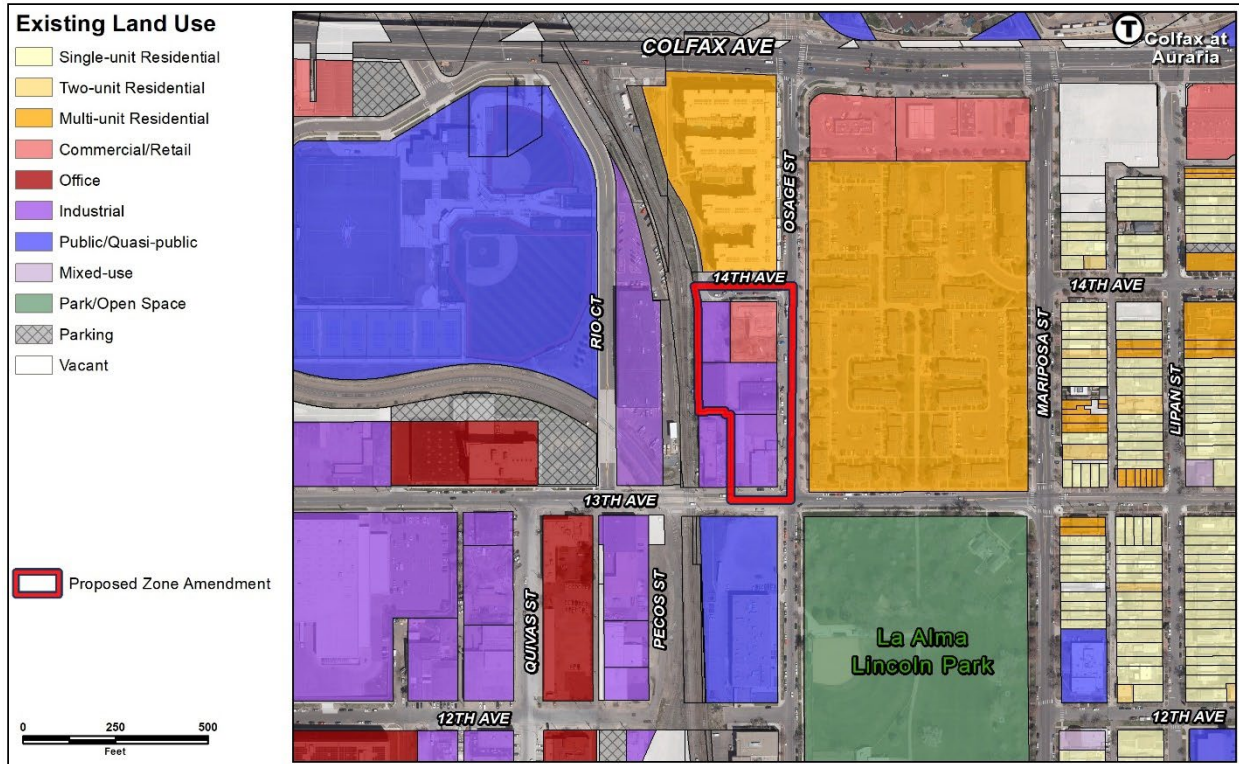
The existing zoning on the subject site is G-MX-3, UO-2. The G-MX-3 allows a broad range of residential, civic, commercial, and industrial uses and “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.” (DZC 6.2.3.2). Allowed building forms include the Town House, General and Shopfront; Drive Thru Services and Drive Thru Restaurants are also allowed subject to limitations. Parking standards are use specific. For additional details of the G-MX-3 district, see DZC Article 6.

The UO-2 district, or Billboard Use Overlay District, allows billboards in compliance with sign standards and limitations. For additional details, see DZC Article 9. Currently, there are no billboards on the site.

2. Affordable Housing Agreement

Rather than executing a voluntary affordable housing agreement, the applicant is committed to meeting the terms of the Expanding Housing Affordability policy, which was approved by City Council on June 6th. Complying with the new policy would require the applicant to provide at least 8% of units affordable at 60% of the median area income.

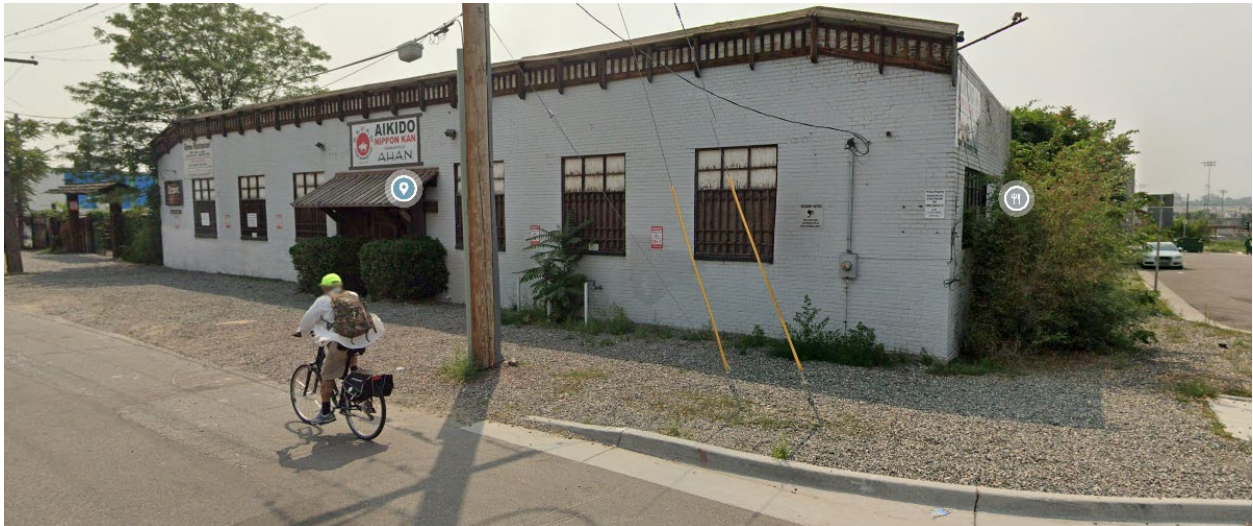
3. Existing Land Use Map



4. Existing Building Form and Scale (Source: Google Maps)



Site (southern) - Looking west from N. Osage St.



Site (northern) - Looking west from N. Osage St.



North - Looking northwest from N. Osage St.



East - Looking east from N. Osage St.



South - Looking south from N. Osage St.



West - Looking north from W. 13th Avenue

Proposed Zoning

The **G-RX-5** (General Residential Mixed Use - 5 stories) is a residential mixed use zone district in the General Urban Neighborhood Context. It allows a broad range of residential, civic, commercial, and industrial uses and “applies 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.B). Allowed building forms include Town House and Shopfront; unlike the existing zoning of G-MX-3, the General, Drive Thru Services, and Drive Thru Restaurant building forms are not allowed. Another key difference is that Street Level active uses are required in the existing G-MX-3 district but not in the proposed G-RX-5 district. Street Level active uses exclude such uses as storage, accessory car wash bays, and parking. For additional details of the requested G-RX-5 district, see Article 6 of the DZC.

The rezoning request proposes to maintain the existing UO-2 district, or Billboard Use Overlay District, which allows billboards in compliance with sign standards and limitations. For additional details, see DZC Article 9.

The primary building forms allowed in the existing zone district and the proposed zone districts are summarized here:

Design Standards	Existing G-MX-3, UO-2	Proposed G-RX-5, UO-2
Primary Building Forms Allowed	Town House, General and Shopfront; Drive Thru Services and Drive Thru Restaurant w/ limitations	Town House and Shopfront
Height in Stories / Feet (max)	3 stories / 38'-45'*	5 stories / 70'
Primary Street Build-To Percentages and Ranges	Town House: 70% within 10'-15' General: 70% 0'-10' Shopfront: 75% 0'-10' Drive Thrus: 50% -70% within 0'-35'*	Town House: 70% within 10'-15' Shopfront: 75% 0'-10'
Primary Street Setbacks (min)	Town House: 10' All Other Forms: 0'	Town House: 10' Shopfront: 0'
Transparency, Primary Street	Shopfront: 60% All Other Forms: 40%	Town House: 40% Shopfront: 60%
Street Level Active Uses	Town House: 40% General: 40% Shopfront: 100% Drive Thrus: N/A	Town House: N/A Shopfront: N/A

* Standards vary based on building form

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.

Department of Public Health and Environment: Approved – See Comments.

DDPHE has information that the Site is located in the vicinity of Operable Unit (OU)-1 of the partially de-listed Denver Radium Superfund site, located approximately 500 feet southwest of the Site. Remedial actions at OU1 took place between October 1989 and April 1991. Radiological contamination was removed and disposed of off-site. For additional information, please see the U.S. Environmental Protection Agency's website at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0800247>.

Denver Parks and Recreation: Approved – No Comments.

Transportation and Infrastructure - Surveyor: Approved – No Comments.

Development Services – Project Coordination: Approved – No Response.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Development Services – Fire Protection: 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:	2/22/2022
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:	4/19/2022
Planning Board public hearing (voted unanimously in favor):	5/4/2022
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:	5/3/2022
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	5/17/2022
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:	6/21/2022
City Council Public Hearing:	7/11/2022

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - The RNOs identified on page 1 were notified of this application. To date, staff has received no official letters from RNOs. However, the applicant requested a letter from the La Alma Lincoln Park RNO and this letter is included in the application package.
 - **General Public Comments**
 - To date, staff has received zero public comments.

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* (2019)
- *Blueprint Denver* (2019)
- *La Alma / Lincoln Park Neighborhood Plan* (2010)

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 will allow for improved access to shops and services within walking distance of more residents and will allow a broader range of residential uses in the area, which contains predominantly low-scale residential structures east of N. Osage St. The voluntary affordable housing agreement associated with the rezoning will require affordable housing units close to transit and mixed-use nodes providing a variety of food as well as access to open space and higher education. The rezoning is, therefore, 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 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).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – *Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (p. 29).

As mentioned previously, the proposed rezoning will allow increased housing diversity in the area within a higher-intensity development compatible with an already-developed area. The request is, therefore, consistent with the following strategies from 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 neighborhoods and offers opportunities for increased amenities* (p. 34).

Finally, the proposed zone district will ensure quality development that is appropriate for the neighborhood and proximate to transit services. The proposed map amendment is in an area where services and infrastructure are already in place. The request is therefore consistent with the following strategies from the Environmentally Resilient vision element:

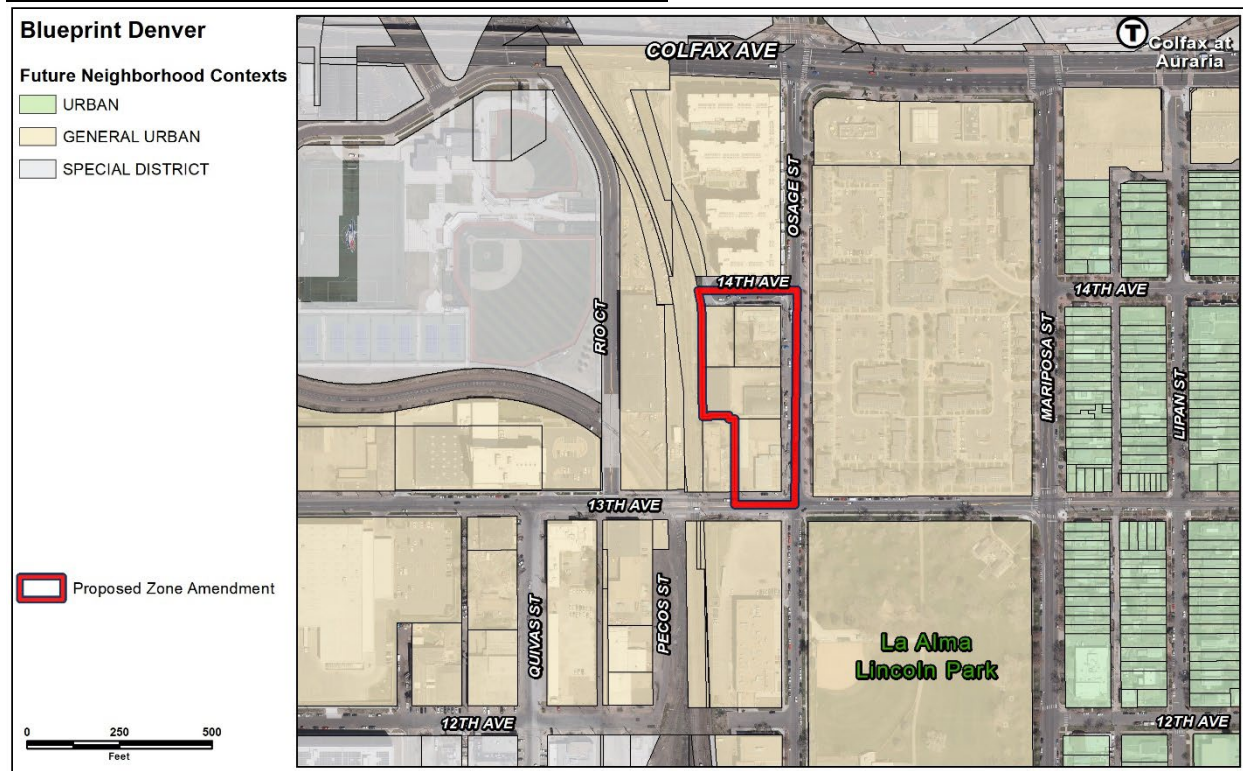
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

The proposed zone district allows for a variety of uses, particularly residential, near transit and includes form standards that ensure infill development is compatible with the surrounding neighborhood. Thus, the rezoning is consistent with the *Denver 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 Community Corridor and Residential High-Medium place types within the General Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

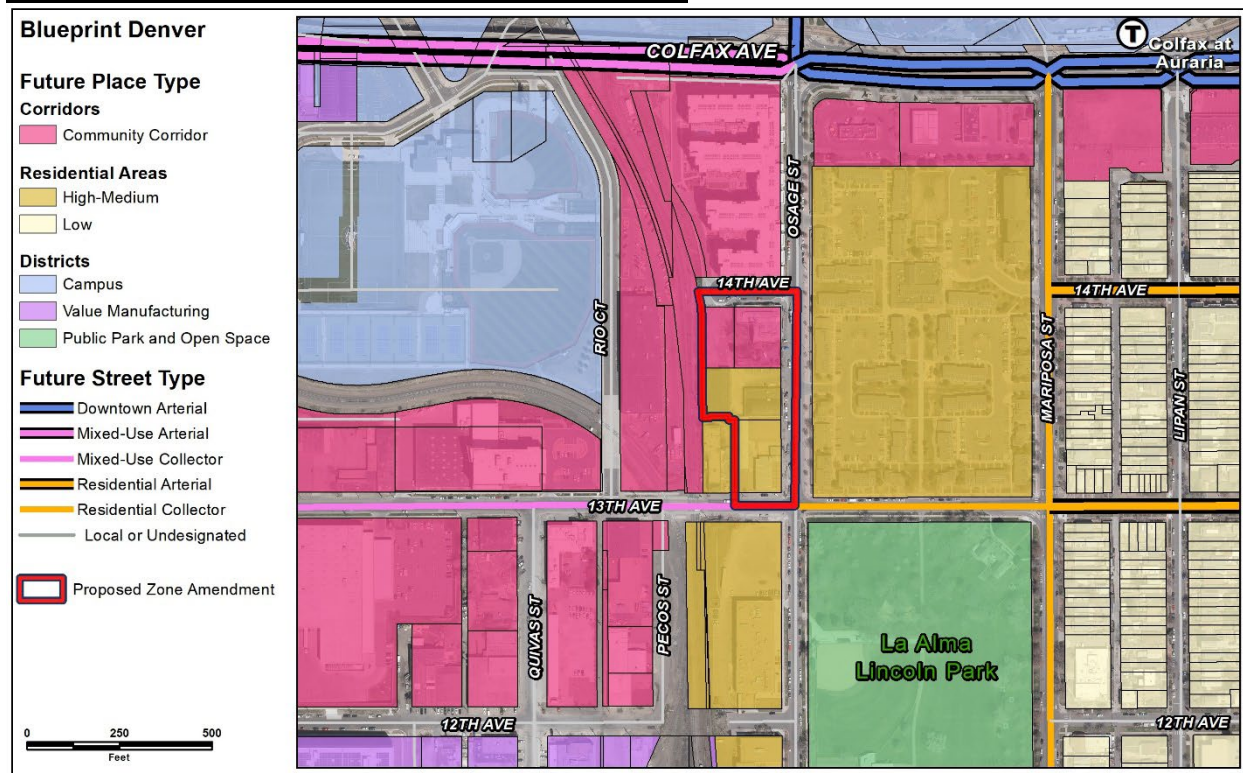
Blueprint Denver Future Neighborhood Context



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 within the General Urban Neighborhood Context. “General urban neighborhoods are vibrant places with proximity to Denver’s major centers like Downtown and Cherry Creek. Homes in this context vary from multi-unit complexes 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. Residents living in this context are well served by transit and enjoy access to abundant amenities and entertainment options” (p. 237).

The proposed G-RX-5 zone district is part of the General Urban context in the DZC. This residential mixed use zone district is “intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm...to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.” Further, the district is “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 6.2.4.1). The proposed G-RX-5 district will allow a multi-unit development near Downtown, served by transit, with access to a mix of uses, and it will improve the transition between existing residential to the east and commercial/industrial to the west. Therefore, the proposed rezoning is consistent with *Blueprint Denver’s* context guidance.

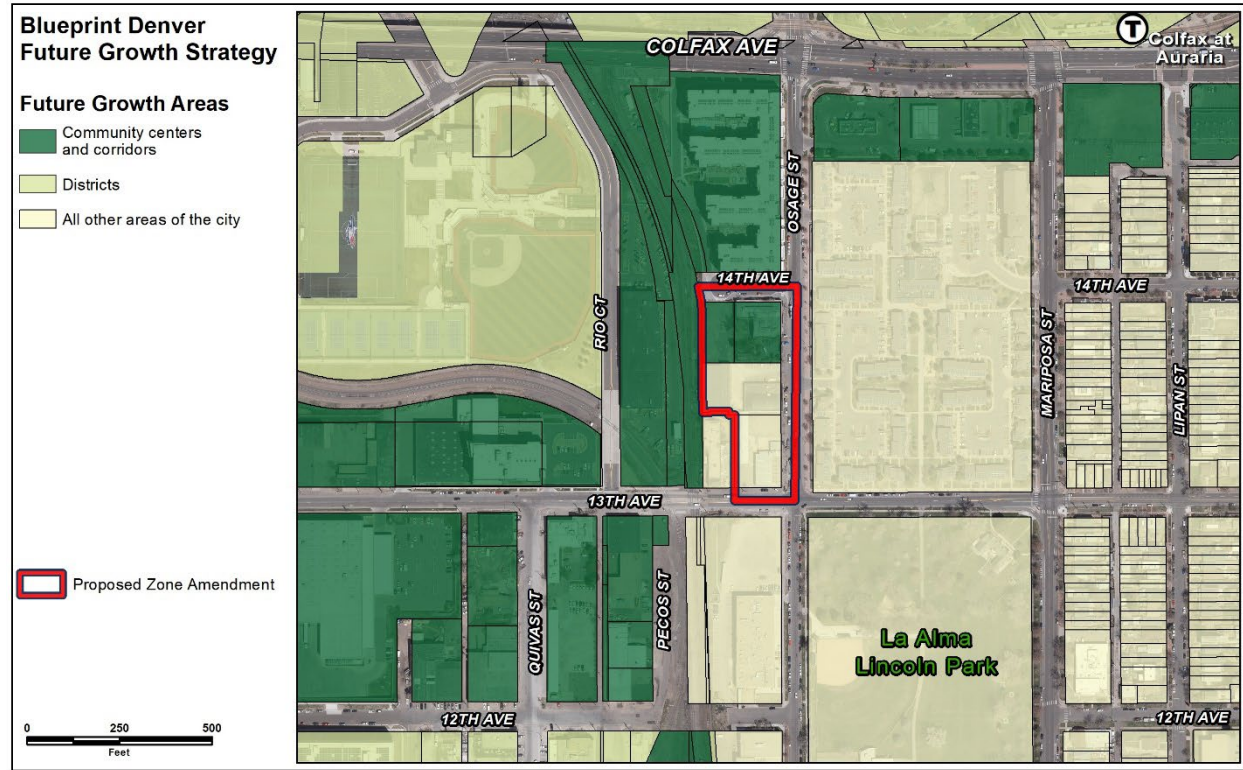
Blueprint Denver Future Places and Street Types



The Future Places Map designates the subject property as part of a Community Corridor and Residential High-Medium place types. *Blueprint Denver* describes the aspirational characteristics of Community Corridor in the General Urban context as, “some mix of office, commercial and residential uses. A wide customer draw both of local residents from surrounding neighborhoods and from other parts of the city. Activity levels during different times of the day will vary depending on the type and mix of uses. Buildings have a distinctly linear orientation along the street. Building footprints are typically larger. Heights are generally up to 5 stories.” (p. 244). *Blueprint Denver* also describes the aspirational characteristics of Residential High-Medium 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. Block patterns are consistent and pedestrian-scaled building forms clearly define and activate the street.” (p. 246). The proposed G-RX-5 district is consistent with the future place type as it would allow office, commercial and residential uses with a maximum height of 5 stories and building form standards will ensure future development has a linear orientation and clearly defines the street.

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 W. 13th Avenue as a Mixed-Use Collector west of N. Osage Street. According to the plan, mixed use streets contain a “varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback. A street wall is present, but may vary.” (p. 159) N. Osage Street and W. 14th Avenue are classified as local, or undesignated, streets, “which can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed G-RX-5 zone district is consistent with these street types as it would allow a range of moderately-intense uses, particularly residential, in a multi-story, pedestrian-oriented building.

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 the growth area categorized as "Community centers and corridors", which are anticipated to attract 20% of new jobs and 25% of new households by 2040, as well as "All other areas of the city", which are anticipated to attract 10% of new jobs and 20% of new households by 2040 (p. 51). The proposed map amendment is consistent with these growth areas as it will facilitate additional housing opportunities.

Blueprint Denver Strategies

The proposed rezoning also helps further the following *Blueprint Denver* policy related to encouraging higher-intensity development near transit.

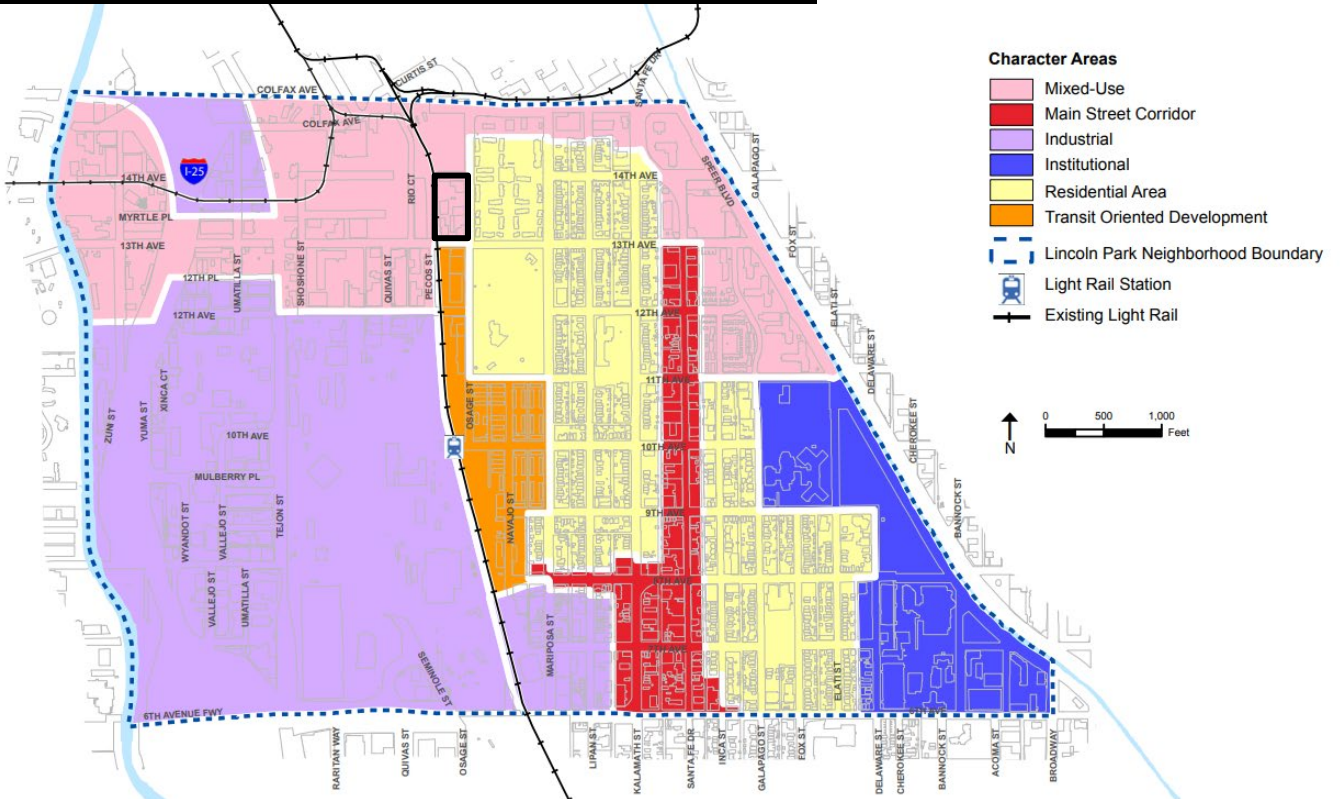
- Land Use & Built Form: General Policy 1, Strategy A: *Use zoning and land use regulations to encourage higher-density, mixed-use development in transit-rich areas including: Regional centers and community centers; Community corridors where transit priority streets are planned; and High and medium-high residential areas in the downtown and urban center contexts.* (p. 72).

The proposed rezoning is consistent with this policy as it will allow for higher-density, mixed-use development on a site that is within the Community Corridor future place type and is less than one-half mile from two existing light rail stations.

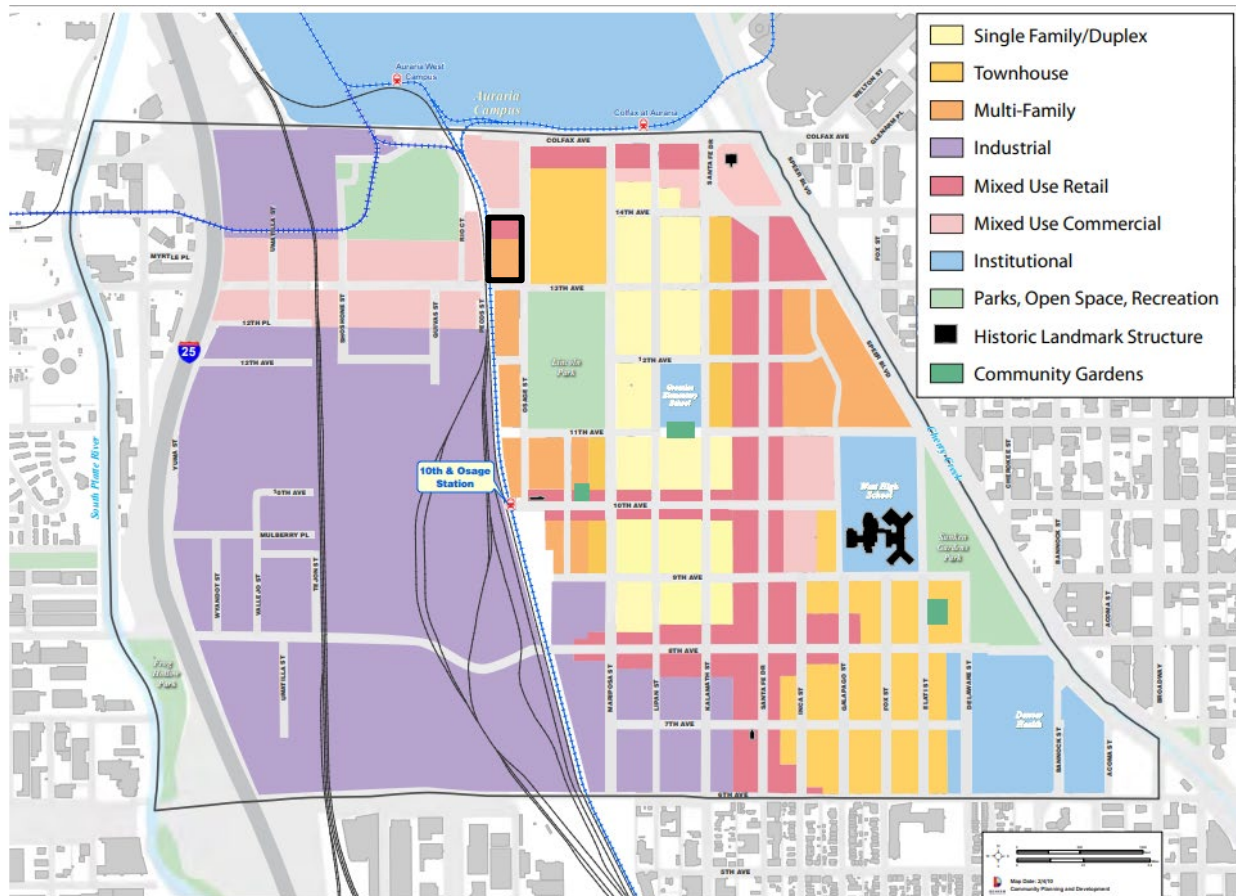
La Alma / Lincoln Park Neighborhood Plan (2010)

The proposed rezoning is consistent with the *La Alma / Lincoln Park Neighborhood Plan*, which defines the subject property as a Mixed-Use character area with a recommendation to apply mixed use zoning. In addition, the plan identifies the northern portion of the site as Mixed-Use Retail and the southern portion as Multi-Family. The building heights map in the plan says buildings up to 5 stories are appropriate. The G-RX-5 zone is a mixed-use district that allows retail and multi-unit development, among other uses, with a maximum height of 5 stories.

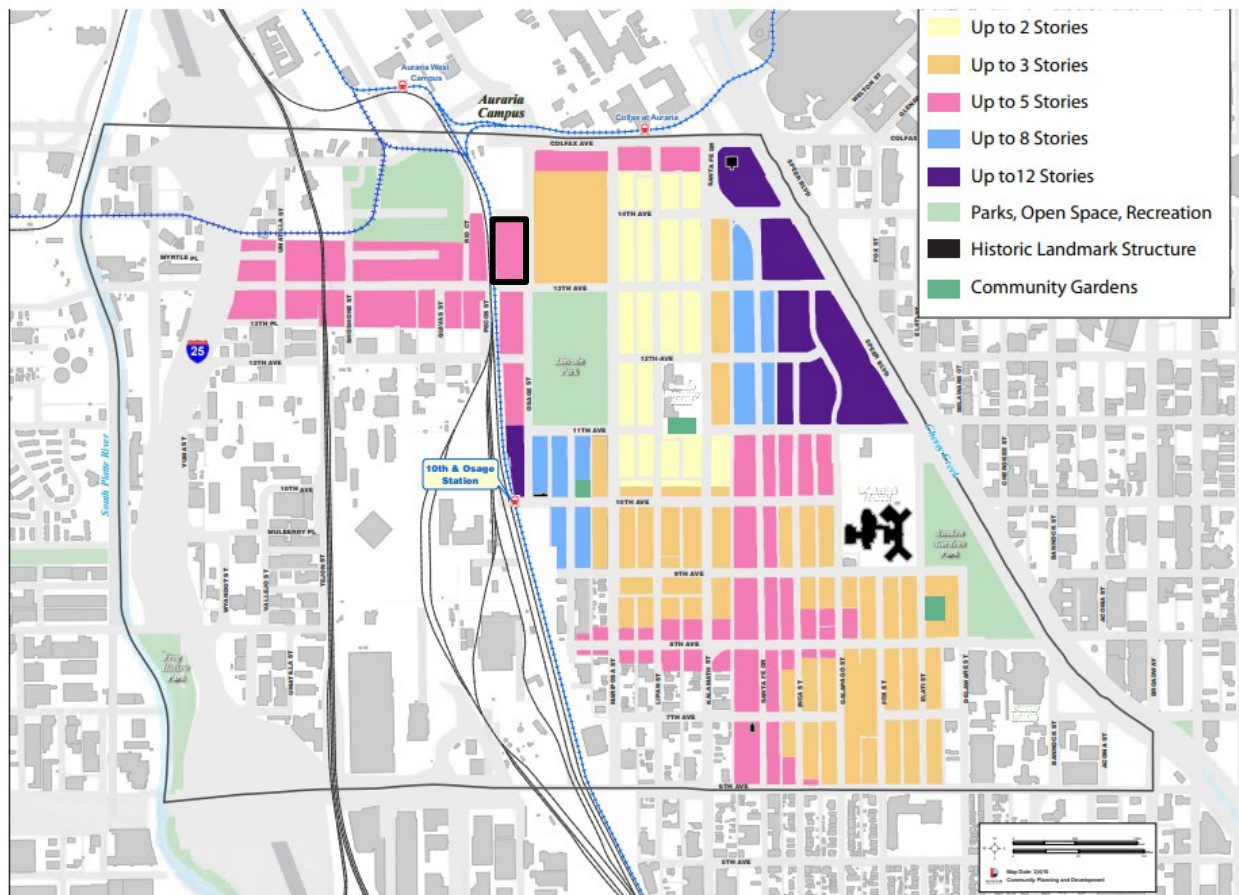
La Alma / Lincoln Park Neighborhood Plan Character Areas



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La Alma / Lincoln Park Neighborhood Plan Building Heights



5. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RX-5 will result in the uniform application of zone district building form, use and design regulations.

6. 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. The rezoning would allow redevelopment of an underutilized site into a new residential community in proximity to transit, bike lanes and a mix of uses, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." Journal of the American Planning Association 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." American Journal of Health Promotion 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

7. Justifying Circumstance

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, “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 change may include: (a.) Changed or changing conditions in a particular area, or in the city generally ...”

In this case, the rezoning is justified as the steady population growth in the City has created a need “in the city generally” for additional density and a variety of housing types. In addition, the particular area has been steadily changing with the introduction of light rail, a 5-story housing development to the north, and the build-out of the Mariposa District near the 10th and Osage light rail station.

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

The requested G-RX-5 zone district is within the General Urban Neighborhood Context, which “is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.” (DZC 6.1.1). The proposed rezoning of this property to G-RX-5 is consistent with this neighborhood context description.

The requested rezoning is also consistent with the General Purpose of Residential Mixed-Use Districts, which are “intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm...to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.” Further, the district is “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 6.2.4.1). The proposed rezoning will facilitate redevelopment of the streetscape to provide detached sidewalks adjacent to building forms that will clearly define the public realm while providing more residents with better access to transit. Additionally, it will improve the transition between existing residential development to the east and commercial/industrial development to the west. Finally, the requested rezoning is consistent with the Specific Intent of the G-RX-5 district, which “applies 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.B).

Attachments

1. Application