



TO: Denver City Council
FROM: Sarah Cawrse, Senior City Planner
DATE: August 19, 2021
RE: Official Zoning Map Amendment Application #2020I-00082

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00082.

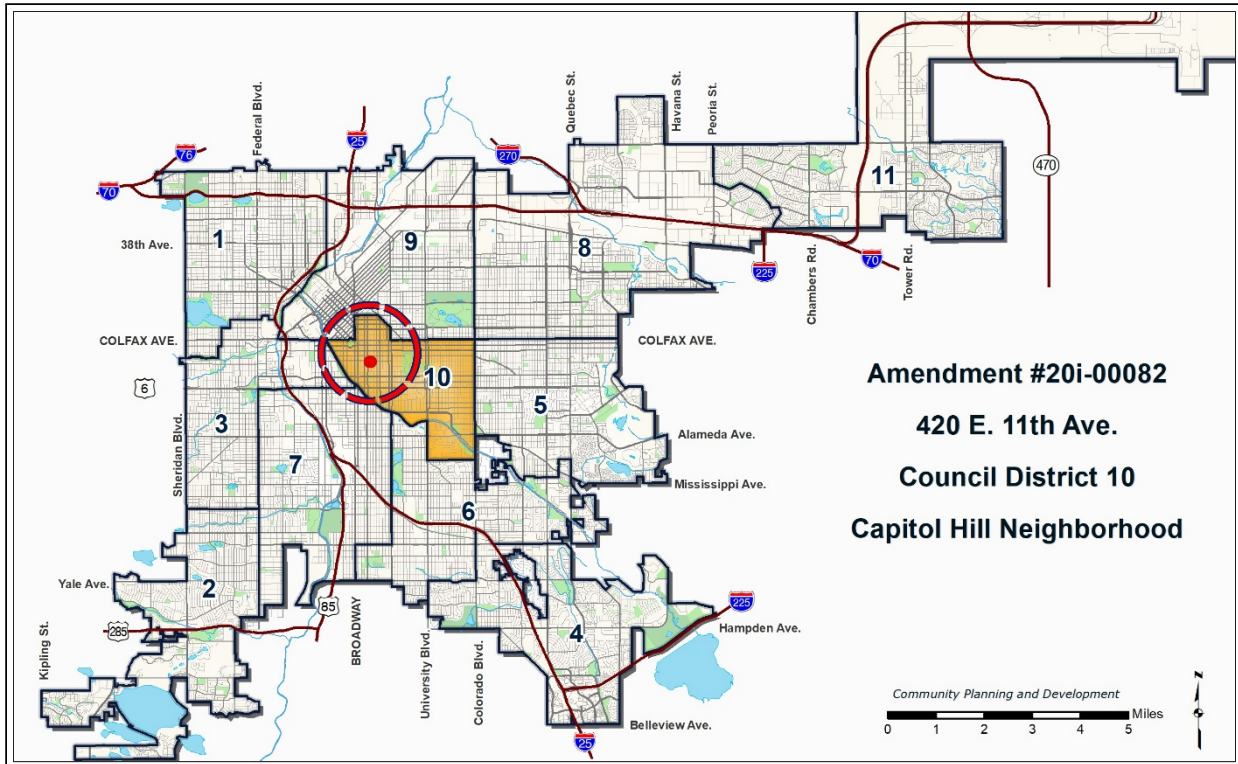
Request for Rezoning

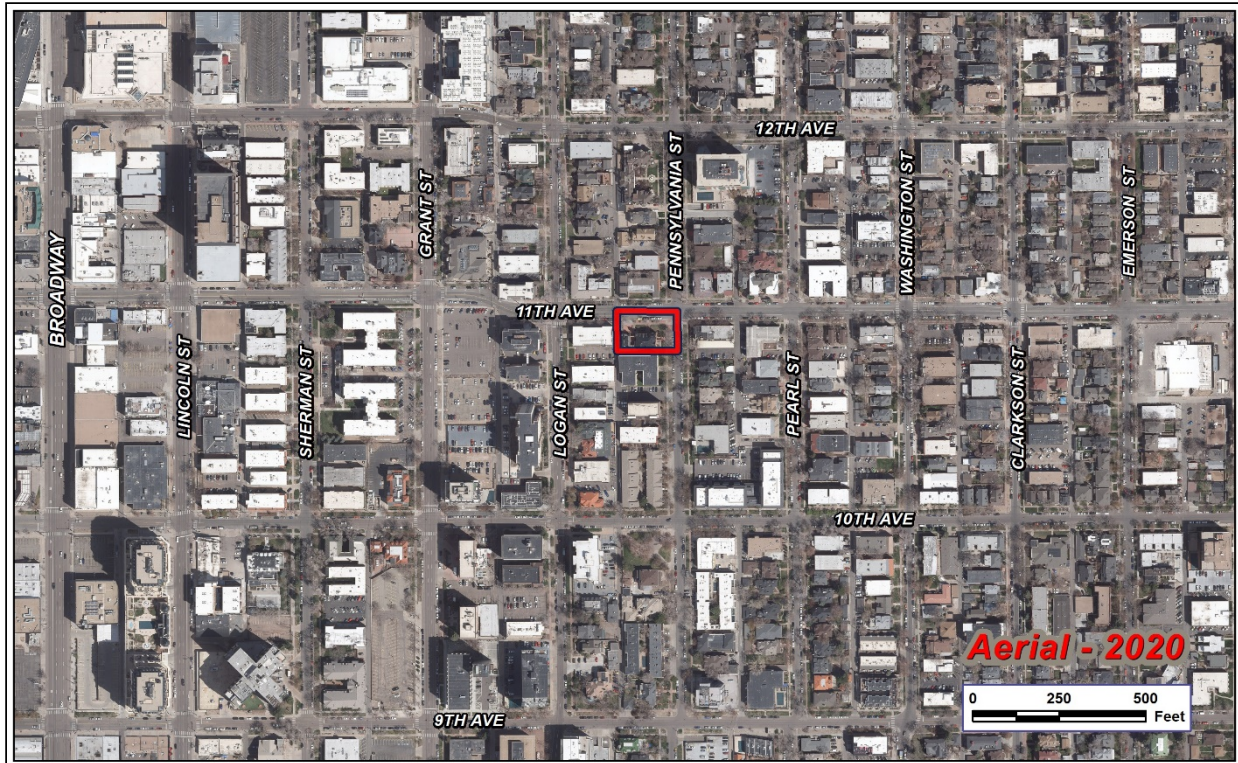
Address:	420 E 11 th Avenue
Neighborhood/Council District:	Capitol Hill Neighborhood / Council District 10, Councilman Hinds
RNOs:	Inter-Neighborhood Cooperation (INC); District 10 Neighborhood Coalition, Inc.; Cultural Arts Residential Organization; Neighborhoods Coalitions of Denver, Inc.; Neighbors for Greater Capitol Hill; Capitol Hill United Neighborhoods, Inc.; Center City Denver Residents Organization; Unsinkables, Inc.
Area of Property:	9,450 square feet or 0.22 acres
Current Zoning:	Current zone district G-MU-5, UO-3
Proposed Zoning:	Proposed zone district G-MX-3
Property Owner:	Chris Chiari

Summary of Rezoning Request

- The subject property is in the Capitol Hill Neighborhood, east of Logan Street and west of N Washington Street at the northeast corner of E 11th Avenue and Pennsylvania Street.
- The building on the property is the Croke-Patterson-Campbell House, which is an individual designated historic structure and is a contributing building in the Pennsylvania Street historic district. The historic structure is three-stories and is currently a bed and breakfast lodging use.
- The applicant is requesting the rezoning to allow for additional uses on the property.
- The requested zone district of G-MX-3 (**G**eneral Urban, **M**ixed Use) allows up to a three-story town house, shopfront, and general building forms. 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



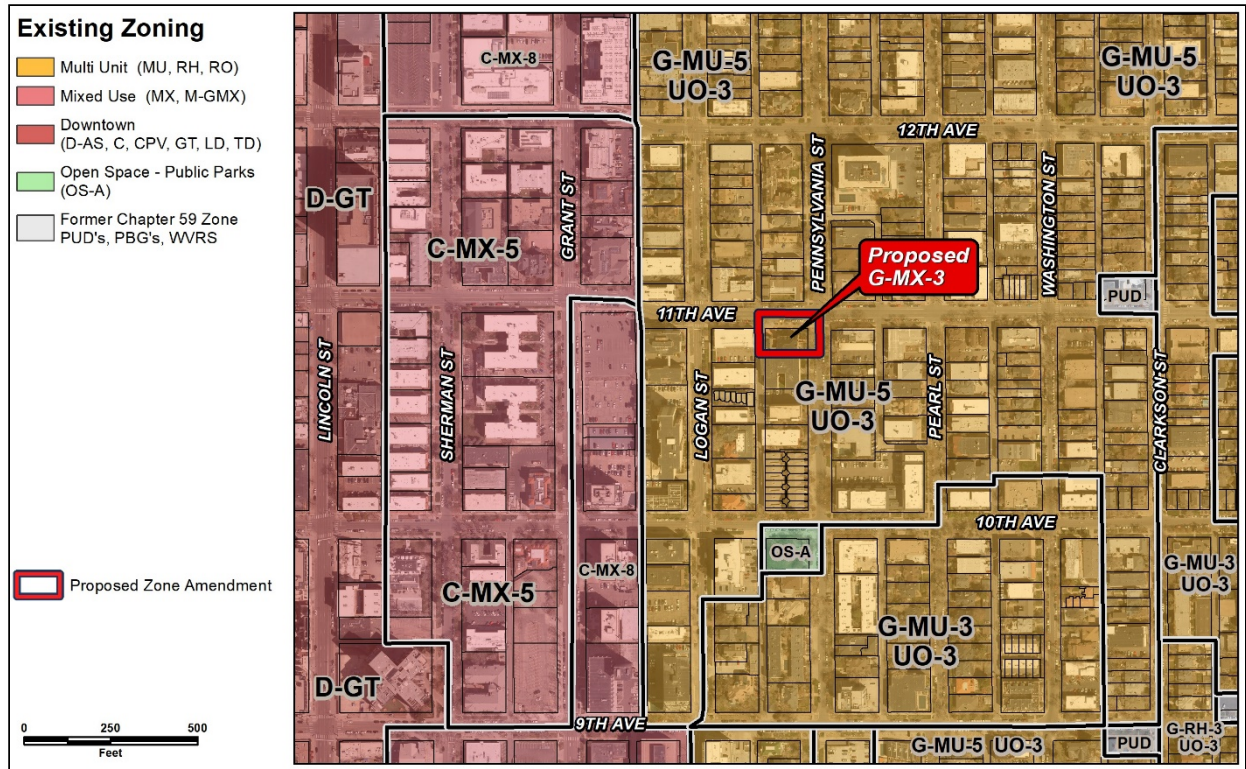


The subject property is in the Capitol Hill Neighborhood, at the intersection of E 11th Avenue and Pennsylvania Street. It is about one block north of Quality Hill Park and less than a half mile south of the Capitol building. There are primarily multi-unit residential buildings with some mixed-use and office dispersed throughout. There are bus stops located one block north at the intersection of E 12th Avenue and Pennsylvania 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-MU-5, UO-3	Mixed Use with a bed and breakfast use	3-story structure located on a corner lot. Consistent building setback on Pennsylvania Street with a slightly deeper setback along E 11 th Avenue. There are three on-site vehicle parking spaces located to the side of the building off E 11 th Avenue.	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with consistent sidewalks and amenity zones. Generally, vehicle parking is located to the rear or side of buildings in the neighborhood. Bus stops are located a block away along E 12 th Avenue and Pennsylvania Street.
North	G-MU-5, UO-3	Multi-unit residential	2-story multi-unit	
South	G-MU-5, UO-3	Multi-unit residential	3-story multi-unit	
East	G-MU-5, UO-3	Multi-unit residential	3-story multi-unit	
West	G-MU-5, UO-3	Multi-unit residential	3-story multi-unit	

1. Existing Zoning

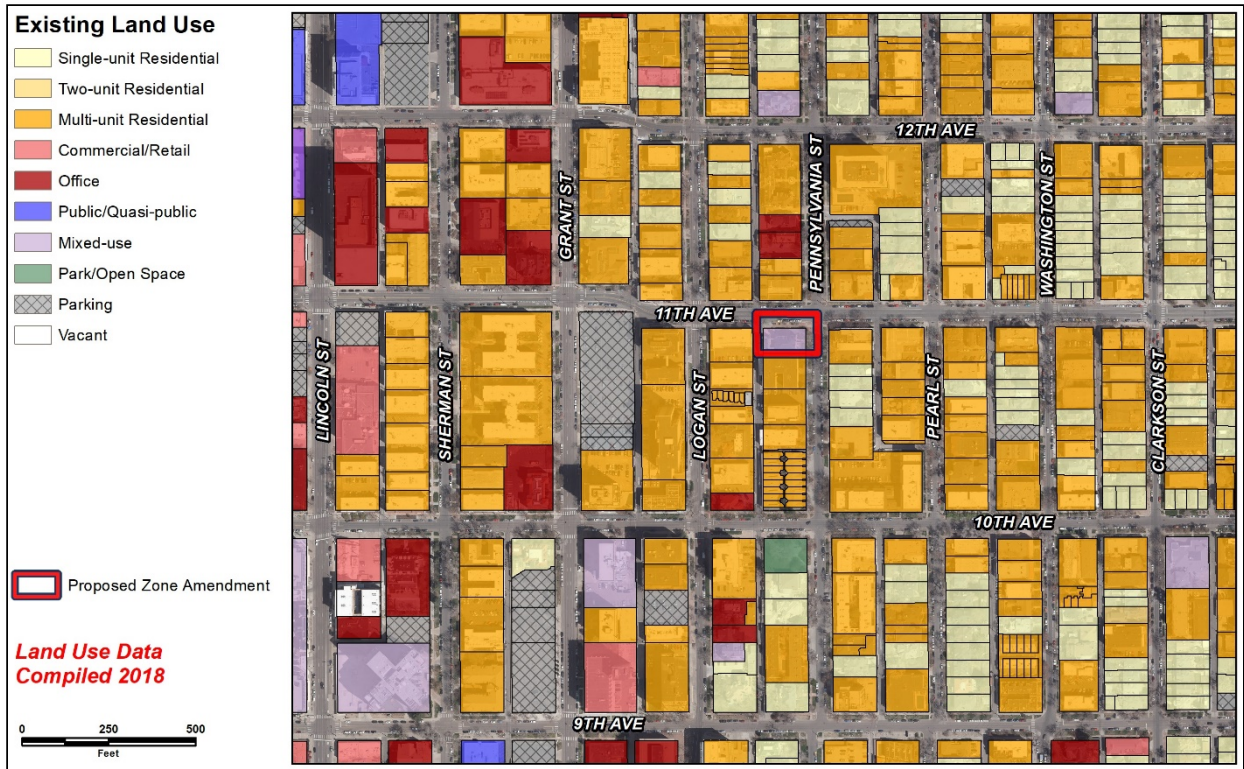


The G-MU-5 is a multi unit district allowing the urban house, duplex, garden court, town house, and apartment building forms. The maximum building height is five stories or 65 feet. For additional details of the existing zone district, see DZC Section 6.2.2. The UO-3 is a Historic Structure Use Overlay District that encourages preservation, protection, adaptive use, and enhancement of Historic Structures. The use overlay allows office (not including dental/medical office or clinic), art studio, and bed and breakfast lodging uses in residential zone districts. For additional details of the existing overlay zone district, see DZC Section 9.4.4.

2. Historic District or Structures

The building on the property is the Croke-Patterson-Campbell House, which is an individual designated historic structure and is a contributing building in the Pennsylvania Street historic district. This means demolition of the building would be strongly discouraged and subject to review by the Landmark Preservation Commission, which would also require a public hearing. Any exterior changes requiring a building or zoning permit would also be subject to Landmark Preservation design review for compliance with the Design Guidelines for Denver's Landmark Structures and Districts. Design review focuses on any exterior work and ensures that a proposed project preserves key historic features and is compatible with the character of the designated historic buildings, sites, and districts.

3. Existing Land Use Map



The subject property has mixed use land use. Surrounding uses are primarily multi-unit residential with a number of office and single-unit uses.

4. Existing Building Form and Scale

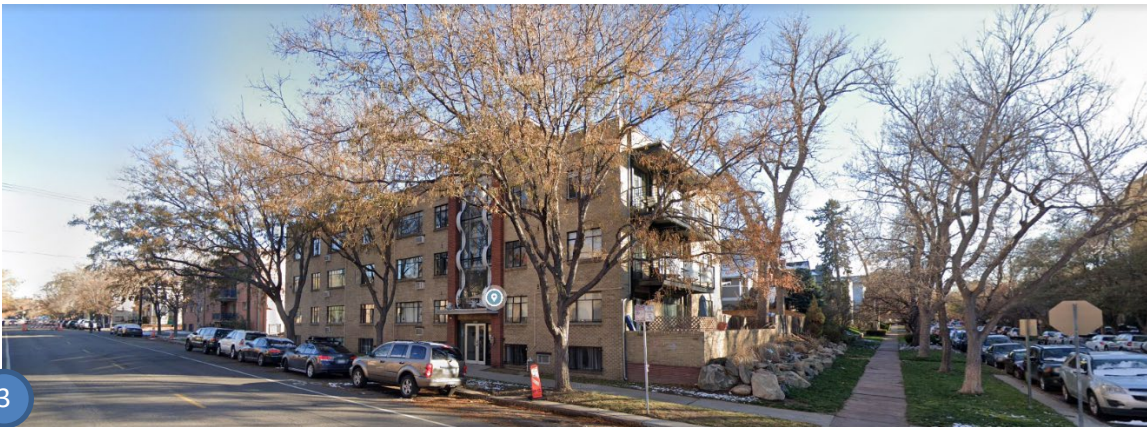


1 Subject property looking south from 11th Avenue (Source: Google Maps)



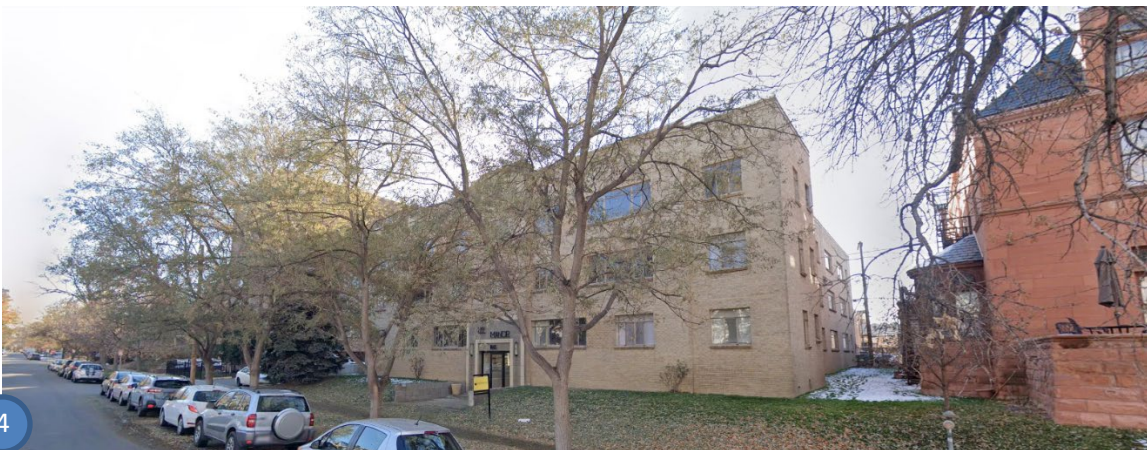
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Adjacent properties to the west near E 11th Avenue (Source: Google Maps)



3

Adjacent properties to the east near the intersection of E 11th Avenue and Pennsylvania Street (Source: Google Maps)



4

Adjacent properties to the south near Pennsylvania Street (Source: Google Maps)



Adjacent properties to the north near the intersection of E 11th Avenue and Pennsylvania Street
 (Source: Google Maps)

Proposed Zoning

The requested G-MX-3 zone district is a mixed use district. In contrast to the existing G-MU-5, UO-3 zone districts that allows the urban house, duplex, garden court, town home and apartment building forms, the proposed zone district of G-MX-3 allows up to a three story town house, general, or shopfront building form.

The existing zone district allows residential uses as well as office (not including dental/medical office or clinic), art studio, and bed and breakfast lodging uses. The requested zone district of G-MX-3 will expand the commercial uses permitted and allow additional uses such as eating and drinking establishments and retail sales. For additional details of the uses allowed under the requested zone district, see DZC Section 6.4.4.

Due to the structure being a designated historic structure and a contributing building in the Pennsylvania Street historic district, there are significant restraints on modifications or additions to the existing building. This ensures the historic structure and character will be preserved.

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

Design Standards	G-MU-5 (Existing)*	G-MX-3 (Proposed)*
Primary Building Forms Allowed	Urban House, Duplex, Garden Court, Town House, Apartment	Town House, General, Shopfront
Stories/Heights (max)	5/65'	3/38'
Minimum Zone Lot Size/Width	6,000sf/50'	N/A
Primary Street Setback (min)	Block Sensitive setback (10' where block sensitive setback does not apply)	10'

Side Street Setback (min)	7.5'	7.5'
Side Interior (min)	12.5'	5'
Rear, alley/no alley Setback (min)	10'/20'	0'/10'
Building Coverages	N/A	N/A

*Standard for G-MU-5 shown is for the Town House (multi unit districts) building form, and standard for G-MX-3 shown is for the Town House (mixed use districts).

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 – comments

Asset Management: Approved – no response

Denver Public Schools: Approved – no response

Department of Public Health and Environment: Approved – no response

Denver Parks and Recreation: Approved – no response

Department of Transportation & Infrastructure – R.O.W. - City Surveyor: Approved – no comments

Development Services - Transportation: Approved – no response

Development Services – Wastewater: Approved – comments below

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – comments below

Please note the proposed rezoning would lessen the redevelopment potential of the site if the existing structure were demolished as the proposed zone district only allows for three stories instead of the current five stories permitted. The current Landmark status of the building however limits the development modifications to the current structure.

Per Section 12.4.3. and 12.3.7. of the Denver Zoning Code, a Site Development Plan may be needed to accommodate proposed future uses if the proposed future uses result in more intensive uses and

parking requirements than what is currently permitted. It is recommended to submit for a Concept Review while undergoing the rezoning application to determine if a Site Development Plan will be needed or if the proposed project can proceed under a Commercial Zoning permit for the proposed uses. The Concept Review can be completed simultaneously with the rezoning process.

Development Services – Fire Prevention: Approve – 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:	4/13/21
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:	5/31/21
Planning Board public hearing: Planning Board voted 9 to 0 at the public hearing to recommend that City Council approve application #2020I-00082 for 420 E 11 th Avenue, rezoning from G-MU-5, UO-3 to G-MX-3, finding that the applicable review criteria have been met.	6/16/21
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:	6/15/21
Land Use, Transportation, and Infrastructure Committee of the City Council:	6/29/21
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:	8/2/21
City Council Public Hearing:	8/23/21

- **Registered Neighborhood Organizations (RNOs)**
 - Capitol Hill United Neighborhoods Inc., a registered neighborhood organization, submitted a letter of support.
 - The applicant has also entered into a Good Neighbor Agreement with Capitol Hill United Neighborhoods Inc. in which they have committed to items such as: a restriction on hours alcoholic beverages may be served or sold; a restriction on the hours music or entertainment is provided; a requirement for on-site and offsite parking; and a requirement for making space available to nonprofits a certain number of times per year.
- **General Public Comment**
 - There have been two letters of support received.
- **Planning Board Public Hearing**
 - On June 16th, 2021, Planning Board voted 9 to 0 at the public hearing to recommend that City Council approve application #2020I-00082 for 420 E 11th Avenue, rezoning from G-MU-5, UO-3 to G-MX-3, finding that the applicable review criteria have been met.

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)*
- *East Central Area Plan (2020)*

Denver Comprehensive Plan 2040

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

1. The proposed rezoning would allow new uses that broadens the range of services available and support neighborhood-serving businesses. It would also contribute to the reuse of the building. These are 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 3, Strategy E – *Support the stewardship and reuse of existing buildings, including city properties* (p. 34).
 - Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses* (p. 35).

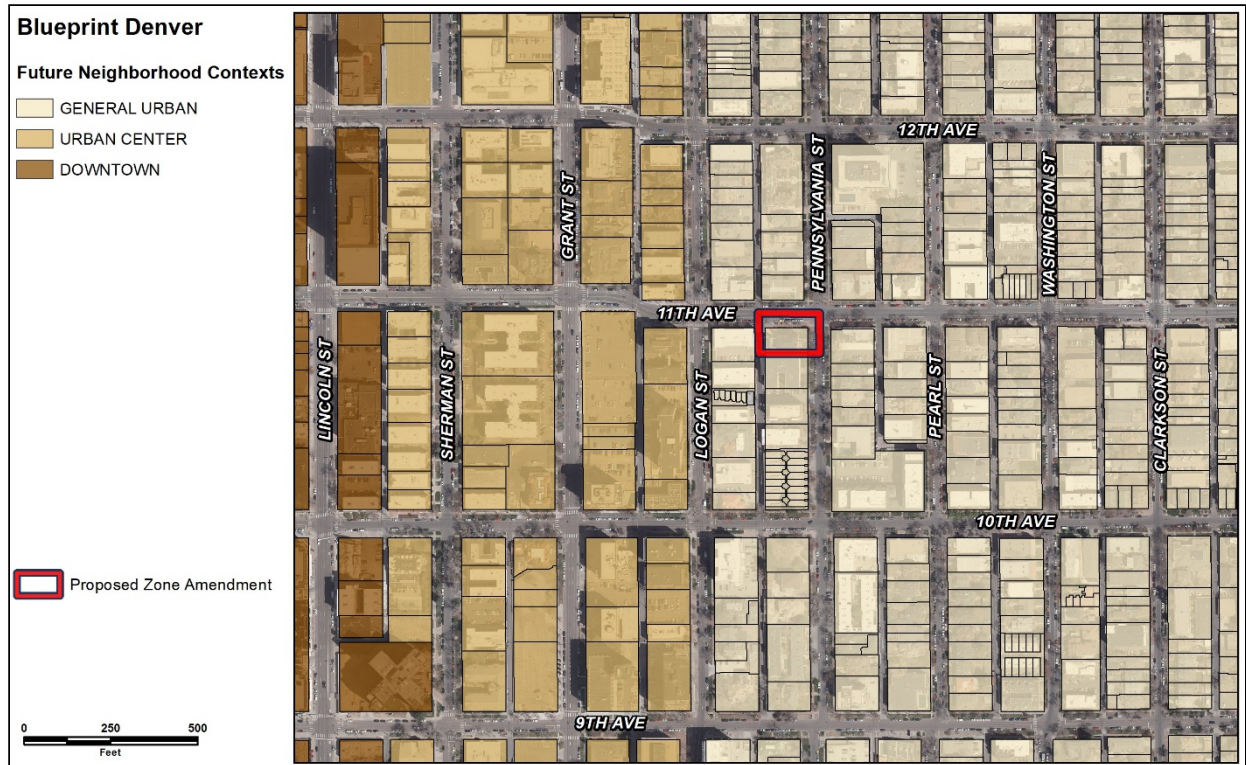
2. The proposed rezoning would promote Denver’s local neighborhood businesses, consistent with the following strategies in the Economically Diverse and Vibrant vision element:
 - Economically Diverse and Vibrant Goal 3, Strategy A – *Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver* (p. 46).
 - Economically Diverse and Vibrant Goal 10, Strategy B – *Support the creation, expansion and economic vitality of Denver food businesses* (p. 48).

In summary, the proposed rezoning is consistent with the plan policies identifying the need to support locally-owned businesses and the reuse of existing structures. The rezoning request would allow a wider variety of uses that could supplement the existing uses within the neighborhood. The request would provide opportunities to adapt the use of this historic structure in response to evolving neighborhood needs and economic influences.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to the *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 Residential High-Medium place type within the General Urban Neighborhood Context and provides guidance for the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between neighborhoods and their land use, built form, and mobility options at a higher scale. The subject property is shown on the context map as the General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). In the General Urban neighborhood context, there are “predominantly multi-unit structures. 1-unit and 2-unit residential and low scale mixed-use are embedded within the multi-unit areas. Block patterns are generally regular with consistent alley access. Buildings are medium scale and close to the street” (p. 137). The proposed G-MX-3 zone district is part of the General Urban neighborhood context and would allow mixed uses embedded within multi-unit areas, consistent with the intent of the General Urban neighborhood context in *Blueprint Denver*.

Blueprint Denver Future Places



The General Urban Neighborhood Context provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Residential High-Medium place type. *Blueprint Denver* describes the aspirational characteristics of Residential High-Medium places 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 zone district of G-MX-3 would allow an additional mixture of uses embedded within the adjacent multi-unit residential areas.

Because the building is an individual designated historic structure and is a contributing building in the Pennsylvania Street historic district, the structure would still need to comply with the Landmark Preservation requirements no matter which zone district it is in. Because of this, it is unlikely the building would be demolished, and the existing three-story building would be maintained on the subject property. Even though the requested zone district’s building height limitation of three stories is lowering the existing permitted height, the requested zone district is aligned with the existing building height and it would expand the commercial uses permitted and allow additional uses such as eating and drinking establishments and retail sales.

The rezoning request is **consistent** with *Blueprint Denver’s* identified Residential High-Medium place type.

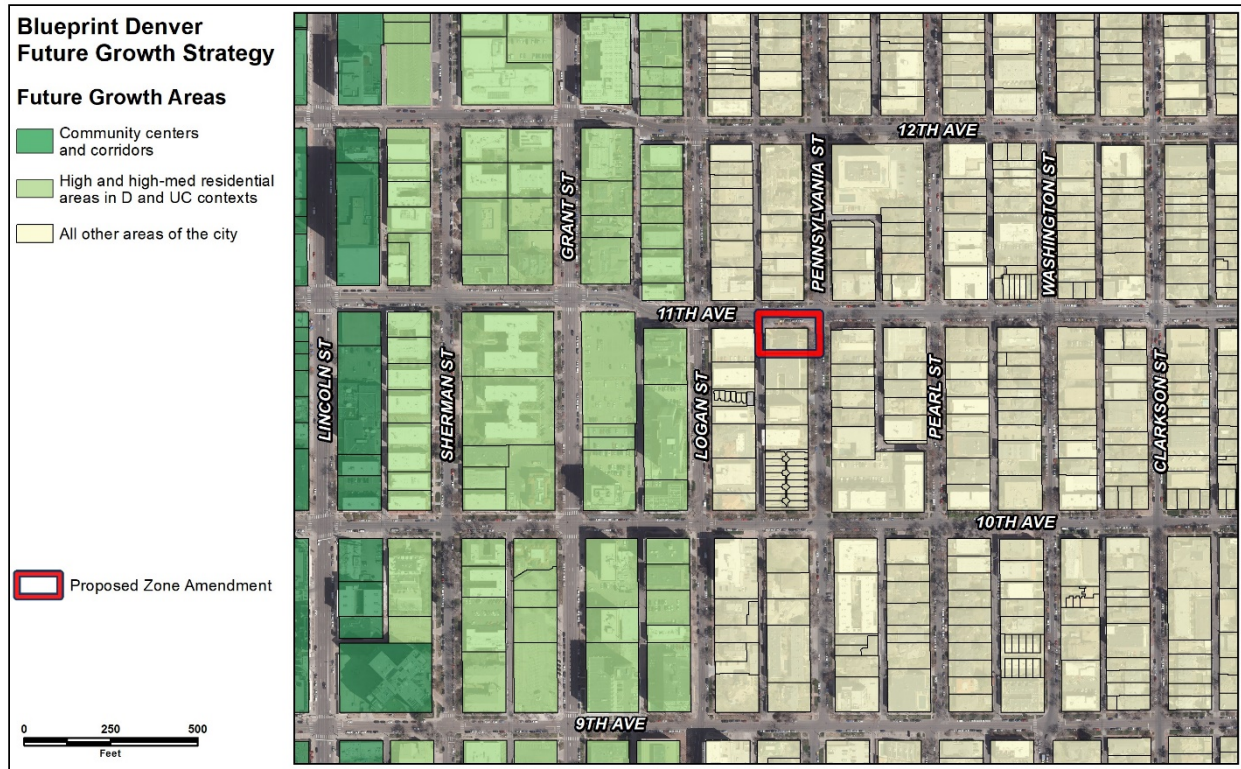
Blueprint Denver Street Types



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 E 11th Avenue as a Residential Collector, which typically has “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” Pennsylvania Street is identified as a Local Street, which typically “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The current future place type of Residential High-Medium and residential collector and local street type work together to identify appropriate development intensity.

The rezoning request is **consistent** with *Blueprint Denver’s* identified Street Type because it would maintain a residential use and allow additional uses that could be incorporated within the adjacent residential uses.

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 Residential High-Medium place type. Residential High-Medium places (not within Downtown or Urban Center contexts) fall under "all other areas of the city" on the growth strategy map, which are anticipated to see 20% of new housing and 10% of new jobs by 2040. The areas are designated to "take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49).

The proposed zone district of G-MX-3 would allow additional uses that may contribute to a growth in jobs. The rezoning request is **consistent** with *Blueprint Denver's* identified Future Growth Strategy.

Blueprint Denver Strategies

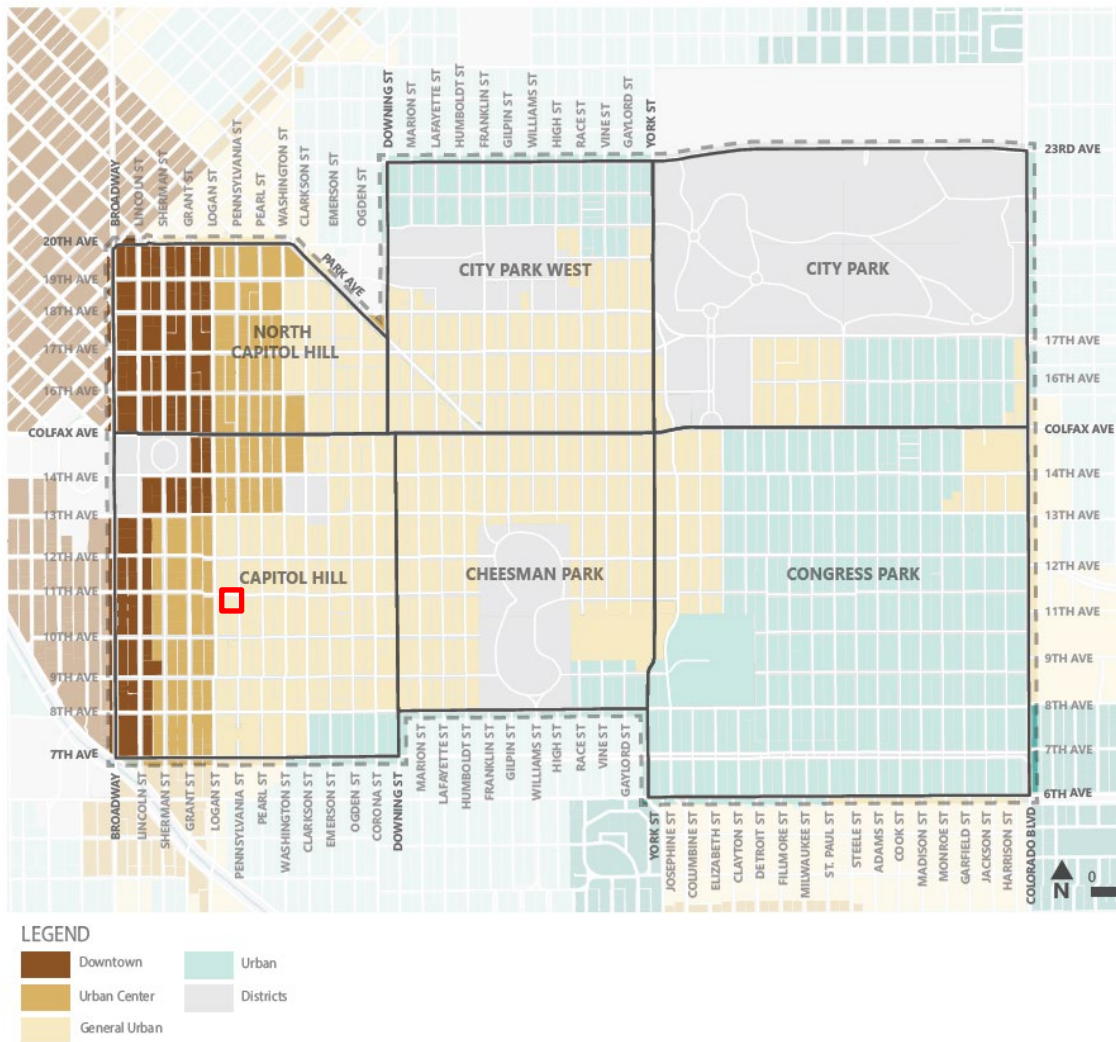
In *Blueprint Denver*, there are recommendations that form a comprehensive list of policies and strategies to guide implementation of the plan. They are organized by the three elements of complete neighborhoods. There are several strategies around historic preservation and promoting small businesses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

- 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).

- Land Use and Built Form, Economics – Policy 06 Strategy A: *Support locally-owned businesses – new and old – to expand and evolve to meet the changing needs of residents and visitors (p. 93).*

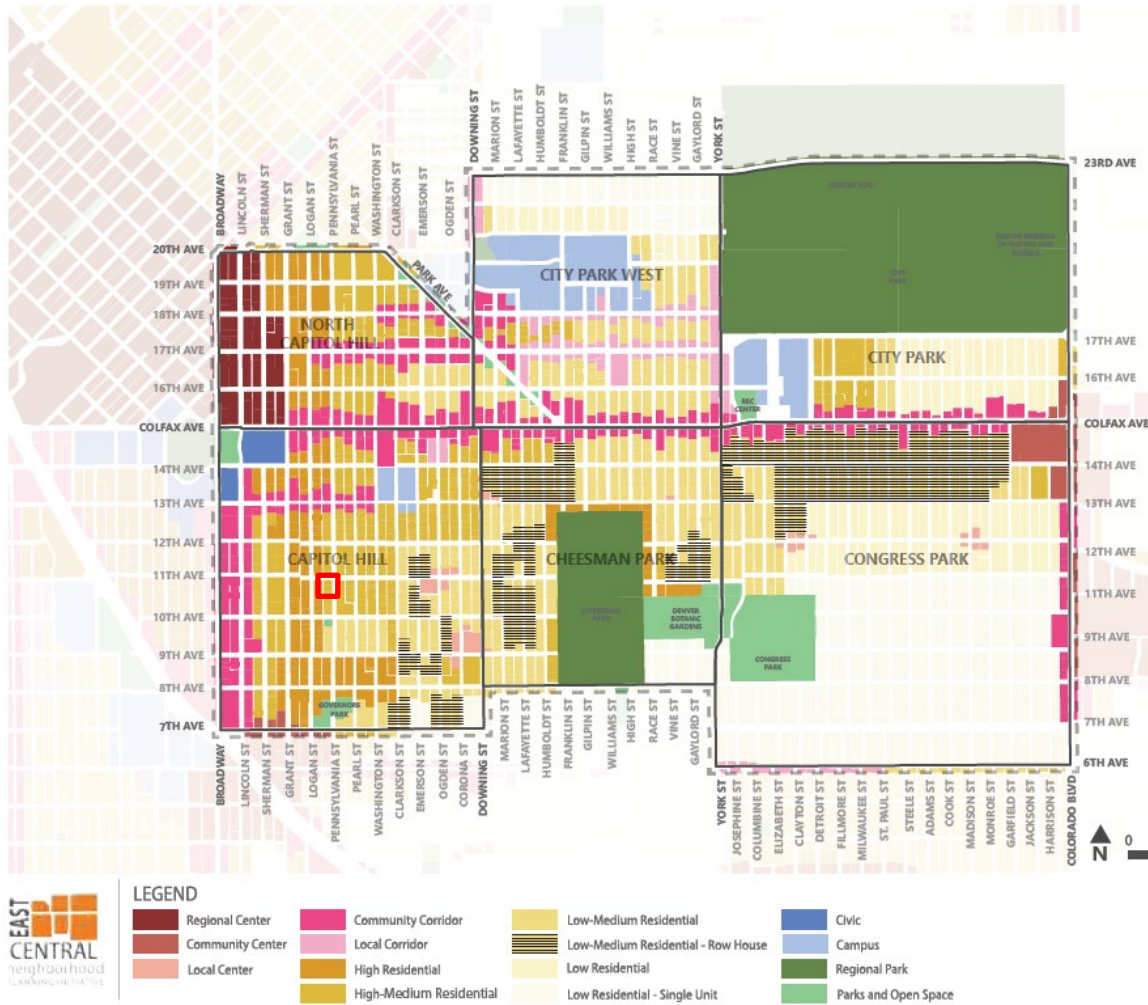
The rezoning request is **consistent** with *Blueprint Denver* strategies.

East Central Area Plan Neighborhood Context



The *East Central Area Plan* identifies the Neighborhood Context for the subject property as General Urban. This is consistent with the requested zone district’s neighborhood context.

East Central Area Plan Future Places



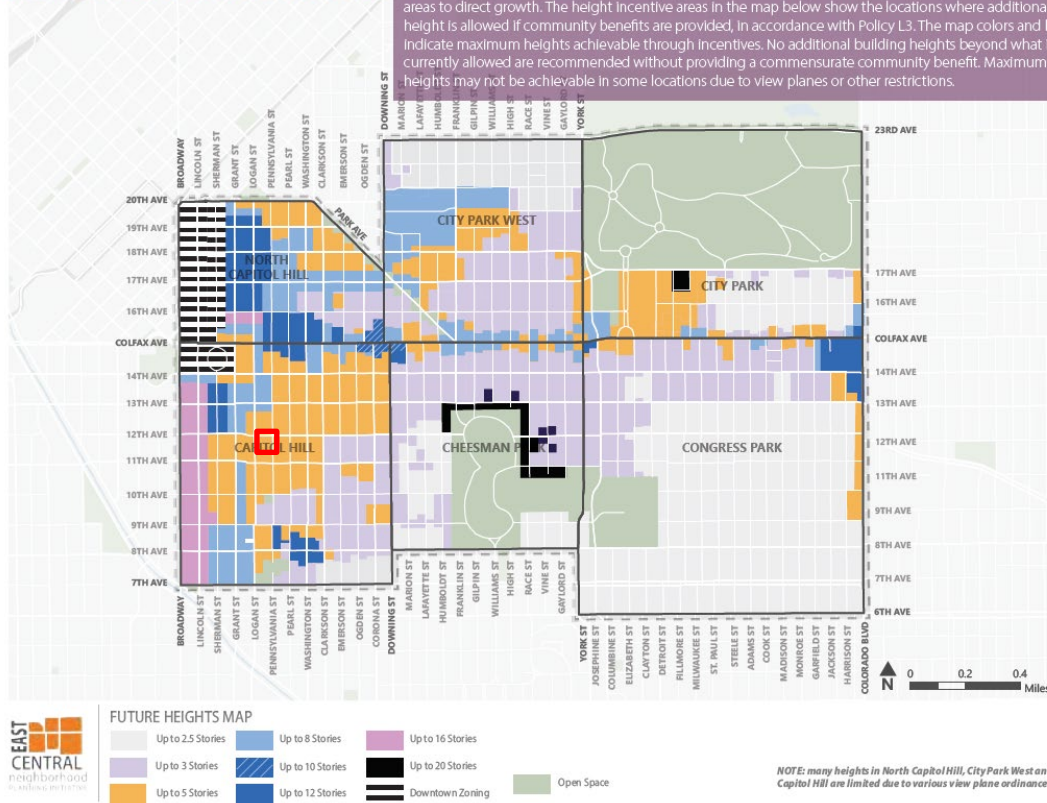
The *East Central Area Plan* identifies the Future Place for the subject property as High-Medium Residential, which should include “a mix of low- to medium-scale multi-unit residential uses with some neighborhood-serving mixed use distributed throughout” (p.29). This is consistent with the requested zone district’s scale and uses.

East Central Area Plan Maximum Building Heights

East Central Area Plan | 2.1 Land Use and Built Form

MAXIMUM BUILDING HEIGHTS

The height strategy for East Central takes several factors into account, including heights of existing buildings, maximum heights allowed by existing zoning, and community input on desired development patterns and areas to direct growth. The height incentive areas in the map below show the locations where additional height is allowed if community benefits are provided, in accordance with Policy L3. The map colors and legend indicate maximum heights achievable through incentives. No additional building heights beyond what is currently allowed are recommended without providing a commensurate community benefit. Maximum heights may not be achievable in some locations due to view planes or other restrictions.



The *East Central Area Plan* identifies the maximum building height for the subject property as Up to 5 stories. This is consistent with the requested zone district's height.

East Central Area Plan Strategies

In the *East Central Area Plan*, the vision outlined in the plan identifies the need for supporting locally owned, independent businesses and increasing historic preservation by making it easier to reuse existing buildings. There are several strategies around historic preservation and adaptive reuse that the rezoning request is consistent with. They include:

- Future Places Recommendation L6: *Retain the character of High, High-Medium, and Low-Medium Residential Places and facilitate compatible infill development.*
 - *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.*
 - *Facilitate adaptive reuse of historic structures by allowing a broader range of uses, including compatible commercial uses, and appropriate additions.*

The rezoning request is **consistent** with *East Central Area Plan* strategies.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MX-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 does further the public health, safety, and general welfare of the City through implementation of the city's adopted land use plan. The proposed zone district is consistent with *Blueprint Denver's* plan policies, and therefore contributes to implementing the city's adopted land use plan. The requested zone district of G-MX-3 will allow the historic structure to have a broader range of uses, which will promote adaptive reuse of the historic structure and allow further preservation of the building. In addition to that, the broader range of uses may bring more services to the area for the surrounding community to utilize.

4. Justifying Circumstance

The application identifies the Justifying Circumstance under 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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan."

The application references the *Comprehensive Plan 2040*, *Blueprint Denver*, and *East Central Area Plan* as recently adopted city plans. As stated in the first review criterion, these plans provide a clear vision and strategies that outline the need for historic preservation, adaptive reuse, encouraging small businesses, and providing flexibility for small mixed-use nodes with neighborhood-serving amenities and uses to be dispersed throughout multi-unit residential areas. Citing these recently adopted plans to rezone to G-MX-3 is an appropriate justifying circumstance.

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

The requested G-MX-3 zone district is within the General Urban Neighborhood Context. The neighborhood context "is primarily 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 street" (DZC, Division 6.1). There is typically a regular pattern of

blocks surrounded by an orthogonal street grid with alleys. This portion of the Capitol Hill neighborhood fits the general description of General Urban neighborhoods and the proposed G-MX-3 zone district would allow a mixture of uses within the same structure consistent with the General Urban Neighborhood Context description.

The general purpose of the General Urban mixed use zone districts is to “promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge” and “enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” The Mixed Use districts “are focused on creating mixed, diverse neighborhoods” and “are intended for broader application at the neighborhood scale” (DZC Section 6.2.3.1).

The specific intent of the G-MX-3 zone district is to apply “to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired” (DZC Section 6.2.3.2).

The proposed G-MX-3 zone district is consistent with the DZC context description, purpose and intent statements.

Attachments

1. Application
2. Public and RNO comment letters, as applicable