



**TO:** City Council  
**FROM:** Edson Ibanez, Senior City Planner  
**DATE:** March 28, 2024  
**RE:** Official Zoning Map Amendment Application #2022I-00256

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00256.

### Request for Rezoning

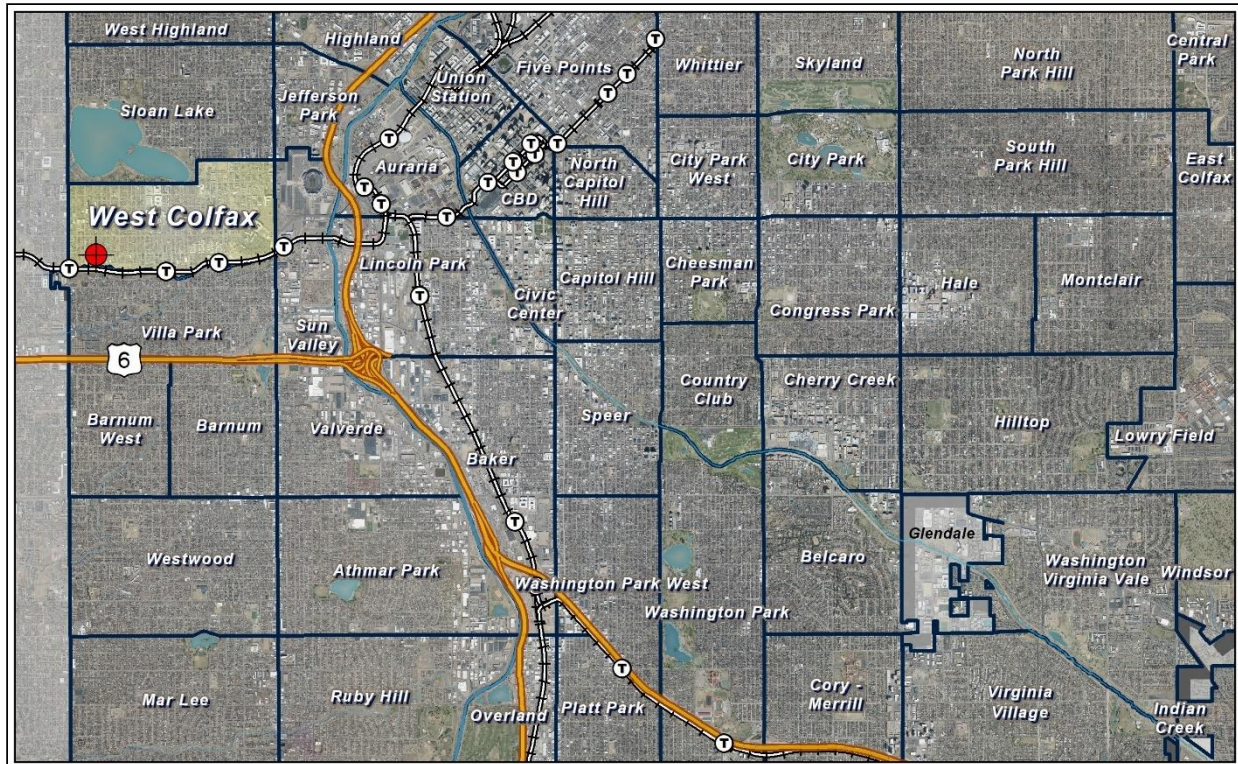
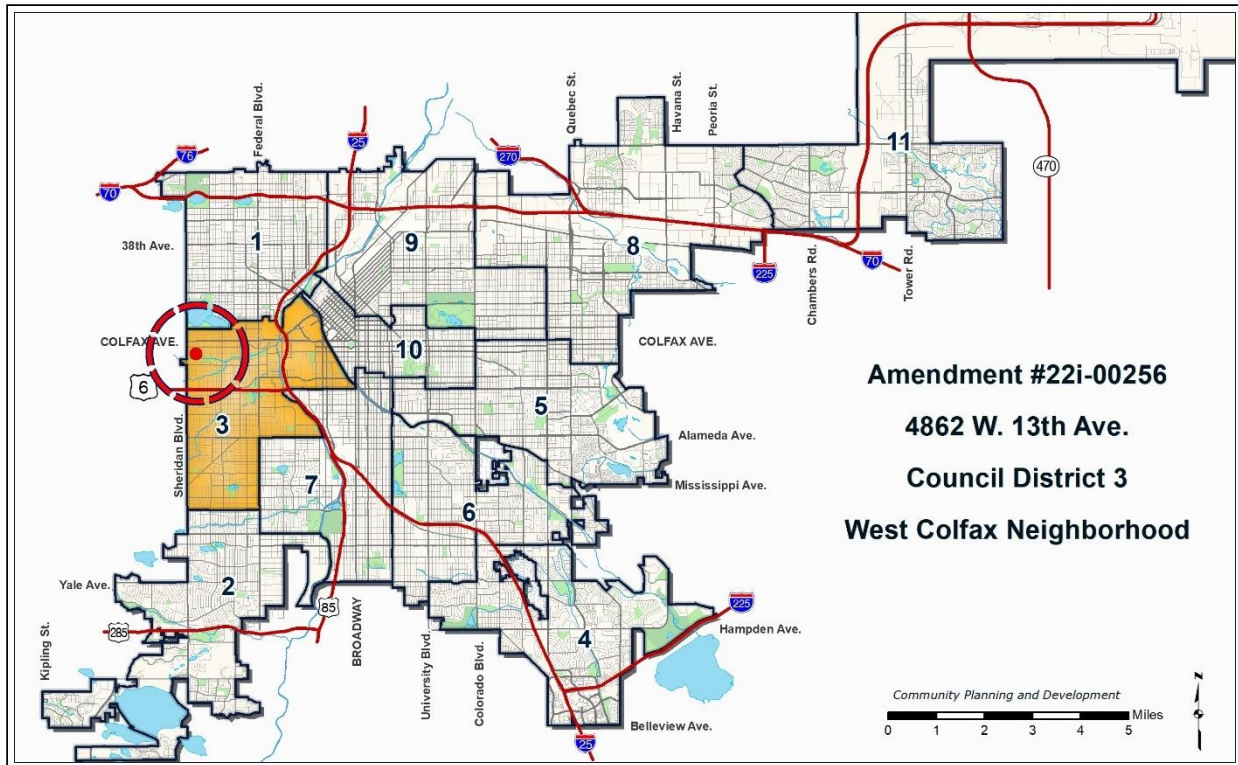
Address: 4862 West 13th Avenue  
Neighborhood/Council District: West Colfax / Council District 3  
Councilwoman Jaime Torres  
RNOs: United Northwest Denver, Inter-Neighborhood Cooperation (INC), West Colfax Association of Neighbors, Sloan's Lake Citizens' Group, Strong Denver, and Southwest Vida  
Area of Property: 15,000 square feet or 0.344 acres  
Current Zoning: U-RH-3A  
Proposed Zoning: G-MU-3  
Property Owner(s): 1757 CLARKSON STREET TRUST  
Owner Representative: Nick Young, (MOD) Thinking Modern

### Summary of Rezoning Request

- The property is in the West Colfax statistical neighborhood at the southwest corner of West Colfax Avenue and Knox Court.
- The Subject Property is currently occupied by a six-plex.
- The property owner is seeking to construct an apartment building, which under the current zone district is not allowed, that is intended deed-restricted income-restricted housing.
- This application has been accepted into the Affordable Housing Review Team.
- The proposed zone district, G-MU-3, can be summarized as follows (see map below illustrating proposed zone district):

The G-MU-3 (General Urban neighborhood context, Multi-Unit, 3 stories maximum) zone district is intended to provide building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. G-MU-3 is a multi-unit district allowing urban house, duplex, garden court, town house, and apartment building forms. The tallest building form has a maximum height of three stories, with exceptions and incentives allowed. Further details of the G-MS-3 zone district can be found in Article 6 of the Denver Zoning Code.

### Existing Context





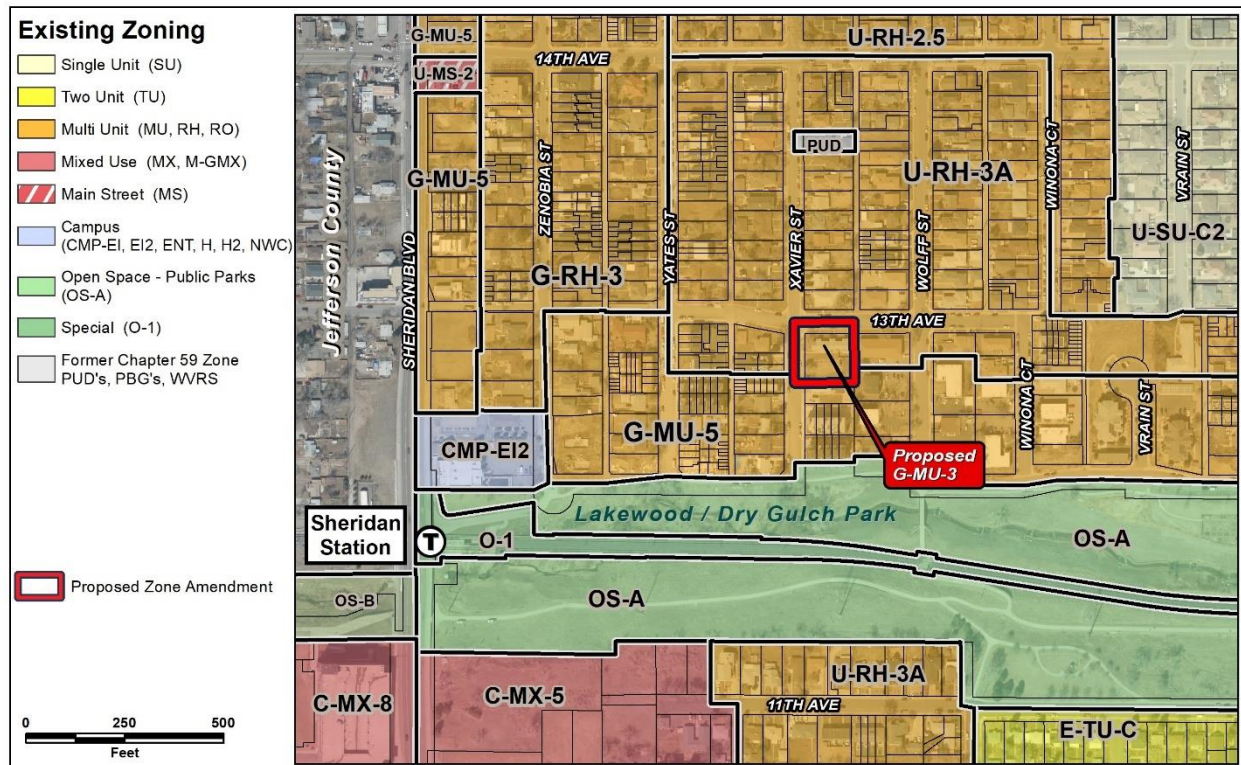
The subject property is located within the West Colfax neighborhood, at the southwest corner of W 13<sup>th</sup> Avenue and Xavier Street. The subject site has approximately 125 feet of frontage along West 13<sup>th</sup> Avenue and has a lot-depth of approximately 125 feet. The existing two-story structure on the site is occupied by 6 rowhomes. The Lakewood/Dry Gulch Park is less than 0.10 miles from the subject site to the south. The W RTD Light Rail Station at Sheridan Boulevard is approximately 0.25 mile southwest of the subject site.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-RH-3A	Multi-Unit	Two-Story Multi-Unit with parking accessed from the alley	Block sizes and shapes are consistent and rectangular and shaped with by a grid street pattern. There is a mixture of blocks with and without alleys.
North	U-RH-3A	Single Family	1-Story Single Family Residence with parking access from the alley.	
South	G-MU-5	Multi-Unit	2-story Duplex with parking accessed from the alley	
East	U-RH-3A	Multi-Unit	Two-Story Multi-Unit with parking accessed from the alley	

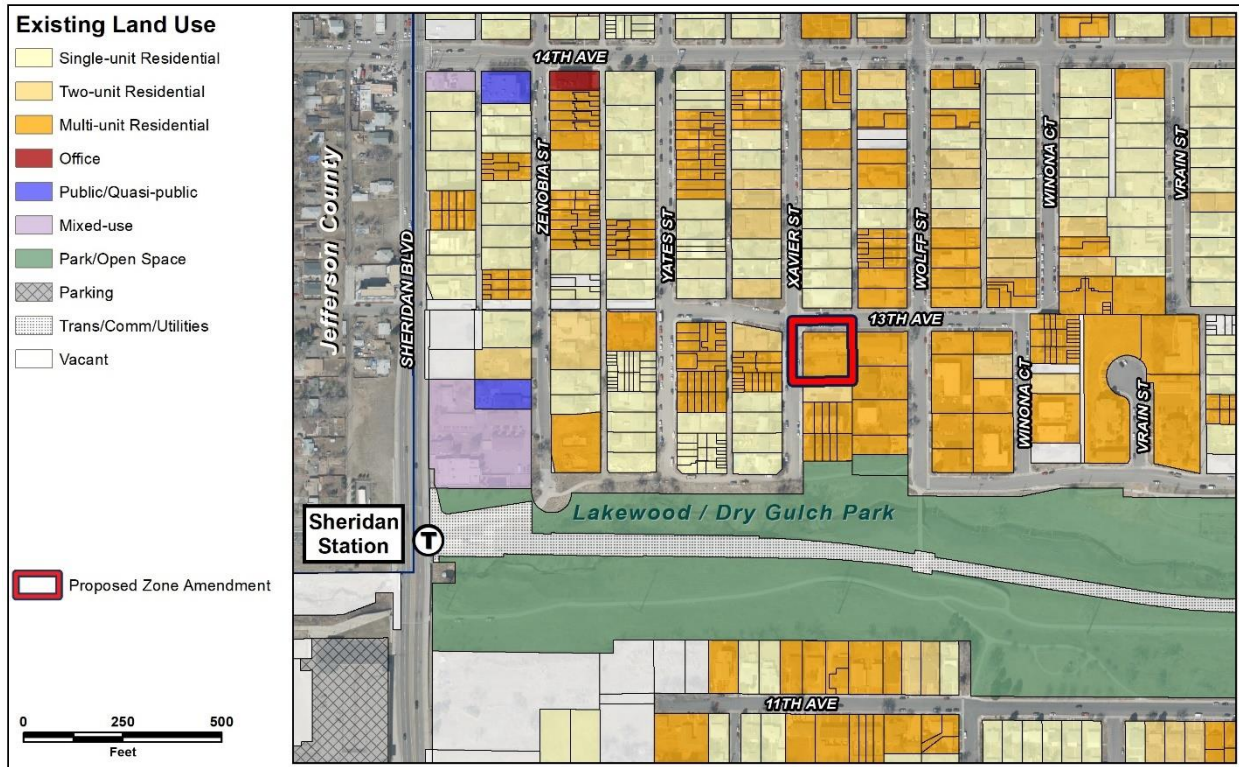
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-RH-3A	Multi-Unit	2-story Duplex with parking accessed from the 13 <sup>th</sup> Avenue and a 3 story slot homes with parking access from the alley.	

### 1. Existing Zoning



The existing zoning is U-RH-3A, which is a zone district that mostly allows residential uses. U-RH-3A is a multi-unit district allowing urban house, duplex, tandem house, apartment and row house building forms. Apartments are allowed up to three stories where at least one of the intersecting streets is a collector or arterial street. 13th Avenue and Xavier Street are local streets and therefore the apartment building form is not permitted at the subject site. Buildings are allowed up to 2.5 stories and up to 35 feet. Further details of the U-RH-3A zone district can be found in Article 5 of the Denver Zoning Code.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale

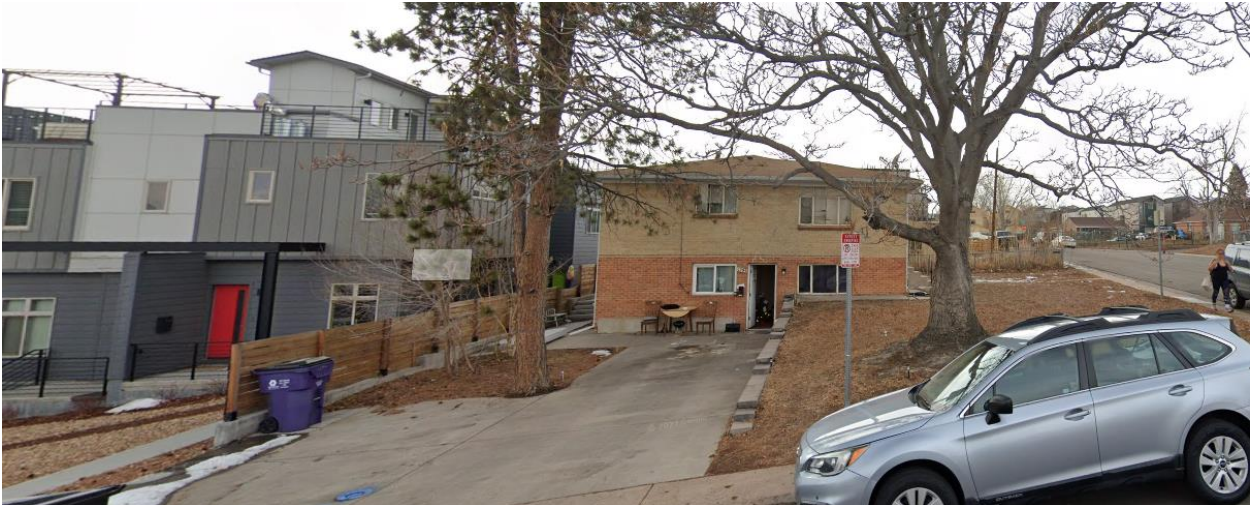
All images from Google Maps Street View.



Subject site looking south from 13<sup>th</sup> Avenue.



Single Family Residence located directly north of the subject property, facing east from Xavier Street.



Multifamily residential directly west of the subject property, across Xavier Street, looking west.



Day Spa, south of the subject property, looking east from Xavier Street.



Multi-unit residence East from the subject property, looking south on 13th Avenue.

### **Proposed Zoning**

The requested G-MU-3 zone district is found in the General Urban Neighborhood Context. The intent of the district is to “promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms (DZC, Section 6.2.2.1.A). A variety of building forms, including urban house, duplex, row house, garden court, and apartment are available in this zone district. A wide range of residential and quasi-public uses are allowed in G-MU-3. “The regulations provide a consistent framework to property owners, developers, and neighborhood residents to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts” from the Section 6.2.2.1.D. For additional details of the requested zone district, see DZC Sections 6.2.2, 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	Existing U-RH-3A	Proposed G-MU-3
Primary Building Forms Allowed	Urban House, Duplex, Row House, Tandem House, Town House, and Apartment**	Urban house, Duplex, Garden Court, Town House, and Apartment
Height in Stories / Feet (max)	2.5 stories / 35'	3 stories / 40'*
Primary Street Build-To Percentages (min)	N/A	60%*
Primary Street Build-To Ranges	N/A	10'/20'
Minimum Zone Lot Size/Width	6,000 SF	6,000 SF
Primary Street Setbacks (min)	10' to 20'	20'***
Building Coverage (max)	50%*	N/A

\*Standards included in the table are for Apartment Building Form. The Apartment Building Form does allow for an additional story if the project meets the requirements of the Enhance Affordable Housing.

\*\* For U-RH-3A, Apartments are allowed up to three stories where at least one of the intersecting streets is a collector or arterial street. 13<sup>th</sup> and Xavier Street are local streets and therefore the apartment building form is not permitted at 4862 W. 13th Avenue.

\*\*\* Calculated per Section 13.1.5.9 or 20', whichever is less

### 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:** Approve Rezoning Only – No Comments.

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 comments

**Department of Transportation and Infrastructure – R.O.W. - City Surveyor:** Approved – No Comments.

**Development Services - Transportation SURVEYOR:** Approved –No comments.

**Development Services – Wastewater:** Approved – See Comments Below.

There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

**Development Services – Project Coordination:** Approve – No Response.

**Development Services – Fire Prevention:** Approved – No comments.

**Development Services – Zoning Administration:** 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:	8/7/2023
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:	1/23/2024
Planning Board Public Hearing	2/7/2024
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:  (tentative)	2/10/2024

Land Use, Transportation, and Infrastructure Committee of the City Council (tentative):	2/20/2024
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 (tentative):	3/11/2024
City Council Public Hearing (tentative):	4/1/2024

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - To date, staff has not received any other letters of support or opposition from other RNO's.
  - **General Public Comments**
    - To date, staff has not received any other letters of support or opposition

### 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 site:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *West Area Plan (2023)*

**Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategies apply from 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* (p. 28).

The requested G-MU-3 zone district will facilitate a mix of housing options, including urban house, duplex, apartment and garden court building forms. It is in close proximity to the W Line at the Sheridan Station. It is therefore consistent with the above strategies in the Equitable, Affordable and Inclusive 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).

This site is an infill location where infrastructure is already in place allowing residents to live, work and play in the area. The zone district will also apply current, form-based zoning code standards, ensuring quality development appropriate for the neighborhood. It is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element.

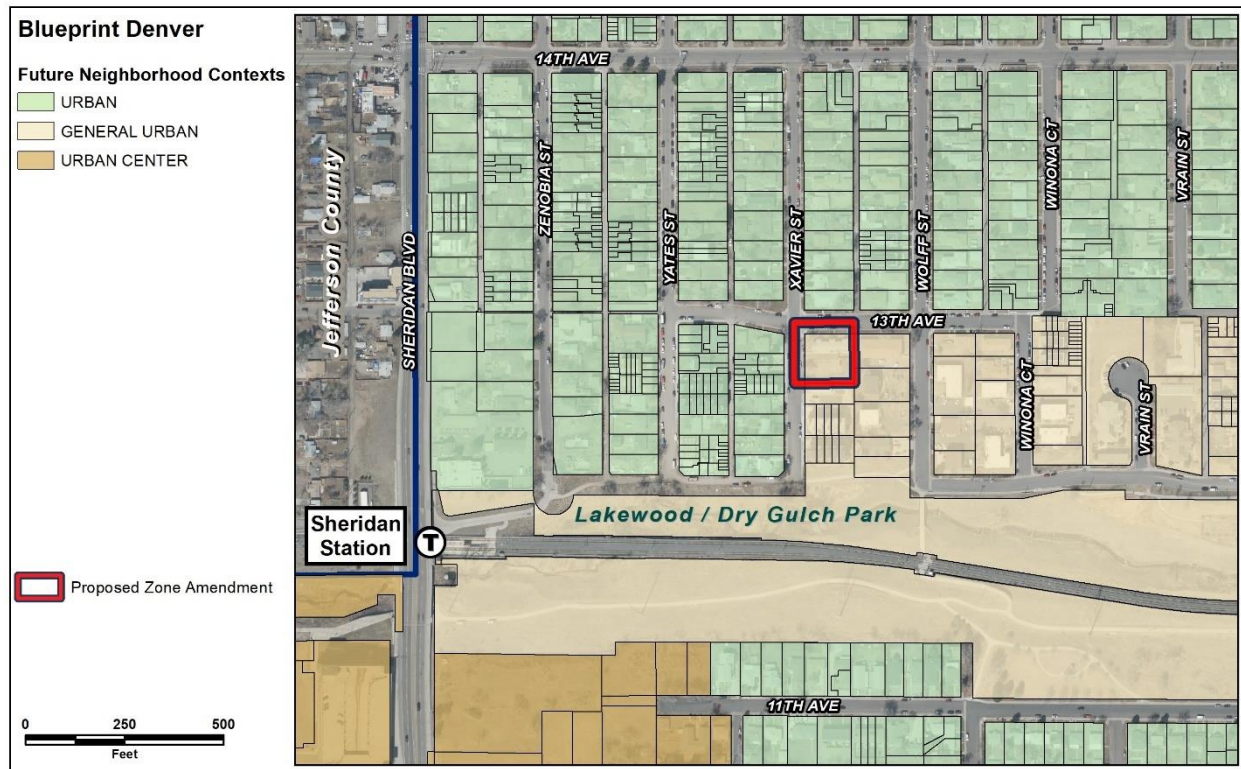
- *Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place* (p. 54).
- *Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

Therefore, rezoning to facilitate redevelopment of this site advances the strategies of *Comprehensive Plan 2040*.

### **Blueprint Denver**

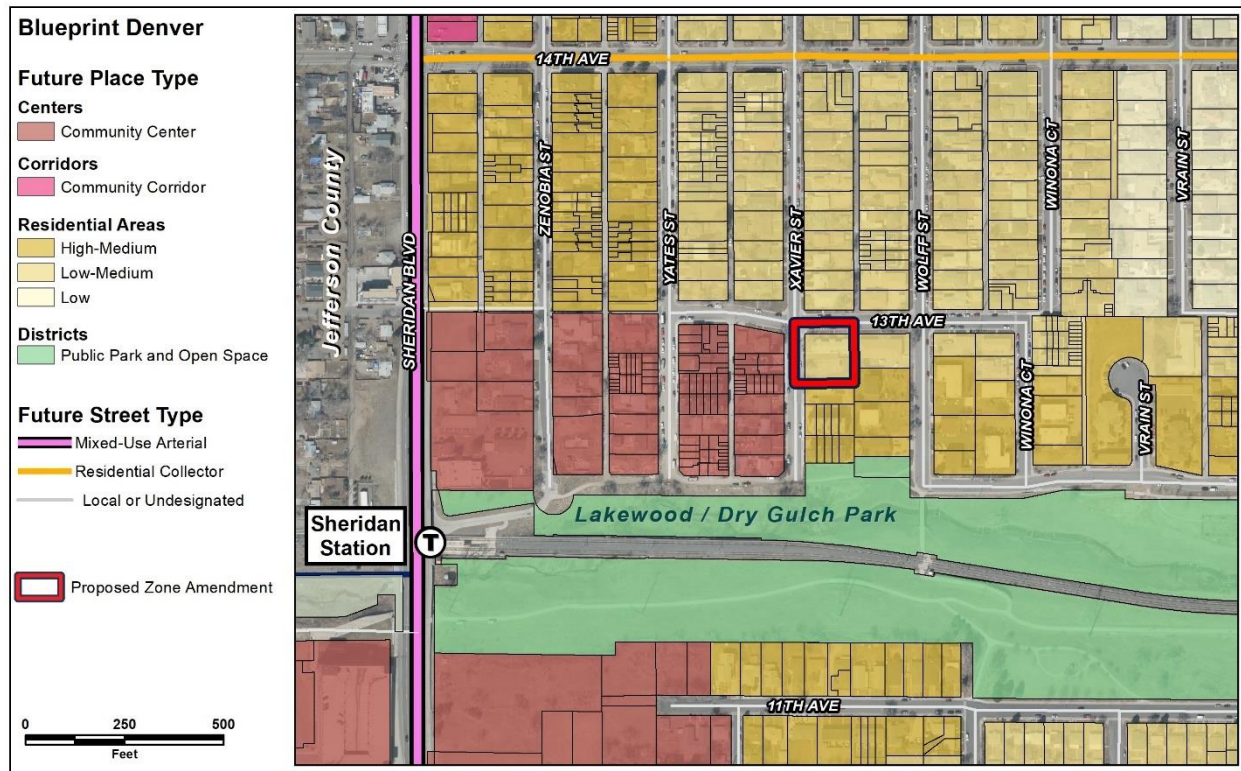
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Medium Residential future place within the General Urban future neighborhood context and provides guidance on 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 land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as General Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as containing “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” (p. 235). The G-MU-3 zone district is “a multi-unit district allowing urban house, duplex, garden court, town house, and apartment building forms” (DZC 6.2.2.2.B). In addition, the G-MU-3 zone district contains a block sensitive setback application, “to maintain an established context or pattern” (DZC 6.3.7.2.C.1) found within the neighborhood. Building form standards such as this, along with design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas within the G-MU-3 zone district. The proposed rezoning is appropriate as the surrounding area is already mapped G-MU-3 and the rezoning is consistent with the goals of *Blueprint Denver* and the intent of the existing neighborhood context map.

### Blueprint Denver Future Places



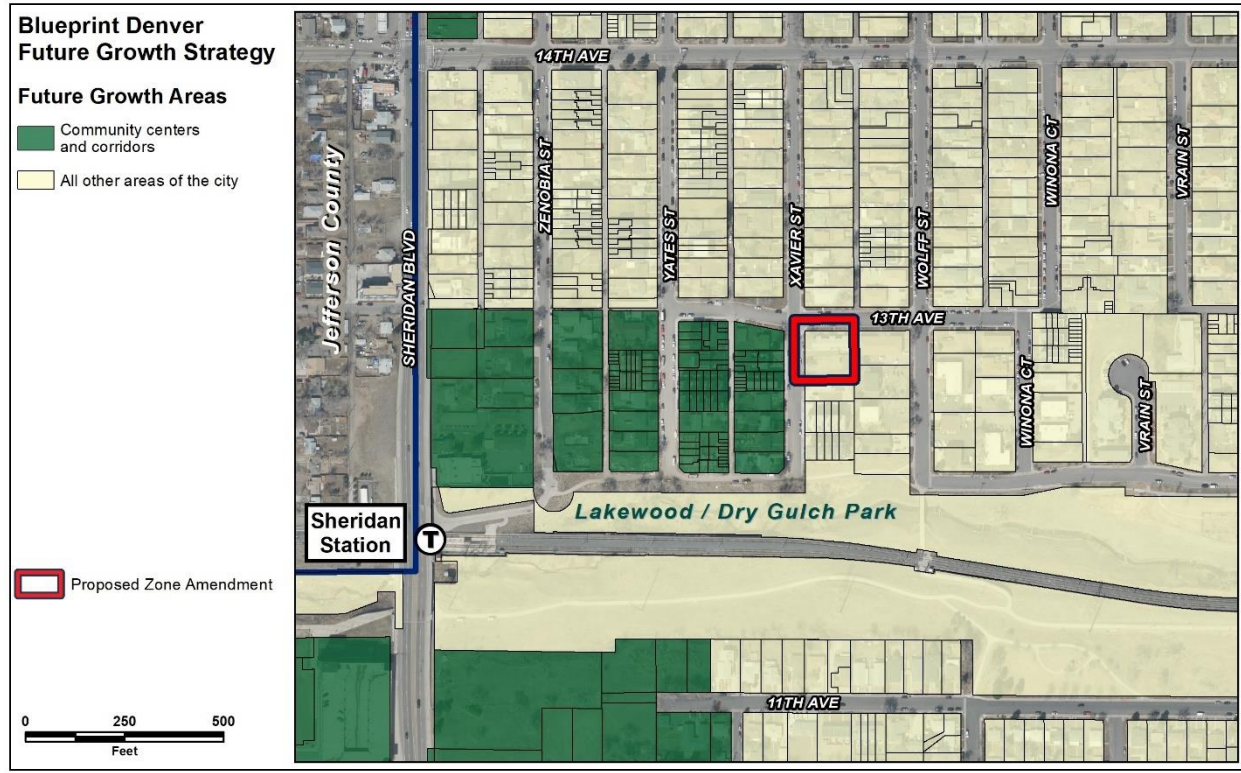
The subject site is designated within a Low-Medium Residential future place type on the *Blueprint Denver* Future Places map. This place type is “primarily residential, with a mix of unit types. Single- and two-unit homes are interspersed with lower scale multi-unit buildings. Limited neighborhood serving commercial can be found, particularly at intersections. Heights are generally up to 3 stories” (p. 246). Consistent with this guidance, the proposed G-MU-3 zone district provides for a variety of residential options. The residential emphasis and the three-story heights of the proposed G-MU-3 zone district are consistent with this plan direction as well. The building form standards, design standards and uses of the G-MU districts, “work together to promote safe, active, pedestrian-scaled residential areas” (DZC 6.2.2.1.B).

### 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 Xavier Street and 13<sup>th</sup> Avenue as local streets. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Within proximity is Sheridan Blvd which is classified as a Mixed-Use Arterial Street which are characterized “by a mix of uses including retail, services, and restaurants, as well as residential. Buildings are pedestrian oriented, with little front setback, a continuous street wall, and high transparency” (p.158).

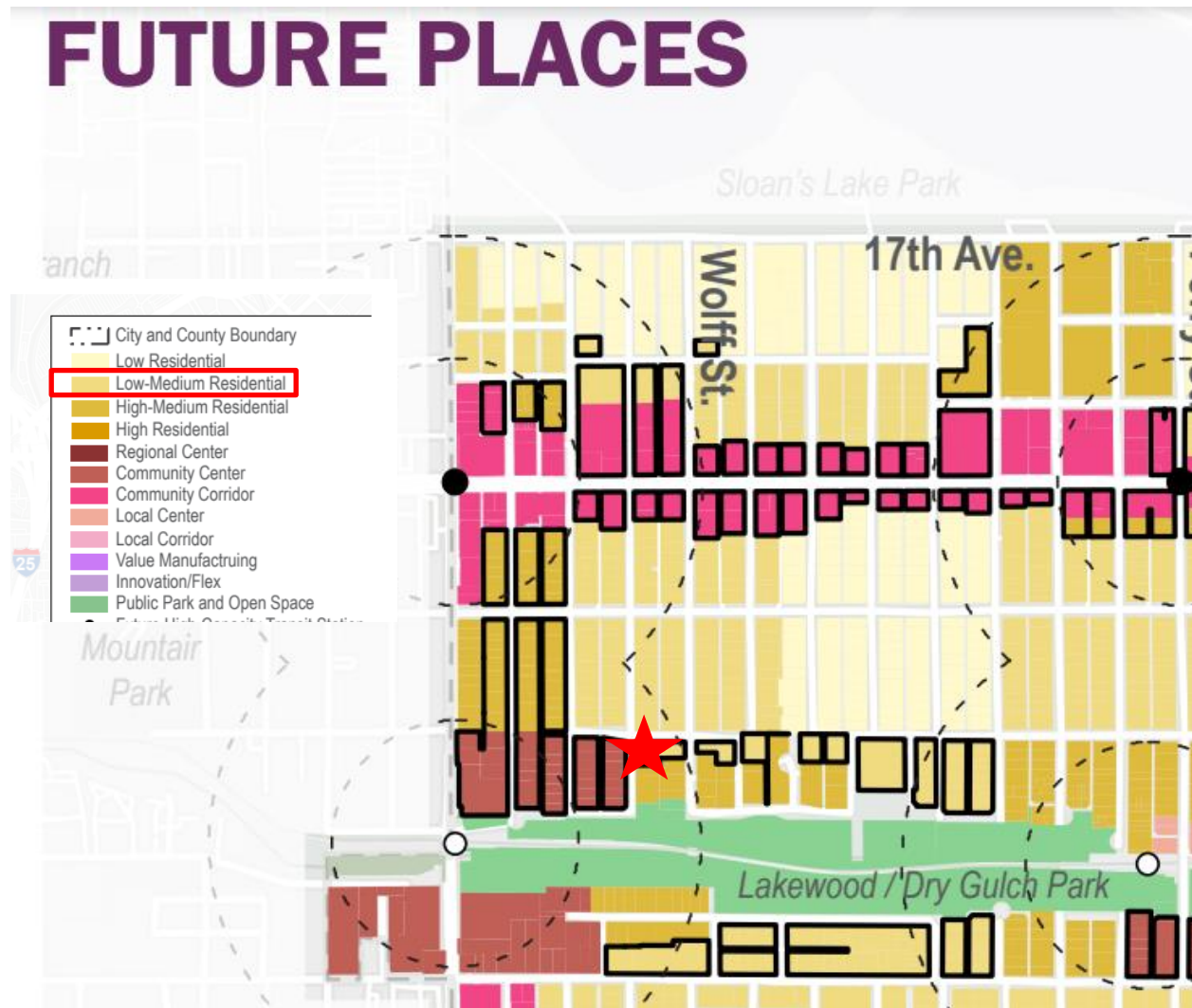
The proposed G-MU-3 district is consistent with this plan direction for this location as, “residential uses are primarily located along local and residential arterial streets” (DZC 6.1.1). In addition, block sizes and shapes within the G-MU-3 district are consistent and include detached sidewalks, tree lawns, and landscaping in the front setback to promote pedestrian and bicycle activity.

### Growth Strategy



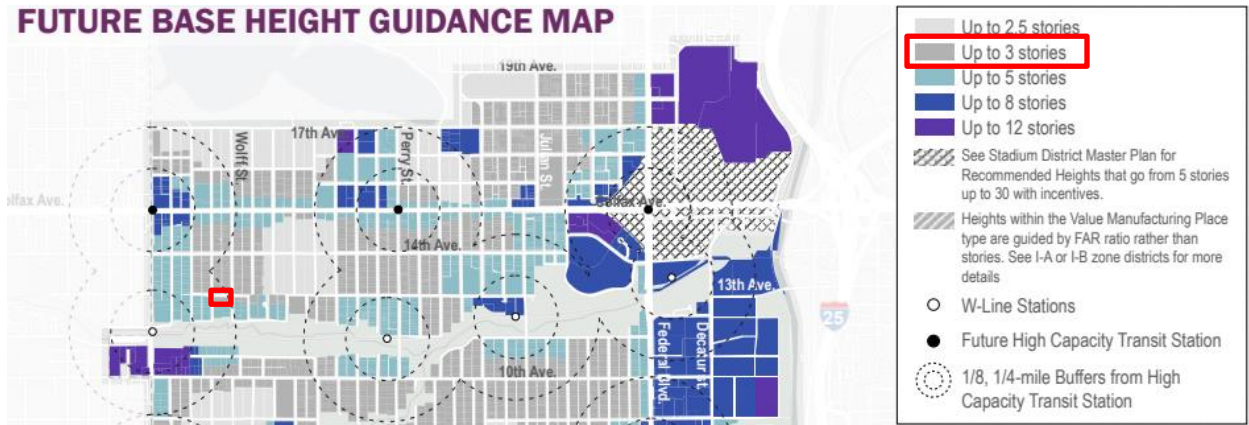
The subject property is located within a Low-Medium Residential place within a General Urban neighborhood context, which is classified as “All other areas of the city” in Blueprint Denver. These areas are projected to account for 10 percent of jobs and 20 percent of new households in the city by 2040. The proposed rezoning will provide additional housing units, which is an appropriate change given these growth goals. Therefore, this rezoning is consistent with the *Blueprint Denver* Future Growth Areas plan direction.

**West Area Plan (Adopted in Spring 2023)**



The *West Area Plan* was adopted in March 2023. The plan was developed over more than 2 years of community engagement as part of Community Planning and Development’s Neighborhood Planning Initiative. Within the *West Area Plan*, the subject property is within the General Urban Neighborhood Context and classified as Low-Medium Residential on the Future Place map. Low-Medium Residential is described as areas that are “primarily residential, with a mix of single and two-unit homes interspersed amongst lower-scale, multi-unit buildings” (p. 171). As with the *Blueprint Denver* guidance, the G-MU-3 zone district is appropriate for a Low Medium Residential as it would provide a mix of residential options with a height of 3-stories with building forms.

### FUTURE BASE HEIGHT GUIDANCE MAP



The *West Area Plan* height recommendation for this property is up to 3 stories. The proposed G-MU-3 is consistent with the height recommendations. Further, a priority of the *West Area Plan* is to make more housing options available and affordable to families and individuals (p. 9). Given that the proposed rezoning is accompanied by AHRT acceptance, the proposed rezoning furthers the key priorities of the plan.

The *West Area Plan* includes policy strategies and recommendations to help achieve equitable, community-focused goals of the plan. The proposed G-MU-3 meets many of these recommendations including:

Economy & Housing Policy E2: “Explore strategies so affordable housing is available everywhere by implementing approaches that promote a diversity of affordable housing options within all neighborhoods and new development.” (p. 212).

- The project has been accepted into the Affordable Housing Review Team. The applicant intends to construct 30-40 units in an apartment with targeted 30-50% AMI.

The *West Area Plan* implementation section specifically calls for public investment in affordable housing with specific reference to public-private partnerships. It goes further to explain how partnerships offer opportunities to work together to advance community goals and provide for community needs (p. 294).

Finally, *West Area Plan* priorities anti-displacement efforts and affordable housing are identified as top priorities. The rezoning facilitates achieving the plan’s priority recommendations with regard to helping to prevent displacement and support the development of affordable housing and is therefore consistent with the *West Area Plan*.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MU-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 through implementation of the city's adopted land use plans. Additionally, the proposed G-MU-3 fosters neighborhood-supportive reinvestment on the site. The proposed zone district also ensures development will create a more pedestrian-friendly sidewalk environment.

### **4. Justifying Circumstance**

The application identifies several changed or changing conditions and a change in plan direction as the justifying circumstances under DZC Section 12.4.10.8.A.4, *"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; or, (b.) a City adopted plan..."*

The application identifies Adopted Plan and changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4., *"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 changed or changing conditions in an area, or in the city generally. Or a City Adopted Plan"* With the recent adopted West Area Plan, the proposed rezoning is consistent with the recommendations and plan direction of this plan. Over the years, the West Colfax Neighborhood has seen substantial redevelopment and reinvestment, including significant commercial and residential construction in the vicinity. Several multi-unit residential townhomes have been built and are under construction adjacent to the subject site to the north, west and east. Other constructions include Rodolfo "Corky" Gonzales Branch Library south of the subject site and the mixed-use development at 1515 N. Julian Street south of the subject site. City Adopted Plans and Changed or changing conditions in an area are an appropriate justifying circumstance.

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

The requested G-MU-3 zone district is within the General Urban Neighborhood Context which 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. Residential uses are primarily located along local and residential arterial streets which consist of a regular pattern of block shapes surrounded by an orthogonal street grid (Denver Zoning Code Division 6.1). Within the General Urban Neighborhood Context homes vary from multi-unit development to compact single-unit homes.

The proposed G-MU-3 zone district is consistent with the neighborhood context description and appropriate for this location because it is a multi-unit district allowing a variety of building forms, compatible height and building form/design standards. The building form standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, garden court, and apartment building forms.

In addition to allowing the above building forms, the specific intent of the G-MU-3 zone district is to provide certainty to property owners and neighborhoods about the limits of what is allowed in a residentially-zoned area and reinforce desired patterns in existing neighborhoods. The proposed G-MU-3 zone district is consistent with the zone district purpose and is an extension of the surrounding context and existing G-MU-3 zone district. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent, therefore, it is appropriate for this location.

### **Attachments**

1. Application
2. Public Engagement