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**TO:** Denver City Council  
**FROM:** James Van Hooser, Senior City Planner  
**DATE:** July 08, 2021  
**RE:** Official Zoning Map Amendment Application #2020I-00136

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends City Council approve Application #2020I-00136.

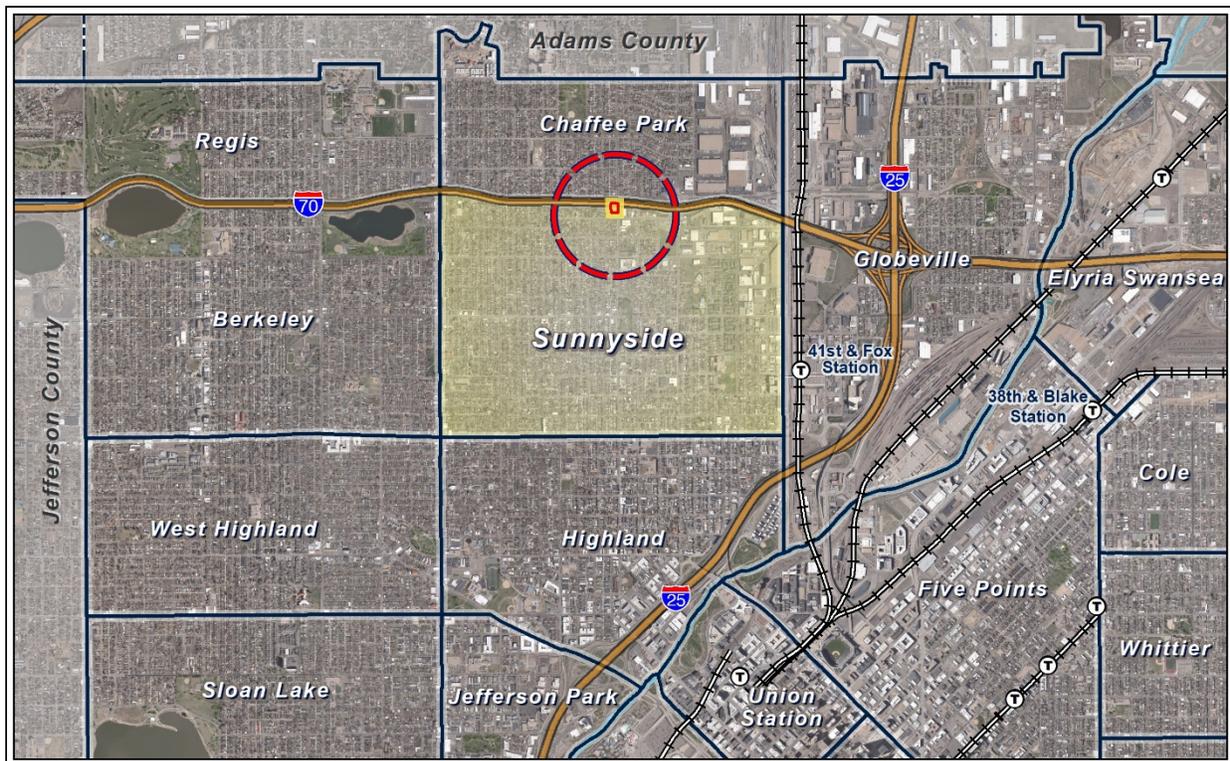
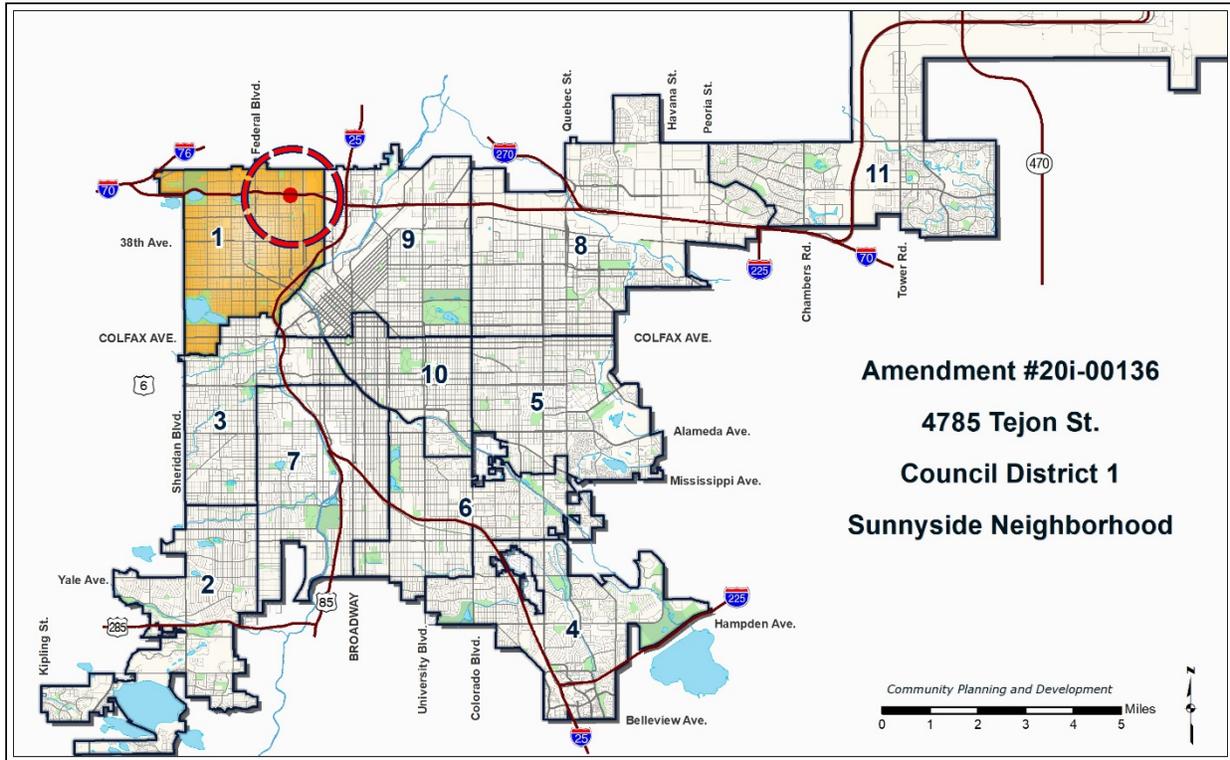
### **Request for Rezoning**

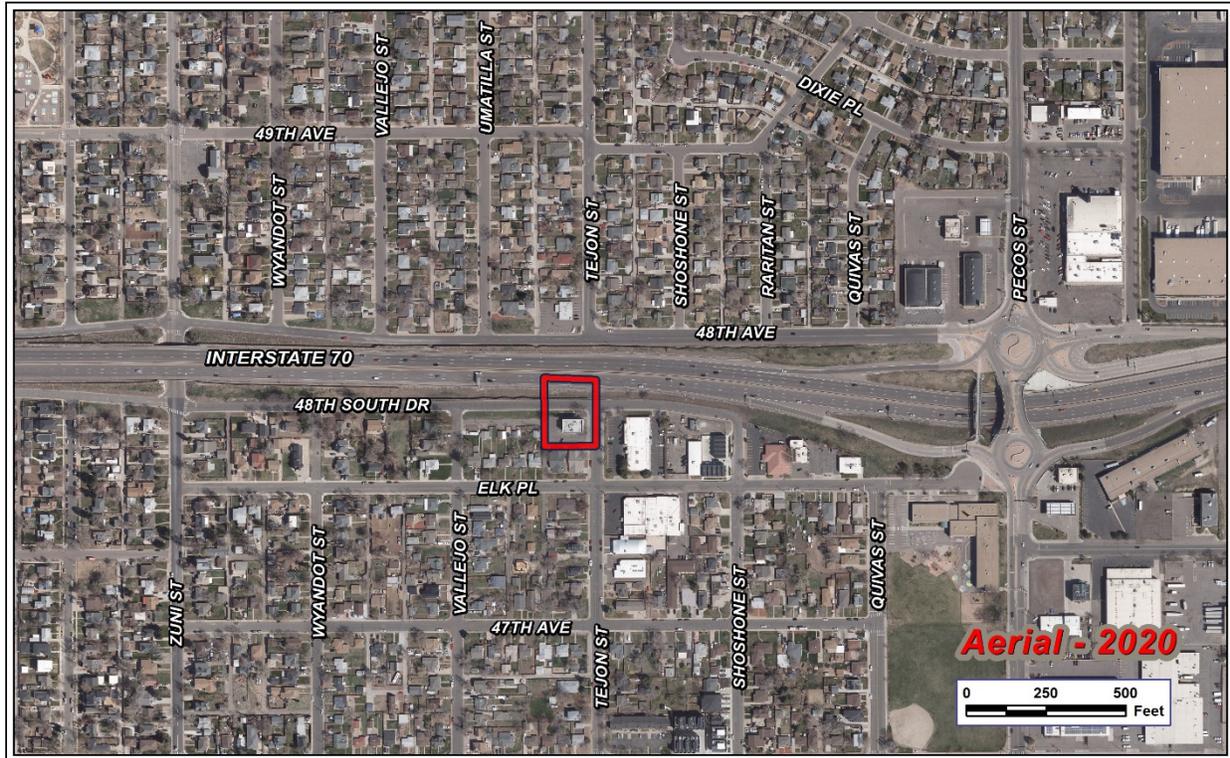
Address:	4785 North Tejon Street
Neighborhood/Council District:	Sunnyside Neighborhood / Council District 1
RNOs:	Sunnyside United Neighbors, Inc (SUNI), Unite North Metro Denver, Chaffee Park Neighborhood Association, Neighborhood Coalitions of Denver, District 1 Neighborhood Coalition, Inter-Neighborhood Cooperation (INC)
Area of Property:	10,297 square feet or 0.24 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-MX-3
Property Owner(s):	High Wire Properties, LLC
Owner Representative:	Molli Noga and Connor Finley, High Wire Properties, LLC

### **Summary of Rezoning Request**

- The subject property is in the Sunnyside statistical neighborhood on the west side of Tejon Street.
- The site contains a three-story commercial/office building, originally constructed in 1972, when the zoning was B-2.
- The rezoning is proposed to bring the parcel into a Denver Zoning Code mixed-use zone district more consistent with the existing use and structure on the property.
- The proposed zone district, U-MX-3, is intended for use in the Urban Neighborhood Context to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods. Design standards provide options for varied building placement while still offering an active street front. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

### Existing Context



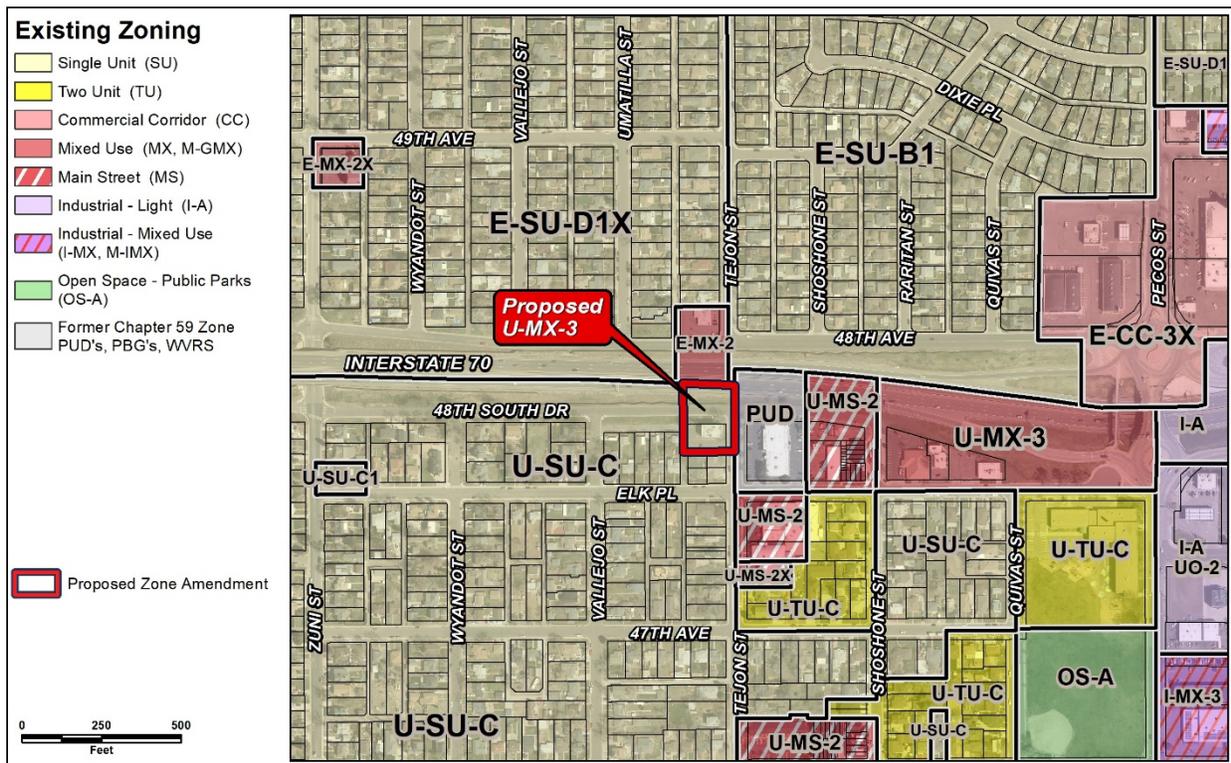


The subject property is on the southwest corner of Tejon Street and 48<sup>th</sup> South Drive. Interstate 70 is adjacent to 48<sup>th</sup> S. Drive, just to the north of the property. There is an industrial strip of buildings just across Tejon to the east and south from the site. The following table summarizes the existing context proximate to the subject property:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Commercial/Office	3 story office/commercial building and parking lot	Generally regular grid of streets in this neighborhood; Adjacency to I-70 disrupts regular block pattern directly to the north.
North	N/A	Interstate 70	Interstate Highway	
South	U-SU-C	Multi-unit residential	1-2 story multi-unit residential buildings.	Block sizes and shapes are consistent and rectangular to the south.  Vehicle parking generally accessed
East	PUD	Industrial	Industrial, one-story PUD containing Romero Family Funeral Home	
West	U-SU-C	Single-unit residential	Single-unit residential buildings, 1-2 stories with medium setbacks with curb cuts and garage entrances off alleys	

Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			through alleys, although this parcel also has an existing curb cut off Tejon St.

### 1. Existing Zoning



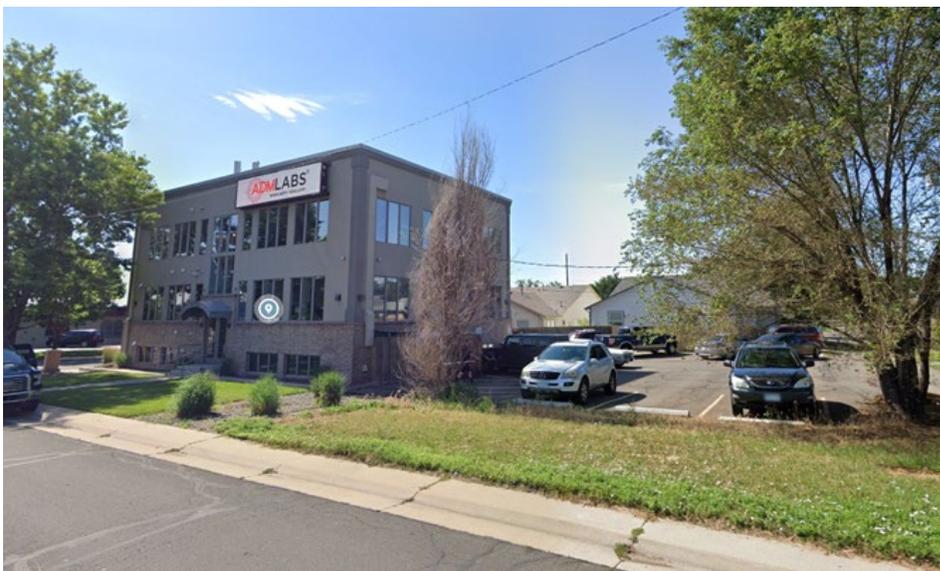
The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, and 1 story or 17 feet to 19 feet in the rear 35% of the zone lot. It allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The existing three-story office building on this site was built in 1972, when the site had B-2 zoning.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale

All images are from Google Street View.



Subject property, from North Tejon Street



*Properties to the south, as seen from N Tejon St*



*Properties to the east, as seen from N Tejon St*

### **Proposed Zoning**

The requested U-MX-3 zone district is found in the Urban Neighborhood Context. The intent of the district is to “promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC, Section 5.2.3). A variety of building forms, including Town House, General, and Shopfront are available in this zone district. A wide range of residential, quasi-public, and commercial uses are permitted (with and without limitations) in U-MX-3. For additional details of the requested zone district, see DZC Sections 5.2.3, 5.3 and 5.4.

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

Design Standards	U-SU-C (Existing)	U-MX-3 (Proposed)
Primary Building Forms Allowed	Urban House	Town House; Drive Thru Services*; Drive Thru Restaurant*; General; Shopfront
Heights in Stories / Feet (max)	2.5/30	3/38 to 45'
Primary Street Build-To Percentages (min)	N/A	50-75%
Primary Street Build-To Ranges	N/A	0' to 15'
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	20'	0' to 10'
Building Coverages (max)	37.5%	N/A

\*Building form allowed subject to geographic limitations

\*\*Standard varies between building forms

### Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Response

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approved – No Comments

**Denver Parks and Recreation:** Approved – No Comments

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

**DOTI – Development Engineering Services:** Approved – No Response

**Development Services – Project Coordination:** Approved – No Comments

**Development Services - Fire Protection:** Approved – No Comments

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

- DES 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. There is an existing 10-inch Metro Wastewater Reclamation District sanitary main near the north face of the building. This will likely require an easement at time of redevelopment. 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.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/29/2021
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:	4/06/2021
Planning Board public hearing (unanimous vote to recommend approval)	4/21/2021
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:	4/13/2021
Land Use, Transportation and Infrastructure Committee of the City Council (unanimous vote to move application to City Council):	4/27/2021
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:	6/21/2021
City Council Public Hearing:	7/12/2021

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received no other public comment letters.

### **Criteria for Review / Staff Evaluation**

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

#### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

#### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

### **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Sunnyside Neighborhood Plan (1992/2002)*

#### **Denver Comprehensive Plan 2040**

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategy applies from the Equitable, Affordable and Inclusive vision element:

- 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 U-MX-3 zone district allows for an increased variety of housing options in a neighborhood primarily served by single and two-unit residential districts, consistent with the above strategy in the Equitable, Affordable and Inclusive vision element.

Similarly, the application meets the following strategies in the Environmentally Resilient vision element:

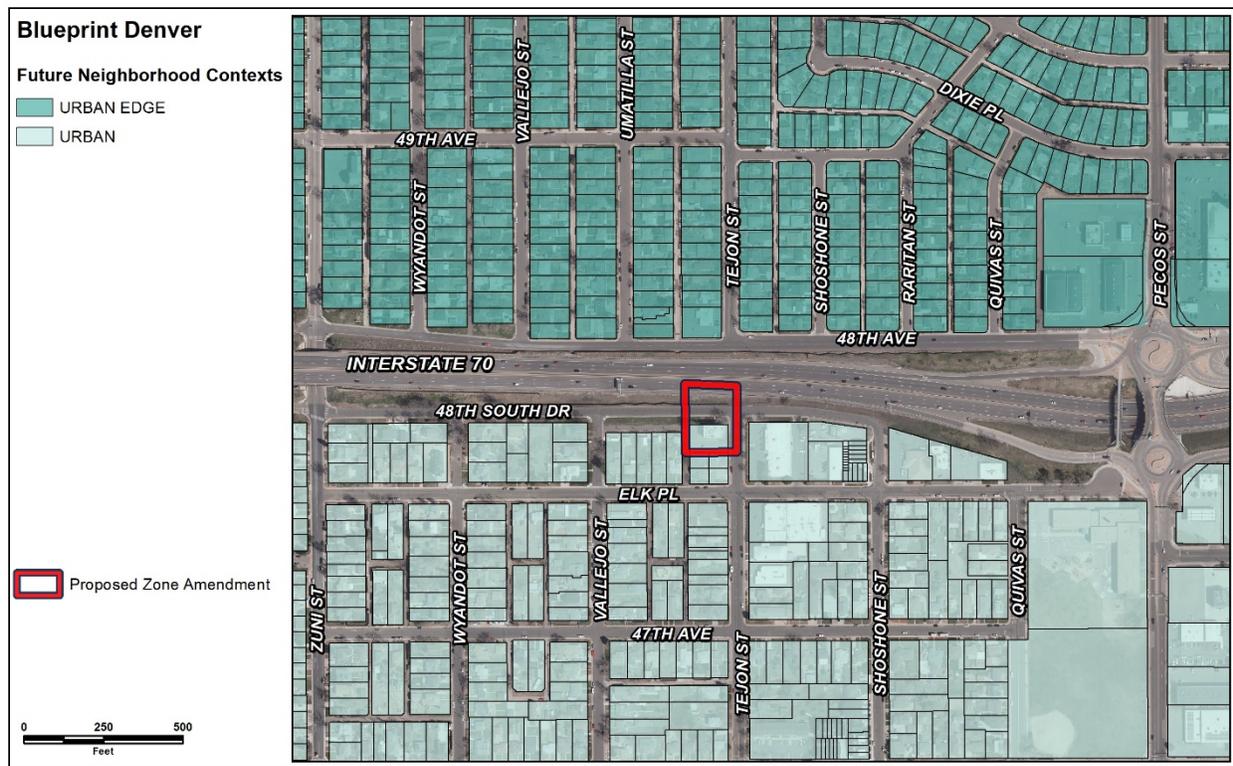
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place (p. 54).*
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).*

This site is an infill location where infrastructure is already in place. Compact infill development near transportation options and existing infrastructure assists in improving public health indicators while reducing water usage. Rezoning to facilitate redevelopment of this site advances the strategies of the environmentally resilient vision element. The application further provides an opportunity for more jobs and potentially more housing in the neighborhood, so residents can continue to work and live within their community.

### **Blueprint Denver**

*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as “Local Center” within the Urban neighborhood context and provides guidance from the future growth strategy for the city.

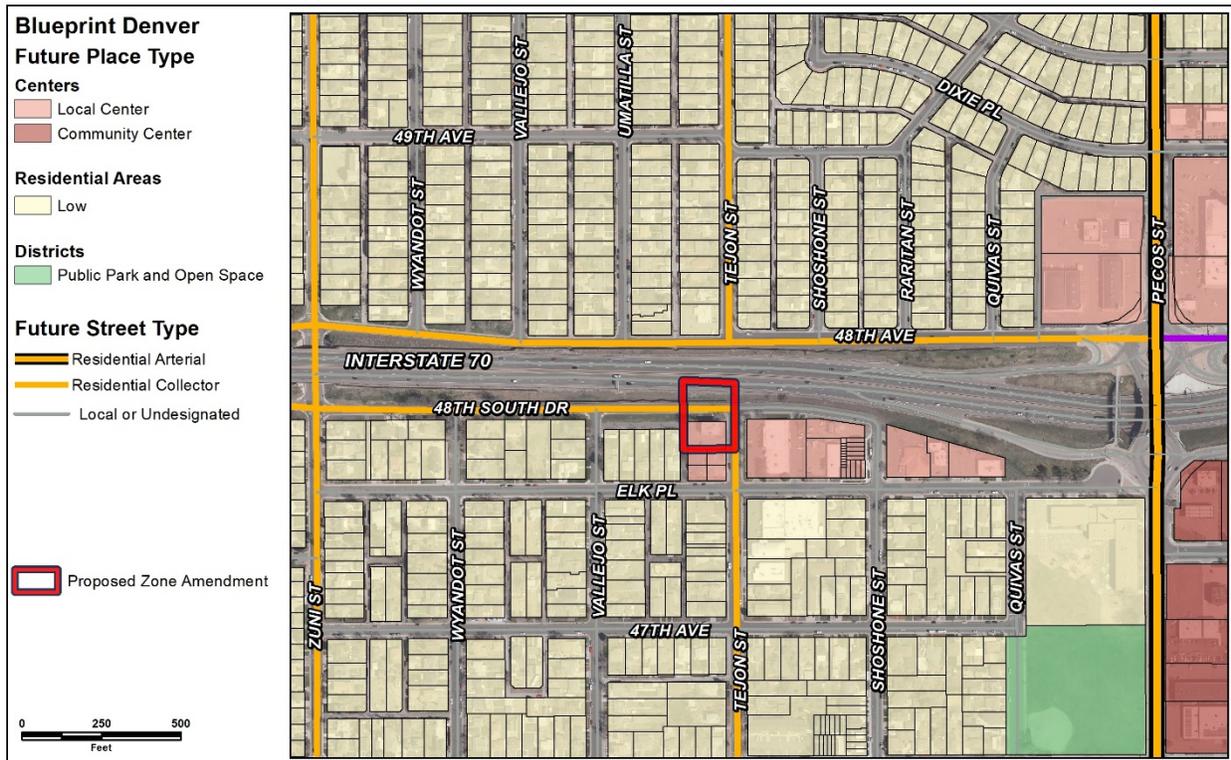
### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit

residential areas” with grid block patterns and alley access (p. 222). U-MX-3 is a zone district within the Urban neighborhood context and is “intended to promote safe, active, and pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public street edge” and “focused on creating mixed, diverse neighborhoods” (DZC Section 5.2.3.1). U-MX-3 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will allow embedment of low-intensity mixed-use buildings in the neighborhood that will be compatible with the existing residential area.

### Blueprint Denver Future Places



The subject site is designated within a Local Center future place type on the *Blueprint Denver* Future Places map. This place type is “primarily provides options for dining, entertainment and shopping” however, local centers “may also include some residential and employment uses,” and “building heights are generally up to 3 stories” (p. 227). U-MX-3 is a mixed-use zone district that allows a maximum height of three stories, Tejon St is a Residential Collector, and commercial uses have already been established on this parcel – all of which are consistent with the Local Center future place type description.

### Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies both Tejon St and 48<sup>th</sup>

S. Dr. as Residential Collectors, which serve “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160). U-MX-3 enables a wide range of residential, quasi-public uses, and commercial uses, consistent with the plan direction for this location and appropriate along the existing residential collector street.

### **Growth Strategy**

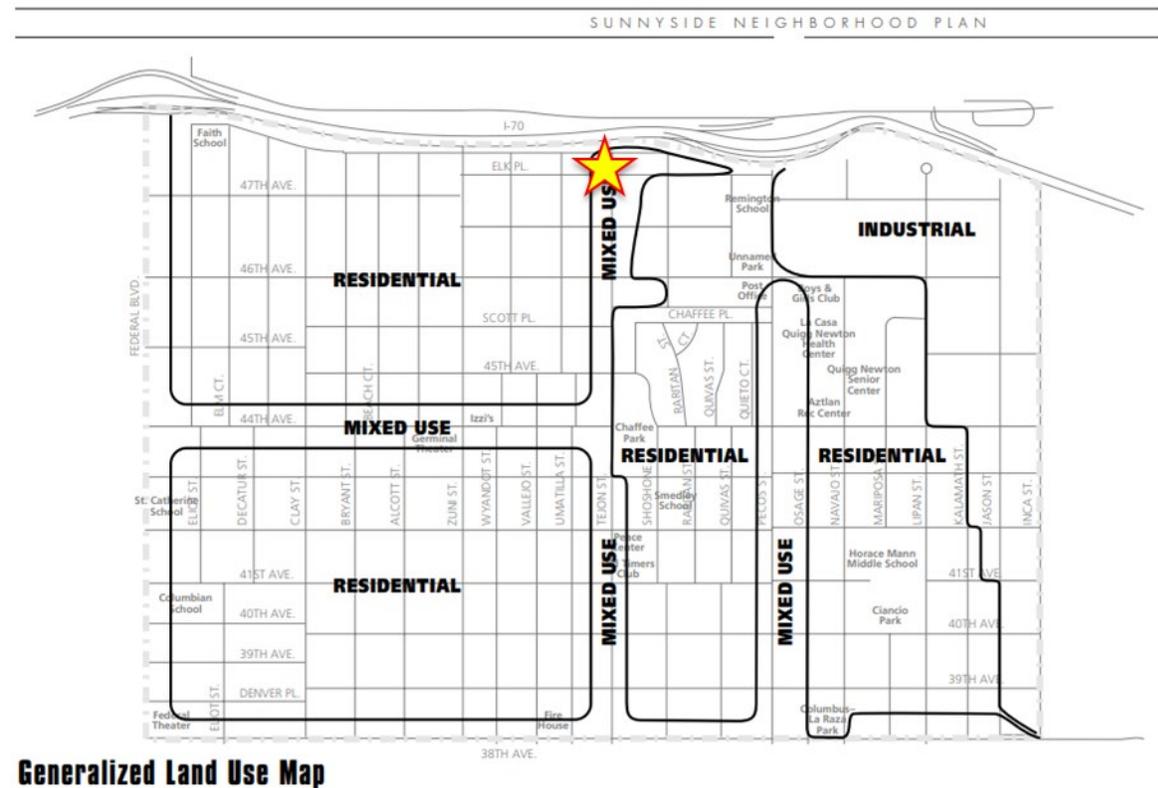


Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed U-MX-3 zone district, in a local center, on a parcel where commercial uses are already occurring is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s existing character.

### **Sunnyside Neighborhood Plan (1992/2002)**

The Sunnyside Neighborhood Plan was initially adopted in 1992, re-adopted in 2000, and re-published in 2002. Land Use and Zoning Goals in the plan include “maintain and stabilize the residential character of Sunnyside while encouraging small scale shops and offices, particularly in the commercial zones along 44<sup>th</sup> Avenue and Tejon Street, that will enhance and serve the neighborhood.” As a reminder, at the time of adoption of the Sunnyside Neighborhood Plan, the property in question had B-2 business zoning. The

proposed map amendment is consistent with this plan goal, as the U-MX-3 zone district will allow for appropriately scaled, community-serving uses in this mixed-use area of the neighborhood. This site was also mapped as Mixed Use by the plan, as depicted below:



## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-3 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MX-3.

## 3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City’s adopted plans, specifically Comprehensive Plan 2040, Blueprint Denver, and Sunnyside Neighborhood Plan. Mixed use zone districts enable a mix of uses on one zone lot allowing people to live, work, and play, reducing automobile trips and achieving improved public health outcomes. The U-MX-3 zone district building form standards will compel improved site and building design that promotes pedestrian interest and activity, which is linked to improved built environments and improved safety, if the property is redeveloped.

In response to this criterion, the application also states that, “the property owners are aiming to lease the building to professional service providers (although this might expand to retail and/or restaurants in

the future). In either case, the property owners will have small-to-no impact on the surrounding neighborhood as it relates to carbon emissions and pollution (compared to a building involved in manufacturing).”

#### **4. Justifying Circumstance**

The application identifies a changed or changing condition 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 a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the City and County of Denver adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

Blueprint Denver was adopted in 2019, after the 2010 U-SU-C zoning of this parcel. Blueprint Denver classifies this parcel as being located in a Local Center, which is a change from the Blueprint 2002 recommendation of single-unit residential. This change in recommendation of a city adopted plan is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MX-3 zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses, with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas (DZC, Division 5.1). Further, “Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.” Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. The proposed U-MX-3 zone district is consistent with this Neighborhood Context Description.

The general purpose for the mixed-use zone districts stated in the Denver Zoning Code is to “promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public street edge” and “ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC Section 5.2.3.1). The proposed U-MX-3 zone district would facilitate appropriately scaled mixed-use development.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-3 district “applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired” (DZC Section 4.2.4.2.D). The property to be rezoned is on Tejon Street, which is classified as a Residential Collector, and the desired building heights articulated in the adopted plans are up to 3 stories. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

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## **Attachments**

1. Application