



TO: Denver Planning Board
FROM: Francisca Penafiel, Senior City Planner
DATE: January 25, 2023
RE: Official Zoning Map Amendment Application #2022I-00178

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends **approval** for Application #2022I-00178.

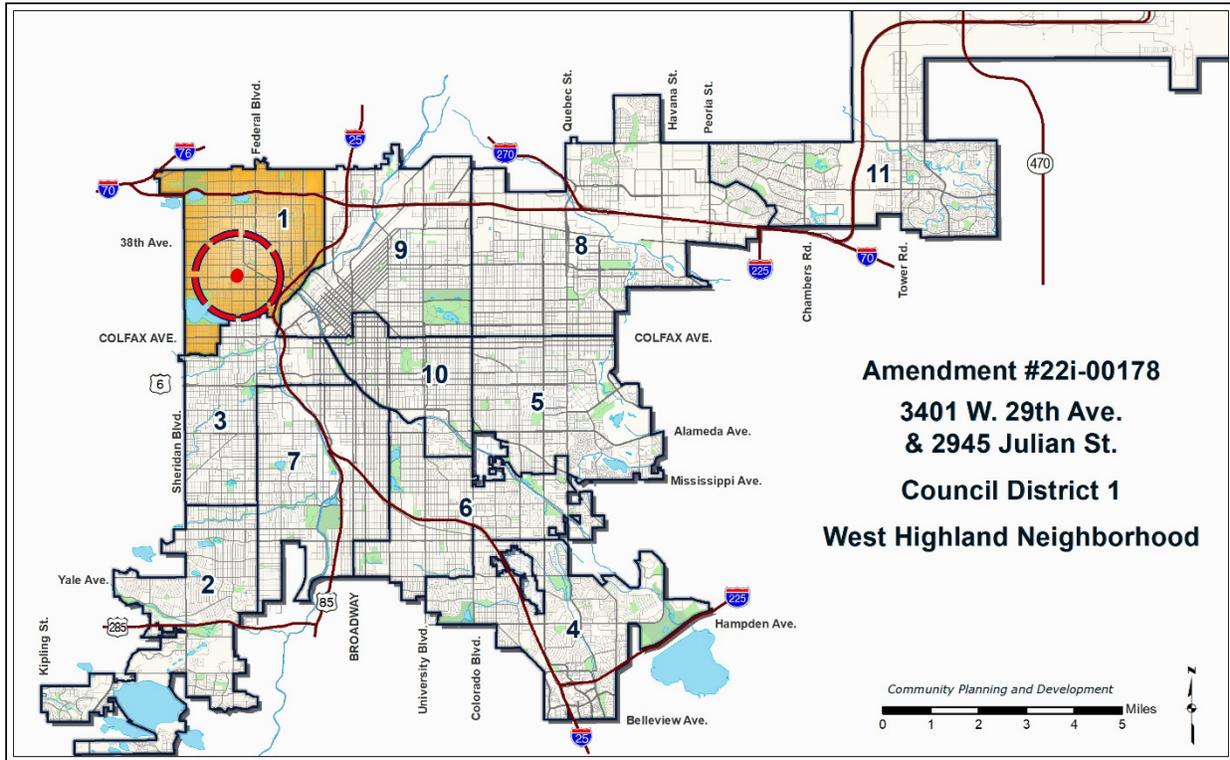
Request for Rezoning

Address:	3401 West 29 th Avenue and 2945 North Julian Street
Neighborhood/Council District:	West Highland / Council District 1
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, Sloan’s Lake Citizens Group, West Highland Neighborhood Association.
Area of Property:	23,671 square feet or 0.54 acres
Current Zoning:	U-SU-B
Proposed Zoning:	U-MX-2x
Property Owner(s):	Paul Tamburello and 3401 W. 29 th Ave. LLC
Owner Representative:	Bruce O’Donnell, Starboard Realty Group

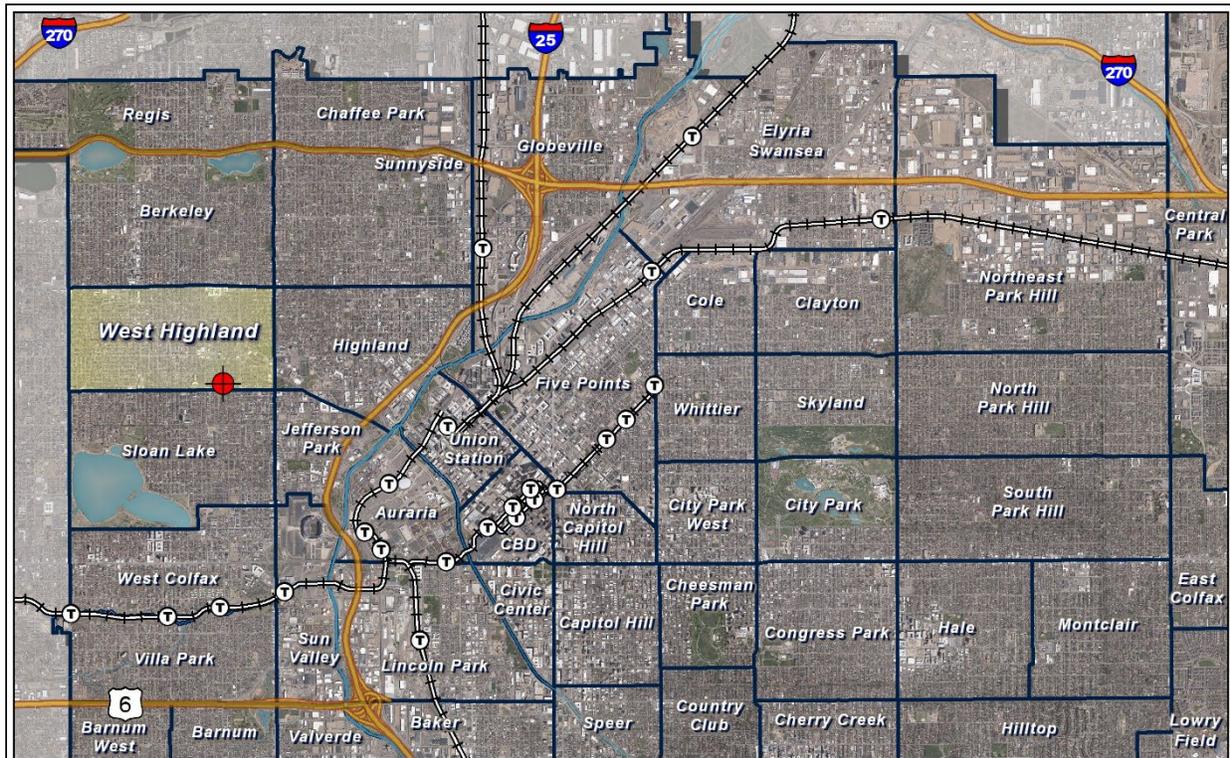
Summary of Rezoning Request

- The subject properties are in the West Highland neighborhood, between West 29th Avenue and West Hayward Place, along North Julian Street.
- The property at 3401 West 29th Avenue is occupied by a one-story building, built in 1924 as a church. The property on 2945 North Julian Street was built as a one-story midcentury church in 1955. Both buildings are contributing structures in the Allen M. Ghost Historic Landmark District, which means there are significant protections in place to preserve the existing structures.
- The applicant is requesting the rezoning to facilitate the redevelopment of the properties that is consistent with the recommendations in the adopted plans.
- The U-MX-2x (**U**rban, **M**ixed Use, **2** story maximum height) zone district is designed for small sites embedded within neighborhoods and is limited to low intensity uses. It is intended to provide safe, active, and pedestrian-scaled, diverse areas in established residential neighborhoods. The “x” indicates that allowed uses and building forms are more limited than in the U-MX-2 zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

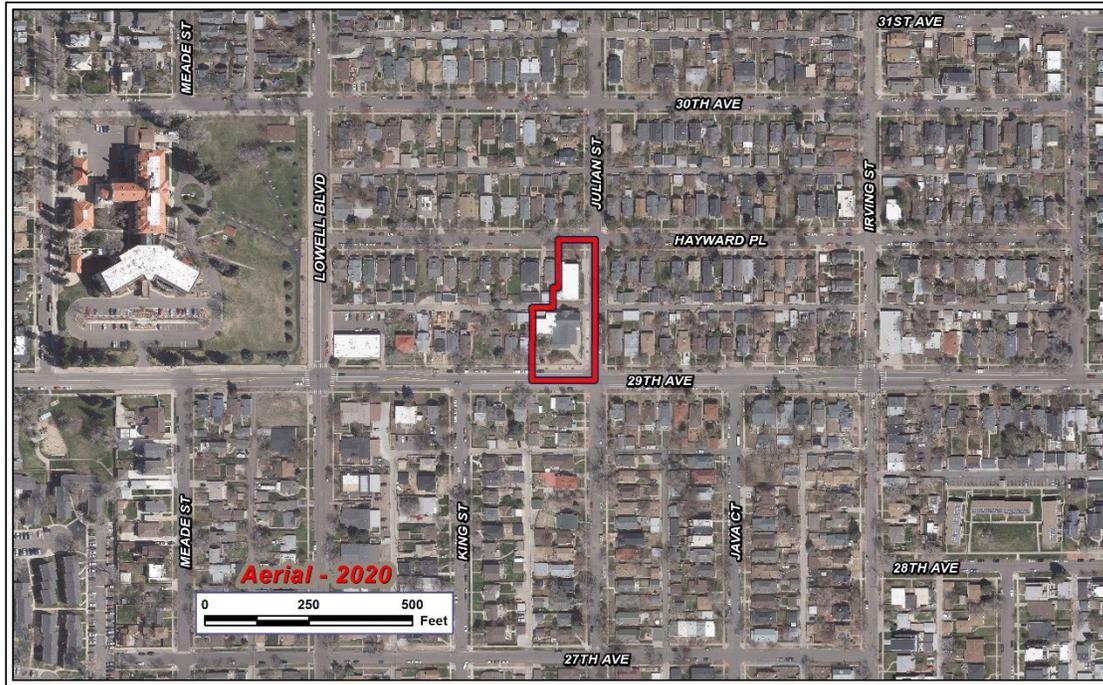
City Location



Neighborhood Location



Existing Context

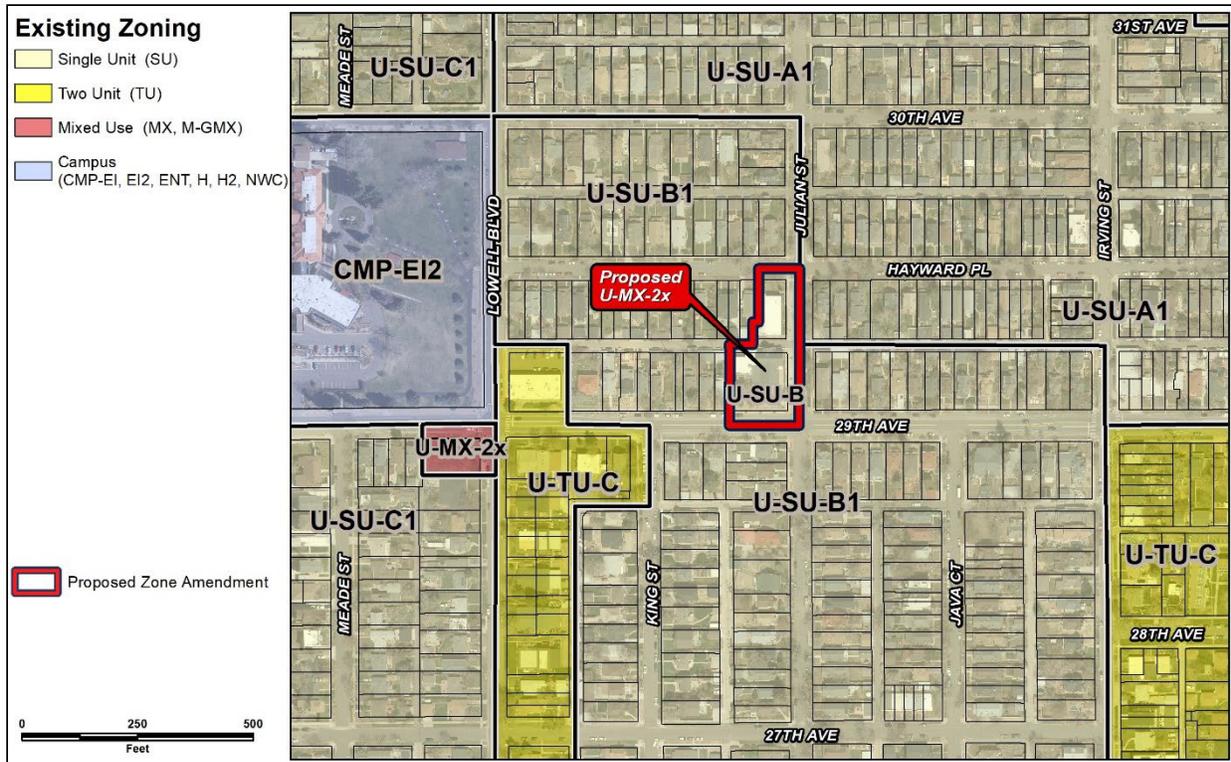


The subject properties are located in northwest Denver, in the West Highland neighborhood, between West 29th Avenue and West Hayward Place, along North Julian Street. This area is predominantly a residential neighborhood, primarily composed by single and two units homes with some mixed uses to the north, on West 32nd Avenue and to the east, on North Federal Boulevard. Brown Elementary School is two blocks south from the subject sites and is one of the elementary schools that serves the neighborhood. The Little Sisters of the Poor campus is located one block west of the subject sites. The Highland Recreation Center is four blocks west of the subject sites, and the Highland Park and Woodbury Branch Library are 0.4 miles northeast from the subject sites. Transit access includes the Regional Transportation District (RTD) 32 bus route along West 32nd Avenue, RTD 28 bus route on West 26th Avenue and the RTD 31 bus route along North Federal Boulevard.

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
2945 North Julian Street	U-SU-B	Public/quasi-public	1 story simplified Gothic Revival brick church	Regular grid street pattern. Block sizes and shapes are generally consistent and rectangular. Existing alleys with detached sidewalks. Vehicle parking to the side or rear of buildings (alley access)
3401 West 29 th Avenue	U-SU-B	Public/quasi-public	1 story midcentury modern brick church	
North	U-SU-B1	Single unit residential	1.5 story brick house and detached garage	
South	U-SU-A1	Single unit residential	1 story brick house with detached garage	
East	U-SU-A1	Single unit residential	1.5-2 story brick houses with detached garages	
West	U-MX-2x	Single unit residential	1.5-1 story brick house with detached garages	

1. Existing Zoning



The existing zoning on the subject property is U-SU-B which is single-unit residential district allowing urban houses with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Allowed uses in U-SU-B are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. For additional details of the zone district, see DZC Section 5.2.2.

The surrounding properties are also U-SU-B1, which is a Protected District. If the subject properties are rezoned to U-MX-2x, they will be subject to all Protected District standards including additional setbacks and use limitations. For Protected District standards see DZC Article 5, Section 5.3-23 and 5.3-25 for setbacks in the General and shopfront building form and use limitations (DZC Article 11, Section 11.4.9, 11.5.8.2, 11.5.8.3 11.10.12.1, etc.).

1. Existing Land Use Map



2. Existing Building Form and Scale *All images from Google Maps Street View.*



Subject properties looking west from North Julian Street.



Subject property at 3401 West 29th Ave., looking northwest from West 29th Ave. and N. Julian St.



East – Properties to the east of the subject sites, looking northeast from West 29th Ave. and N. Julian St.



South – Properties to the south of the subject sites, on West 29th Ave.



West – Properties to the west of the 3401 West 29th Ave. site, along West 29th Avenue.



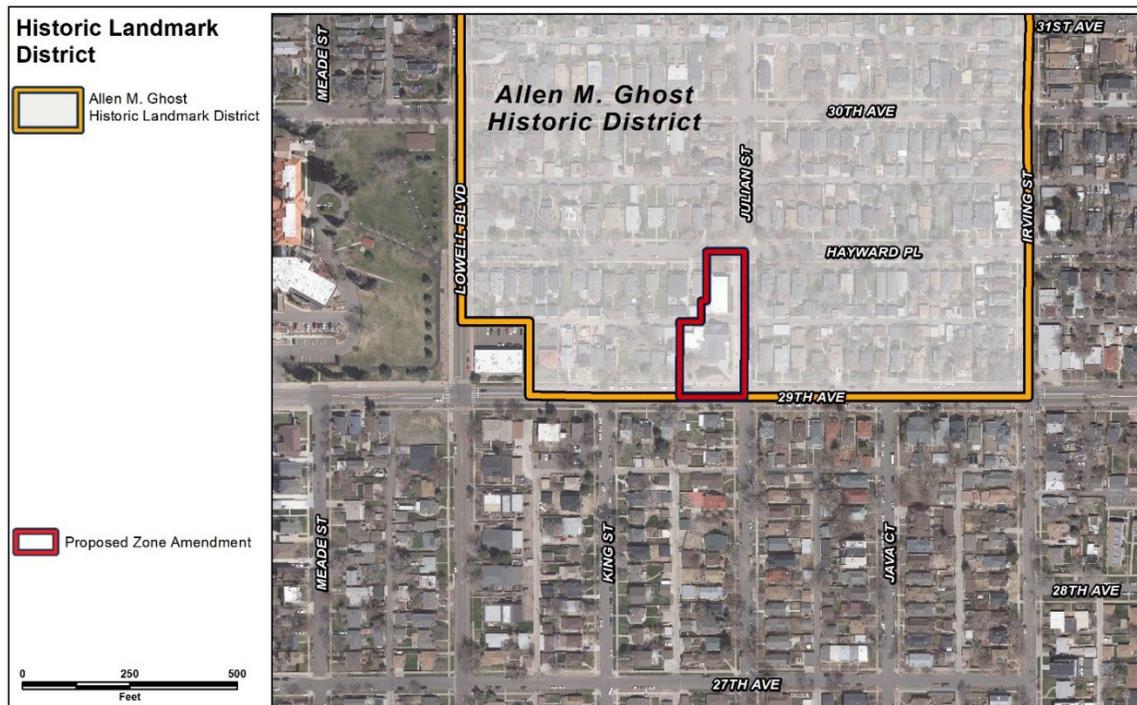
West – Properties to the west of the 2945 N. Julian St. site, along N. Julian Street.



North – Properties to the north of the subject sites, looking northwest at the intersection of N. Julian St and W. Hayward Pl.

3. Historic District

The subject properties are part of the Allen M. Ghost Historic Landmark District. Given that both buildings are contributing structures in this Landmark District, there are significant protections in place to preserve the existing structures. These protections ensure the historical, architectural, geographical, and cultural importance of these structures are protected through Landmark design and demolition review.



Proposed Zoning

The **U-MX-2x**, **U**rban, **M**ixed-use, **2**-story district is a mixed-use zone district in the urban context. It applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses. In the U-MX-2x zone district the Town House, General and Shopfront building forms are allowed primary building forms. Maximum height allowed is two stories or 30 feet. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

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

Design Standards	Existing U-SU-B	Proposed U-MX-2x
Primary Building Forms Allowed	Urban House	Town House, General and Shopfront
Height in Stories / Feet (max.)	2.5 stories/ 30'	All forms: 2 stories / 30'
Primary Street Build-To Percentages (min.)	N/A	Town House, General:70% Shopfront: 75%
Primary Street Build-To Ranges (min./max.)	N/A	Town House: 10'/15' General: 0'/15' Shopfront: 0'/5' Residential Only Buildings: 0'/10'
Primary Street Setbacks (min.)	Primary Street Block Sensitive Setback Required	Town House: 10' General: 0' Shopfront: 0'
Building Coverages (max)	37.5%	N/A
Primary Street Transparency (min.)	N/A	Town House: 40% General: 40% Shopfront: 60%, residential only buildings: 40%

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.

Denver Fire Department: Approved – No response.

Development Services - Transportation: Approved – No response.

Development Services – Project Coordination: Approved – See comments below.

This seems like a good location for mixed-use - but the applicant should be aware that the buildings are both on the Colorado Office of Archaeology & Historic Preservation (OAHP) Historic Places list. I'd highly recommend reaching out to landmark to see if there are any redevelopment limitations.

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. Please note Denver does have flow depth mapping for stormwater adjacent to the parcels. Please see link or google "Denver Potential Inundation Area" select Floodplain and under "What is My Flood Risk" select the Potential Inundation Area map

<https://geospatialdenver.maps.arcgis.com/apps/webappviewer/index.html?id=12500a3b06b34bfc2c297697a64c4de>

Denver Parks and Recreation: Approved – No comments.

Department of Public Health and Environment: Approve rezoning only - Will require additional information at Site Plan Review.

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.

Department of Transportation & Infrastructure – City Surveyor: Approved – See comments below. Surveyor provided the correct Legal Description, and the applicant corrected the original application.

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:	12/06/2022
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:	01/17/2023
Planning Board Hearing:	02/01/2023
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:	01/31/2023 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	02/14/2023 (tentative)
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:	03/13/2022 (tentative)
City Council Public Hearing:	04/03/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - Staff received a comment letter from Strong Denver, in support of the rezoning given it will provide more units in a housing shortage crisis.
- **Other Public Comment**
 - No comment letters have been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

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.

Strong and Authentic Neighborhoods Vision Element

The proposed rezoning would enable adaptive reuse of the existing structures at a location where services and infrastructure are already in place. The site is close to transit routes along West 26th Avenue, West 32nd Avenue and North Federal Boulevard. The proposed U-MX-2x zoning would allow for a broad variety of neighborhood-appropriate uses including housing, services, some limited retail, and employment near transit, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (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).
- Strong and Authentic Neighborhood Goal 3, Strategy E - Support the stewardship and reuse of existing buildings, including city properties (p.34)

Environmentally Resilient 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).

The requested map amendment will enable adaptive reuse of a structure at an infill location where services and infrastructure are already in place. The requested U-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

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 the Residential Low future place within the Urban 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. Small area plans provide more certain guidance on topics including building heights (p. 66). The subject property is within the Urban neighborhood context. The land use and built form in the Urban neighborhood context is described as "Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas" (p. 136).

The proposed U-MX-2x zone district is part of the Denver Zoning Code Urban Neighborhood Context that 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 "to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods." (DZC Section 5.2.3.1). The proposed rezoning is consistent with *Blueprint Denver's* future neighborhood context guidance.

Blueprint Denver Future Place



The future place map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 66). The subject property is mapped as Residential Low in the future place map. The Residential Low classification includes land uses and built forms that are “Predominantly one-and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations” (p. 148) and where “limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity...Buildings are generally up to 2.5 stories in height” (p. 230).

The proposed rezoning is consistent with the future place description because while the structures were built as churches, they have not been used as such for about 20 years. Instead, they have supported mixed uses and have been historically nonresidential and utilized for public/quasi-public uses such as music school, charter pre-school, therapy practice, yoga studio, a massage studio and the properties have hosted many community events. The subject site is embedded in a 1-unit and 2-unit residential area and the southern portion of the site is located along an arterial street. The proposed U-MX-2x zone district is a mixed-use zone district that is calibrated for neighborhood-serving retail; and the proposed U-MX-2x zone district has a maximum 2-story building height.

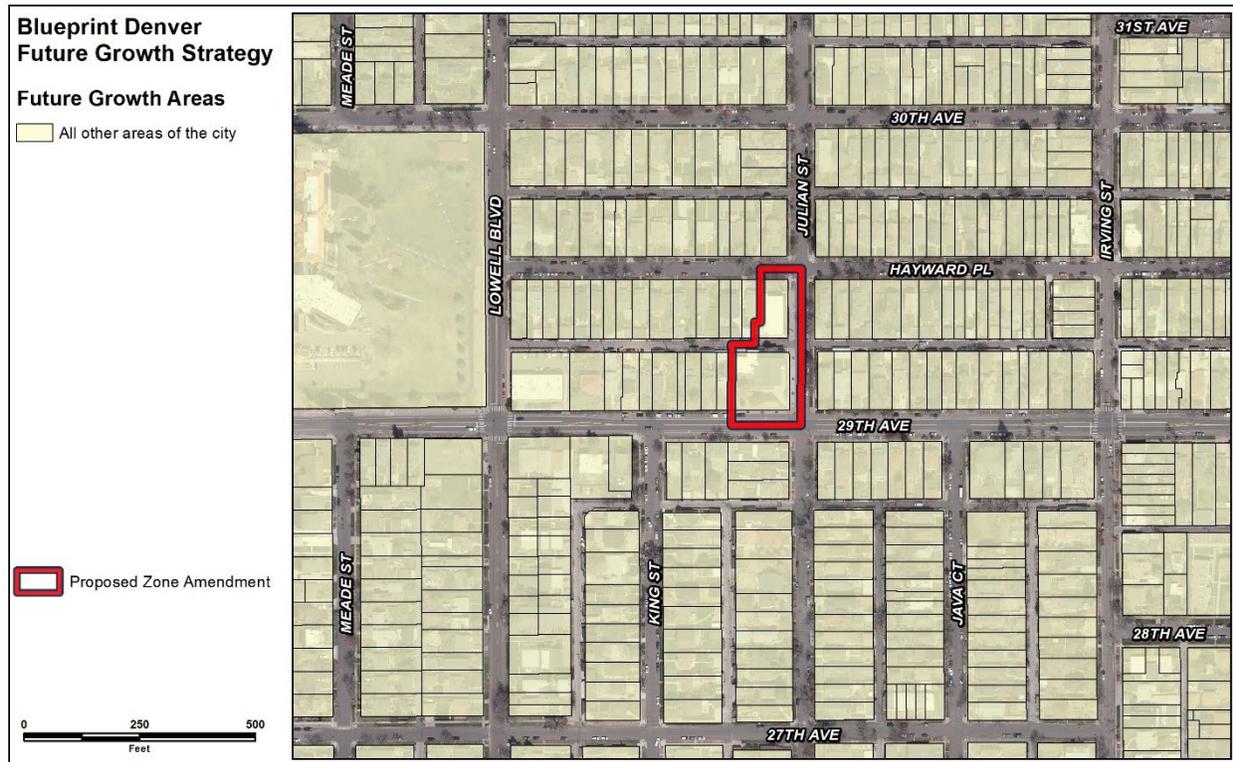
Street Types

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 North Julian Street as Local or Undesignated Street. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). West 29th Avenue is a Residential Arterial. “Arterial

streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154).

The proposed rezoning to U-MX-2x is consistent with the *Blueprint Denver* Undesignated Local and Residential Arterial street classifications because U-MX-2x is intended for embedded commercial areas primarily served by local streets. North Julian Street is a Local or Undesignated street, and West 29th Avenue is a Residential Arterial, supporting a zone district that allows low-scale residential and commercial 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 properties are located within “All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040” (p. 51). The proposed map amendment to U-MX-2x is consistent with this map because it will enable compatible adaptive reuse of the existing structures for this location to support continued viability of the existing building and opportunities for more housing and employment uses.

Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

- Land Use and Built Form: General Policy 6 “Implement zoning code revisions to facilitate compatible redevelopment of institutional sites within neighborhoods”, Strategy C – “Until a citywide approach is implemented, individual rezonings of these sites may be an opportunity for more intense residential uses or limited neighborhood services to be provided if done in a way that minimizes impacts to surrounding character” (p. 75).

The proposed rezoning is also consistent with *Blueprint Denver* policies because it would facilitate adaptive reuse of two important historic public/quasi-public structures by allowing additional compatible uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x 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-2x.

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 and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving residential and amenities, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses and transit amenities.

4. Justifying Circumstance

The rezoning is justified 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: Change or changing conditions in a particular area or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* provides new guidance that encourages individual rezonings to institutional uses to facilitate adaptive reuse. The plan was adopted after the date of approval of the existing zone district. There has also been redevelopment in the Sloan Lake and West Highland neighborhoods and significant investment in infrastructure has occurred on West 29th Avenue in the form of new bike lanes extending from Sheridan Boulevard to downtown Denver.

This increase in the intensity of land use in the area has created additional need for neighborhood-serving commercial services like those allowed in the U-MX-2x zone district. This changed and changing condition make continued commercial uses appropriate at this site. Therefore, the proposed map amendment is justified in order to recognize the changed character of the land.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

The proposed rezoning is also consistent with the general purpose of mixed-use districts 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. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC Section 5.2.3.1). The

rezoning is consistent with the general purpose of the urban mixed use districts as these are existing neighborhood sites and will promote a pedestrian scaled area along North Julian Street.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject properties are two parcels embedded in an existing neighborhood at the intersection of one local and one residential arterial street. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application
2. Public Comments