**Community Planning and Development**
Planning Services

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2915
f: 720.865.3052
www.denvergov.org/CPD

**TO:** Denver City Council
**FROM:** Tony Lechuga, Senior City Planner
**DATE:** October 13, 2022
**RE:** Official Zoning Map Amendment Application #2021I-00276

## Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00276.

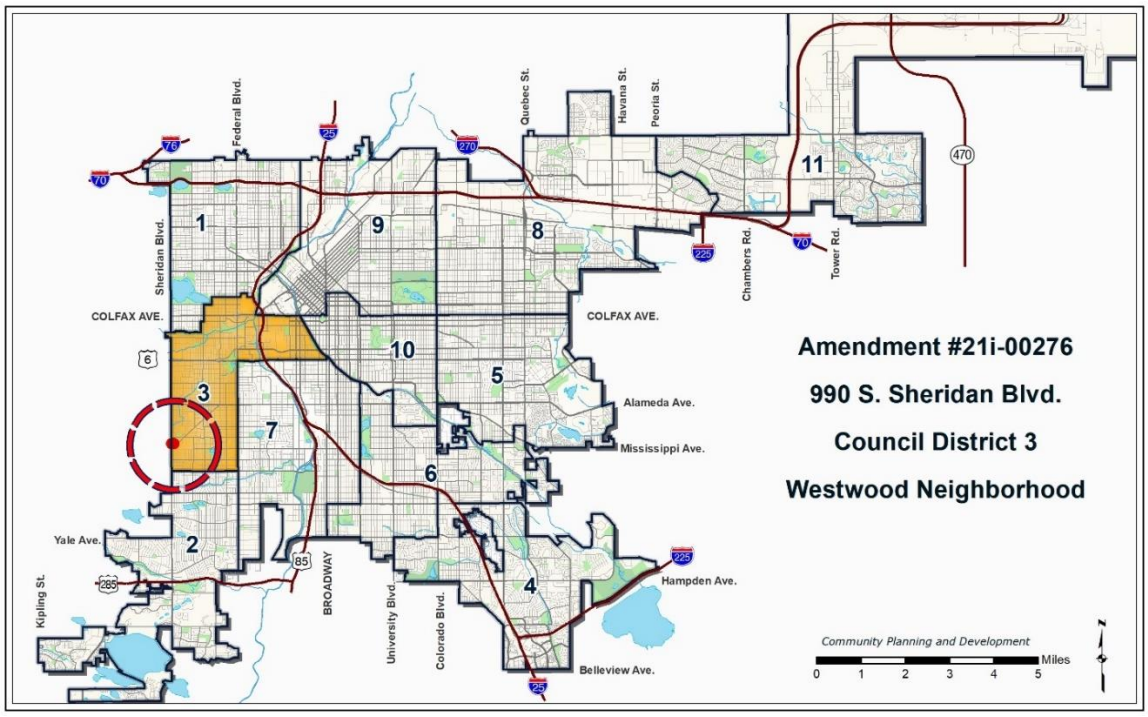
## Request for Rezoning

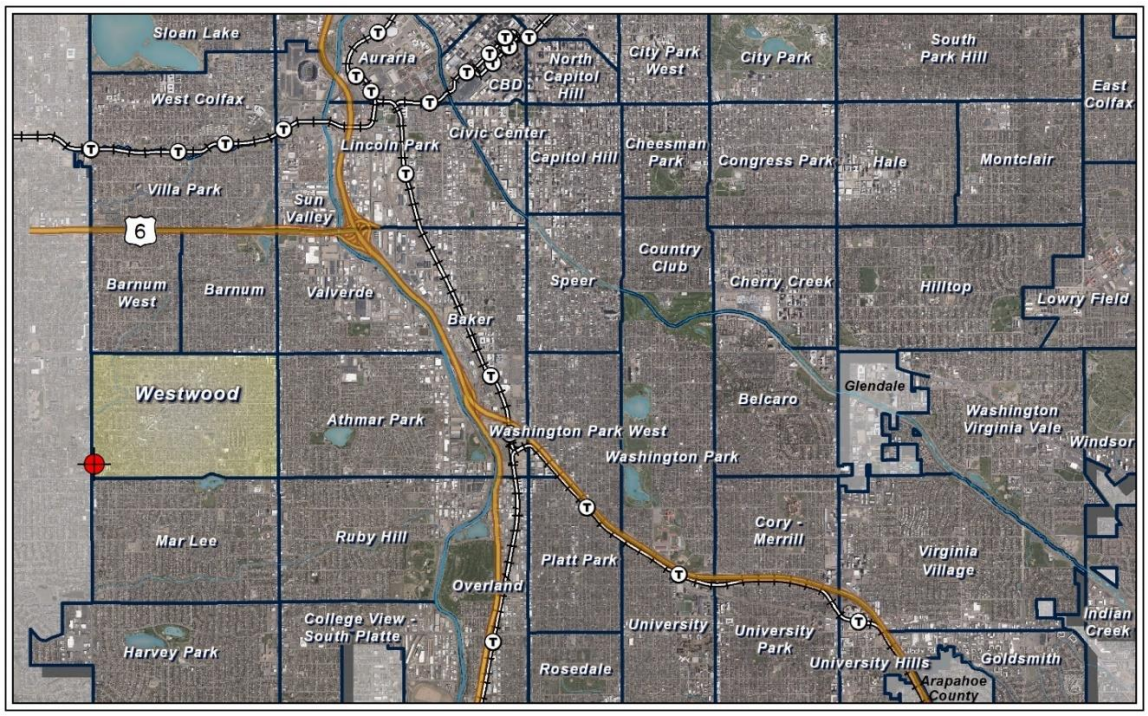
| | |
|---|---|
| Address: | 990 South Sheridan Boulevard |
| Neighborhood/Council District and CM: | Westwood neighborhood / Council District 3, CM Torres |
| RNOs: | SouthWest Improvement Council, Westwood Residents Association, Westwood Unidos, Inter-Neighborhood Cooperation (INC) |
| Area of Property: | 35,486 square feet or 0.81 acres |
| Current Zoning: | E-TU-C |
| Proposed Zoning: | E-MX-3 |
| Property Owner(s): | Outside the Box Development LLC<br>City and County of Denver – 1,416 sf of property fronting South Sheridan Boulevard were purchased by the City and County of Denver as future right of way |
| Owner Representative: | STARBOARD Realty Group |

## Summary of Rezoning Request

- The subject property is in the Westwood statistical neighborhood on the east side of South Sheridan Boulevard just north of the intersection with Morrison Road.
- The site is currently vacant.
- The proposed zone district, E-MX-3, is intended for use in the Urban Edge 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(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).
- The subject site is within one of Denver's Neighborhood Equity and Stabilization (NEST) focus neighborhoods, therefore, an equity analysis and the applicant's equity response are included in this staff report.
- Development of the property will be required to comply with the city's recently adopted affordable housing policy.

## Existing Context



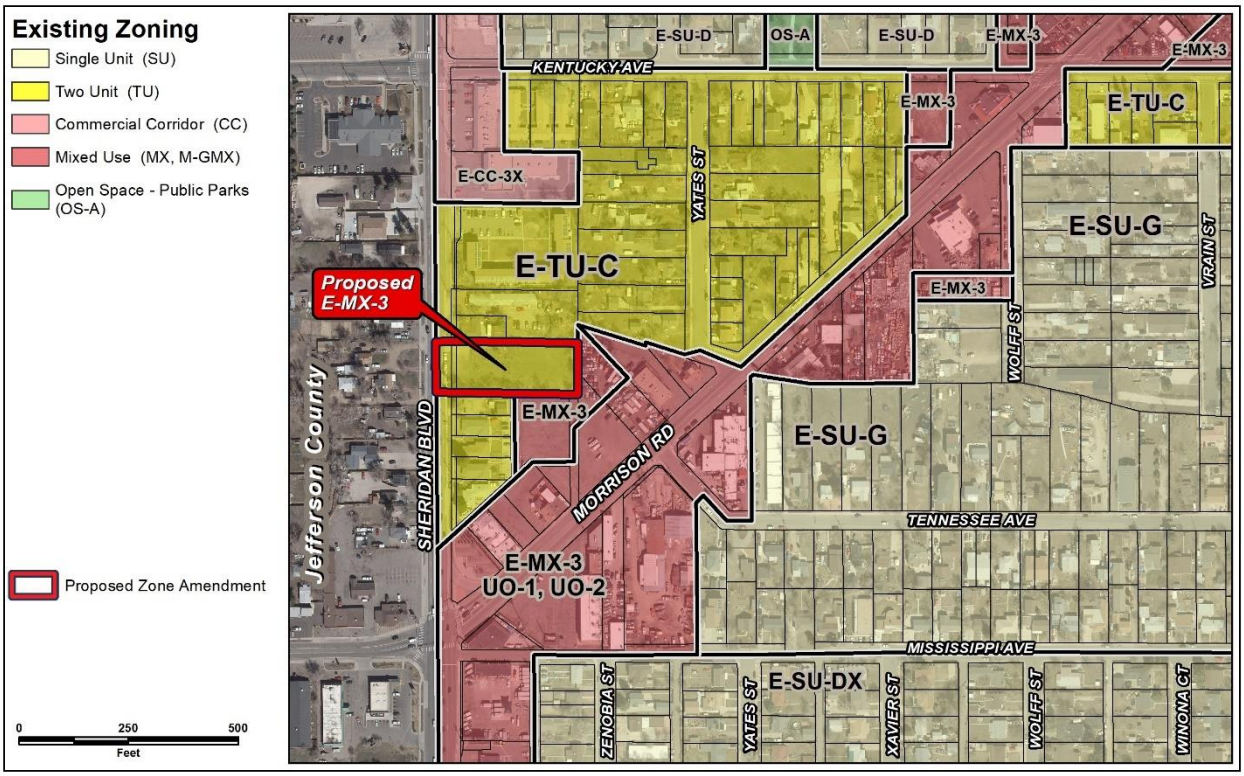



The subject property is on the western edge of the Westwood statistical neighborhood, which consists of irregular lot sizes without alleys and the absence of a grid due largely to Morrison Road running at a northeast-to-southwest diagonal through the neighborhood. Morrison Road serves as a commercial corridor through the neighborhood. Westwood Park is 0.3 miles northeast and Garfield Lake Park is 1 mile east of the subject property. Approximately 300 feet south of the subject property is the South Sheridan Boulevard and Morrison Road bus stop, which is served by the RTD 11, 51, and 4 buses. The 11 bus runs east-west along Mississippi Avenue and Kentucky Avenue with 30-minute headways. The 4 bus runs north-south along Sheridan Boulevard between Evans Avenue and Kentucky Avenue before turning east along Morrison Road to Alameda Avenue with 30-minute headways. The 51 bus runs north-south along Sheridan Boulevard with 30-minute headways.

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

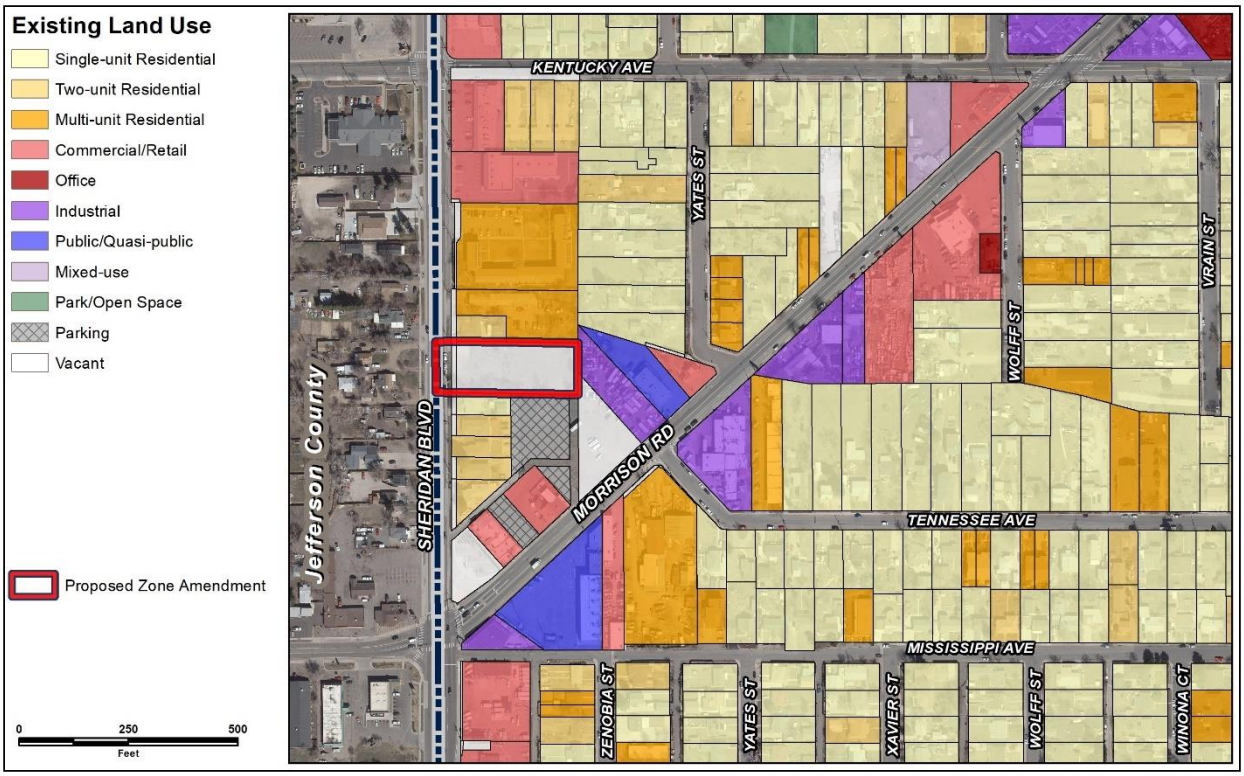
| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|---|---|---|---|---|
| Site | E-TU-C | Vacant | N/A | Irregular street grid with Morrison Road cutting northeast-to-southwest through the neighborhood. There are several streets running north-south off Morrison Road and Alameda Avenue that are dead ends.<br><br>Lot sizes vary in both shape and size due to the irregular street grid.<br><br>Farther south and east of the site the neighborhood retains a regular grid pattern with alley access and more uniform lot sizes. |
| North | E-TU-C | Residential | Sheridan Boulevard - Single-story Two-unit and Multi-unit Residential with curb-cut access off Sheridan Boulevard | |
| South | E-TU-C, E-MX-3 | Residential, parking | Sheridan Boulevard - Single-story Single-unit and Two-Unit Residential with rear parking accessed from cur-cut off Sheridan Boulevard leading to a dead-end alley; the parking lot is accessed off Morrison Road | |
| East | E-MX-3 | Vacant, Industrial, Public/Quasi-public | Morrison Road - Vacant land; vehicle storage/junkyard; small events center | |
| West | City of Lakewood | Residential | Sheridan Boulevard – appears to be single-story Single-unit and Multi-unit Residential | |

## 1. Existing Zoning




The existing E-TU-C is a zone district that allows up to two units on a minimum zone lot of 5,500 square feet in the Urban House, Detached Accessory Dwelling Unit, Duplex, and Tandem House building forms. Based on the subject property's approximate 117' width the existing zoning would allow for a 2.5 story building with a height of up to 35'. The subject property setbacks would be required to equal to "the one shortest distance measured from a Façade of a Primary Residential Structure on the Reference Zone Lots to its respective Primary Street Zone Lot Line" (DZC 13.1.5.9.C.1), which would be approximately 10'. For additional details of the current zone district, please see Article 4 of the Denver Zoning Code.

## 2. Existing Land Use Map



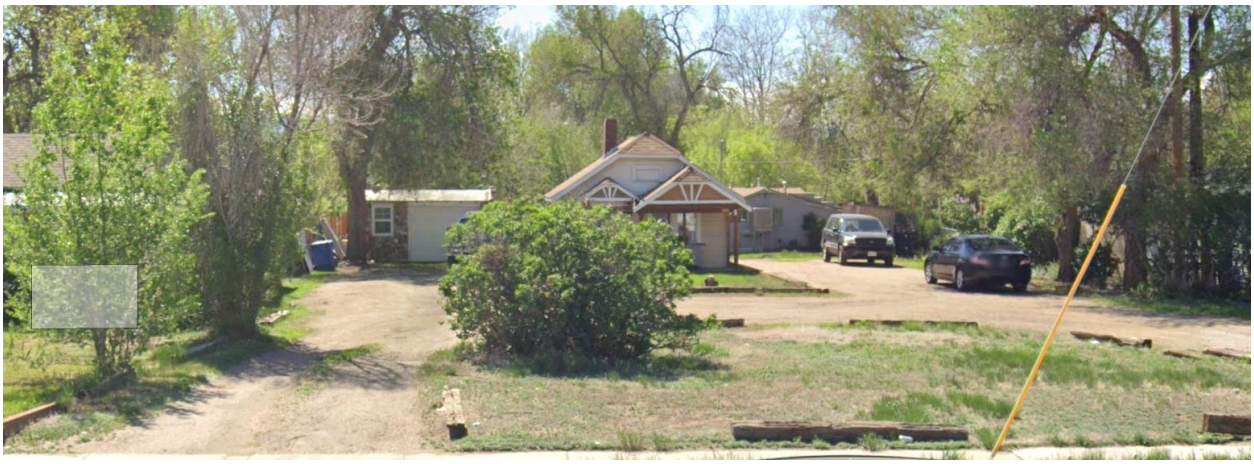

## 3. Existing Building Form and Scale

*All images are from Google Street View.*

View of the subject property, looking east.

View of the property to the north of the subject property, looking east.

View of the properties to the south of the subject property, looking east.



View of the properties to the west across South Sheridan Boulevard, looking west.

View of the properties to the east along Morrison Road, looking northwest.

## Proposed Zoning

The requested E-MX-3 zone district is found in the Urban Edge 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 4.2.4). 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 E-MX-3. For additional details of the requested zone district, see DZC Sections 4.2.4, 4.3 and 4.4.

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

| Design Standards | E-TU-C (Existing) | E-MX-3 (Proposed) |
|---|---|---|
| Primary Building Forms Allowed | Urban House; Duplex; Tandem House | Town House; General; Shopfront |
| Stories/Heights (max) | 2.5/35'* | 3/38-45'** |
| Primary Build-To Percentages (min) | N/A | 50-70%** |
| Primary Build-To Ranges | N/A | 0' to 15'** |
| Minimum Zone Lot Size/Width | 50' | N/A |
| Primary Setbacks (min) | 10'*** | 0' to 10'** |
| Building Coverages | 37.5% | N/A |

* Based on an approximate site width of 117'
** Standard varies between building forms
*** See Section 13.1.5.9 of the DZC

## Summary of City Agency Referral Comments

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No comments

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

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

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

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

**Development Services - Transportation:** Approved – No Response

**Development Services – Wastewater:** Approved – No Response

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

**Development Services – Fire Prevention:** Approved – No Response

## Public Review Process

| | **Date** |
|---|---|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners: | **3/11/22** |
| 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: | **8/2/22** |
| Planning Board Public Hearing; Planning Board voted 7-0 to recommend approval: | **8/17/22** |
| CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City | **8/20/22** |

| | |
|---|---|
| Council and registered neighborhood organizations, at least ten (10) working days before the meeting: | |
| Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward: | **8/30/22** |
| 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: | **9/26/22** |
| City Council Public Hearing: | **10/17/22** |

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - To date, staff has received no comment letters from Registered Neighborhood Organizations.
  - **General Public Comments**
    - To date, staff has received no 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 apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Westwood Neighborhood Plan* (2016)

### *Denver Comprehensive Plan 2040*

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

The proposed rezoning would allow for an increase in housing density on a vacant lot near bus lines in an established neighborhood, consistent with the following strategy applies from the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population* (p. 34)
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increase amenities* (p. 34)

The proposed map amendment would allow for compatible infill development in an established neighborhood and near transit, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p.54)

The proposed rezoning would allow for additional housing options near transit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

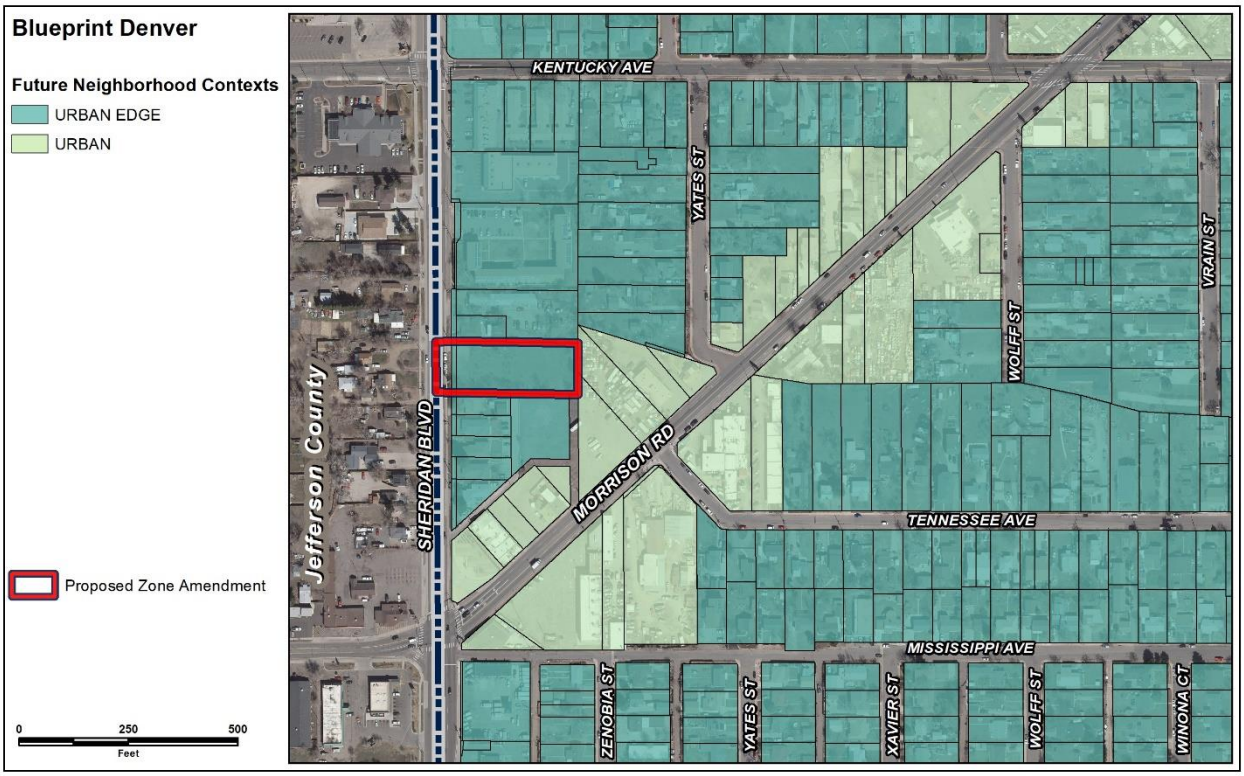
- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28)

This site is an infill location where infrastructure is already in place. Compact infill development near transportation options (specifically along Sheridan Boulevard) and existing infrastructure assists in improving public health indicators while reducing water usage. The application further provides an opportunity for more jobs and 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 part of a Regional Center place within the Urban Center Neighborhood Context and provides guidance from the future growth strategy for the city.

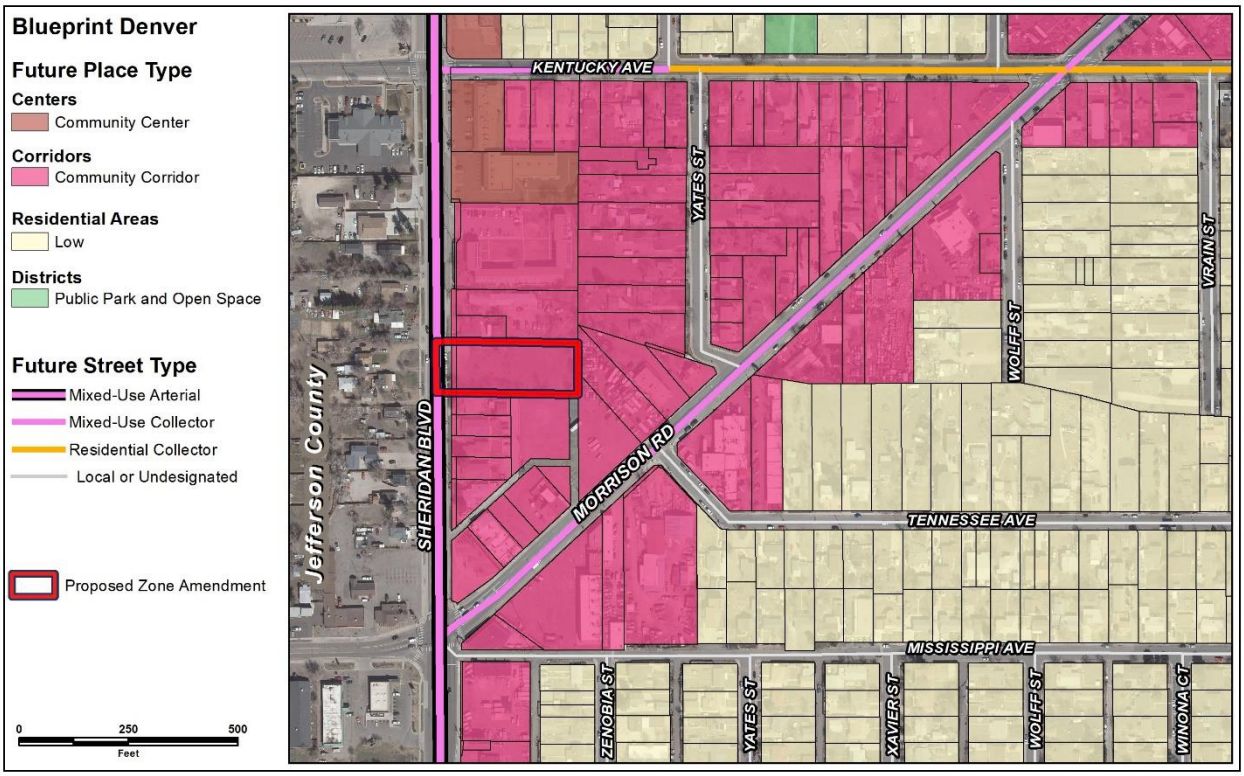
## ***Blueprint Denver*** **Future Neighborhood Context**




The subject property is shown on the context map as the Urban Edge neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Edge neighborhood context "contains elements of the suburban and urban contexts. Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas" (p. 136).

The intent of the proposed E-MX-3 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 4.2.4). The proposed rezoning to E-MX-3 is appropriate and consistent with the Urban Edge context plan direction, as it will allow for development of an appropriately scaled mixed use node along a mixed-use arterial street and embedded in a 1-unit and 2-unit residential area.

## ***Blueprint Denver* Future Places**




The Future Places map shows the subject property as part of a "Community Corridor" area. *Blueprint Denver* describes these areas as having "a balance of either residential and employment; residential and dining/shopping; or employment and dining/shopping uses" (p. 146). Buildings have a distinctly linear orientation along the street with narrow setbacks. Building scale and footprints along community corridors are typically mid- to large-scale, with the highest intensity at mobility hubs. Public spaces often occur between buildings and social spaces may be found in some setbacks along the street. In a community corridor, the Urban Edge neighborhood context, recommended "heights are generally up to 5 stories" (p. 212).

The proposed rezoning to E-MX-3 is appropriate and consistent with the "Community Corridor" plan direction and will foster a better balance of residential and employment uses than the current zoning allows. It permits heights lower than the maximum recommended height of 5 stories.

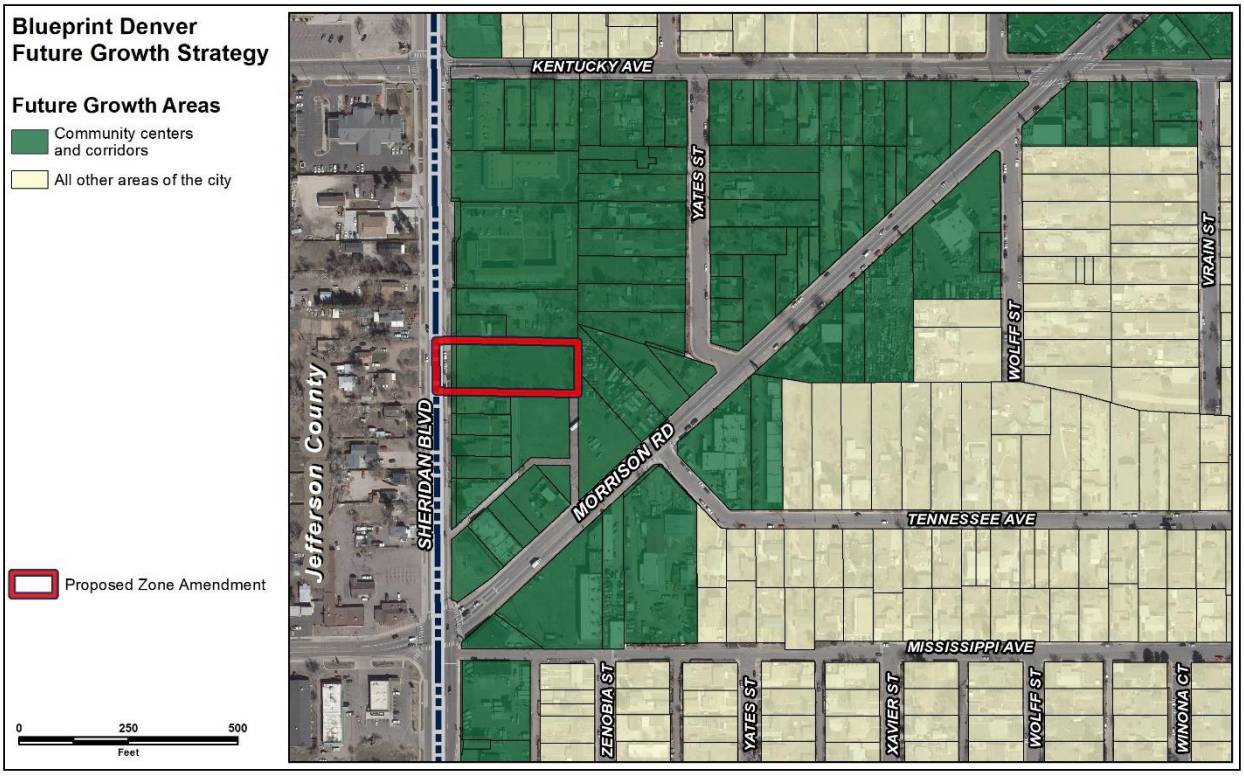
### ***Street Types***

*Blueprint Denver* street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). The subject property is located on South Sheridan Boulevard, which *Blueprint Denver* classifies a Mixed-Use Arterial. Arterial streets "are designed for the highest amount of through movement and the lowest degree of property access"

(p. 154). These streets contain a varied mix of uses including retail, office, residential and restaurants.

Because E-MX-3 enables a wide range of residential, quasi-public uses, and commercial uses, the proposed district is consistent with the plan direction for this location and is appropriate along the existing mixed-use arterial street. Section 4.2.4.2.D. of the DZC also indicates that "E-MX-3 applies to areas or intersections served primarily by collector and arterial streets."

## ***Blueprint Denver*** **Growth Strategy**

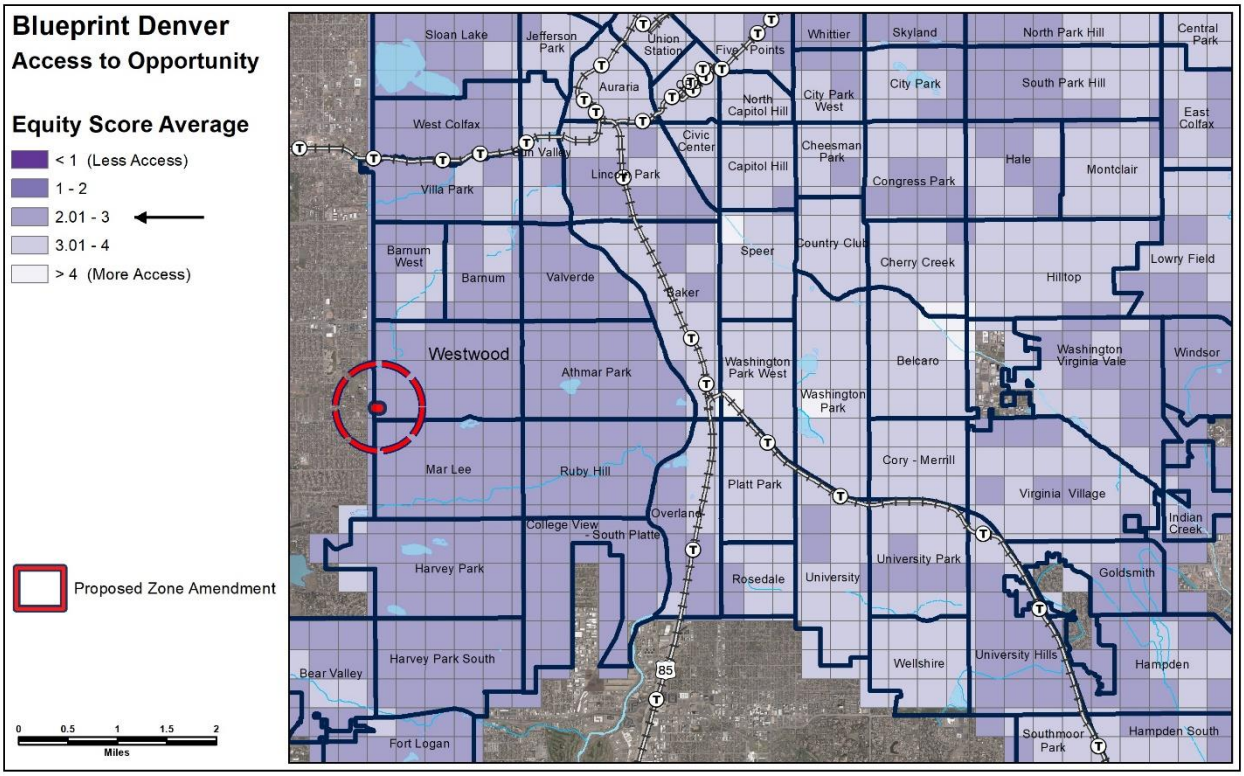



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the "Community centers and corridors" growth area, these areas are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The proposed map amendment to E-MX-3 is consistent with the "Community centers and corridors" growth area in that it will allow a broad range of job opportunities and housing types and direct more intense and appropriate growth to this area than the existing zoning allows.

## ***Blueprint Denver*** **Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions. Given that the subject site is within one of Denver's Neighborhood Equity and Stabilization (NEST) focus neighborhoods, an equity analysis is included in this staff report and was shared with the applicant for consideration. The applicant's response is included with the application that is attached to the staff report.

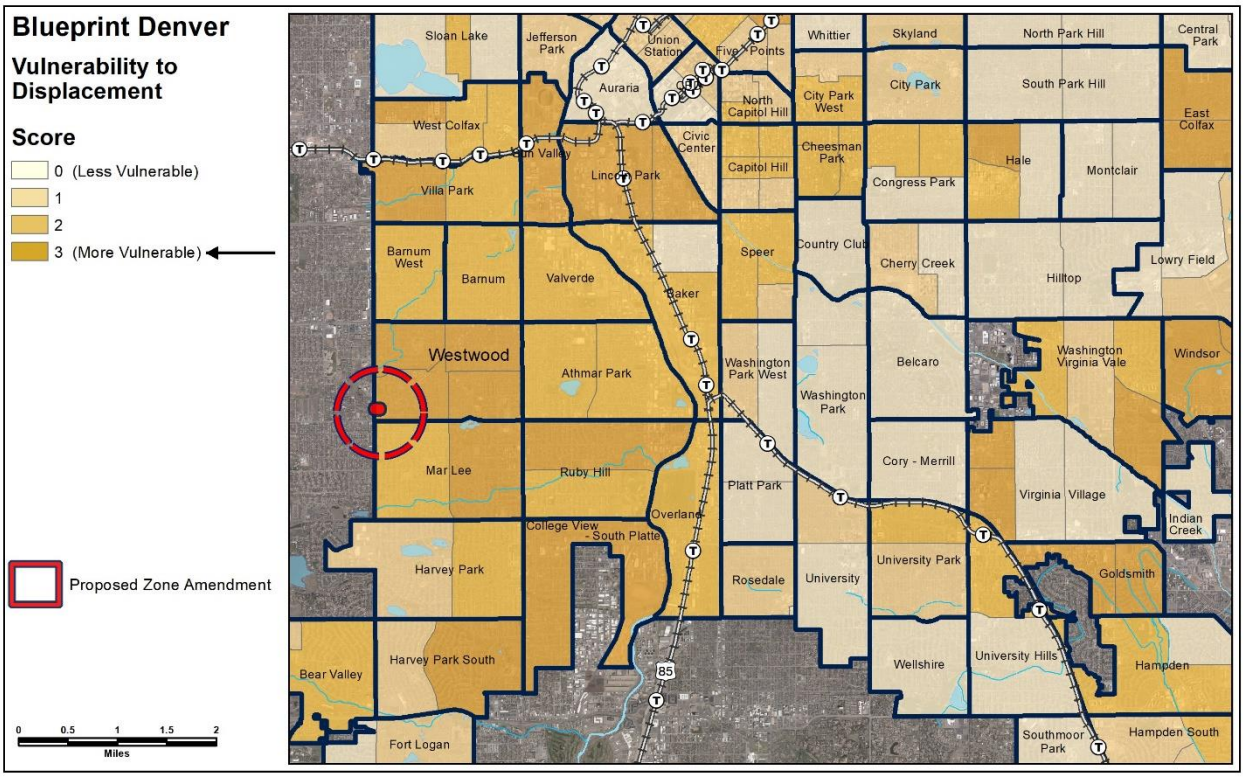
### I. Access to Opportunity




The subject property is in an area with moderate access to opportunity. The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to centers and corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city. The subject area is less equitable than Denver as a whole when it comes to access to fresh foods, healthcare, and transit. These scores are related to a higher-than-average percentage of children with obesity.

The proposed district will allow for a mix of uses, thereby increasing the opportunity for retail and services. As part of the Equity Response, a set of considerations the applicant provides in response to the Equity Analysis, the applicant noted they will provide residents with information about access to healthcare centers, grocery stores, and early childhood education centers.

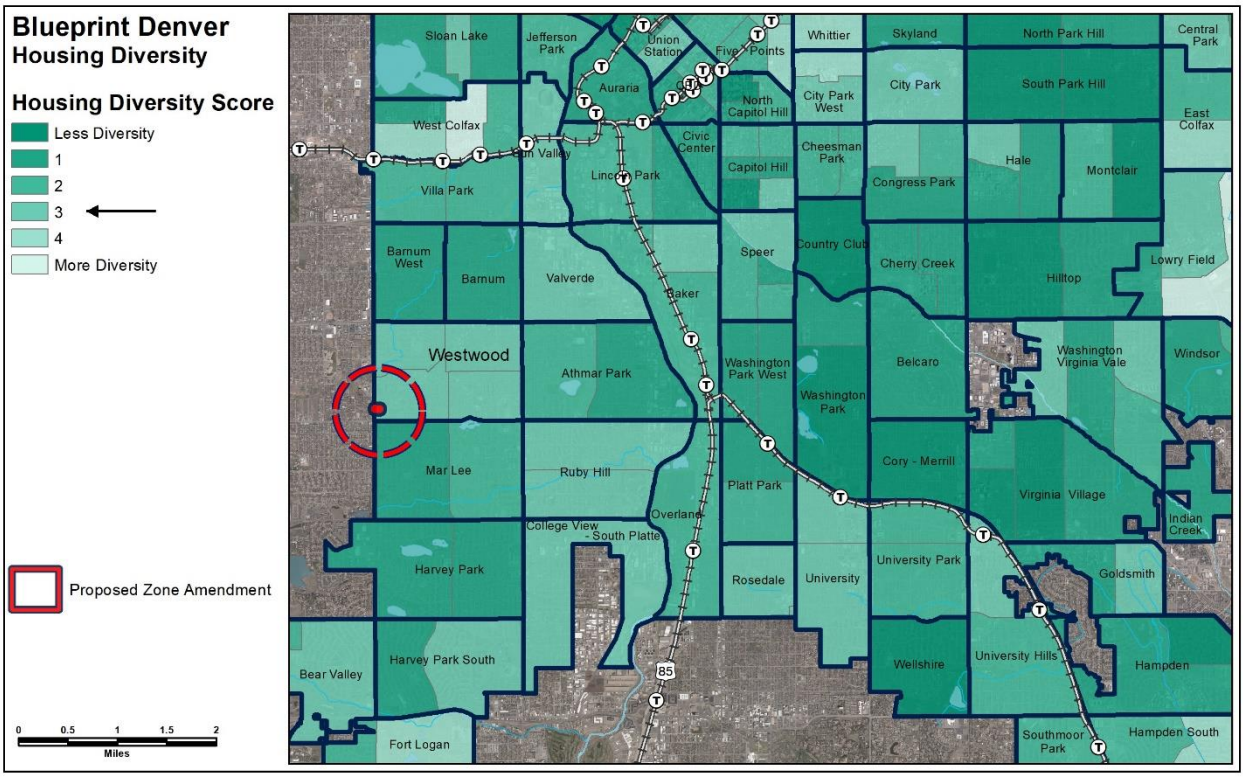
## II. Vulnerability to Involuntary Displacement




The subject property in in an area that has high vulnerability to involuntary displacement. The basis for measuring vulnerability to involuntary displacement is through the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. The subject area scored as vulnerable to displacement in all three categories. In areas with high vulnerability to involuntary displacement, it is important to increase affordable housing options so that residents of all income levels can continue to live in these neighborhoods.

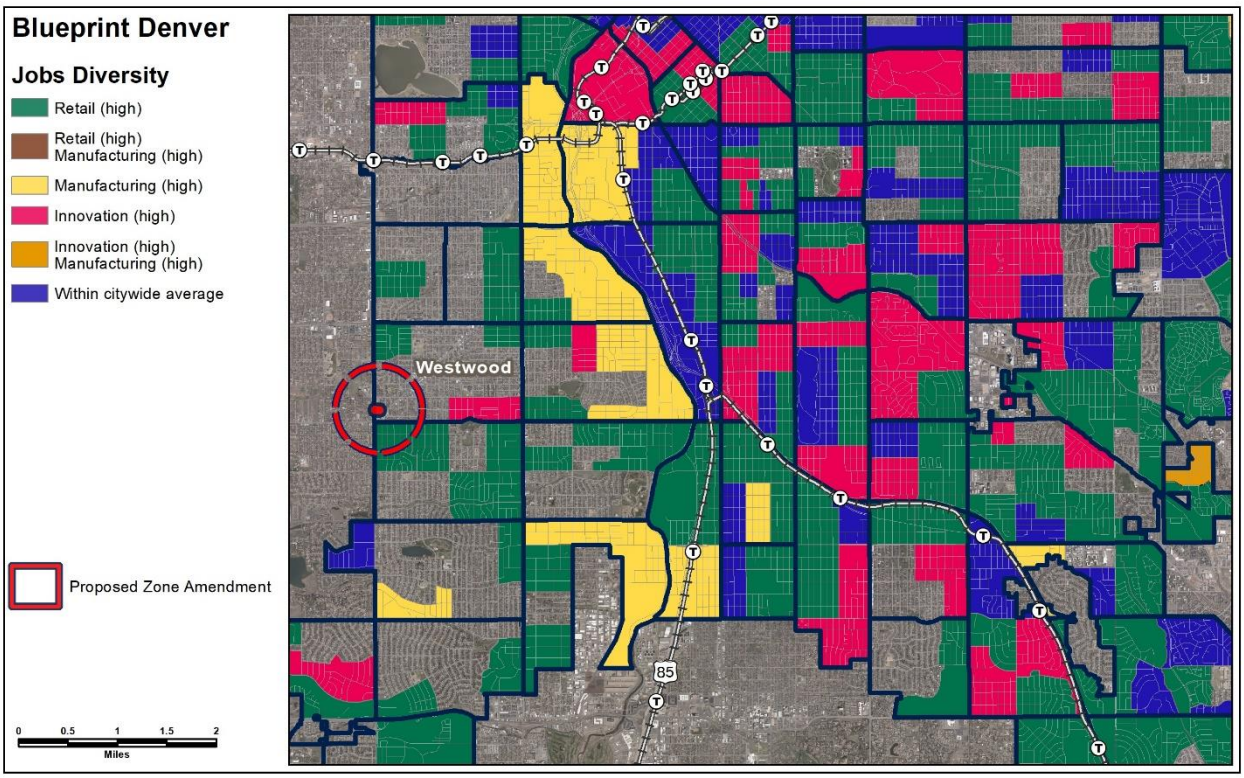
The proposed district will allow for a mix of uses, including multi-unit residential. As part of the Equity Response the applicant noted that the land is currently vacant so there will be no displacement of current residents on-site and development would result in a net positive yield of housing units. Development of this property will be required to comply with the city's recently adopted affordable housing policy, which will contribute to addressing this equity measure.

## III. Expanding Housing and Jobs Diversity




The subject property is in an area that has moderate housing diversity. The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units. The subject area is not diverse in terms of the percentage of owners to renters and housing costs. In areas with a moderate level of housing diversity it is important to increase the number of affordable housing units alongside natural growth in market-rate housing.

The proposed zone district will allow for mix of uses, including multi-unit residential. As part of the Equity Response the applicant noted their compliance with the city's recently adopted affordable housing policy, which will contribute to addressing this equity measure.

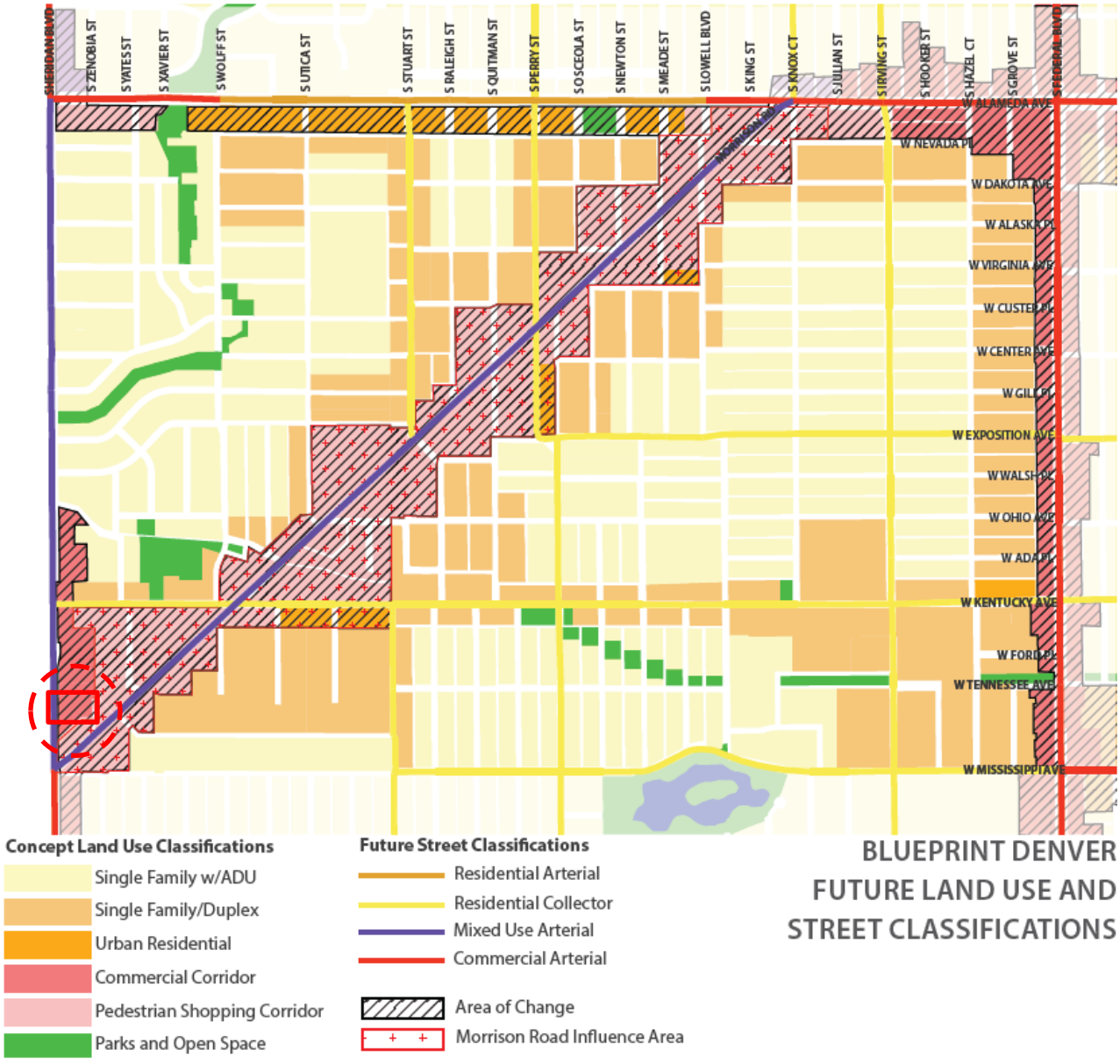



The subject area has too few jobs to be measured accurately against city-wide averages. The proposed zone district allows for various commercial, office and retail jobs and increasing access to a range of many quality jobs enables people of different incomes and education levels to find employment and wealth-building opportunities.

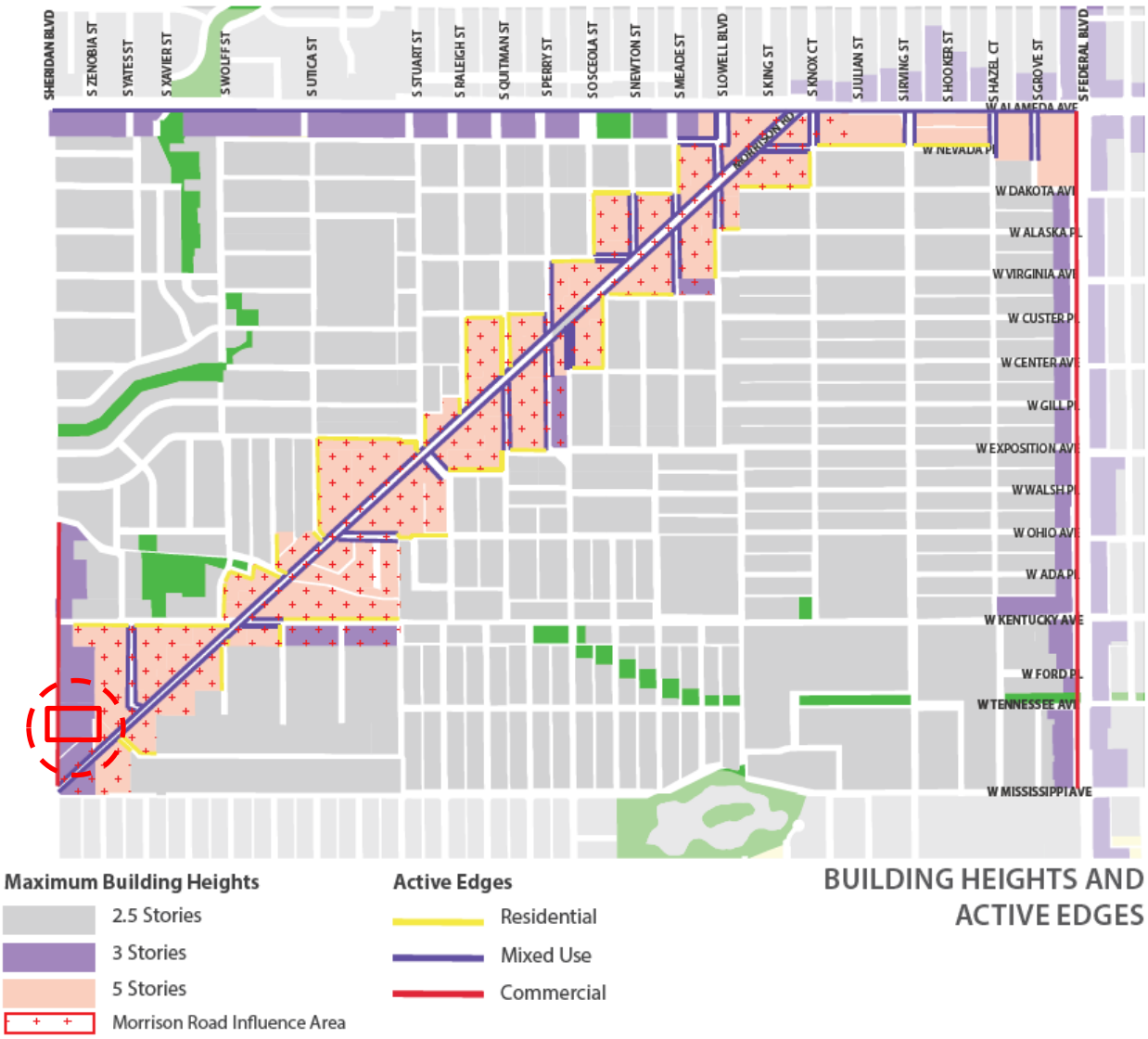
### *Westwood Neighborhood Plan*

The Westwood Neighborhood Plan was adopted in 2016 and outlines the vision, recommendations, and implementation strategies for evolution and enhancement of the community. The plan sets forth a comprehensive, holistic approach, weaving together a nuanced set of strategies that collectively will continue to elevate Westwood into a connected, celebrated, resilient, and healthy neighborhood. The plan recommends the following, which relate to the subject property:

- The subject property is identified as a Commercial Corridor in an Area of Change. Commercial Corridors are "linear business districts primarily oriented to heavily used arterial streets. They share similarities with pedestrian shopping corridors but are larger and accommodate more auto traffic. Many corridors accommodate major bus transit routes and have significant numbers of transit users. The vision for these corridors includes a safe and consistent pedestrian realm with street trees, wide sidewalks, safe crossings and attractive bus stops, and, as a result, exhibit a fair amount of pedestrian activity" (p. 77).



- Maximum heights are labeled as 3 stories and Commercial Corridors "are for the most part zoned E-MX-3 which implements the plan vision" (p. 77).




The proposed E-MX-3 aligns with the Westwood Neighborhood Plan guidance for the subject property as a Commercial Corridor and a Commercial Active Edge with the potential for residential and commercial uses on-site.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-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 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 and Blueprint Denver. 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 E-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. The specific intent of the Denver Zoning Code includes "promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods" (DZC 1.1.2). The E-MX-3 zone district reenforces the intent that Sheridan Boulevard should be an area of transformation towards a more livable, pedestrian-oriented, transit-rich corridor.

## 4. Justifying Circumstances

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8, "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 states that Westwood is "a neighborhood that is both vulnerable to displacement and in need of investment that would allow the existing community to thrive. As Denver continues to grow, this warrants the introduction of a mix of uses which are not allowed in its current zoning. The E-MX-3 zone district supports a growing population that can walk, bike, or use public transit to neighborhood amenities, entertainment, retail, and services". As the property is located in a community corridor on a mixed-use arterial in an area where growth should to be directed, the proposed rezoning is justified.

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

The requested E-MX-3 zone district is within the Urban Edge 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 4.1). Further, "Multi-unit residential and commercial uses are located along local streets, arterials, and main streets."

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 4.2.4.1). The proposed E-MX-3 zone district would facilitate appropriately scaled mixed-use development with protected district standards that effectively improve the transition to the adjacent residential neighborhood, consistent with the stated purpose.

According to the zone district intent stated in the Denver Zoning Code, the E-MX-3 district "applies to areas or intersections served primarily by collector or arterial 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 Sheridan Boulevard, which is classified as a Mixed-Use Arterial, and the desired building heights articulated in the adopted plans are up to 5 stories. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

## Attachments

1. Application
2. Equity Response