Community Planning and Development
Planning Services

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TO: City Council
FROM: Edson Ibañez, Senior City Planner
DATE: March 14, 2024
RE: Official Zoning Map Amendment Application #2023I-00127

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00127.

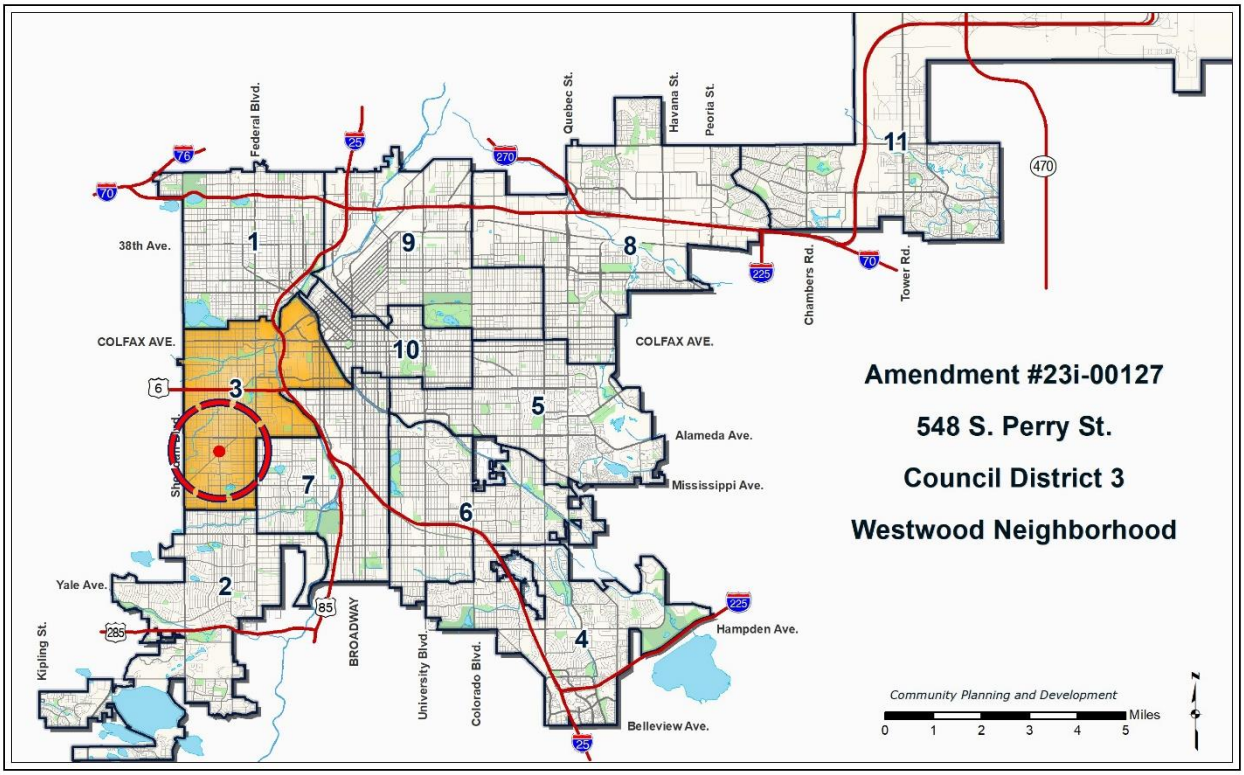
Request for Rezoning

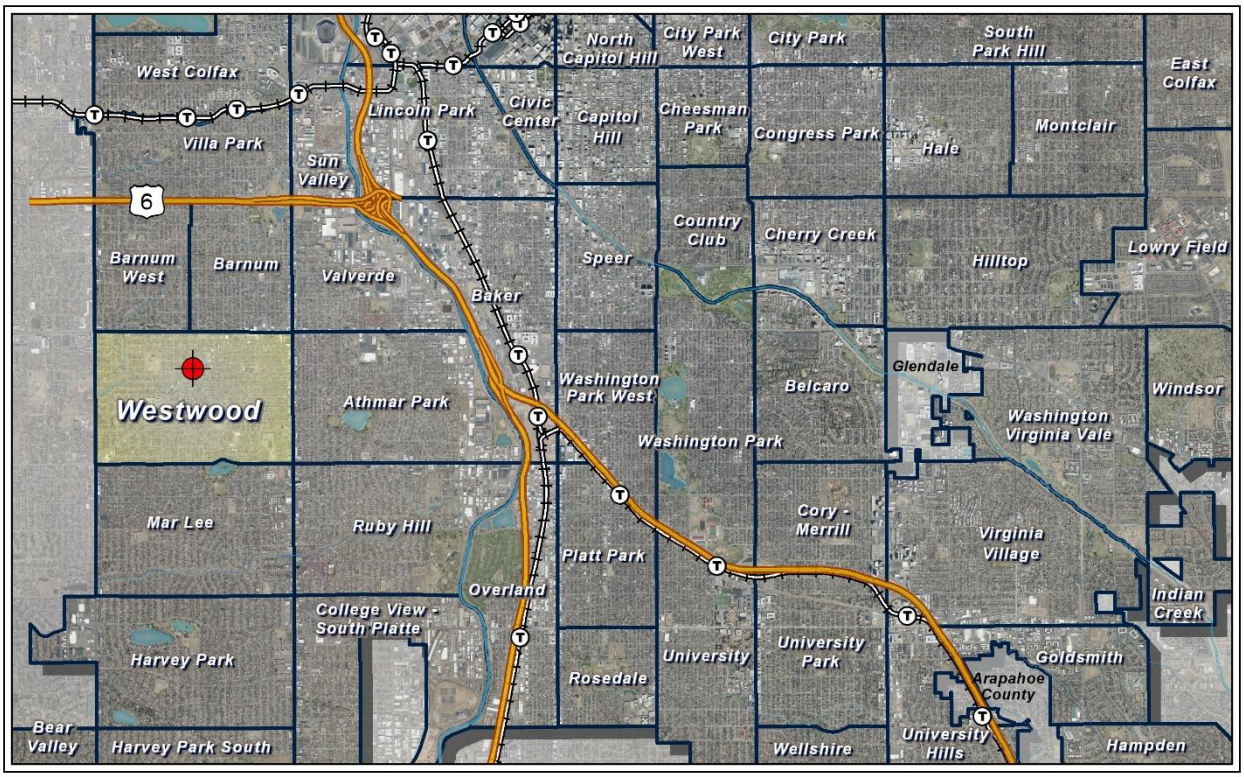
Address:	548 South Perry Street
Neighborhood/Council District and CM:	Westwood neighborhood / Council District 3, CM Torres
RNOs:	Hecho en Westwood, Strong Denver, Southwest Vida, Westwood Unidos, Westwood Community Action Team, and Inter-Neighborhood Cooperation (INC)
Area of Property:	5,000 square feet or 0.11 acres
Current Zoning:	E-TU-C
Proposed Zoning:	E-MX-3
Property Owner(s):	ECLT Morrison Condos LLC
Owner Representative:	Gosia Kung with KTGY

Summary of Rezoning Request

- The subject property is in the Westwood statistical neighborhood on the east side of South Perry Street just north of the intersection with West Morrison Road.
- The site is currently a single-family residence.
- This application has been accepted into the AHRT program. Elevation Community Land Trust ("ECLT") is working with BuCu West to redevelop parcels of land at 548 South Perry Street and 3915-3939 West Morrison Road to both preserve existing commercial and residential space, and redevelop underutilized portions of the site to create new permanently affordable, for sale housing opportunities for low- to moderate-income households. The redevelopment and preservation project will provide a minimum of 36 bedrooms in new residential homeownership opportunities and will preserve the commercial space for local, heritage businesses.
- 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.

Existing Context





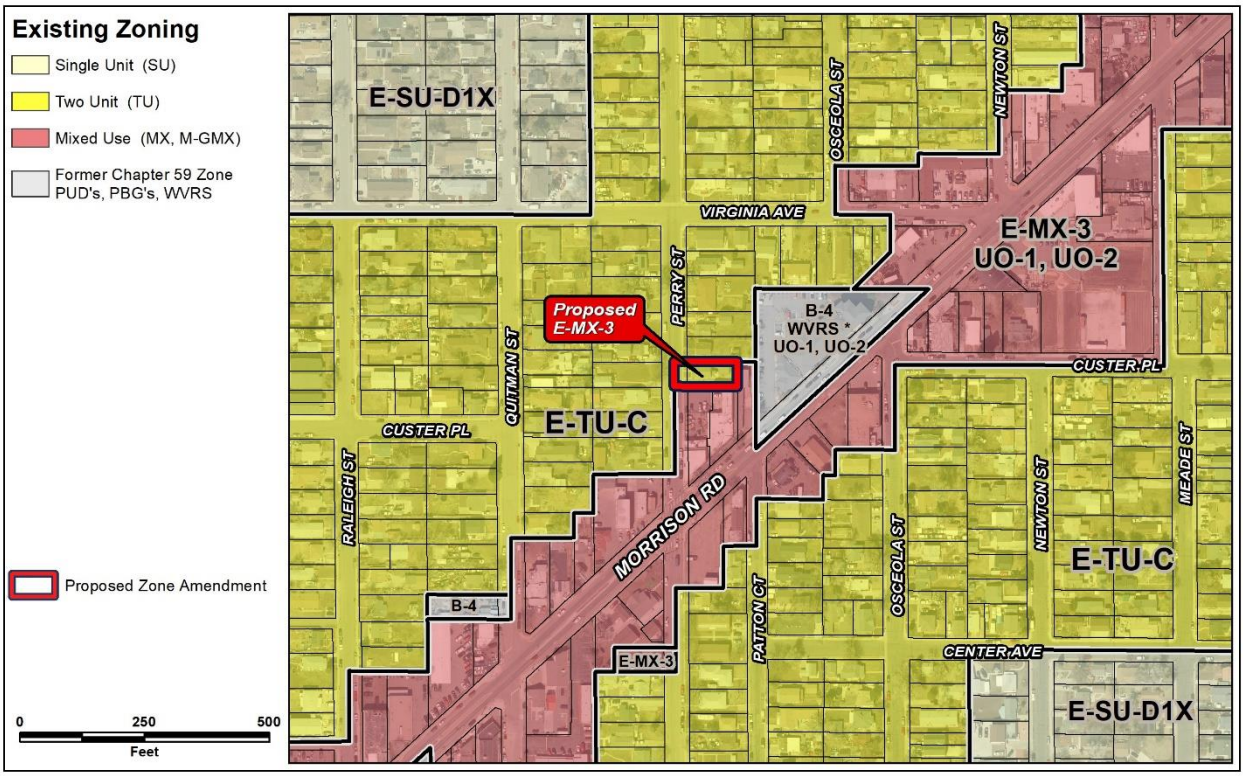
The subject property is in the Westwood statistical neighborhood, which consists of irregular lot sizes without alleys and the absence of a grid due largely to Morrison Road running at a northeast-to-southwest diagonal through the neighborhood. Morrison Road serves as a commercial corridor through the neighborhood. Cuatro Vientos Park is 0.3 miles northeast of the subject property. Approximately 450 feet south of the subject property is the Perry Street and Morrison Road bus stop, which is served by the RTD 4 bus. 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 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	Single-Unit Residential	Single-story Residential with curb-cut access off Perry Street	Irregular street grid with Morrison Road cutting northeast-to-southwest through the neighborhood. There are several streets running north-south off Morrison Road and
North	E-TU-C	Single-Unit Residential	Single-story Residential with curb-cut access off Perry Street	
South	E-MX-3	Mixed-Use	Single- and Two-Story Commercial Buildings with	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			rear parking accessed from curb-cut off Perry Street	Alameda Avenue that are dead ends. Lot sizes vary in both shape and size due to the irregular street grid. Farther south and east of the site the neighborhood retains a regular grid pattern with alley access and more uniform lot sizes.
East	E-TU-C	Single-Unit Residential	Single-story Residential with curb-cut access off Perry Street	
West	E-MX-3	Commercial/Retail	Commercial Building with parking accessed from cur-cut off Morrison Road	

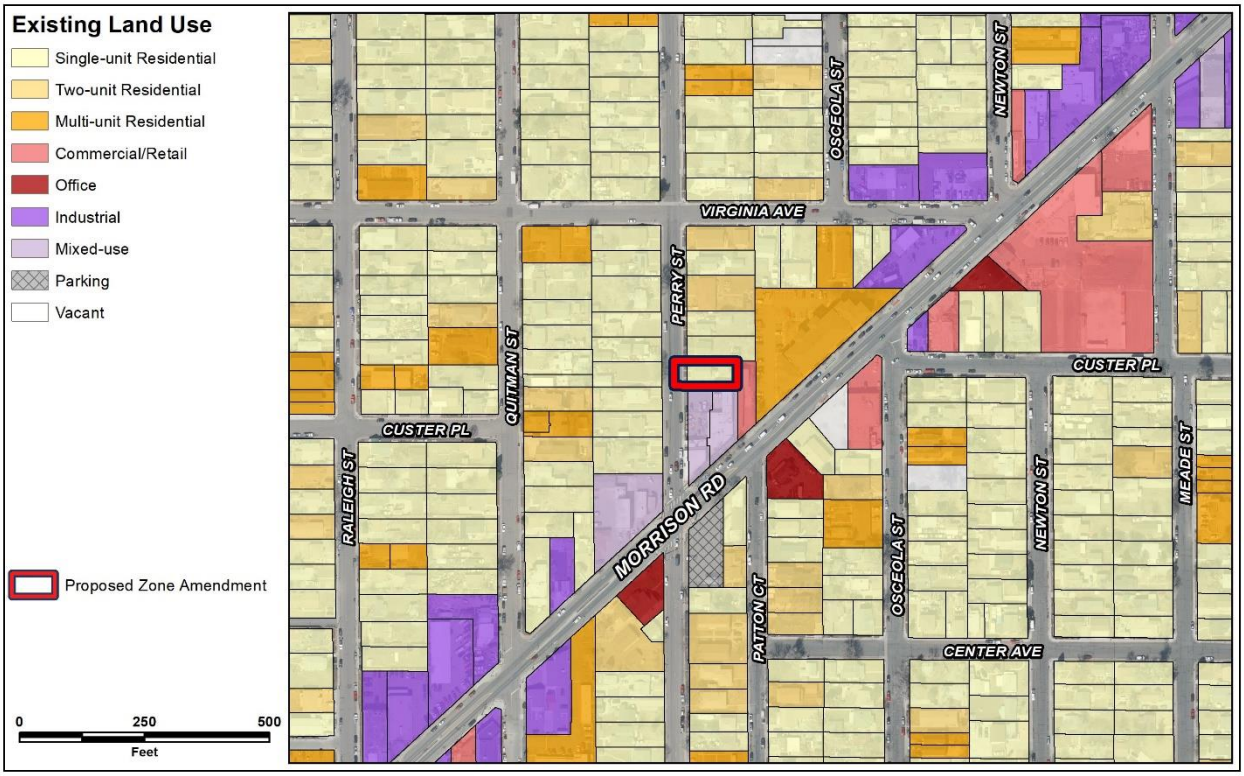
1. Existing Zoning



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 50' width the existing zoning would allow for a 2.5 story building with a height of up to 35'. Additionally, the Urban House and Duplex forms allow for a maximum of 1 story or 17 to 19 feet in the rear 35% of the yard. The Tandem House form allows up to 24 feet in the rear 35%. The intent of the district is to promote and protect residential neighborhoods

within the character of the Urban Edge neighborhood context.. For additional details of the current zone district, please see Article 4 of the Denver Zoning Code.

2. Existing Land Use Map

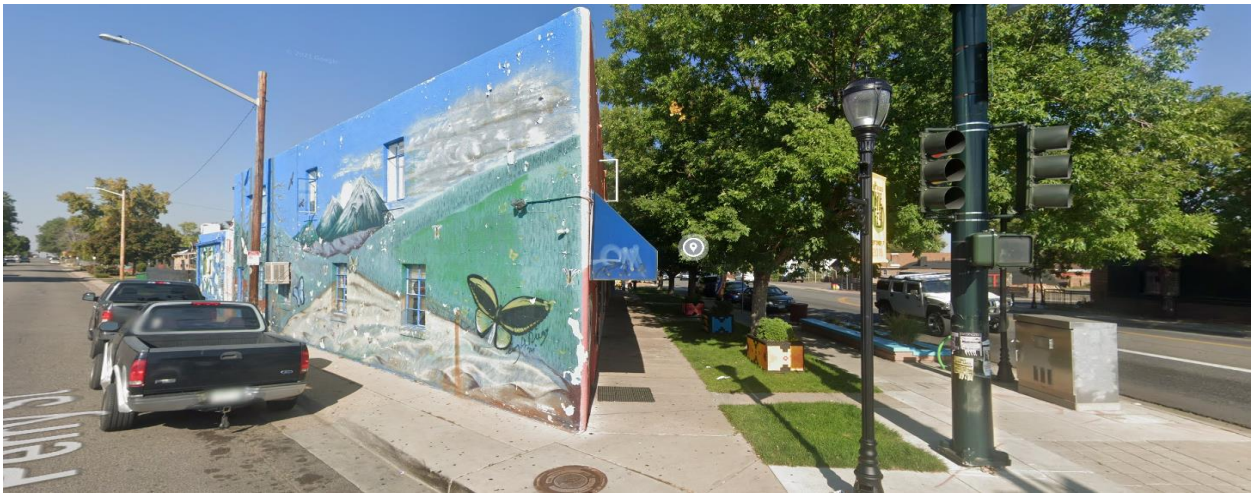


3. Existing Building Form and Scale

All images are from Google Street View.

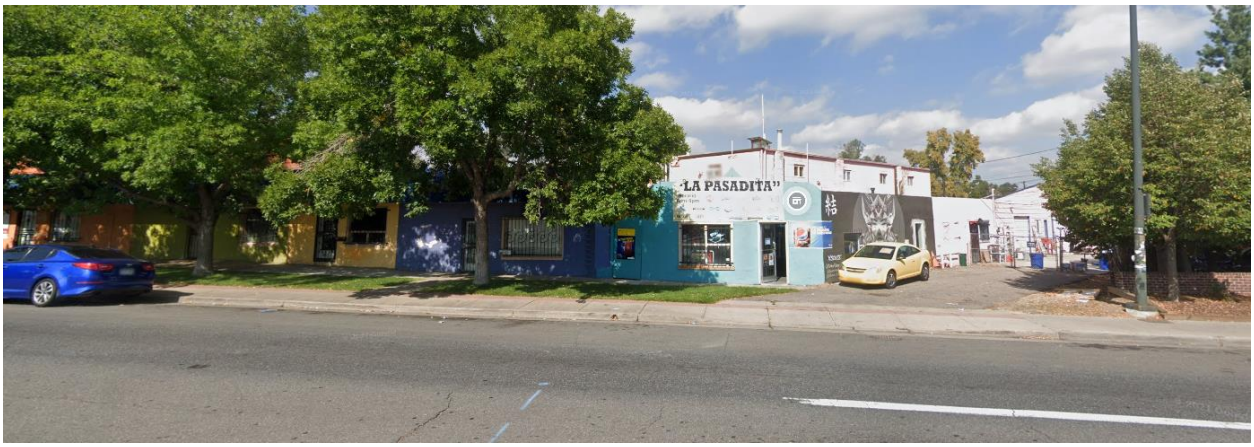
View of the subject property, looking east.

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



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

View of the properties to the west across South Perry Street, looking west.



View of the properties to the east along West 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)	2.5/30'*	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 50
** 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: Approve Rezoning Only - Will require additional information at Site Plan Review.
The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD 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. EQD 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. EQD 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

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 Comments.

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:	**3/11/23**
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:	**1/2/24**
Planning Board Public Hearing:	**1/17/24**
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:	**1/20/24**
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	**1/30/24**
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:	**2/26/24**
City Council Public Hearing:	**3/18/24**

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - To date, staff has received one letter of support from the Westwood Community Action Team RNO. The letter is attached to this staff report.

  - **General Public Comments**
    - To date, staff has received one public comment in support from BuCu West. The letter is attached to this staff report.

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 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:

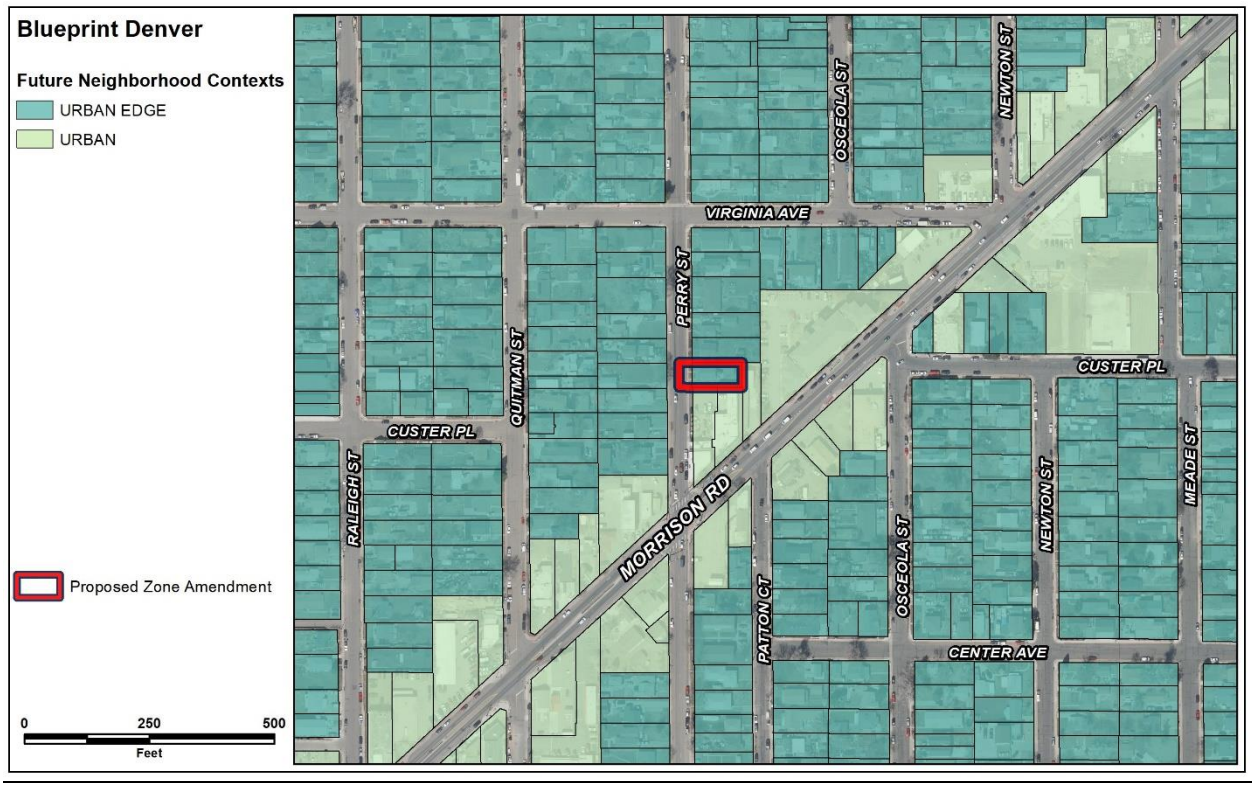
- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28)

This site is an infill location where infrastructure is already in place. Compact infill development near transportation options (specifically along Morrison Road) 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 Community Corridor place within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver **Future Neighborhood Context**

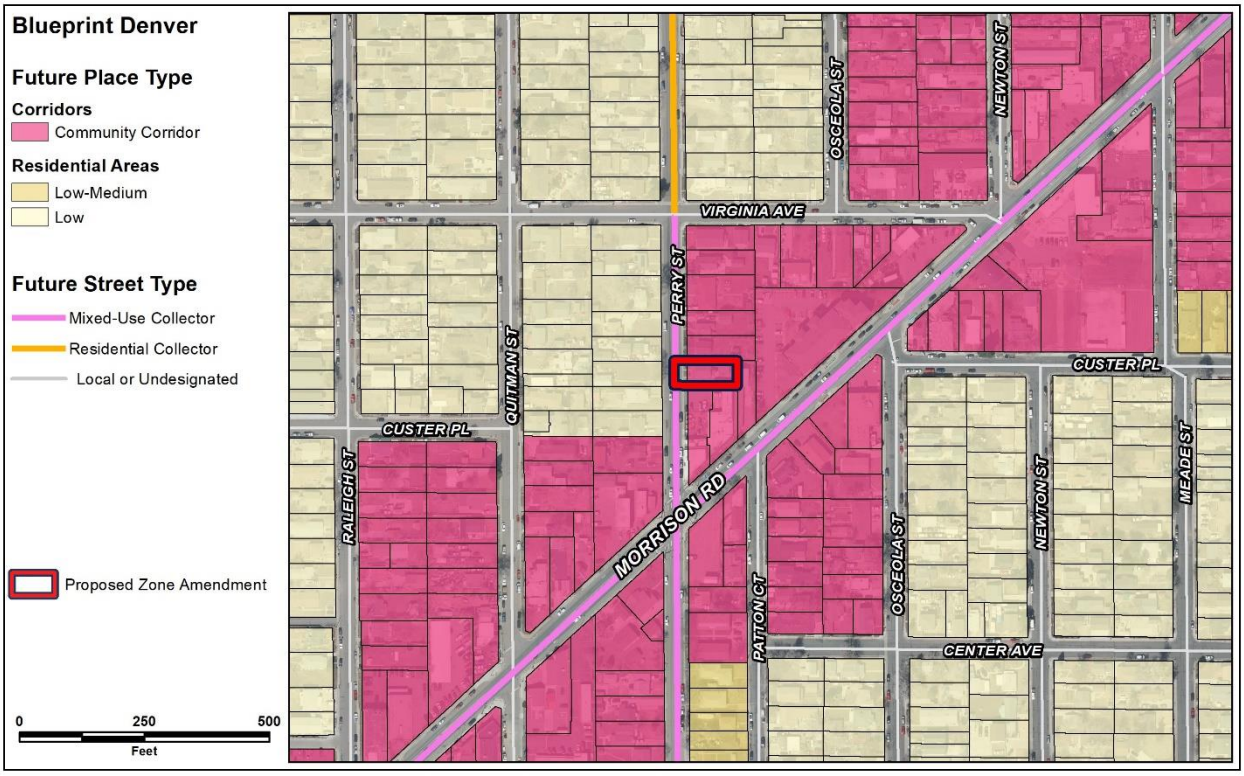


The subject property is shown on the context map as the Urban Edge neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Edge neighborhood context "contains elements of the suburban and urban contexts. Small multi-

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).

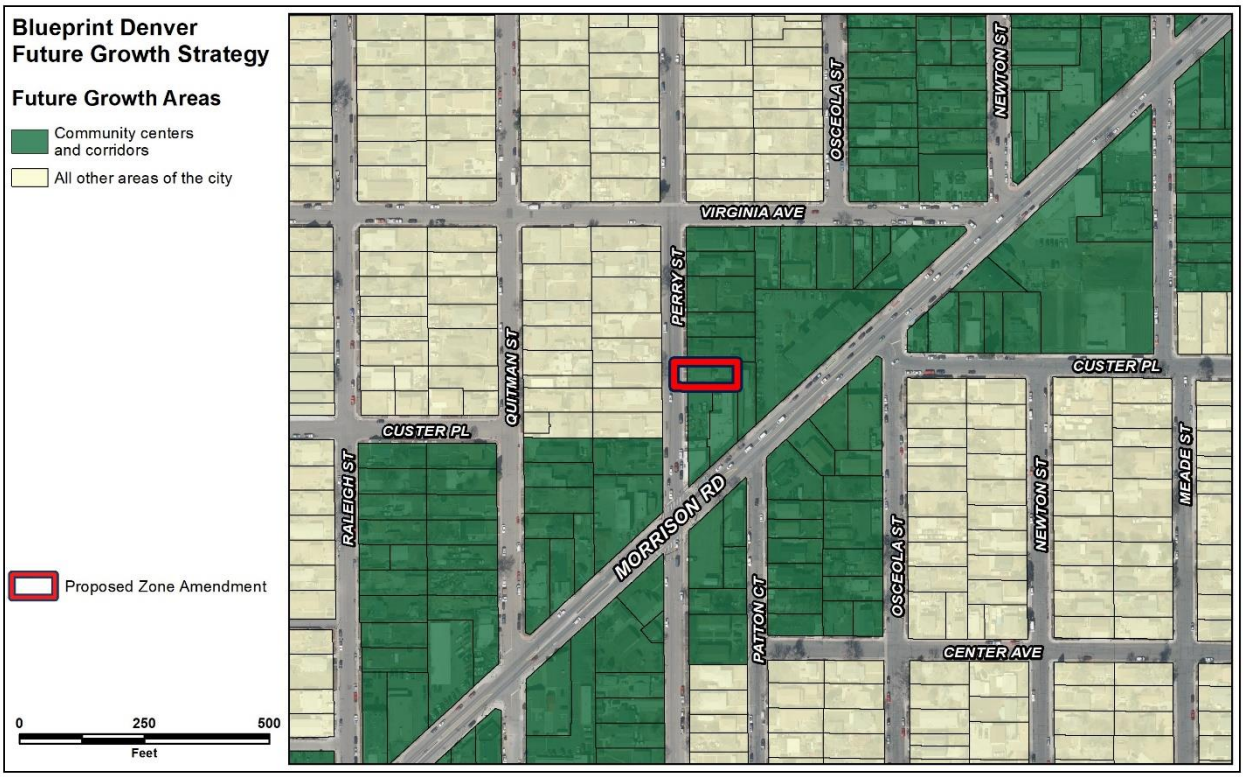
The proposed rezoning to E-MX-3 is appropriate and consistent with the "Community Corridor" plan direction and will foster a better balance of residential and employment uses than the current zoning allows. It permits heights lower than the maximum recommended height of 5 stories.

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 Perry Street, which *Blueprint Denver* classifies a Mixed-Use Collector. Collector streets "are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets" (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**



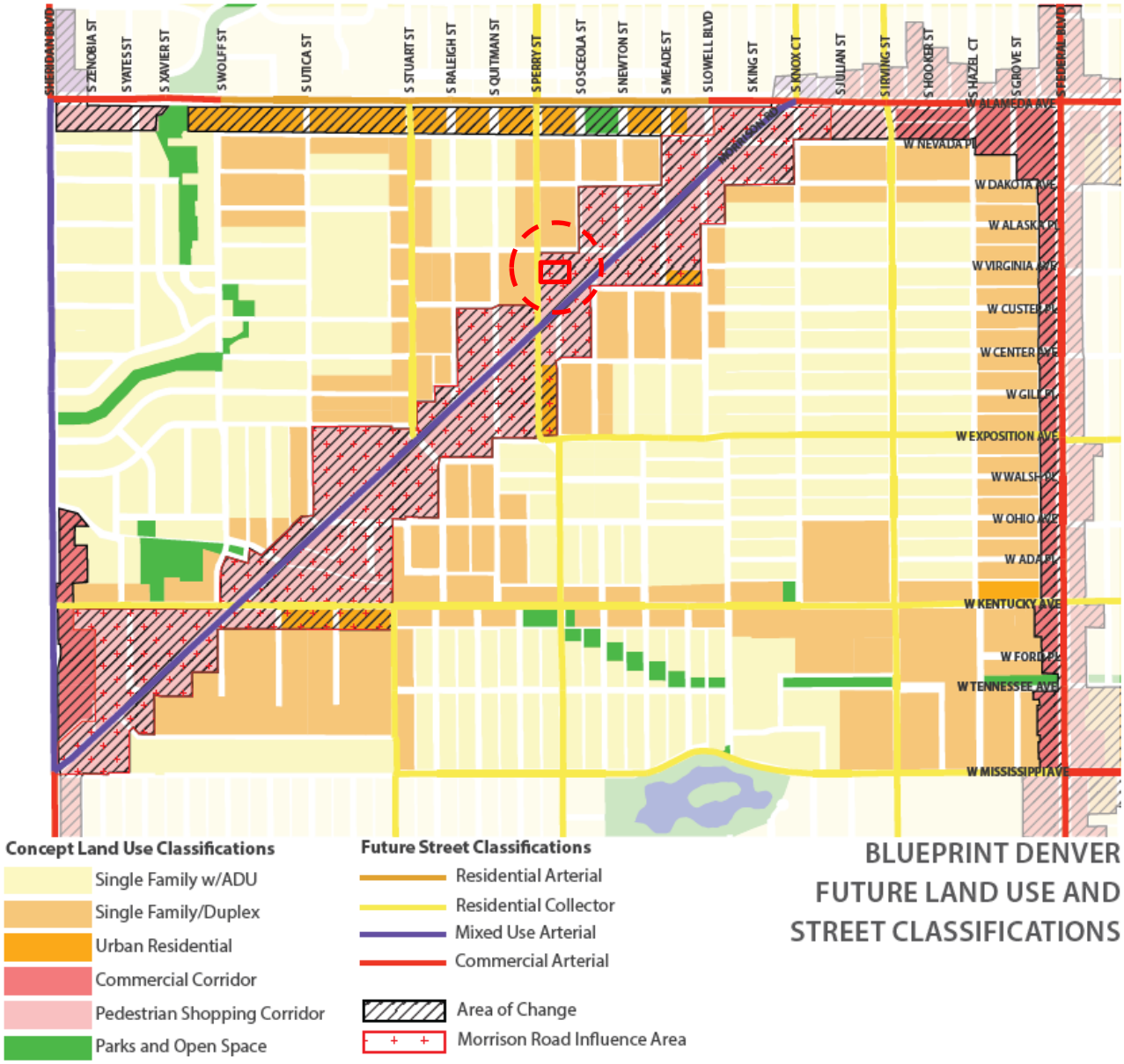
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within the

"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.

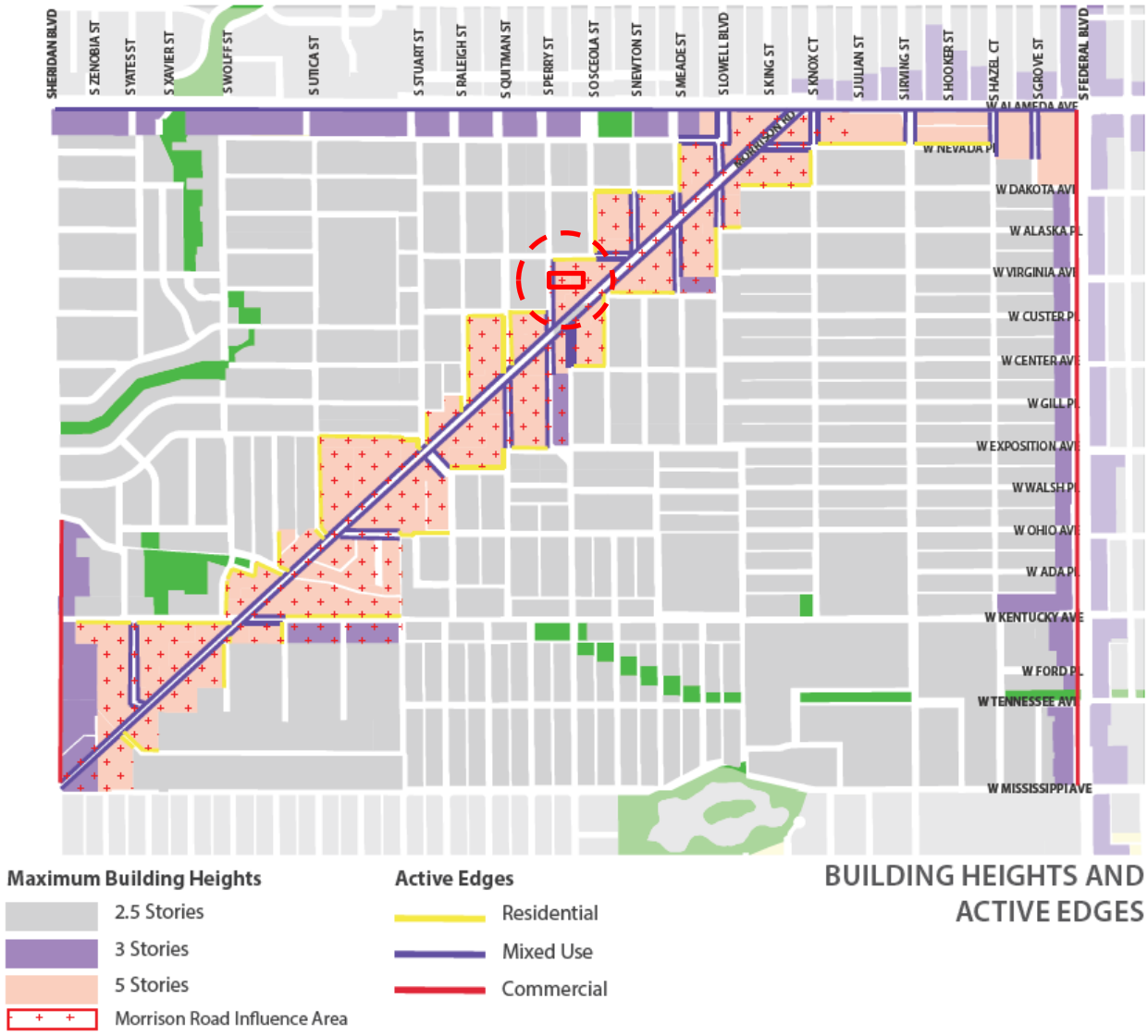
Westwood Neighborhood Plan

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 Pedestrian Shopping Corridor in an Area of Change. Pedestrian Shopping Corridors are "Pedestrian Shopping Corridors serve many of the everyday needs of the residents within Westwood and the surrounding neighborhoods. A vertical and horizontal mix of land uses should include commercial, residential, employment opportunities, and community serving organizations" (p. 77).
- The subject property is within the Morrison Road Influence Area. The area mentions future zoning should support high quality development that respects the surrounding residential uses.
- RECOMMENDATION C.2 ENHANCE THE LOCAL ECONOMY - C.2.A. SUPPORT SMALL BUSINESSES
    - The Rezoning will help enhance existing business by Encouraging existing neighborhood-serving businesses to stay and grow in Westwood by increasing business outreach and improving access to technical and capital
- RECOMMENDATION C.3 PROMOTE COMMUNITY OWNERSHIP - C.3.B. MAINTAIN HOUSING AFFORDABILITY
    - By Promoting Home Ownership, increasing Housing Affordability, and improving Housing Stock.



- Maximum heights are labeled as 5 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 Mixed-Use 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 Morrison Road 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".

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 collector 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 South Perry Street, which is classified as a Mixed-Use Collector, 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. AHRT Acceptance Letter
3. Public Comment