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TO: Denver City Council Land Use, Transportation, and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: October 3, 2024
RE: Official Zoning Map Amendment Application #2024I-00028

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2024-00028.

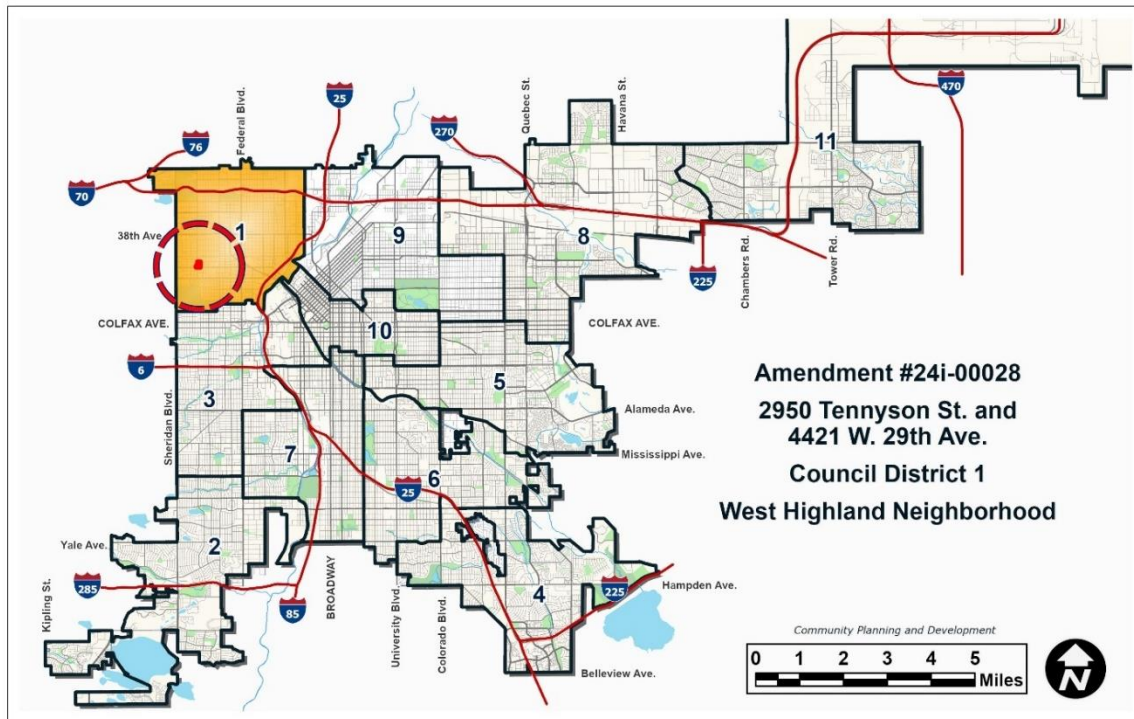
Request for Rezoning

Address: 2950 Tennyson Street and 4421 West 29th Avenue
Neighborhood/Council District and CM: West Highland / Council District 1, Council President Sandoval
RNOs: West Highland Neighborhood Association, Sloan's Lake Citizens Group, Inter-Neighborhood Cooperation, Strong Denver
Area of Property: ~ 4.34 acres
Current Zoning: R-5 and B-2
Proposed Zoning: Campus-Education/Institution 2 (CMP-EI2)
Property Owner(s): Tennyson Center for Children
Owner Representative: Alisha Hammett

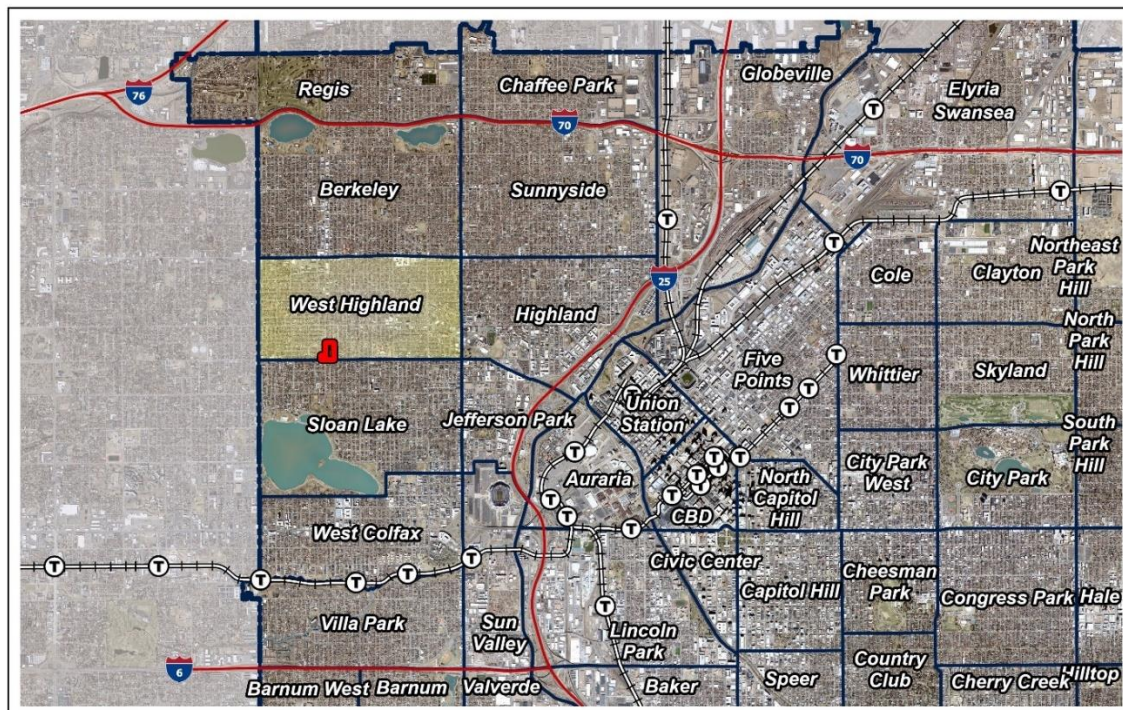
Summary of Rezoning Request

- The two properties are located at the intersection of West 29th Avenue and Tennyson Street in the West Highland Neighborhood.
- The Tennyson Center for Children (the Center), currently zoned R-5, is located between 29th and 30th Avenues with primary frontage along Tennyson Street. The R-5 district is a Former Chapter 59 institutional district allowing colleges, schools, churches, and other institutional uses. The Center operates a therapeutic K-12 school and day treatment program, residential services for qualified youth ages 6-14, and a variety of community-based programs.
- At the northwest intersection of 29th Avenue and Tennyson Street is a surface parking lot, currently zoned B-2, that serves as the primary parking for the Center. The B-2 district is a Former Chapter 59 neighborhood business district that allows retail development to satisfy the daily and weekly household or personal needs of the residents of surrounding residential neighborhoods.
- The current R-5 zone district requires an annual community information meeting and permit renewal process. The proposed CMP-EI2 zone district would allow the same uses without the required annual community information meeting. The CMP-EI2 district is intended to be applied to smaller- to medium- scale campus sites generally adjacent to low scale residential neighborhoods. 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 9 of the Denver Zoning Code (DZC).

Council District



Statistical Neighborhood



Existing Context



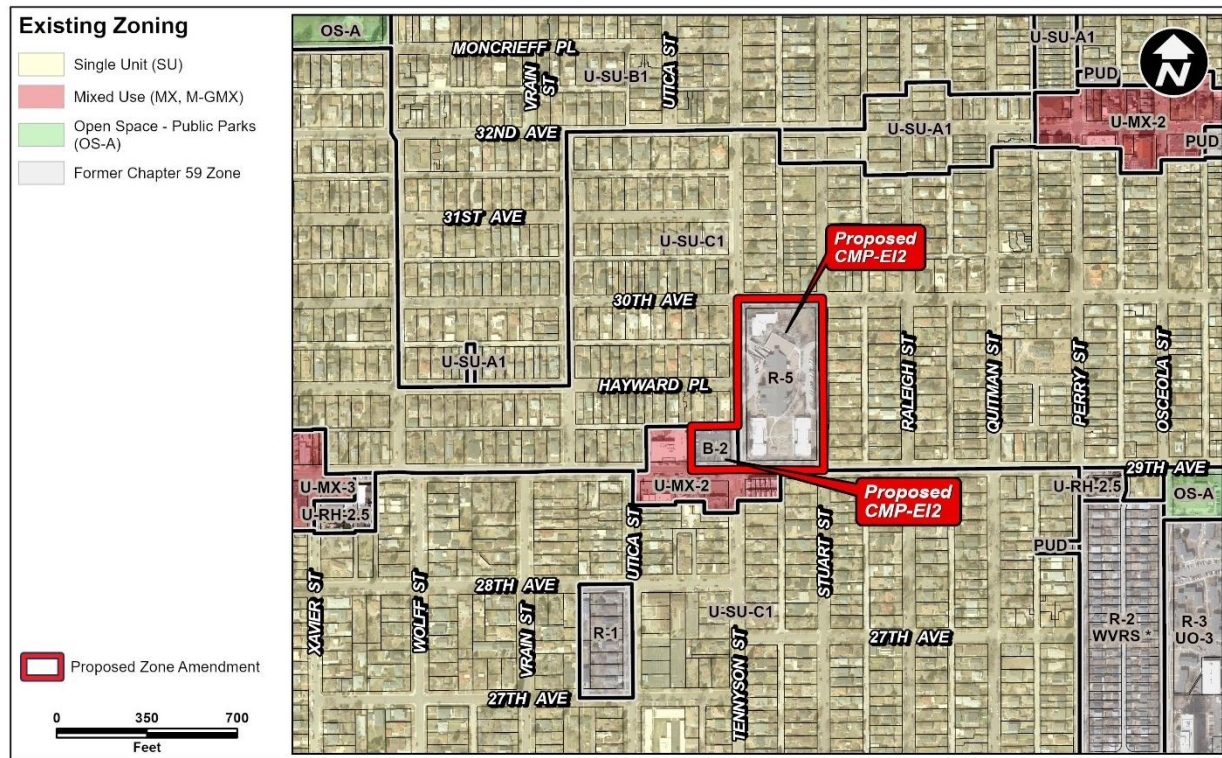
The subject property is located generally at the intersection of West 29th Avenue and Tennyson Street and occupies an entire block bound by 29th Avenue, Tennyson Street, 30th Avenue, and Stuart Street. The subject property also includes the surface parking lot northwest of the intersection of West 29th Avenue and Tennyson Street. The surrounding neighborhood is predominately low-scale residential with some scattered two- and multi-unit housing. There is a cluster of commercial/retail properties along West 29th Avenue between Tennyson and Utica Streets. The subject property is located about three blocks north of Sloan's Lake Park and five blocks west of the Highland Recreation Center and Osceola and 29th Park. Three blocks north of the subject property are stops for RTD bus route 32 which runs east-west along 32nd Avenue towards downtown Denver or Wheat Ridge. Three blocks south of the subject property are stops for the RTD bus route 28 which runs east-west along 26th Avenue towards downtown Denver or Wheat Ridge.

The Center is a closed and gated facility with primary entrance along Tennyson Street. There is a secondary entrance along Stuart Street for deliveries and limited parking. The Center consists of a three-story building at the center of the property that serves as offices and classrooms, and steps down to a two-story structure at the north where there is a gym and cafeteria. There is a one-story office located at the northwest corner of the site. The southern one-third of the site consists of two one-story residential structures and a playground. The surface parking lot at the corner of 29th Avenue and Tennyson Street serves as the primary parking lot for the Center.

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	R-5 (the Center) and B-2 (the parking)	Mixed-use and Parking	Four buildings ranging in height from 1-3 stories. The tallest structure sits at the center of site with substantial setbacks.	Generally regular grid of streets. Block sizes and shapes are largely consistent and rectangular. To the east of the site the blocks frontages are generally east-west while to the west of the site the frontages are generally north-south. The Center occupied an entire city block. Alleys are present through most blocks. Vehicle parking to the side or rear of buildings (alley access).
North	U-SU-C1	Two- and Multi-unit Residential	Three 1-story brick residential buildings	
South	U-MX-2 and U-SU-C1	U-MX-2 south of the Center: Multi-unit Residential	U-MX-2 south of the Center: Six 2-story townhouses fronting 29 th Avenue	
		U-MX-2 south of the parking: Commercial/Retail U-SU-C1: Single-unit Residential	U-MX-2 south of the parking: 1-story convenience store with surface parking between the building and the street U-SU-C1: 2-story brick home fronting Stuart Street	
East	U-SU-C1	Single-unit Residential	1-story homes fronting Stuart Street with large setbacks and detached garages	
West	U-SU-C1 and U-MX-2	U-SU-C1 west of the Center: Single- and Two-unit Residential	U-SU-C1: 1-story brick residential buildings, two of which front streets running east-west and one fronting on Tennyson Street	
		U-MX-2 west of the parking: Commercial/Retail	U-MX-2: 2-story commercial building consisting of multiple tenants and an underground parking garage accessed from 29 th Avenue	

Existing Zoning



The existing zoning on the site consists of two Former Chapter 59 Zone districts, R-5 and B-2. The R-5 district is an institutional district that allows colleges, schools, churches, and other institutional uses. Maximum lot coverage for structures is 60% of the zone lot. Building height is controlled by bulk standards. The B-2 district is a neighborhood business district that provides for the retailing of commodities classed as “convenience goods”, and the furnishing of certain personal services, to satisfy the daily and weekly household or personal needs of the residents of surrounding residential neighborhoods. The district also allows for some residential and institutional uses. The district is characteristically small in size, located at a convenient walking distance from the residential districts it is designed to serve. The regulations are comparable to those of low-density residential districts and building floor area cannot exceed the area of the zone lot. For additional details of the zone district, see FC59 Article IV, Divisions 4 and 7.

Existing Land Use Map



Existing Building Form and Scale (Source: Google Maps)



View of the main Center building located along Tennyson Street, looking east.



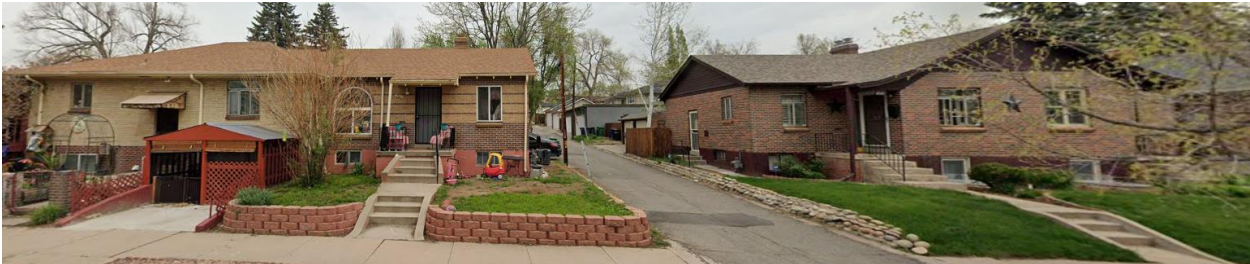
View of the 1-story office building located at the northwest corner of the Center at 30th Avenue and Tennyson Street, looking east.



View of the 1-story residential buildings and playground located on the southern 1/3 of the Center property along 29th Avenue, looking north.



View of the rear of the main Center building, from Stuart Street looking west.



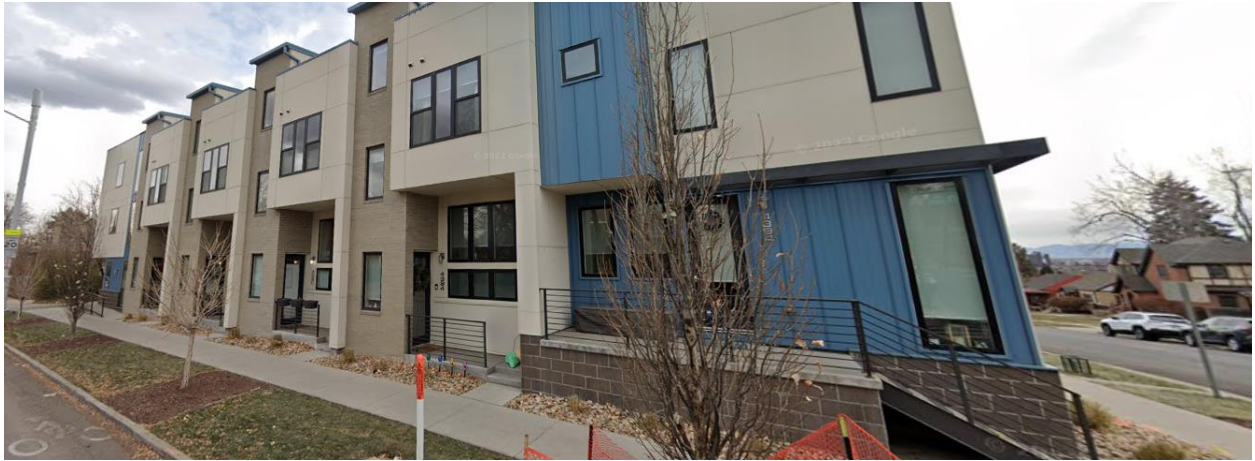
View of the 1-story residential properties to the north of the Center along 30th Avenue, looking north.



View of the 1-story residential properties to the east of the Center along Stuart Street, looking east.



View of the 2-story single-unit residential property to the south of the Center along Stuart Street, looking south.



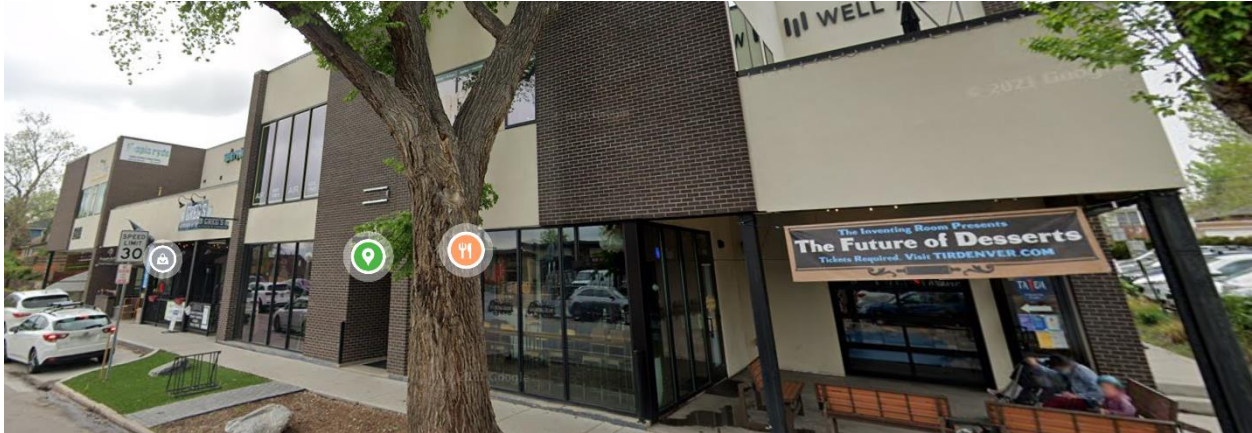
View of the 2-story townhomes located to the south of the Center along 29th Avenue, looking southeast.



View of the 1-story single-unit residential to the west of the Center, looking west.



View of the subject property surface parking lot at the northwest corner of 29th Avenue and Tennyson Street, looking north.



View of the 2-story commercial/retail property to the west of the surface parking lot along 29th Avenue, looking northwest.



View of the 1-story convenience store to the south of the surface parking lot along 29th Avenue, looking south.

Proposed Zoning

The requested CMP-EI2 zone district is intended to be applied to smaller – to medium-scale campus sites generally adjacent to single unit, two-unit, town house, or row house residential zone districts, where it is important to require more open space and more limited building height to assure adequate transitions to adjacent, lower-scale residential neighborhoods. In addition, certain land uses with the potential for off-site impacts are more strictly limited in the CMP-EI2 district. The CMP-EI2 district typically has a maximum height of 150 feet, but because this entire site is within 175 feet of a protected district the effective maximum height is 75 feet. Bulk is concentrated towards the center of the site through the application of 20-foot setbacks along the Primary Street and rear where there is no alley. A bulk plane slope of 45 degrees also pushed bulk towards the center of the site. The 60% building coverage matches the requirements of the existing R-2 zone district and assures amply open space on site. The CMP-EI2 district allows for a diversity of residential, civic, public, institutional, and limited commercial and industrial uses. For additional details of the requested zone district, see DZC Sections 9.2.1, 9.2.4 and 9.2.8.

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:

Community Planning and Development: Approved – No Comments

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 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 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

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

Development Services – Project Coordination: Approved – No Comments

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Development Services - Fire Protection: Approve Rezoning Only – Will require additional information at Site Plan Review.

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – There is no objection to the rezoning on behalf of Wastewater.

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:	06/11/24
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:	09/03/24
Planning Board Public Hearing	09/18/24
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:	09/24/24 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	10/08/24 (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:	10/28/24 (tentative)
City Council Public Hearing:	11/18/24 (tentative)

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this staff report, CPD has received no letters from RNOs.

- **General Public Comments**

As of the date of this staff report, CPD has received two public letters. One expressed general opposition with a desire to see certain conditions put upon the site requiring construction of a security fence around the perimeter. That letter included 13 appendices to their comments. The other comment expressed opposition because the new zoning would remove the biennial community meeting.

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)*

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.

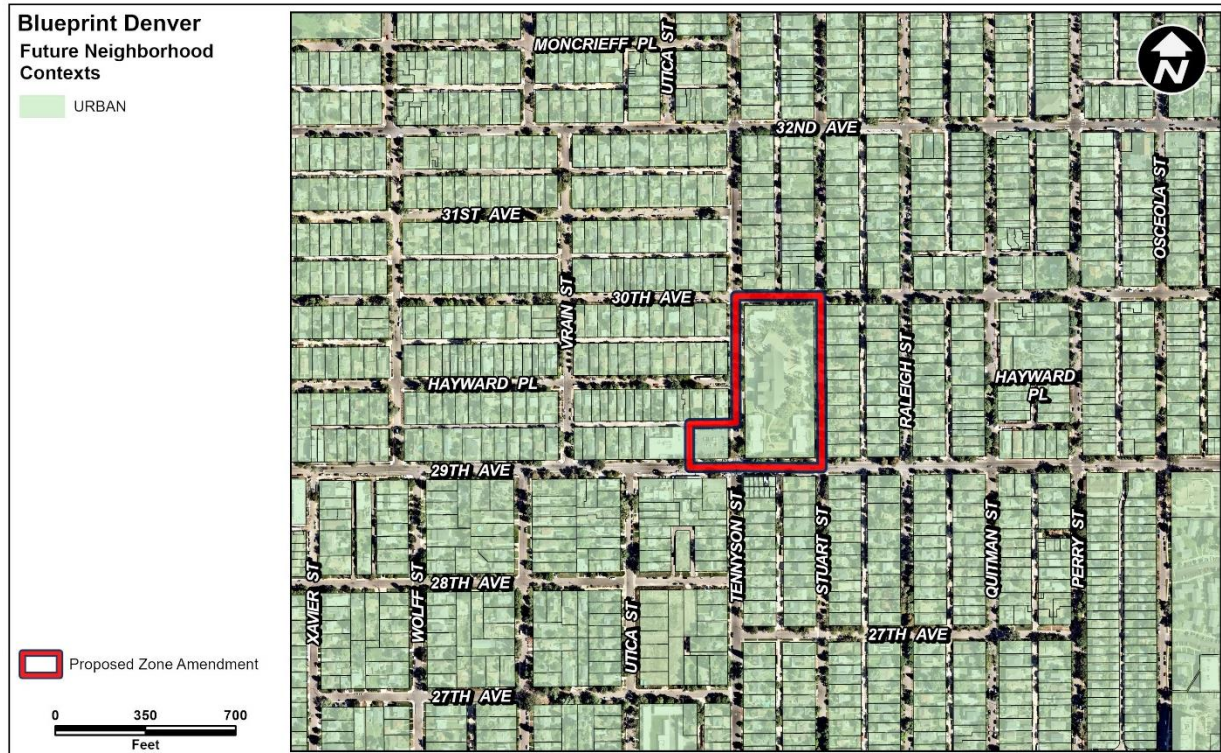
The proposed rezoning would allow for redevelopment of an established campus setting within an established urban neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy C – *Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food, and the arts (p. 28)*
- Equitable, Affordable and Inclusive Goal 9, Strategy B – *Improve the quality, availability, and affordability of early childhood care, education, and child development services (p. 30)*

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



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. The subject property is shown on the context map as Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as offering a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities (p. 221). The proposed CMP-EI2 district is part of the Campus neighborhood context rather than the Urban neighborhood context; however, *Blueprint Denver* provides additional applicable guidance on how to apply plan direction on neighborhood context to rezonings stating, “The mapping of neighborhood context is at the citywide scale, so the boundaries of the context may be interpreted with limited flexibility if the request furthers the goals of *Blueprint Denver* and is consistent with the overall intent of the neighborhood context map” (p. 66). The context map is aspirational in nature intended to provide a high-level of understanding as to the differences in land use and built form, mobility options and quality-of-life infrastructure between different neighborhoods (p. 139). The proposed CMP-EI2 enables the continued use and development of the subject property to provide a valuable amenity

and mix of uses to the neighborhood as described in the Urban Future Neighborhood Context. As the subject property is an established campus with Former Chapter 59 campus zoning the application of a DZC Campus zone district is appropriate for the location and the proposed CMP-EI2 zone district will modernize the zoning on the property and ensure that any future development is compatible with the surrounding neighborhood and the Urban Future Neighborhood context description.

Blueprint Denver Future Places



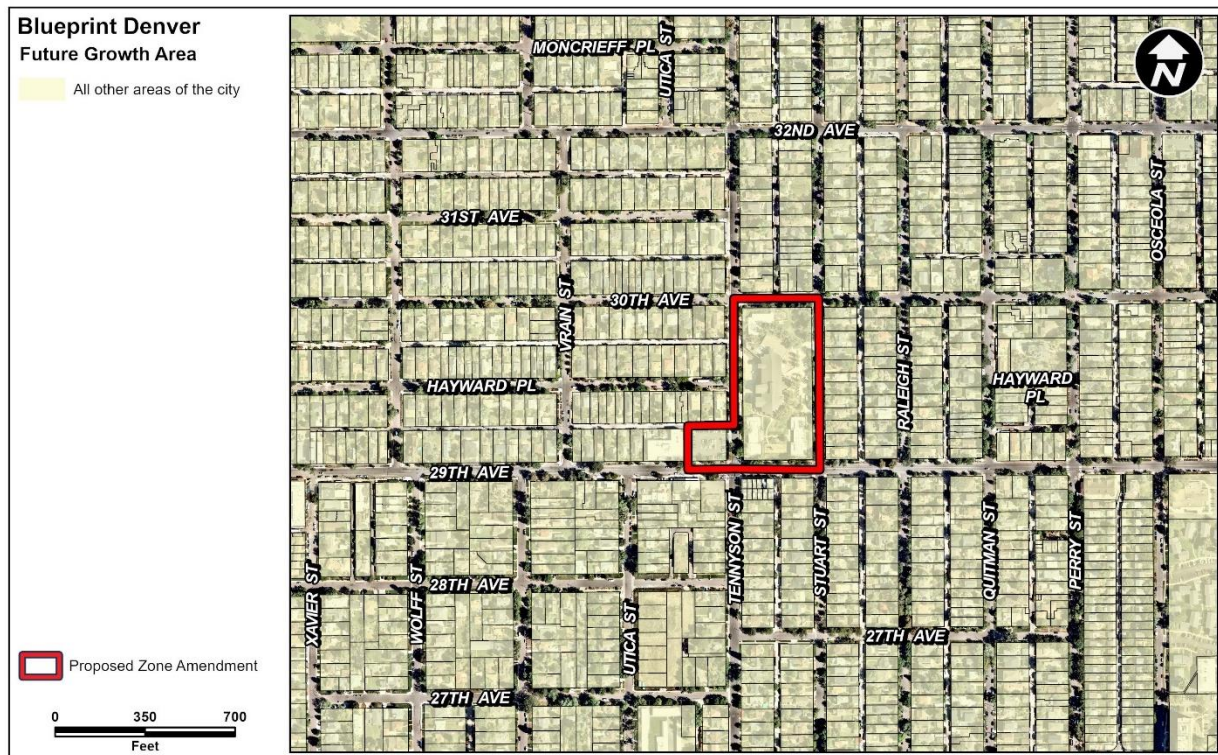
The Future Places map provides nuance to the aspirations of the individual places shown on the map. The Future Places Map identifies the area of the main campus east of Tennyson Street as part of the Low Residential Future Place and the area containing the surface parking lot Local Center Future Place. *Blueprint Denver* describes the aspirational characteristics of Urban Low Residential Future Places as, “predominantly single- and two-unit uses on smaller lots. Some civic and institutional uses are compatibly integrated throughout. Medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 230). *Blueprint Denver* describes the aspirational characteristics of Urban Local Center as, “provid[ing] options for dining, entertainment, and shopping. May also include some residential and employment uses” (p. 228). The CMP-EI2 zone district is appropriate for this site because it contains an existing educational/institutional use that has been compatibly integrated into the neighborhood. The proposed rezoning to a CMP-EI2 zone district will require any new construction or redevelopment to comply with established campus design standards of the DZC that would ensure continued compatibility with the surrounding neighborhood. The existing surface parking is required to remain to meet the minimum parking

requirements of the existing Center. Should there be opportunities in the future to develop that portion of the subject property, the proposed CMP-EI2 zone district would allow for development of limited commercial or residential uses in a manner that is compatible with the surrounding residential neighborhood. Therefore, given the existing educational/institutional use on site, application of the CMP-EI2 zone district is appropriate for the location.

Blueprint Denver 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 Tennyson Street as a Residential 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). *Blueprint Denver* classifies West 29th Avenue as 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 CMP-EI2 district is consistent with these descriptions because it occupies a larger-than-typical zone lot with limited property access. The Residential Collector and Arterial Future Street types are also designed to accommodate any additional traffic generated by the existing use.

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 all other areas of the city. These areas 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 CMP-EI2 will allow for limited, if any, residential and employment growth.

Blueprint Denver Strategies

Blueprint Denver provides a recommendation related rezoning property out of Former Chapter 59. Land Use & Built Form General, Policy 3 Strategy A. says, “Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code” (p. 73).

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to CMP-EI2 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 Example: through implementation of the city’s adopted land use plans and allowing compatible growth of an existing education/institutional campus.

4. Justifying Circumstance

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; or that the city adopted the Denver zoning Code and the property retained Form Chapter 59 zoning”. Both properties have retained their Former Chapter 59 zoning and so have appropriate justifying circumstance.

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

The Campus Context description states that it, “generally consists of midsize to large medical, institutional, educational, or entertainment sites” (DZC 9.2.1). The context is meant to provide flexibility in the placement of buildings, a unified treatment of open space and other site elements reflective of a campus and its surrounding areas (DZC 9.2.1). the CMP-EI2 district will reinforce the existing context of these properties and block as an education/institutional site.

The CMP-EI2 intent statement describes it as, “applied to smaller- to medium-scale campus sites generally adjacent to a single unit, two-unit, town house, or row house residential zone district, where it is important to require more open space and more limited building height” (DZC 9.2.4.1). The application of the CMP-EI2 zone district is appropriate as this is an existing smaller-scale campus site generally adjacent low-scale residential zone districts.

Attachments

1. Application
2. Public Comments
3. Community Engagement Outline