



TO: Land Use, Transportation, and Infrastructure Committee of Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: December 6, 2018
RE: Official Zoning Map Amendment Application #2018I-00084

Staff Report and Recommendation

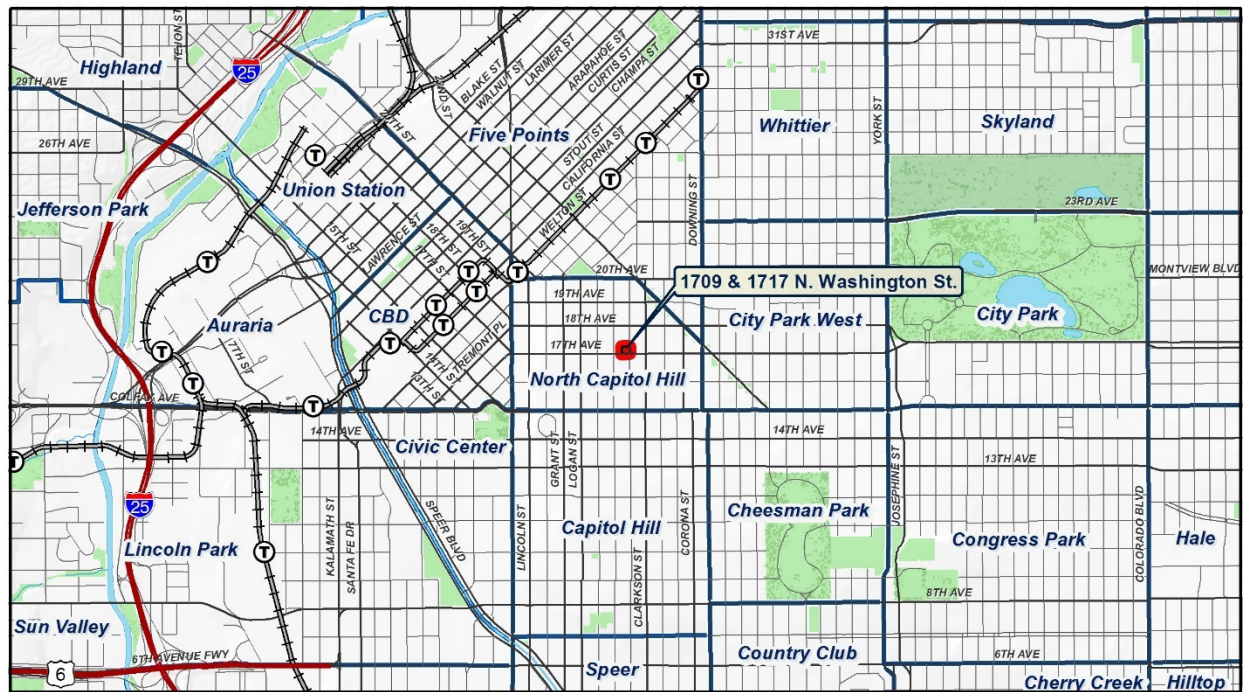
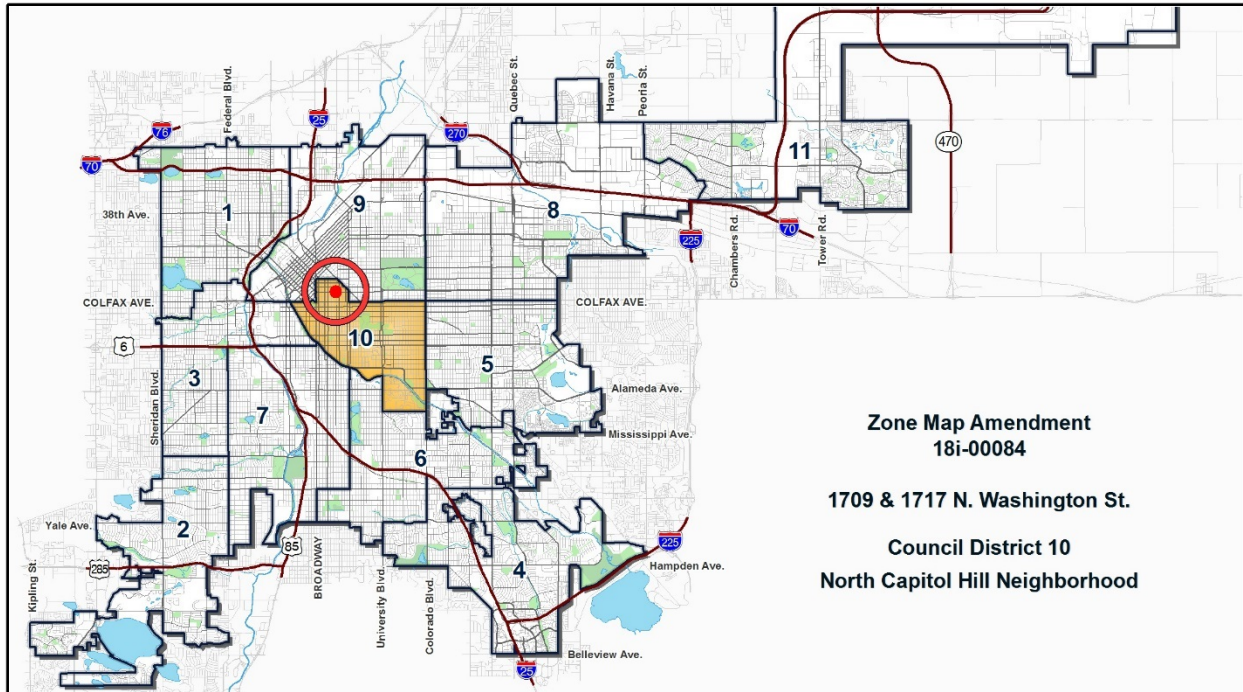
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00084.

Request for Rezoning

Address:	1709 & 1717 Washington Street
Neighborhood/Council District:	North Capitol Hill / Council District 10
RNOs:	The Points Historical Redevelopment Corp.; Uptown on the Hill; Center City Denver Residents Organizations; Capitol Hill United Neighbors, Inc.; Enterprise Hill Homeowners Association; Inter-Neighborhood Cooperation (INC)
Area of Property:	12,498 square feet
Current Zoning:	G-RO-5
Proposed Zoning:	C-MS-5
Property Owner(s):	Great Northern Cattle Co. Inc.
Owner Representative:	Bruce O'Donnell, Starboard Realty Group

Summary of Rezoning Request

- The subject property is located at the corner of 17th Avenue and Washington Street in the North Capitol Hill or Uptown neighborhood.
- The property is currently a parking lot used by the Avenue Grill, across 17th Avenue.
- The applicant is requesting the rezoning to develop the parcel.
- The **C-MS-5** (Urban **C**enter, **M**ain **S**trict, **5** story) zone district allows a broad range of commercial, residential, and institutional uses in areas where active street frontage is desired. The shopfront, drive thru, and town house building forms are allowed with shallow front setback ranges and high build-to requirements. Further details of the zone district can be found in Article 7 of the Denver Zoning Code (DZC).





Existing Context

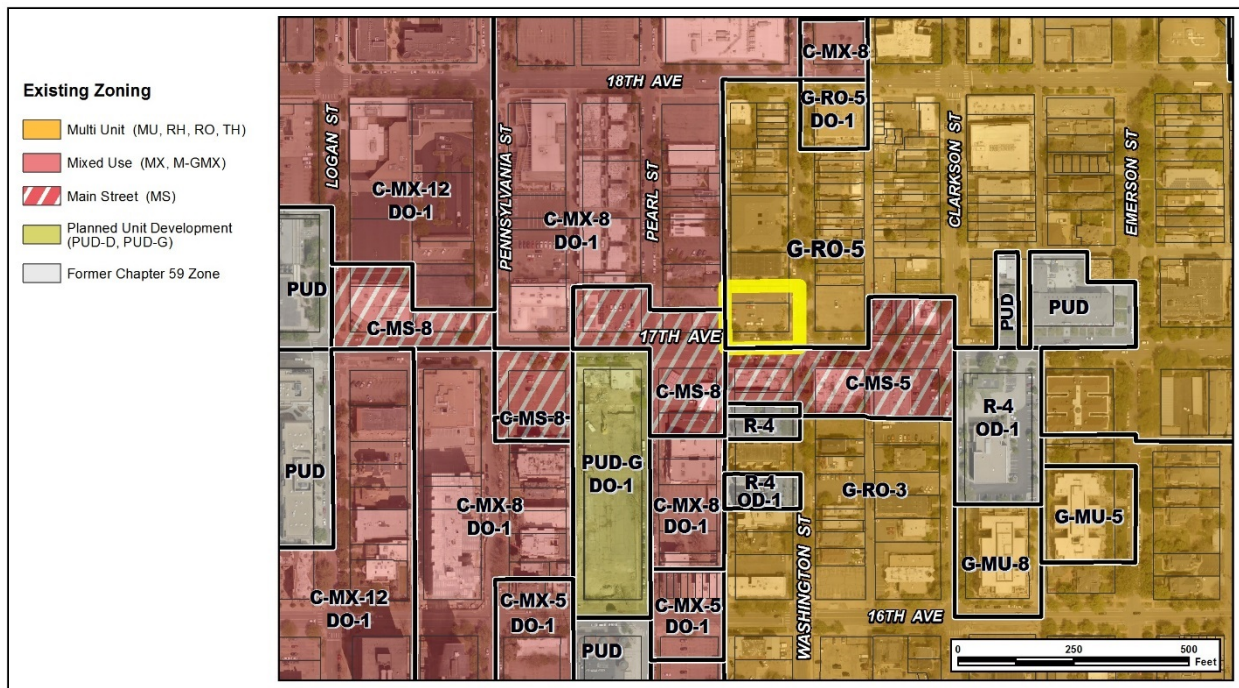
The subject property is in the North Capitol Hill neighborhood, also commonly referred to as Uptown, along the 17th Avenue commercial corridor. The surrounding neighborhood is a mix of office, mixed-use, and multi-unit residential, mostly to the west of the site, and more multi-unit, townhouse, and single-unit residential to the east. This section of 17th Avenue is one-way eastbound with mostly one and two story retail and restaurant buildings and parking lots. There is bus service on 17th/18th Avenues. Benedict Fountain Park is about ¼-mile to the northwest. The 16th Avenue bike lane is one block south.

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	G-RO-5	Parking lot	N/A	Generally regular grid of streets, interrupted to the north at 20 th Avenue and to the west at Broadway by the downtown street grid. Block sizes and shapes are consistent and rectangular except for
North	G-RO-5	Multi-unit residential	3 and 4 story stucco and brick residential buildings	
South	C-MS-5	Restaurant and office	2 story brick mixed use building with minimal setbacks	
East	G-RO-5	Parking lot	N/A	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	C-MS-8/C-MX-8 DO-1	Car wash, parking	1 story steel car wash building surrounded by parking	blocks to the east divided by Park Avenue. Vehicle parking to the side or rear of buildings (alley access).

1. Existing Zoning



The G-RO-5 zone district allows residential and office uses in the urban house, duplex, town house, and apartment building forms up to five stories and 65 feet tall. Structures are generally required to have primary street setbacks consistent with existing structures on the block and side setbacks ranging from three feet to 12.5 feet. Parking requirements are generally one space per residential unit and 1.875 spaces per 1,000 square feet of office floor area. For additional details of the zone district, see DZC Article 6.

2. View Plane

The subject property is covered by the City Park view plane, which protects views of downtown and the mountains from City Park. The view plane allows building heights of up to 130 feet on the property, greater than the 70 feet allowed by the proposed C-MS-5 zone district.

3. Existing Land Use Map



4. Existing Building Form and Scale



Site – from 17th Ave. & Washington St.



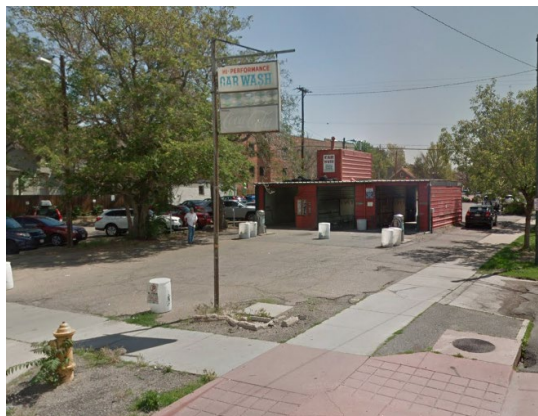
North – from Washington St.



East – from 17th Ave. & Washington St.



South – from 17th Ave. & Washington St.
Source: Google Maps



West – from 17th Ave. & Pearl St.

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 Environmental Health: Approved – See comments:

- Notes. DEH does not object to the rezoning request; however, the property is near several historical dry cleaners that operated from the 1920's to 1960's. These historical facilities are often a source of soil and groundwater contamination that can affect indoor air quality within nearby buildings.
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
- Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Parks and Recreation: Approved – No response

Public Works – ROW - City Surveyor: Approved – No comments

Development Services - Transportation: Approved – See comments:

- Any use change, or development or redevelopment proposal, associated with this rezoning may be required to comply with Public Works-prescribed modifications to access, and improvements to any driveways, curb, sidewalk, and other transportation infrastructure in the public right-of-way

Development Services – Wastewater: Approved – See comments:

- DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approve Rezoning Only – will require additional information at site plan review.

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 and registered neighborhood organizations:	9/11/18
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 and registered neighborhood organizations:	11/16/18
Planning Board voted 9-0 to recommend approval of the rezoning application:	12/5/18
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 (tentative):	11/30/18

Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward (tentative):	12/11/18
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	1/18/19
City Council Public Hearing (tentative):	2/11/19

- **Registered Neighborhood Organizations (RNOs)**
 - To date, the city has received a letter from Capitol Hill United Neighbors, Inc. (CHUN) stating they have not taken a formal position on the rezoning request. The letter is attached to this staff report.
- **Other Public Comment**
 - To date, the city has received seven letters of support from nearby property and business owners. These state that the proposed zoning is consistent with land uses and street classification recommendations in the adopted plans, that the rezoning will expand the variety of allowed uses, and activate the ground floor in ways that will benefit the neighborhood. The letters are 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 2000
- Blueprint Denver (2002)
- Uptown Neighborhood Plan (1986)

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.*
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.*
- Mobility Strategy 4-E – *Continue to promote mixed-use development, which enables people to live near work, retail and services.*
- Economic Activity Strategy 5-A – *Support development of neighborhood business centers that serve adjacent residential areas in existing neighborhoods and new neighborhoods within development areas.*

The proposed map amendment would enable mixed-use development at an infill location where services and infrastructure are already in place. The proposed C-MS-5 zone district would broaden the variety of uses allowed on the site and facilitate development appropriate for the existing 17th Avenue corridor and the surrounding area. The proposed rezoning is consistent with the plan recommendations of the Denver Comprehensive Plan 2000.

Blueprint Denver

According to the 2002 Plan Map adopted in Blueprint Denver, this site has a concept land use of Urban Residential and is located in an Area of Change.



Future Land Use

Urban Residential areas are intended to be “higher density and primarily residential but may include a noteworthy number of complementary commercial uses. New housing tends to be in mid- to high-rise structures, and there is a greater housing base than employment base” (p. 41). The uses should be “primarily residential with moderate levels of small-scale commercial use” (p. 65). The buildings should have “pedestrian scaled facades and contextual design” and should include “extensive ground floor windows and frequent access” (p. 66). The proposed C-MS-5 zone district would allow residential and commercial development in a mid-rise structure. The Main Street zoning has high build-to and transparency requirements. While the development could be entirely commercial, this would be consistent with the recommendation for a noteworthy number of commercial uses within the larger residential area. The overall neighborhood would retain its primarily residential feel while accommodating complementary commercial uses, consistent with the Blueprint Denver recommendations.

Area of Change / Area of Stability

As noted, the site is in an Area of Change. In general, “The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips” (p. 127). The proposed C-MS-5 zone district would allow mixed-use development along a commercial corridor with direct access to downtown, providing proximity to jobs, housing, and services, consistent with the plan recommendations.

Street Classifications

Blueprint Denver classifies 17th Avenue as a Mixed Use Arterial. Blueprint Denver classifies Washington Street as a Residential Collector. According to Blueprint Denver, “arterials are designed to provide a high degree of mobility and generally serve longer vehicle trips to, from, and within urban areas” (p. 51). Mixed Use Streets are “located in high-intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity” and are “attractive for pedestrians and bicyclists because of landscaped medians and tree lawns” (p. 57). In addition, “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas” (p. 51). And Residential Streets “are designed to emphasize walking, bicycling, and land access over mobility” (p. 55). The proposed C-MS-5 zone district would allow mid-rise mixed-use development in a pedestrian friendly form. The intersection of an arterial and a collector is a location where more intense uses and development can be accommodated, making this site an appropriate location for the complimentary commercial uses in the Urban Neighborhood area. The proposed map amendment is consistent with the Blueprint Denver recommendations for future land use, street type, and Areas of Change.

Uptown Neighborhood Plan

The Uptown Neighborhood Plan was adopted by City Council in 1986 and includes recommendations for the subject property. The objectives of the plan are to support economic revitalization, stabilization and revitalization of neighborhoods, and reinforcement of diversity (p. 3). The plan includes general recommendations for the entire plan area which include “encourage mixed use projects” and “encourage housing” (p. 24). It also recommends maintaining the current commercial zoning boundaries “in order to encourage concentration of retail and commercial uses” (p. 26).

In addition, the Uptown Neighborhood Plan includes more specific area recommendations. For the area between Logan/Pennsylvania and Park Avenue, which includes the subject property, it recommends to “encourage the compatibility of new development with the existing and potential character and density of uses within the district” (p. 28). For 17th Avenue, the plan recommends concentrating retail uses in three districts, one of which is between Sherman St. and Clarkson St., which includes the subject property. “Within these retail districts,” it says, “developments should be encouraged to be mixed use projects with residential and office uses” (p. 34). It also recommends the “uses along 17th should be pedestrian-oriented” (p. 34).

The proposed C-MS-5 zone district would allow pedestrian oriented mixed-use development along 17th Avenue in an area where the Uptown Neighborhood Plan encourages such development. The proposed rezoning would allow development of a similar scale to the existing G-RO-5 zoning, compatible with the potential character of the surrounding area. While the proposed map amendment would expand the boundary of the Main Street commercial zoning, the existing zoning already allows office uses, and the rezoning would help advance the broader plan goals of revitalization by facilitating the development of a surface parking lot. In addition, development that is entirely residential would still be allowed under the proposed C-MS-5 zone district. Considering all of the goals of the Uptown Neighborhood Plan, the proposed rezoning is consistent with the overall recommendations of the plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MS-5 would 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 implementation of the city’s adopted land use plan. The proposed zone district enhances the pedestrian experience through improved building design standards including transparency, build-to, and street level active uses. The proposed rezoning would also facilitate development of the property and investment in the neighborhood, enhancing the safety and welfare of the area and providing the opportunity for community-serving uses on the site.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest.” Over the last several years, there has been a significant amount of development in the area, including the 16 Penn senior apartments and the One City Block apartments, both on Pennsylvania, two blocks to the west. In addition, the Tavern redevelopment one block to the west is currently under construction. These and other new developments in the area have increased the residential population of North Capitol Hill, generating demand for new retail uses that would be allowed under the proposed C-MS-5 zoning. These changes have made the proposed rezoning in the public interest.

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

The requested C-MS-5 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers in an orthogonal street grid with high levels of bike and pedestrian access to transit (DZC, Division 7.1). The proposed zone district would allow multi-unit residential and commercial development in an existing commercial strip with pedestrian, bike, and transit access, consistent with the Urban Center context description.

The Denver Zoning Code states the C-MS-5 zone district “applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired” (DZC Section 7.2.4.2.A). As described above, 17th Avenue is a Mixed Use Arterial and is developed as a commercial strip. The existing and surrounding zoning allows five stories, except to the west, where eight stories is allowed. The proposed C-MS-5 zoning is consistent with the zone district purpose and intent statements.

Attachments

1. Application
2. Public comment letters