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TO: LUTI
FROM: Edson Ibañez, Senior City Planner
DATE: December 1, 2022
RE: Official Zoning Map Amendment Application #2021i-00250
1901 N Eudora Street
Rezoning from PUD 377 to PUD-G 30

Staff Report and Recommendation

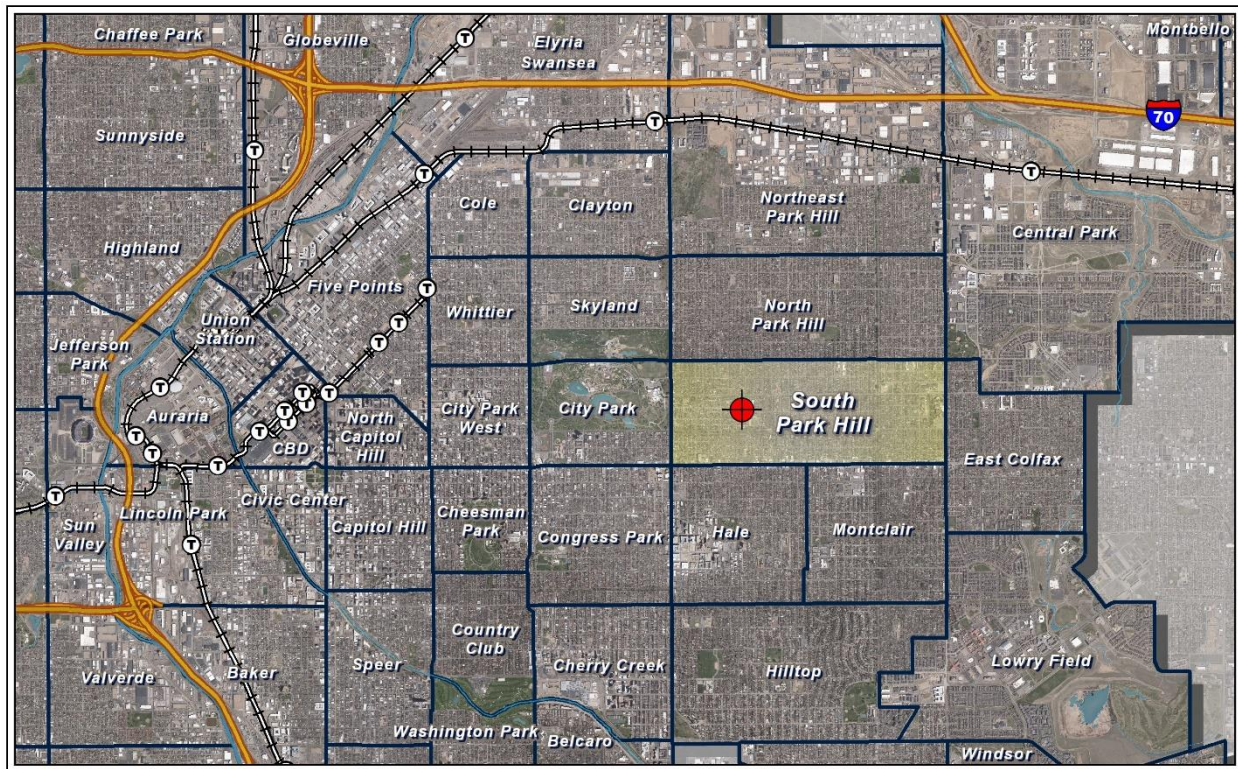
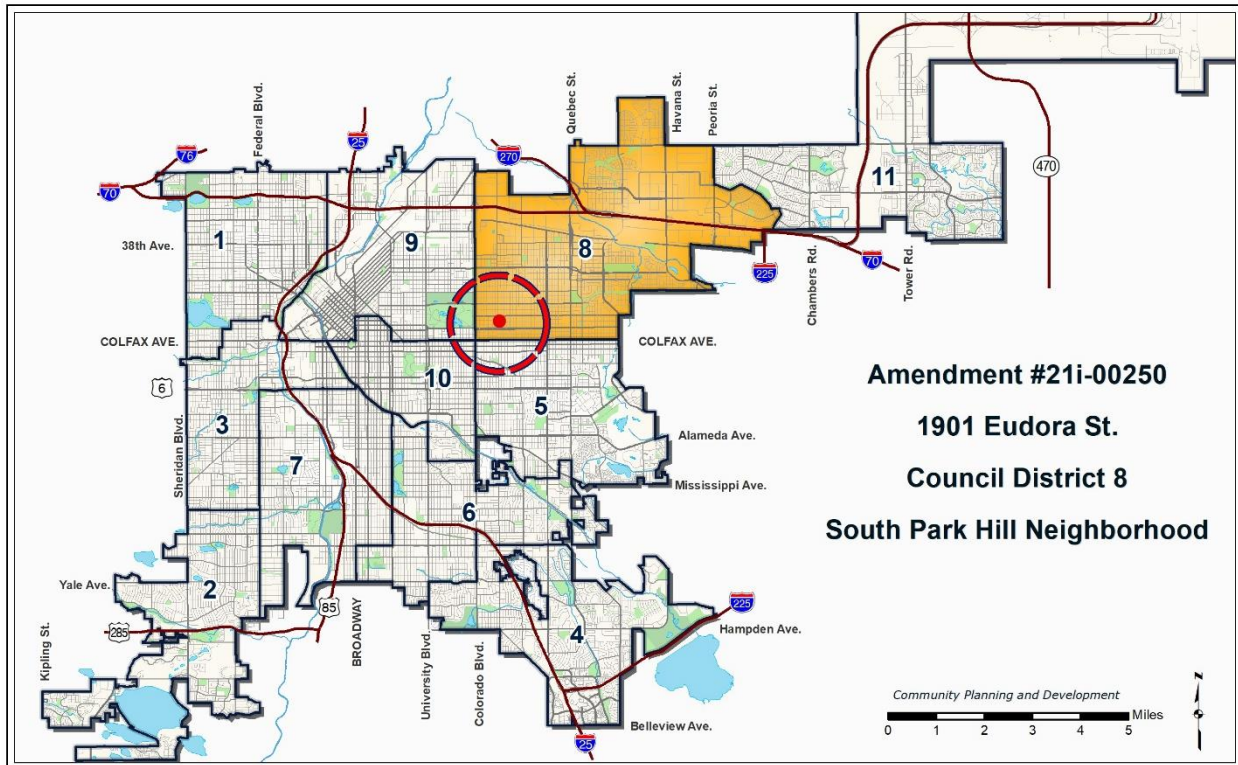
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021i-00250.

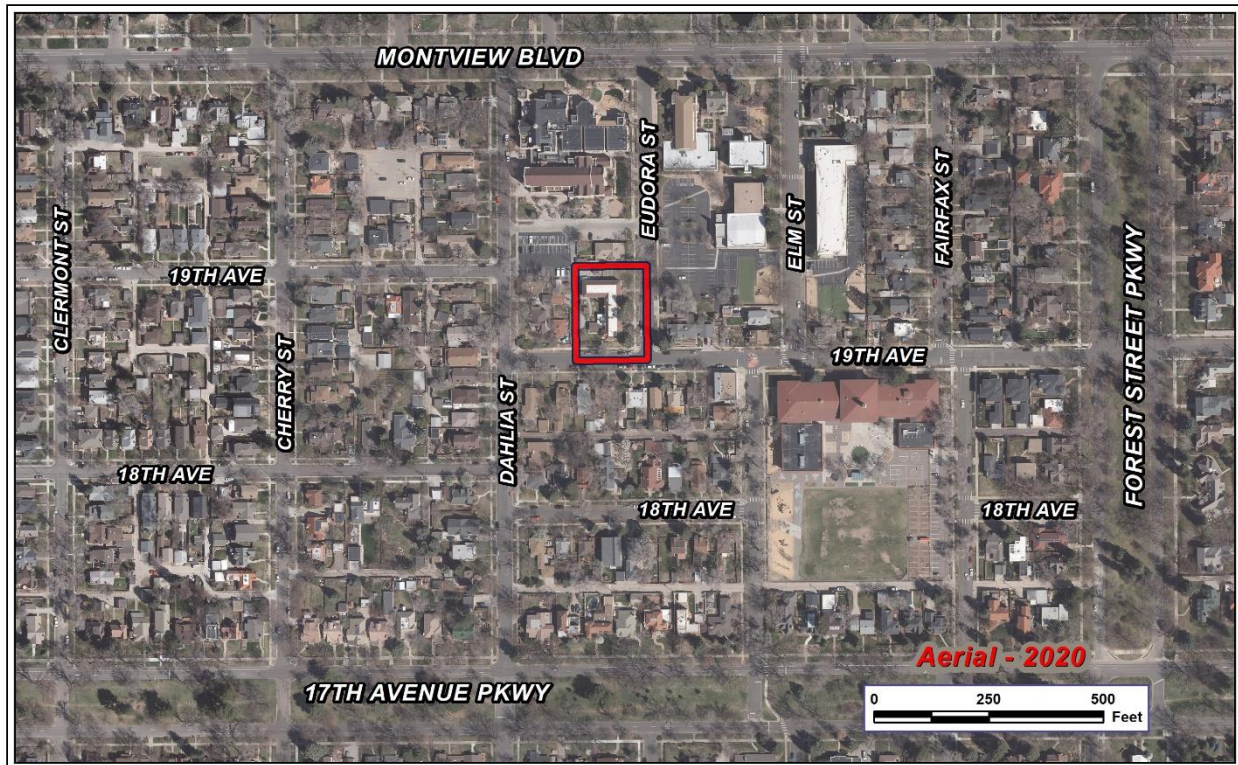
Request for Rezoning

Address: 1901 N Eudora Street
Neighborhood/Council District: South Park Hill / Council District 8, Chris Herndon
RNOs: City Park Friends and Neighbors (CPFAN), Opportunity Corridor Coalition of United Residents, Greater Park Hill Community, Inc., Inter-Neighborhood Cooperation (INC)
Area of Property: 21,067 square feet or 0.48 acres
Current Zoning: PUD 377
Proposed Zoning: PUD-G 30
Property Owner(s): Park Hill Residence, Inc.
Owner Representative: Alisha Hammett, Shopworks Architecture

Summary of Rezoning Request

- The subject property is located in the South Park Hill neighborhood on the southwest corner of Eudora Street and 19th Avenue, two blocks south of Montview Blvd.
- The property is currently occupied by a 2-story building that was constructed in 1942 and is used by Senior Housing Options as an assisted living facility, with adjacent vehicular surface parking spaces, surrounded by single-unit and two-unit dwellings. The building was constructed in a Tudor Revival architectural style that can also be found in nearby residences constructed during the same era, during which this style of architecture enjoyed a boom in popularity in the U.S.
- The site is currently zoned PUD 377 (Planned Unit Development) and the applicant is requesting a General Planned Unit Development (PUD-G) to enable additional beds in a Residential Care Type 2 use in the existing structure.
- The intent of the proposed PUD is to encourage ongoing adaptive reuse of the Existing Building, by allowing specific uses and maintaining the key features of the Existing Building on the property. It permits a limited number of uses related to the current use of the Existing Building and provides for potential future expansion of the existing structure.
- *Blueprint Denver* includes policies that encourage the reuse and preservation of buildings that add to the character of a neighborhood even if they are not officially designated historic landmarks.





Existing Context

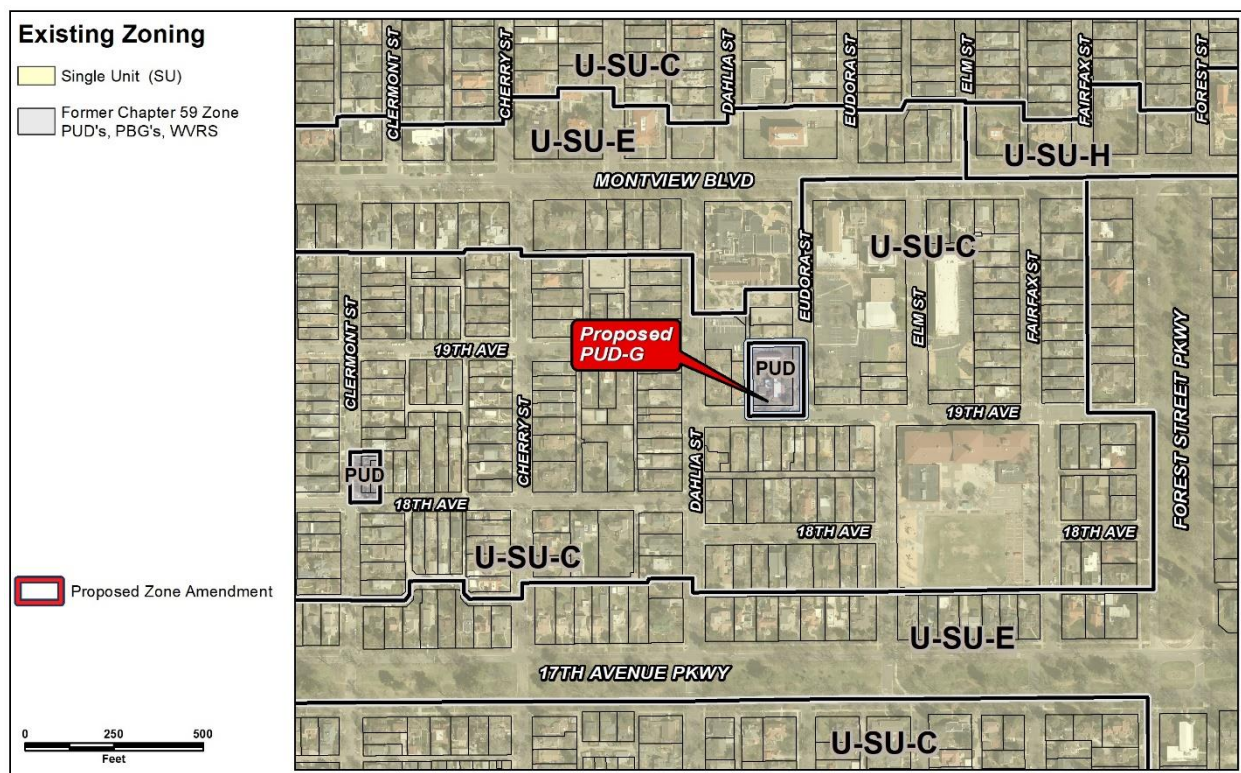
The subject property is located in the South Park Hill statistical neighborhood on the southeast corner of Eudora Street and 19th Avenue. The property is currently occupied by a 2-story affordable assisted living use and Adult Day Care use operated by Park Hill Residence, Inc. Park Hill Elementary School is located one block to the east. Montview Boulevard Presbyterian Church and Blessed Sacrament Catholic School are directly to the north. The nearest bus routes (15 and 15L) traverse Colfax and Elm Street to the south of the subject property.

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	PUD	Assisting Living and Adult Day Care Use	2-story multi-unit building with a parking lot access off the alley	The surrounding neighborhood generally consists of a regular pattern of rectangular blocks that are orthogonally oriented north/south with alleys. Garages are generally rear-
North	U-SU-C	Single-unit residential	1-story dwelling with a detached garage	
East	U-SU-C	Single-unit residential	1-story dwelling with an attached garage	
South	U-SU-C	Two-unit residential and	2-story duplex with a detached garage and 1-story single-family with a detached garage	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
		Single Family Residential		loaded with on-street vehicular parking. Sidewalks in the immediate area are detached.
West	U-SU-C	Single-unit residential	1-story dwelling with a detached garage	

1. Existing Zoning



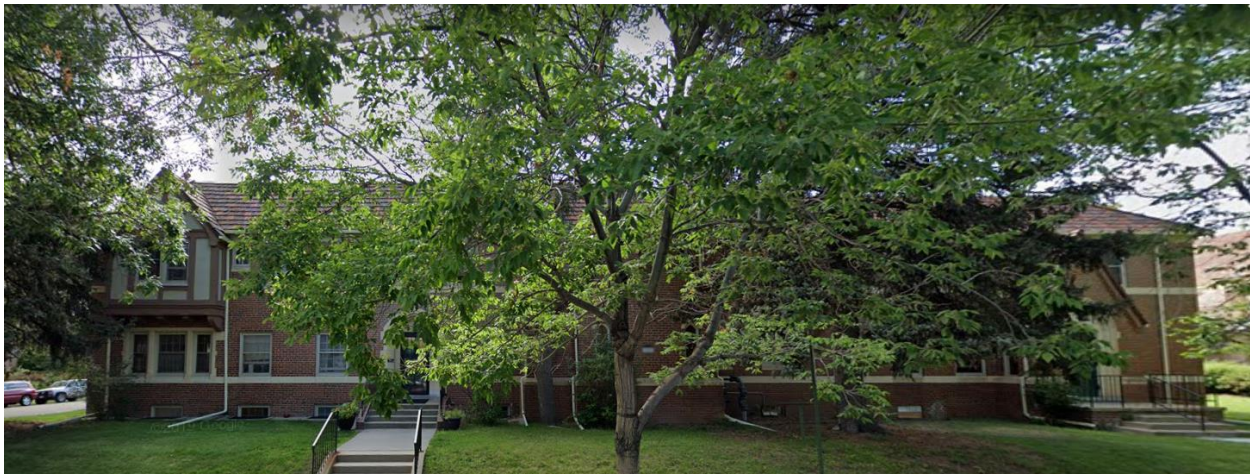
PUD 377 was adopted in 1995 and applies to the whole parcel, as shown on the map. The PUD was intended to allow the existing building with 36 units for Assisted Living for senior citizens and an adult day care use with a maximum of 20 individuals. It allows a maximum height of 2 stories up to 28.98 feet. The PUD provides further details on building coverage, landscaping and other requirements. The PUD also permits uses allowed in the R-0 district, which is a predominantly single unit district in Former Chapter 59.

PUD 377 is attached to this staff report.

2. Existing Land Use Map



3. Existing Building Form and Scale (Source: Google Maps)



Site— from Eudora Street looking west



North – from Eudora Street looking west



East – from Eudora Street looking east



South— from 19th Avenue looking south



West – from 19th Avenue looking north

Summary of PUD Request

The applicant is requesting to rezone to PUD-G 30 per Denver Zoning Code Section 9.6.1. The purpose of the proposed PUD District “is to enable additional beds in a Residential Care Type 2 use in an Existing Building, which except for the conservation of the Existing Building would otherwise be an inappropriate use and building form in a Low Residential area.” The PUD District is intended to respond to unique and extraordinary circumstances, where more restrictive or flexible zoning than what is achievable through a standard zone district is desirable, and where multiple variances, waivers and conditions can be avoided.

Consistent with this purpose, the proposed PUD, if adopted, would encourage adaptive reuse of the Existing Building, by allowing expansion of existing uses and requiring the retention and maintenance the key features of the Existing Building on the property. The proposed PUD is based on the G-MU-3 zone district from the Denver Zoning Code, which allows for the Apartment building form. However, consistent with guidance from area plans and neighborhood input, the PUD discourages redevelopment of the site with different uses or new structures by requiring retention of key features of the Existing

Structure and significantly limiting uses that would otherwise be allowed in the G-MU-3 zone district to the following three primary uses:

- “Residential Care, Type 2”, as defined in Article 11 of the Denver Zoning Code.
- “Day Care Center”, as defined in Article 11 of the Denver Zoning Code.
- “Community Center”, as defined in Article 11 of the Denver Zoning Code.

To help facilitate reuse of the Existing Building, the PUD includes the following customized standards:

- Vehicular parking space requirements that reflect the limitations of the existing surface parking lot
- Exceptions to perimeter surface parking lot landscaping design standards

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 response

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

Department of Transportation and Infrastructure – Surveyor: Approved – No comments

Development Services – Project Coordination: Approved – Rezoning Only; Will Require additional information at Site Plan Review. The project will be required to process through the Site Development Plan review process, which is a two-step process. Site specific / building specific floor plans should be removed from the Rezoning application and submitted instead with the SDP applications.

Development Services – Fire Protection – Approved – No comments

Development Services- Zoning – Approved – No comments

Development Services – Wastewater: Approved - See Comments Below

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

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:	8/9/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	11/1/2022
Planning Board Public Hearing:	11/16/2022
<i>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):</i>	<i>11/25/2022</i>
<i>Land Use, Transportation and Infrastructure Committee of the City Council meeting :</i>	<i>12/6/2022</i>
<i>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 (tentative):</i>	<i>1/15/2023</i>
<i>City Council Public Hearing (tentative):</i>	<i>2/6/2023</i>

Public Outreach and Input

As described in the applicant’s narrative, they conducted public outreach with the Greater Park Hill Community Neighborhood association and the District 8 City Council office and held a community meeting. The community meeting was held on April 26, 2022, at the St. Thomas Episcopal Church, located near the subject site.

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received two letters of support. The Greater Park Hill Community, Inc. RNO and the Capitol Hill United Neighborhood RNO provided support for the rezoning and the applicant (Senior Housing Options) for their commitment to provide affordable housing units.

- **Other Public Comment**
 As of the date of this report, staff has received no comments

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
 - a. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
 - b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
 - c. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
 - d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
 - e. The PUD District and the PUD District Plan establish permitted building forms that are compatible with the adjacent building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Housing an Inclusive Denver (2018-2023)*
- *East Area Plan (2020)*

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.

By expanding the number of Residential Care guest in an existing building, the proposed rezoning would provide affordable assisted living units for seniors within the neighborhood, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- *Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families. (p. 28).*

- Equitable, Affordable and Inclusive Goal 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.* (p. 28).
- Equitable, Affordable and Inclusive Goal 4, Strategy B – *Create additional tools, including community land trusts and regulatory incentives, to preserve existing affordable housing.*(p. 29).
- Equitable, Affordable and Inclusive Goal 5, Strategy B – *Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community.* (p. 29).
- Equitable, Affordable and Inclusive Goal 8, Strategy D – *Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place.* (p. 30).

The proposed rezoning could also contribute to an increased mix of services and amenities that are neighborhood serving while supporting the reuse of an existing building. The request is, therefore, consistent with the following strategies 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 3, Strategy E – *Support the stewardship and reuse of existing buildings, including city properties.*
- Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses.*

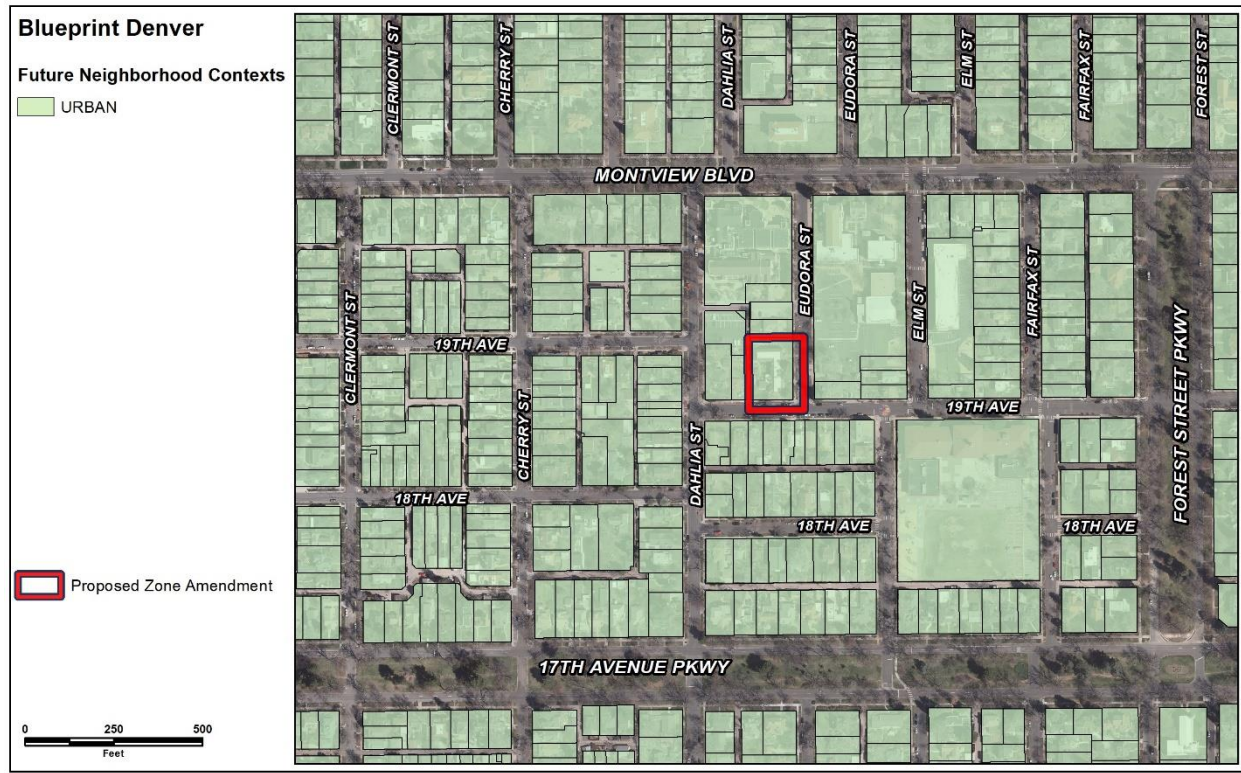
Finally, the proposed rezoning could encourage reuse of an existing building in a low residential area community, and is consistent with the following strategies in the Environmentally Resilient vision elements:

- Environmentally Resilient Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures* (p. 54).
- Environmentally Resilient Goal 8, Strategy B – *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).

Blueprint Denver (2019)

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 Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

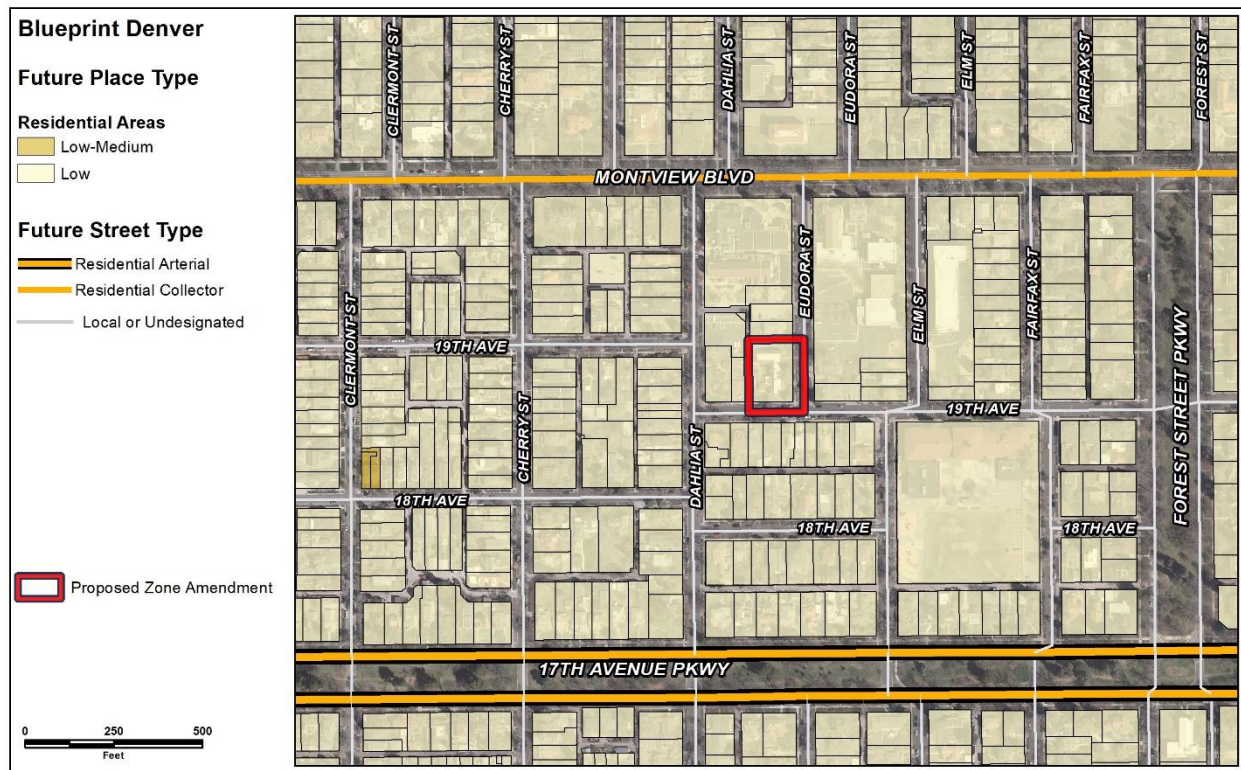


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

The requested PUD rezoning is shown on the context map as Urban although the neighborhood context for the PUD is General Urban. *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 and 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). For this application, the proposed General Urban Center context helps realize the goal of “ensuring all Denver residents have safe,

convenient and affordable access to basic services and a variety of amenities” (p. 22) by allowing three primary uses in the apartment building form. The General Urban context is also consistent with the context map’s intent as it provides for low-scale multi-unit buildings embedded in a single-unit and two unit residential area, acknowledging the Existing Structure’s building form. The Urban Neighborhood Context in the Denver Zoning Code does not include a zone district that aligns with the subject site’s existing development.

Blueprint Denver Future Places



Future Places

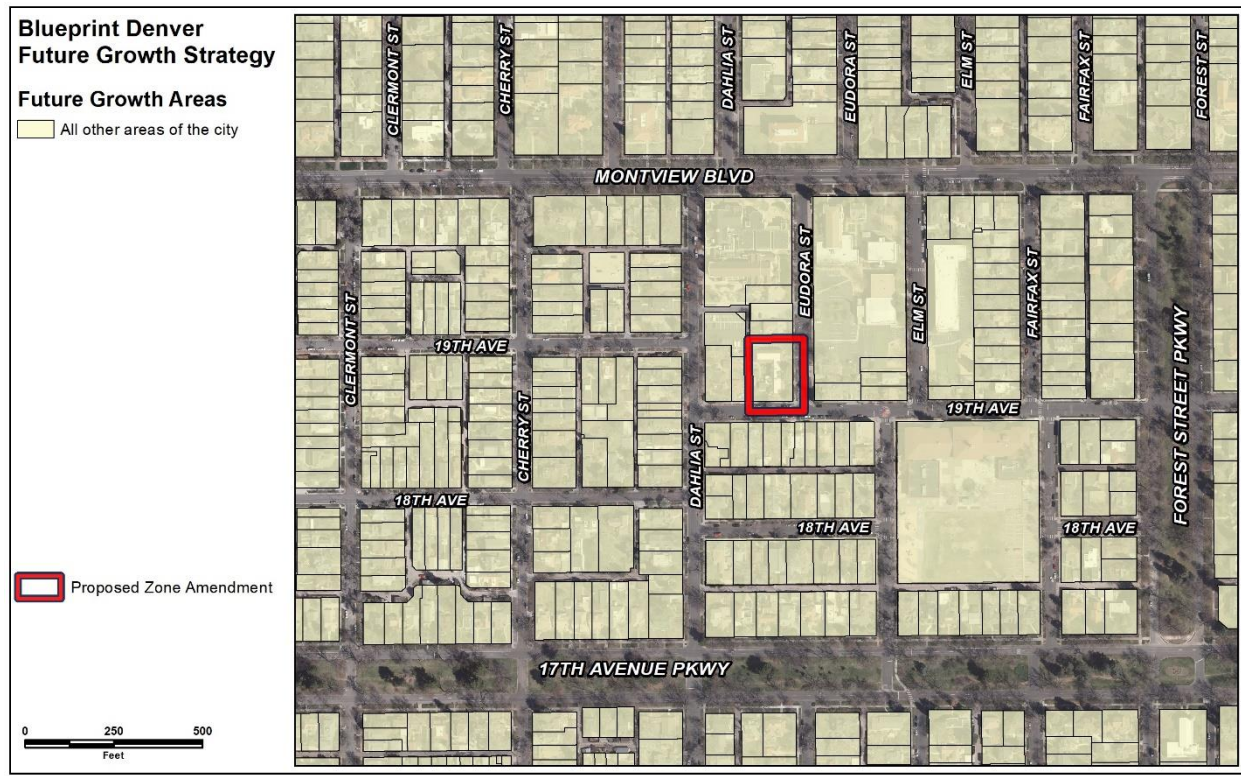
The subject property is categorized as a Residential Low Future Place Type with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214).

The proposed PUD allows a limited range of residential and civic/public (Adult Day Care) primary uses, on a corner lot where these uses have existed since 1995. These uses have integrated well with the single unit and two unit residential area.

Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies both Eudora Street and 19th Avenue as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed PUD is consistent with this street type as it allows for the continuation of long-established residential and related uses.

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 part of the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed PUD allowing for 4 more Residential Care guests is appropriate in this growth area as it will minimally contribute to buildout in the neighborhood while maintaining the area’s single-unit and two-unit residential character.

Additional Blueprint Denver Recommendations

The proposed rezoning also helps further the following *Blueprint Denver* policy related to the continued use of the primary uses:

- Land Use & Built Form: General Policy 2: *Diversify housing options by exploring opportunities to integrate missing middle housing into low and*
 - Strategy A under Policy 2 further states that “*Encouraging the reuse, rather than demolition, of existing structures. This could be accomplished by allowing additional unit(s) to be added to an existing structure if the structure is preserved.*” (p. 82).
- Land Use & Built Form: General Policy 6: *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities*
 - Strategy B under Policy 6 further states that “*Implement additional parking reductions for projects that provide income-restricted affordable units.*” (p. 85).
- Land Use & Built Form: General Policy 7: *Expand family-friendly housing throughout the city.*
 - Strategy A under Policy 7 further states that “*Implement tools to require and/or incentivize the development of family-friendly housing. This could include bonuses for affordable large units (those with three or more bedrooms), especially in multifamily developments.*” (p. 85).

Likewise, the proposed PUD supports the following policy regarding building preservation regardless of historic status:

- Land Use & Built Form: Design Quality and Preservation Policy 6: *Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts.*

Based on these policies, the proposed rezoning is consistent with *Blueprint Denver* as the PUD would allow for additional Residential Care guests in an existing building operating since 1995. The existing building has been embedded in the middle of a residential neighborhood for decades, and this individual rezoning will enable its preservation and compatible reuse while respecting the surrounding residential character.

Custom Zoning

Blueprint Denver provides the following direction on how to limit the use of custom zoning including PUDs: “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73). More detail on the challenges of custom zoning is provided on page 73 of the plan.

While a standard mixed use or main street zone district, such as U-MX-2x or U-MS-2x, would also allow for Residential Care Type 2, the full range of uses allowed in those districts could result in a higher-intensity use than would be appropriate on a local street adjacent to single-unit and two-unit residences. In addition, rezoning to the U-MX-2x or U-MS-2x districts would allow for the

redevelopment of the site within the General or Shopfront building forms which could be less compatible with the surrounding residential character, whereas the PUD either allows for reuse of the existing building or redevelopment within the Apartment building form. Within the Urban neighborhood context, there are no zone districts with building forms appropriate for the existing building. Therefore, the G-MU-3 zone district within the General Urban Neighborhood Context is proposed as a base zone district for this PUD, as it provides the appropriate building form for the existing building to maintain the existing uses that have been compatible within a single- and two-unit residential area.

Housing an Inclusive Denver (2018-2023)

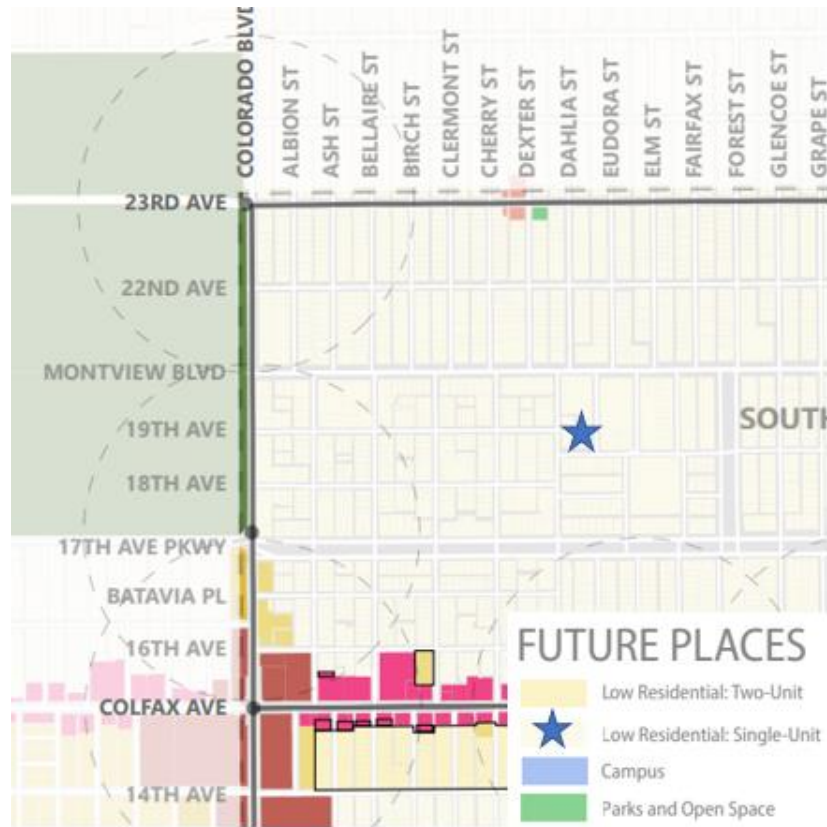
The rezoning request will support the following goals and policy recommendations:

- Support housing as a continuum that serves residents across a range of incomes, including residents experiencing homelessness, those earning low wages or living on fixed incomes such as seniors or residents with a disability, and working families. (P.7).
- Preserve existing income-restricted affordable rental housing in vulnerable neighborhoods and near transit. (P.12)
- Promote equitable and accessible housing options by supporting programs and policies that help residents across the housing continuum access affordable housing (P.17).
- Stabilize residents at risk of involuntary displacement by supporting programs and policies that help a resident maintain their existing housing or stay in their community (P.17).

The proposed uses in the PUD would allow for the continue use of an affordable assisted living for seniors and provide Adult Day Care services which have been in operation since 1995. Staff determines the proposed PUD is consistent with the *Housing an Inclusive Denver Plan*.

East Area Plan (2020)

The East Area Plan designates the subject property as Urban future neighborhood context and Low Residential: Single-Unit future place type. Low residential: Single-Unit areas “are predominantly single- and two-unit uses.” (p. 27). The plan further classifies the subject property as Low Residential Single-Unit. The Low Residential Single-Unit “subcategory is recommended in areas where single-unit homes with accessory dwelling units are appropriate. Additional primary units would only be appropriate where they already exist or as determined through a future regulatory process to integrate missing middle housing in some locations” (p. 27). The image below shows the subject property as low residential single unit future place type. The Residential Care Facility and Adult Day Care use are existing primary uses and are consistent with the Low Residential Single-Unit classification as appropriate where uses have been existing.



The plan also includes several relevant recommendations for Affordable Housing and Residential Care Facilities, including Policy E4: “Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.” (p. 54). In addition, Strategy E4.D says to “Expand housing options for non-traditional households, aging-in-place, co-housing, cooperatives, and group living...2. Make it easier for households to age within their neighborhoods through models such as senior/ assisted living, home-sharing, and co-housing” (p. 54). South Park Hill, which is predominantly single-unit residential, is considered unaffordable according to the Housing + Transportation Index. In this area, the housing and transportation costs for a typical household in Denver would exceed 45 percent of its income. Allowing more assisted living guests in this existing facility by adopting this PUD would help to provide more attainable options in the neighborhood.

Furthermore, the PUD would allow for an addition of four more Residential Care guest in an existing building. The Zoning and Regulation policy recommendation states “Encourage maintaining, rather than demolishing, existing older homes by revising design requirements to encourage renovations and additions” (p.37).

The subject property, located in a predominately single-unit neighborhood, is an appropriate location for an affordable Assisted Living use to continue in operation, and the rezoning to PUD G-30 is

consistent with the area plan goals with aging in place, affordable housing, and diversity of housing types. Therefore, staff determines the proposed PUD is consistent with the *East Area Plan*.

2. Uniformity of District Regulations and Restrictions

The proposed map amendment will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the G-MU-3 zone district, with customization to facilitate reuse of the existing building.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plan. Additionally, it furthers public health, safety and general welfare by facilitating the reuse of an existing building, thereby preventing the release of embodied carbon emissions associated with the "extraction, fabrication and transportation of building materials... Studies indicate that reusing a building avoids 50-75 percent of the embodied carbon emissions that an identical new building would generate."¹ Thus, the rezoning could help meet the city's climate action goals.

4. Justifying Circumstance

Justifying circumstances for a rezoning are defined by DZC Section 12.4.10.8.A.4, which states, "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 change may include, c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 377 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood. The proposed PUD G-30 uses G-MU-3 as the base zone district and is therefore consistent with the Denver Zoning Code.

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

The requested zone district of PUD-G 30 is based on the G-MU-3 zone district within the General Urban Neighborhood Context, which "characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms." (DZC, Division 6.1). PUD-G 30 is consistent with the General Urban Neighborhood Context because it uses the G-MU-3 zone district as a base and would allow an apartment building form with three primary uses embedded in a residential area at the intersection of local streets.

¹ Combating climate change: A study of embodied carbon, by Clark Brockman and Lindsey Naganuma. November 8, 2021. [GreenBiz.com](https://www.greenbiz.com).

For analysis on consistency of this rezoning with the PUD zone district purpose and intent statements, see below.

6. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)

a. *The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code*

- Denver Zoning Code Section 9.6.1.1 states that the general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections. A PUD is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 30 is consistent with the intent and purpose of PUD Districts because it would enable additional beds in a Residential Care Type 2 use in an Existing Building, which except for the conservation of the Existing Building would otherwise be an inappropriate use and building form in a Low Residential area. The PUD represents a thoughtful expansion to allow for four more residential care guest and maintaining the key features of the Existing building that are more sensitive and less impactful than rezoning to a standard mixed use or main street zone district that allows a much broader range of uses allowed, such as Eating and Drinking Establishments; Food Sales; and Retail Sales, Service and Repair, Outdoor that would likely operate for longer hours, contribute more noise, and generate more traffic than the uses proposed in the PUD.

In addition, the proposed PUD-G 30 would only allow only three primary uses to the existing building within the Apartment building form applicable to the G-MU-3 zone district and all related standards. In contrast, rezoning to a mixed use or main street district within the Urban Neighborhood Context would allow for the redevelopment of the site within the General or Shopfront building forms which could be less compatible with the surrounding residential character.

- DZC Section 9.6.1.1.C states that a PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development's economic feasibility.

PUD-G 30 is consistent with the existing neighborhood context and character as noted throughout this report. The PUD is intended as a mechanism to ensure that development is consistent with adopted plans and allows ongoing use and slight expansion of an existing affordable senior housing facility, not as a vehicle to enhance a proposed development's economic feasibility.

- According to DZC Section 9.6.1.1.D., in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

The PUD District provides significant public benefit not achievable through application of a standard zone district, including:

- The conservation and adaptive reuse of an older institutional structure that is viewed as a local landmark by neighborhood residents.
- The diversification of land uses – the PUD maintains the uses that are allowed in the existing PUD but allows four more residential care guest allowed within the existing G-MU-3 district but doesn't include the full range of uses that would be allowed in this standard zone district, including uses that could negatively impact the adjacent single-unit and two-unit residences.
- More efficient use of land and energy – the PUD increases the feasibility of adaptively reusing a building that has been used as a Assisted Living and Adult Day Care Uses since 1995. Without this PUD, the Assisted Living Use could not expand their guest count from 36 guest to 40 guests. In addition, the PUD helps to gently incorporate more residents into a predominantly residential neighborhood thus promoting alternative modes of transportation (shared transportation, etc.) that are more energy efficient than single-occupancy vehicular transportation.
- Development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan – the PUD ensures that Residential Care Use and Key features of the Existing Building which retains the building's contribution to the existing fabric of the neighborhood in line with adopted plan recommendations.

b. *The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6*

The PUD District complies with all standards and criteria stated in Division 9.6.

c. *The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions*

The PUD District is necessary because there is no standard zone district available that is specifically intended to continue and expand the Residential Care use in a manner that is most compatible with surrounding residential uses, while also ensuring that voluntary demolition of the existing building and subsequent redevelopment revert to the standards within the existing G-MU-3 district with the only allowed primary uses in the PUD. An

unreasonable number of variances or waivers and conditions would be required to achieve a similarly tailored approach as is proposed in the PUD.

d. *The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property*

As mentioned throughout this report, the intent of the PUD District is to encourage adaptive reuse of the Existing Building, by allowing more uses and maintaining the key features of the Existing Building on the property; and allow for compatible additions to the Existing Building and surrounding context.

e. *The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.)*

As the PUD is intended to allow for four more Residential Care guests on the zone lot, the PUD does prescribe the Apartment Building Form defined within the Denver Zoning Code. The existing building established in 1942 is already compatible with adjacent residential buildings that vary in height from 1 to 2 stories. The PUD also allows exemptions from current landscaping standards around existing surface parking that, if required, could significantly reduce the vehicular parking spaces provided onsite. Most importantly, the standards embodied in the PUD acknowledge the time and place that the existing building was established, appreciate its long-standing history and compatibility in the immediate area, and seek to enable its longevity.

Attachments

1. Rezoning application + RNO Comments
2. PUD-G 30
3. PUD 377