



TO: Denver Planning Board
FROM: Fran Penafiel, Senior City Planner
DATE: August 31, 2022
RE: Official Zoning Map Amendment Application #2022I-00044

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00044.

Request for Rezoning

Address:	2147 & 2151 Tremont Place
Neighborhood/Council District:	Five Points / Council District 9
RNOs:	Inter-Neighborhood Cooperation (INC); Clements Historic District Neighborhood Association; Capitol Hill United Neighborhoods, Inc.; Curtis Park Neighbors; Opportunity Corridor Coalition of United Residents; Neighbors for Greater Capitol Hill; Welton Corridor Property Owners; United Northeast Denver Residents; The Heart of Five Points.
Area of Property:	6,260 + 4,331 = 10,591 square feet
Current Zoning:	PUD 194 & PUD 369
Proposed Zoning:	G-MU-3 UO-3 with waiver
Property Owner:	Arvind Doshi
Owner Representative:	John Hersey – STARBOARD Realty

Summary of Rezoning Request

- The adjoining properties are in the Five Points neighborhood, between 21st Avenue and 22nd Avenue along Tremont Place, in the Clements Historic Landmark District.
- Each property currently has a single-unit house used as a bed and breakfast lodging as allowed by PUD 194 and PUD 369.
- The property owner, with John Hersey as their representative, are requesting to rezone the properties out of Former Chapter 59 zoning and into the Denver Zoning Code.
- The property owner also owns the adjacent single-unit house at 2137 Tremont Place.
- The proposed G-MU-3, **General Urban, Multi Unit, 3** stories, zone district allows the urban house, duplex, garden court, town house and apartment primary building forms. The maximum height of the allowed primary building forms ranges from 30 to 40 feet and there are no protected districts within the surrounding blocks. This district is intended for use in the General Urban Neighborhood Context, which is intended to promote and protect higher density residential neighborhoods.
- The proposed UO-3, (**Use Overlay 3**, the Historic Structure Use Overlay) allows limited office, lodging and artist studio uses in Historic Structures (structures designated as Landmarks) located in residential zone districts.

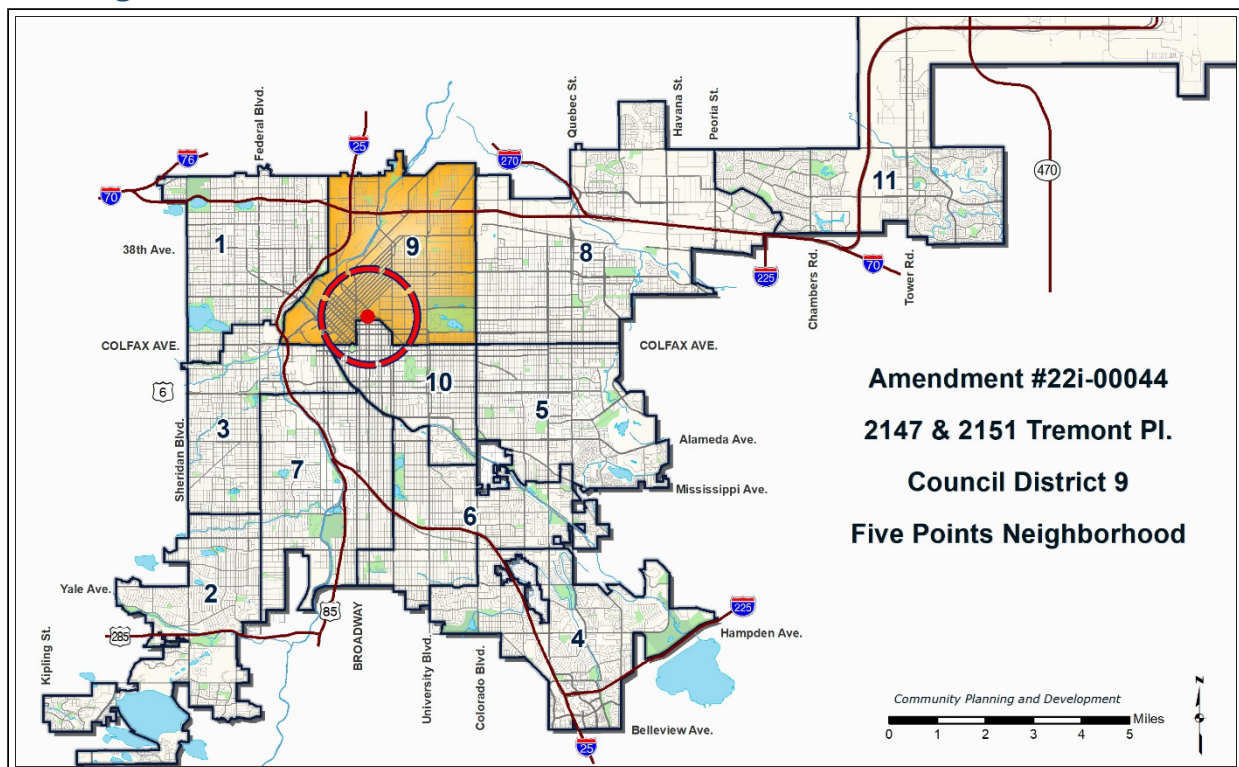
Waiver

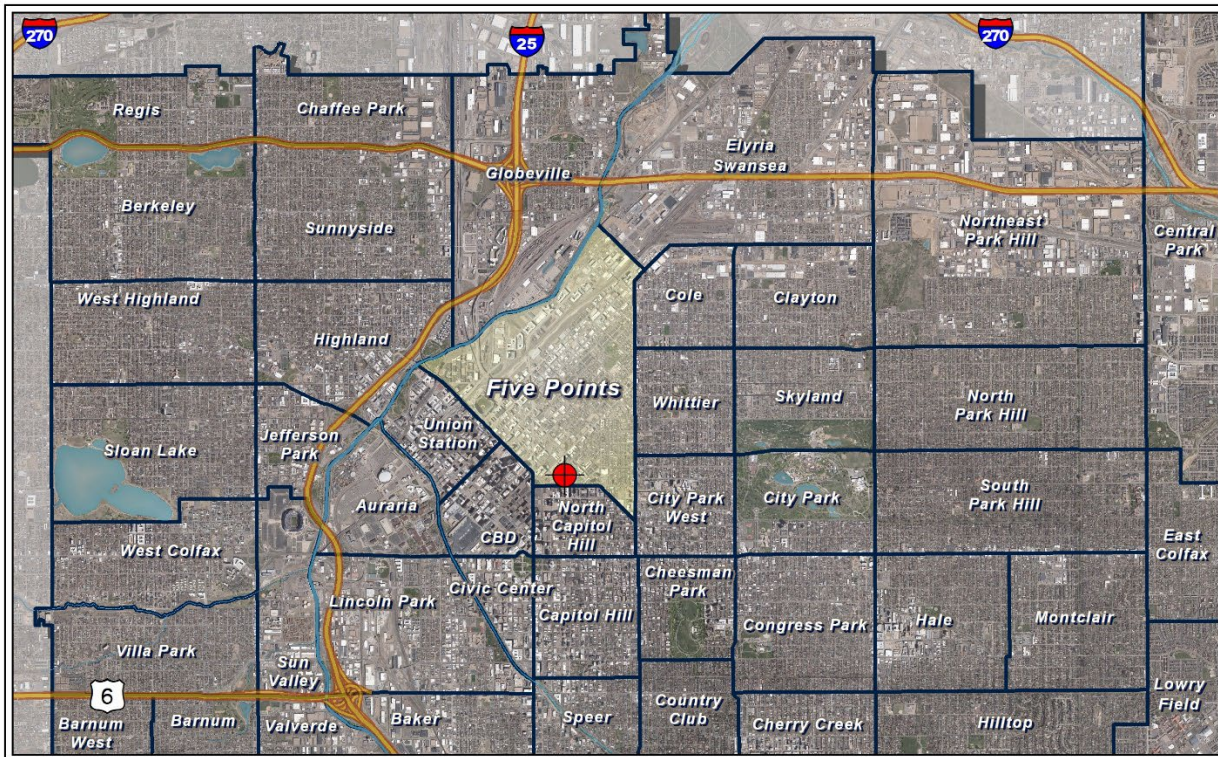
Section 12.4.10.6 of the DZC enables official map amendment applicants to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for one waiver, as detailed in the attached application and which would read as follows:

1. Waive the provision in DZC 9.4.4.8.F.1 that “The applicant for establishment of the bed and breakfast lodging use is the owner of record and uses the structure as his/her principal residence,” and instead, a manager or operator of the bed and breakfast lodging use, who may or may not be the property owner, shall use a structure located at either 2137, 2147 or 2151 Tremont Place as his/her principal residence. The intent of the waiver is to remove the UO-3 requirement that the owner of the structure housing the bed and breakfast use that same structure as their principal residence and instead require a business manager or operator, who may or may not be the property owner, to live on site or adjacent to the permitted bed and breakfast lodging use.

The bed and breakfast lodging use allowed under the UO-3 requires the owner of the structure to use it as their principal residence. The proposed waiver would remove that requirement, instead requiring a manager, who may or may not be the property owner, to live on site or adjacent to the subject sites. This would align the residency requirement of the bed and breakfast lodging use allowed under the UO-3 with the residency requirement for bed and breakfast lodging uses established under mixed-use zone districts (DZC 11.12.4.5 B.1).

Existing Context





The subject properties are located at the southern edge of the Five Points neighborhood a block away from the RTD rail line running on Welton Street. The sites are across the street from Benedict Fountain Park, which provides open park space, play areas and public gathering areas. The sites are three blocks south of Lawson Park and the Blair-Caldwell Library, which collectively provide recreational/social gathering spaces, educational opportunities, and other resources. The Polaris at Ebert Elementary School is located two blocks to the northeast of the site. There are numerous shops, restaurants and services located within close proximity of the sites in all directions.

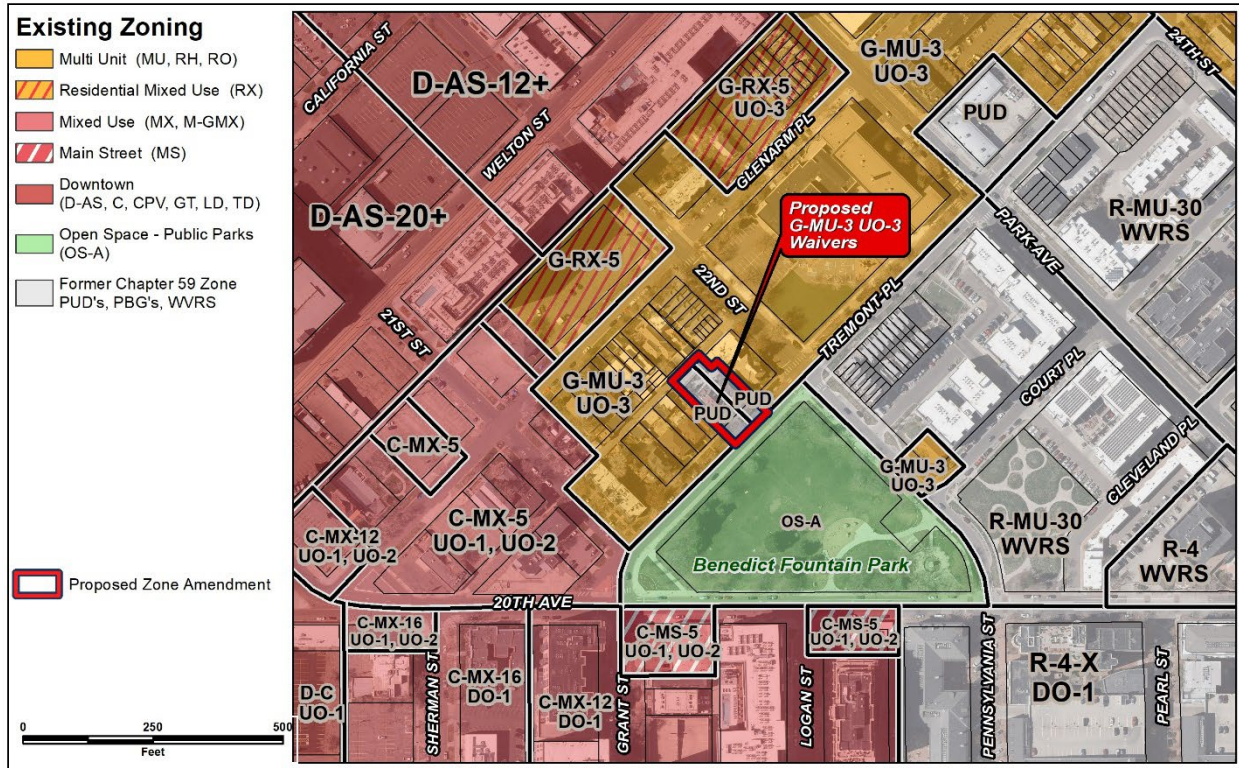
Major corridors that serve the site include Park Avenue and North Broadway.

There are two RTD light rail stations in close proximity to the sites. The 20th Street/Welton Station, approximately one and a half blocks southwest of the site, services light rail line L. The 25th Street/Welton Station is approximately 4 blocks to the northeast and also provides access to the L line. Numerous RTD bus routes are accessible within a 3-block radius of the site.

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
2147 Tremont Pl.	PUD 194	Hotel with mixed use	2.5-story single-unit Queen Anne house	Generally regular grid of streets (streets are oriented northwest-southeast and northeast-southwest in this part of the city); block sizes and shapes are consistent and rectangular.
2151 Tremont Pl.	PUD 369	Hotel with mixed use	2 story single-unit Queen Anne house	
Northwest	G-MU-3 UO-3	Multi-unit residential	2.5-story multi-unit brick structure	
Southeast	OS-A	Park	Park/open space	
Northeast	G-MU-3 UO-3	Office	2-story Italianate office/religious organization	
Southwest	G-MU-3 UO-3	Single-unit residential	2-story single-unit house	

1. Existing Zoning



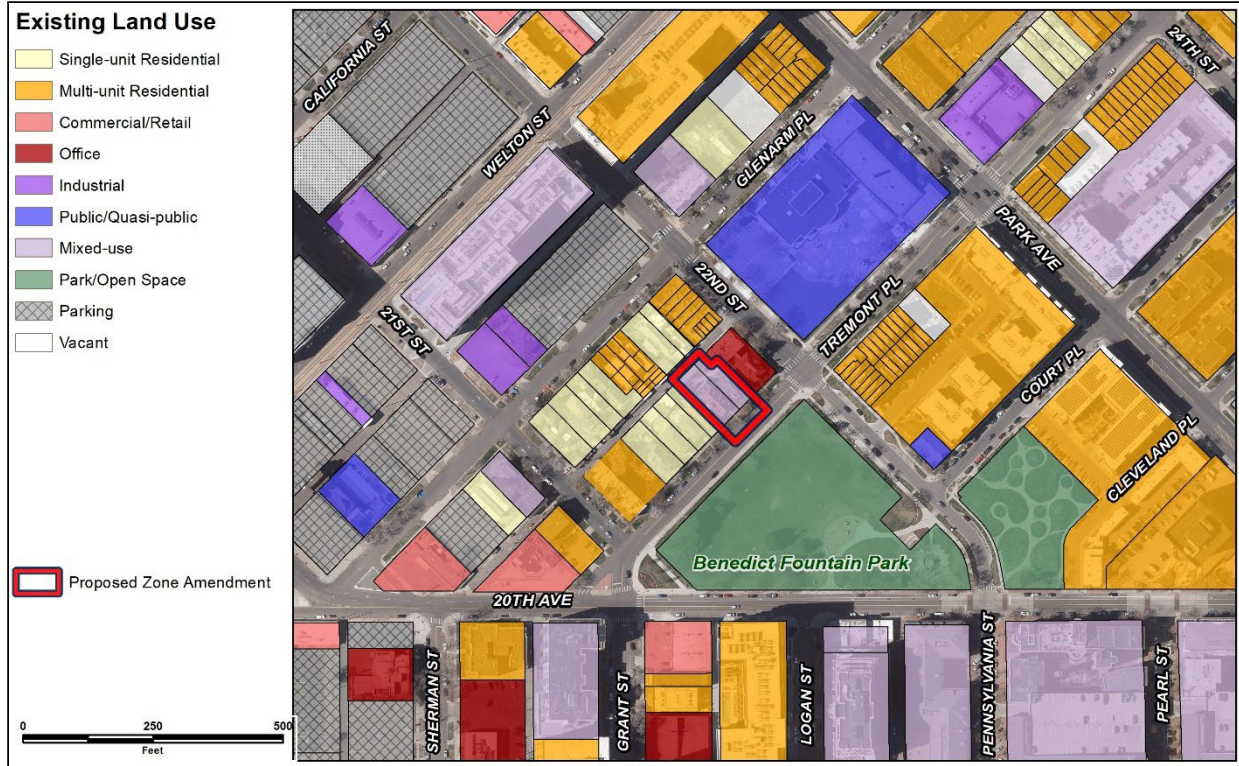
PUD 194 was adopted in 1985 and applies to 2147 Tremont Place. The PUD was intended to allow for the bed and breakfast use in the existing structure with up to 11 rental rooms or bedrooms not exceeding 6,000 square feet total. The PUD allows a kitchen, entry hall, dining room, a 600 square foot business office was permitted in conjunction with the bed and breakfast operations. Also, a 1,000 square feet retail space for sale of books, gifts and flowers was permitted. PUD 194 requires a minimum of 5 parking spaces and does not require the owner or manager to live on the property.

PUD 369 was adopted in 1995 and applies to 2151 Tremont Place. Similar to PUD 194, PUD 369 was intended to allow for the bed and breakfast use in the existing structure, with up to five overnight bedrooms or suites. The PUD allows a kitchen, food and beverage (subject to obtaining appropriate licenses), a dining room and living room. It allows for a business office, retail space for sale of books, gifts and flowers and laundry in conjunction with the bed and breakfast operations. PUD 369 specifies that the owner of the property shall reside at either 2151, 2147 or 2137 Tremont Place. That owner shall also be actively involved in the management of the overnight accommodation operations. This PUD requires a minimum of 2 parking spaces.

2. Historic District or Structures

The subject properties are within the Clements Historic District, which was established in 1975. The subject properties are contributing structures to the district, qualifying them as Historic Structures as defined in Article 13 of the DZC. All demolition or new construction on the property will require review and approval by the Landmark Preservation Commission to ensure changes are compatible with the character of the historic designation.

3. Existing Land Use Map



4. Existing Building Form and Scale (source for all images: Google Maps)



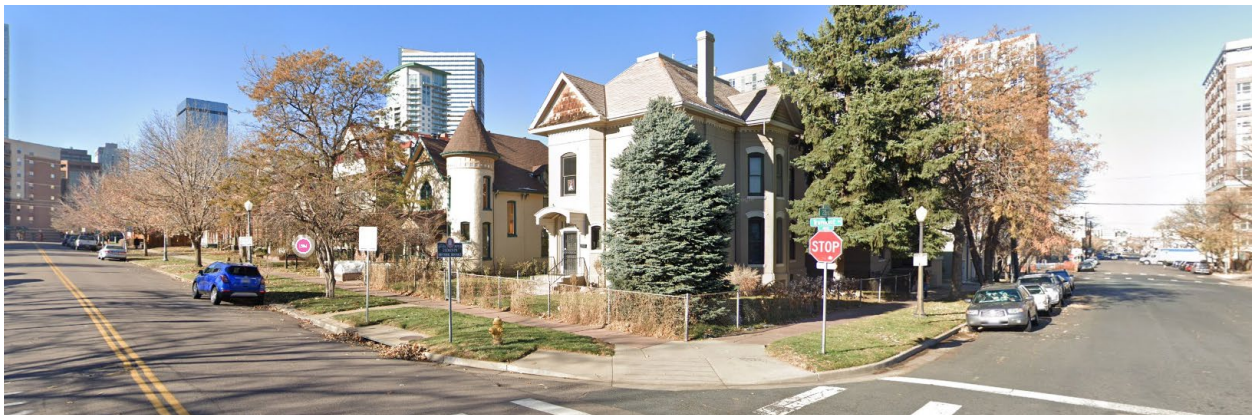
Sites – Aerial view, looking northwest.



Subject properties – from Tremont Place, looking northwest.



Southwest – from Tremont Place, looking northwest.



Northeast – from the corner of Tremont Place and 22nd Street, looking west.



Southeast – from the corner of Tremont Place and 22nd Street, looking southwest



Northwest – from Glenarm Place, looking southeast.

Proposed Zoning

G-MU-3 Zone District

The requested G-MU-3 zone district has a maximum height of 40 feet with allowable encroachments. The G-MU-3 zone district is a multi-unit district allowing urban house, duplex, garden court, town house, and apartment building forms. Block sensitive setback apply to all building forms in the G-MU-3 zone district. A variety of residential uses, including multi-unit, are allowed. Minimum vehicle parking requirements in the G-MU-3 zone district are generally the same or lower than the minimum vehicle parking requirements in the existing PUD 194 & PUD 369 zone district. For additional details of the requested zone district, see Denver Zoning Code Article 6.

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

Design Standards	PUD 194	PUD 369	G-MU-3 UO-3 w/ waiver
Primary Building Forms Allowed	N/A	N/A	Urban House, Duplex, Garden Court, Town House, Apartment
Height in Stories / Feet (max)	3/60'	2/41'	3 stories / 30-40 feet*
Primary Build-To Percentages (min)	N/A	N/A	60-70%*
Primary Build-To Ranges	N/A	N/A	10' to 20'*
Minimum Zone Lot Size/Width	N/A	N/A	3,000 sf / 25'
Primary Street Setbacks (min)	N/A	N/A	10' to 20'*
Building Coverages (max)	31%	47.5%	50% to N/A

*Standard varies between building forms

UO-3 Historic Structure Use Overlay

The applicant also proposes to establish the UO-3 Historic Structure Use Overlay District on this site, which would be consistent with the zoning of surrounding properties. The UO-3 district is intended to encourage preservation, protection, adaptive reuse and enhancement of structures designated as City Landmarks and may only be established in conjunction with an underlying Residential Zone District, such as the proposed G-MU-3. The overlay allows three commercial uses (with use limitations) in qualifying Historic Structures:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response.

Asset Management: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Department of Public Health and Environment: Approved Rezoning only – Will require additional information at the 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.

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

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approve – No Comments.

Development Services – Project Coordination: Approved – See Comments Below.

Development Services Project Coordinator does not take exception with proposed rezoning. Scope of any proposed redevelopment of this Site will likely not require a complete Site Development Plan review with Development Services.

Development Services – Fire Prevention: Approved – No Response.

Planning Services – Landmark: Approved – See Comments Below.

Landmark Preservation staff, which have been engaged throughout this process, support the rezoning. We particularly support the waiver allowing a manger, rather than owner, to reside on-site. This change will allow for the continued reuse of the structures, which in turn will help support their preservation.

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:	6/24/22
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	8/23/22
Planning Board Meeting:	09/07/22
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:	8/29/22
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	9/13/22
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	10/10/22
City Council Public Hearing:	31/10/22

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has not received any written comment from an RNO pertaining to this application.
- **Other Public Comment**
 As of the date of this report, staff has not received written public comment pertaining to this application.

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)*
- *Downtown Area Plan (2007)*
- *Northeast Downtown Neighborhoods Plan (2011)*

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 improved access to amenities within an established neighborhood by allowing a broader range of uses and facilitating the continued use of a historic structure, 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 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed G-MU-3 zoning coupled with the historic structure use overlay (UO-3) would allow for the properties to continue to operate as a bed and breakfast as a contributing structure in the Clements Landmark District for a broader variety of uses including multi-unit residential and limited commercial uses at an intensity consistent with the desire for dense, walkable, historic neighborhoods close to downtown. Further, the application of multi-unit zoning contributes to the city's aspirational network of well-connected mixed-use corridors and is therefore consistent with the following strategy in 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 neighborhoods and offers opportunities for increased amenities (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy C – Ensure city policies and regulations support historic preservation and eliminate barriers in city processes to help all neighborhoods preserve what matters most (p. 34).
- Strong and Authentic Neighborhoods Goal 3, Strategy E – Support the stewardship and reuse of existing buildings, including city properties (p. 34).

The proposed G-MU-3, UO-3 zone district would allow the Historic Property to continue to operate as a bed and breakfast as a Contributing Structure in the Clements Landmark District, creating a complete neighborhood, preserving the City's authenticity, and ensuring a strong local economy.

The proposed rezoning would allow additional commercial uses, promoting small businesses consistent with the following strategy in the Economically Diverse and Vibrant vision element:

- Economically Diverse and Vibrant Goal 3, Strategy A – Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver (p. 46).

The proposed rezoning would allow for compatible commercial uses in an established neighborhood, consistent with the following strategies from the Environmentally Resilient vision element:

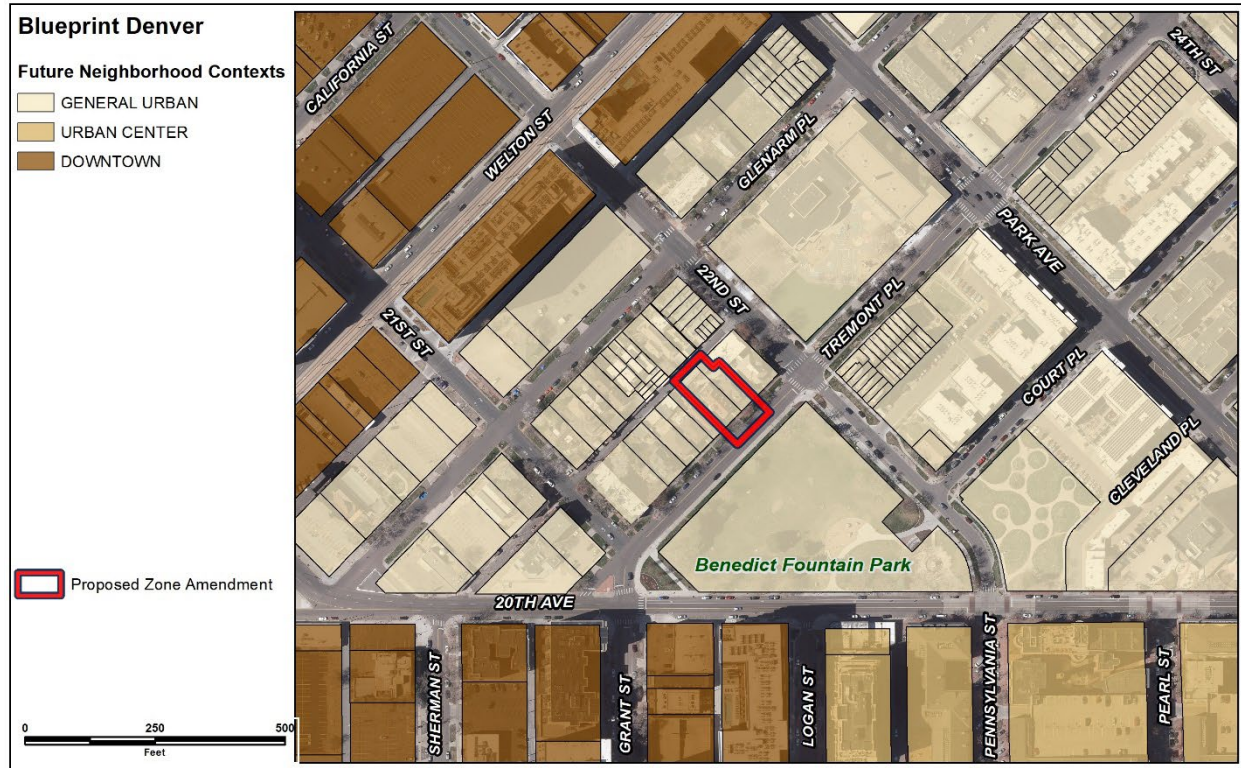
- Environmentally Resilient Goal 8, Strategy A- Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B- Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).

Overall, the proposed map amendment would allow for additional compatible commercial uses in an established neighborhood while preserving two historic buildings, consistent with the goals of Comprehensive Plan 2040.

Blueprint Denver (2019)

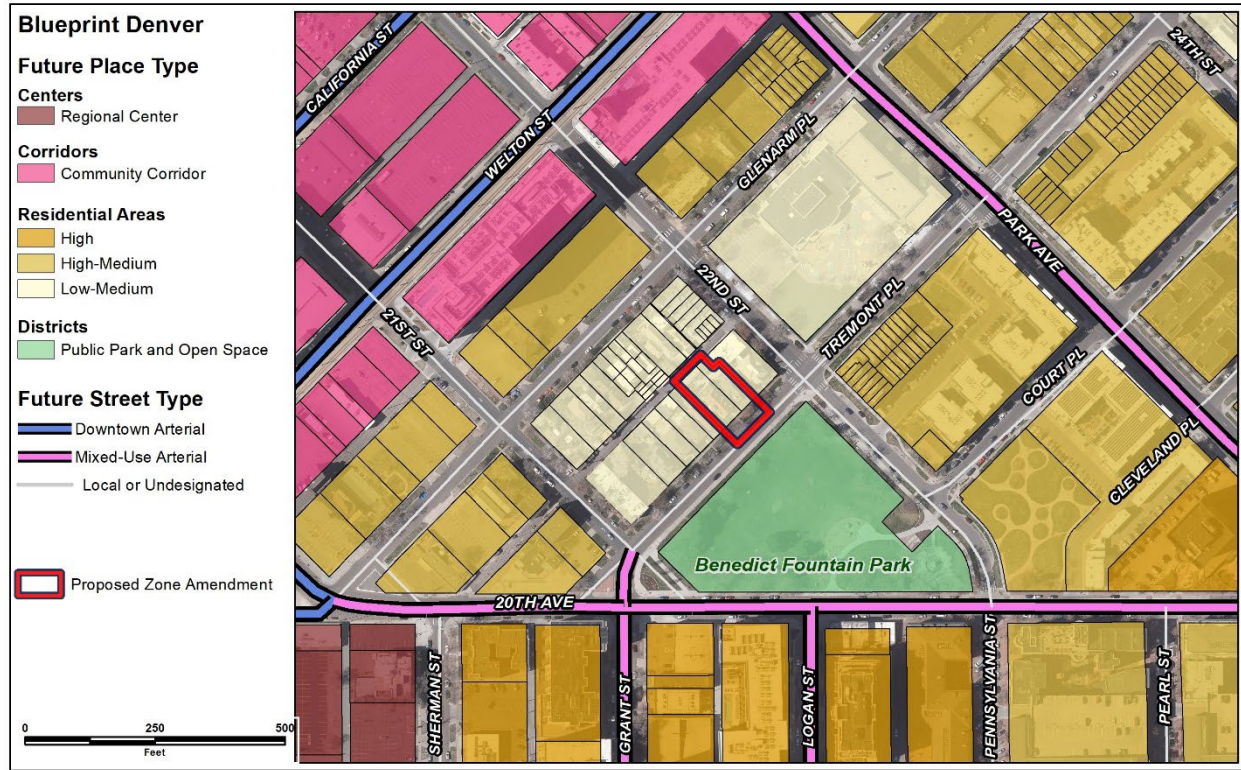
Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city’s land use and transportation decisions. Blueprint Denver identifies the subject properties as part of Low Medium Residential future place type within the General Urban 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 between neighborhoods and their land use, built form, and mobility options at a higher scale. The subject properties are shown on the context map as the General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). In the General Urban neighborhood context, there are “predominantly multi-unit structures. 1-unit and 2-unit residential and low scale mixed-use are embedded within the multi-unit areas. Block patterns are generally regular with consistent alley access. Buildings are medium scale and close to the street” (p. 137). The proposed G-MU-3, UO-3 zone district is part of the General Urban neighborhood context and would allow multi-unit structures, consistent with the intent of the General Urban neighborhood context in Blueprint Denver.

Blueprint Denver Future Places

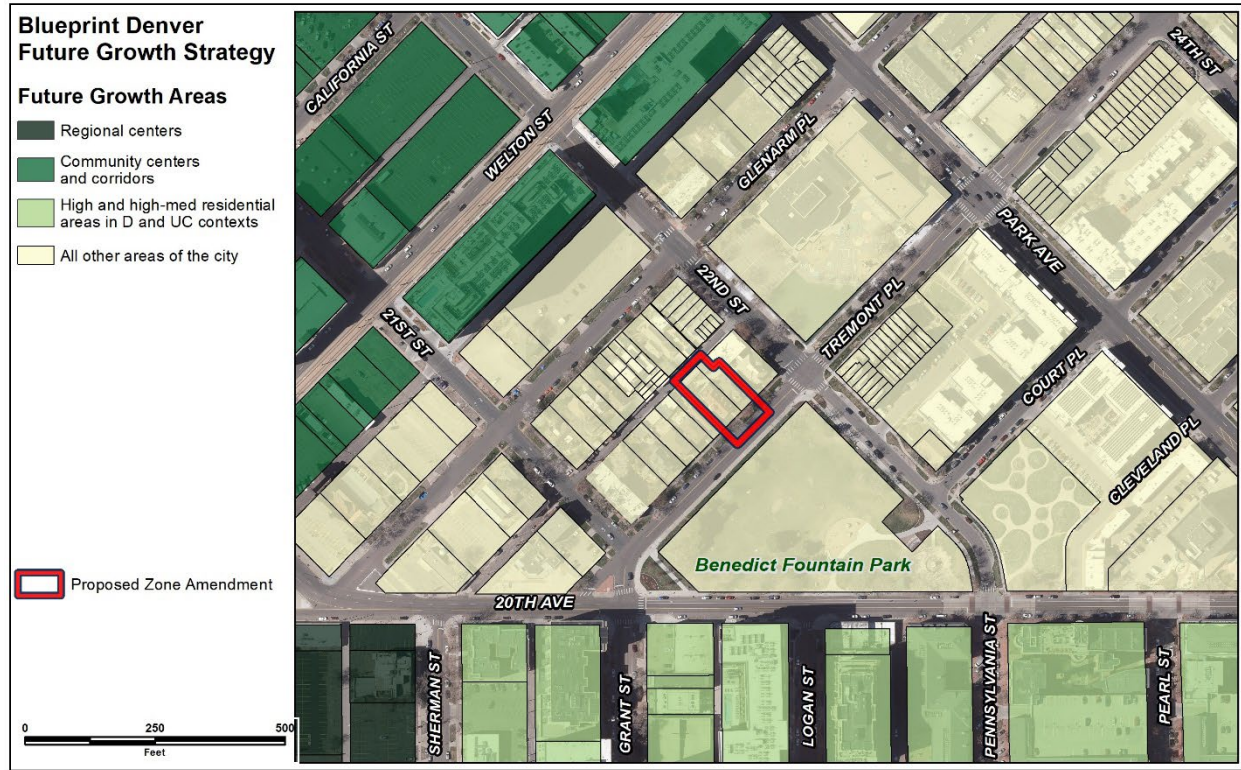


The General Urban Neighborhood Context provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject properties as part of a Residential Low-Medium place type. *Blueprint Denver* describes the aspirational characteristics of Residential Low-Medium places in the General Urban context as, “Primarily residential, with a mix of unit types. Single- and two-unit homes are interspersed with lower scale multi-unit buildings. Limited neighborhood serving commercial can be found, particularly at intersections. Heights are generally up to 3 stories” (p. 246). The proposed zone district of G-MU-3, UO-3 would allow additional residential and limited commercial uses embedded within the adjacent multi-unit residential areas.

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 Tremont Place 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). Given the flexibility for adjacent uses and building forms for this Street Type, the proposed G-MU-3, UO-3 district is consistent with this street type because it would allow for primarily residential uses in a largely residential established neighborhood.

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 properties are part of the “All other areas of the city” growth area. These areas anticipate experiencing around 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 G-MU-3, UO-3 zone district is appropriate in this growth area as it add the opportunity for both housing growth. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Additional Strategies

In Blueprint Denver, there are recommendations that form a comprehensive list of policies and strategies to guide implementation of the plan. They are organized by the three elements of complete neighborhoods. There are several strategies around historic preservation and promoting small businesses that the rezoning request is consistent with. One includes:

- Land Use and Built Form, General – Policy 02 Strategy E: In historic areas, balance efficiency with preservation through strategies that encourage the reuse of structures (p. 72).
- Use and Built Form, Design Quality and Preservation – Policy 02 Strategy A: Continue the city’s commitment to existing historic districts and landmarks and use historic designation to preserve

the character of an individual structure or district or where there is historic, architectural, cultural, and/or geographic significance (p.99)

- Use and Built Form, Design Quality and Preservation – Policy 02 Strategy I: Promote incentives to preserve the reuse of historic buildings and the unique historic features of Denver’s neighborhoods (p. 99).

The proposed map amendment would promote the preservation of these existing Queen Anne houses, which are contributing structures to a historic district, and facilitate their continued use, consistent with these recommendations from Blueprint Denver.

Blueprint Denver also provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code.

- Land Use & Built Form: General Policy 3, Strategy B: 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).

The proposed rezoning would rezone the properties zoned with Former Chapter 59 to the G-MU-3 UO-3 zone district within the Denver Zoning Code, and therefore, is consistent with this policy guidance.

Waivers

Blueprint Denver provides the following direction on how to limit the use of custom zoning including waivers: “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. In this instance, the unique and extraordinary circumstances are the historic structures and the need to modify the requirement for owner occupation in order to facilitate the continued use and preservation of the structures. Additionally, the proposed waiver serves as a bridge to a future text amendment to more closely align the standards for the bed and breakfast lodging use under the UO-3 with those under standard mixed-use zone districts. Therefore, in this specific instance, the use of a waiver is appropriate and consistent with Blueprint Denver’s recommendations for site-specific, customized zoning and the proposed map amendment is consistent with the context, place, growth strategy, street type, and strategy recommendations of the plan.

Downtown Area Plan (2007)

The Downtown Area Plan is a tool to help community leaders, decision-makers, and citizens build upon Downtown’s assets and guide future development to reflect the community’s vision of a livable, healthy, sustainable, and vibrant Downtown. The Downtown Area Plan divides the Plan Area into different “Districts” and provides specific goals, objectives, and strategies for each. The subject properties are in the Arapahoe Square District.



Key recommendations for the Arapahoe Square District include:

- Encourage appropriate redevelopment of surface parking lots and underutilized properties. (p. 57)
- Identify redevelopment opportunities adjacent to the Welton Street Light Rail Transit line. (p. 57)

The proposed rezoning would facilitate the preservation and re-use of these two existing properties within a block of the Welton Light Rail Transit Line and therefore is consistent with the objectives for this area from the Downtown Area Plan.

Northeast Downtown Neighborhoods Plan (2011)

The Northeast Downtown Neighborhoods Plan represents the land use, urban form and transportation vision for the Northeast Downtown Neighborhoods area, including a long-range vision and guiding principles for the development and future of the area. Guiding principles (p. 10) established in the Plan relevant to this rezoning include:

- Complete and enhance the public realm
- Enhance and support existing retail corridors
- Create a development friendly atmosphere
- Protect neighborhood fabric
- Create appropriate transitions between neighborhoods

The proposed rezoning is consistent with these guiding principles since the G-MU-3 zone district includes urban design standards that will result in pedestrian friendly streets, will facilitate the re-use of residential units in the area to support the Welton retail corridor and in close proximity to light rail transit. It also helps provide a transition in scale from the taller buildings on the Welton Corridor to the lower scale areas east of the subject properties.

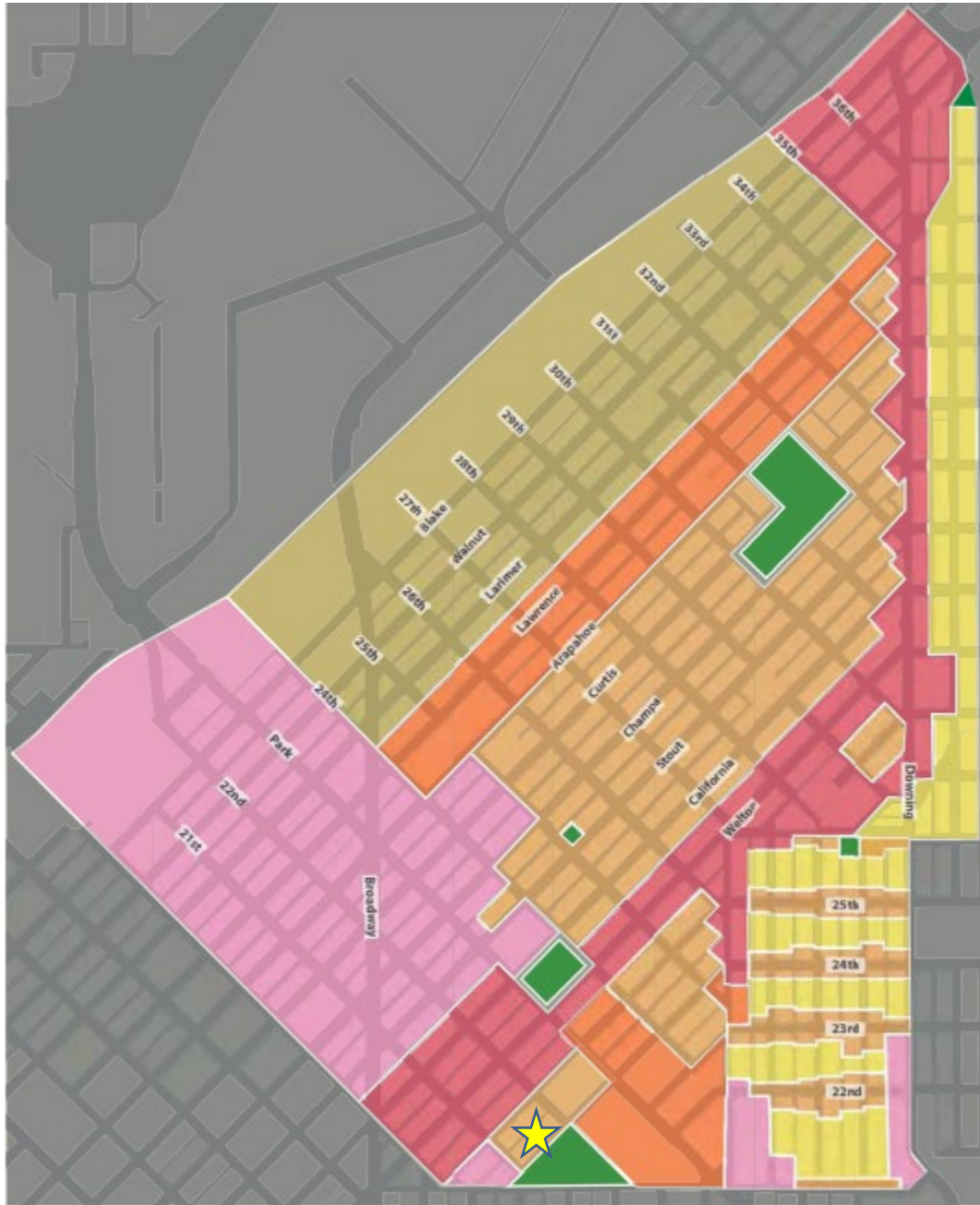
The Northeast Downtown Neighborhoods Plan identifies a series of “Land Use Concepts” for properties in the Plan Area. The subject properties are classified as “Single Family/Row House.” The Plan calls for the following for properties with this classification: “Single Family Rowhouse: Single family rowhouse residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses. There is a mixture of housing types, including single-family houses, duplexes, rowhouses, and small apartment buildings. This land use concept is called Single Family/Duplex in Blueprint Denver but is Single Family/Rowhouse in this plan to better represent the more diverse range of building forms found in Northeast Downtown.” (p. 16)

The proposed zone district would allow moderately dense housing and limited small-scale commercial uses at a height that is appropriate with the character of the area and transitions to the lower scale neighborhoods to the east.

The plan also provides specific recommendations on “Adaptive Reuse and Historic Preservation” for properties in the Plan Area. The plan states that “adaptive reuse of existing building stock and preservation of historic structures are critically important to maintaining and enhancing the unique character of each neighborhood”. The plan recommends:

- Promote the reuse of existing buildings. Existing buildings, whether historic or not, are important character-defining elements throughout the Northeast Downtown Neighborhoods.
- Support historic preservation within existing historic districts and by identifying additional potential landmark structures and districts.
- Preserve sandstone sidewalks as a historic resource within Northeast Downtown.

The proposed zone district would also allow for the adaptive reuse and historic preservation of these two historic structures. For these reasons, the proposed rezoning would be consistent with the Northeast Downtown Neighborhoods Plan’s guidance for land use.



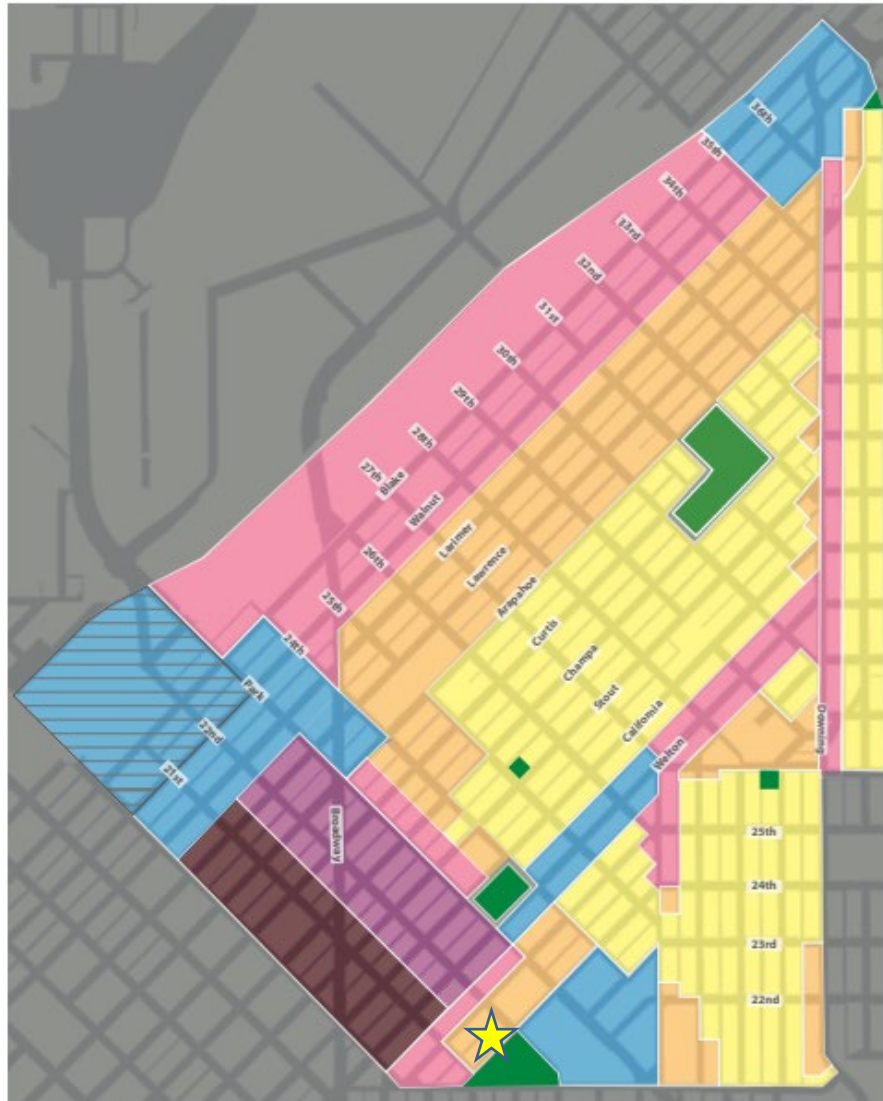
Future Land Use Map

★ Proposed Rezoning

- Single Family
- Single Family/Row House**
- Urban Residential
- Mixed Use
- TOD
- Mixed Use - Industrial
- Park

Future Land Use Map (Northeast Downtown Neighborhoods Plan).

The Northeast Downtown Neighborhoods Plan provides specific building height guidance for the area, including calling for a maximum of three stories for the subject property. Since the proposed zone district limit building heights to a maximum of three stories, the rezoning is consistent with the height guidance in the Northeast Downtown Neighborhoods Plan.



Concept Height Map

CONCEPT BUILDING HEIGHTS AMENDED IN 2016

The 38th & Blake Station Area Height Amendments, as adopted under Ordinance 2016-0760, refines and updates the building height recommendations of this plan as applied to the area near the 38th and Blake commuter rail station. The future building heights map included in 38th & Blake Station Area Height Amendments supersedes building height maps and recommendations included in this plan.

- 2.5 Stories
- 3 Stories
- 5 Stories
- 8 Stories
- 12+ Stories
- 20+ Stories
- Coors Field Context Area

★ Proposed Rezoning

Concept Height Map (Northeast Downtown Neighborhoods Plan).

2. Uniformity of District Regulations and Restrictions

The G-MU-3 UO-3 zoning with a waiver is a unique zone district. The proposed rezoning will result in the uniform application of zone district building form, use and design regulations within the unique zone district.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city's adopted land use plan, contributing to a walkable, mixed-use area, and fostering the preservation of a historic structure.

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. Such a change may include: That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.

The adoption of the UO-3 use overlay is also a justification under DZC Section 12.4.10.8.A.5, "it is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code."

It is in the public interest to establish the UO-3 Historic Structure Use Overlay at this location to allow for the rehabilitation and adaptive reuse of two unique historic structure that have been used for nonresidential purposes for several decades. Denver Zoning Code Sec. 9.4.1 stipulates that Overlay Zone Districts "are generally intended, in special and unique cases, to provide a vehicle to supplement otherwise generally applicable zone district standards with additional use or design limits, allowances, and prohibitions." Furthermore, Sec. 9.4.4.1 sets forth the intent of the Historic Structure Use Overlay District Establishment of the UO-3 as follows: "to encourage the continuing preservation and adaptive reuse of Historic Structures." Establishment of the UO-3 Use Overlay at this location is consistent with the intent of Overlay Districts in general and the Historic Structure Use Overlay. The UO-3 Overlay may only be established in conjunction with an underlying residential zone district per Sec. 9.4.4.8.B. This request will be established with the residential G-MU-3 district and thus meets this criterion.

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

The requested G-MU-3 zone district is within the General Urban Neighborhood Context. The neighborhood context generally is characterized by multi-unit residential uses in a variety of building forms. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an

orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. The proposed rezoning to G-MU-3 is consistent with the neighborhood context description since it would allow multi-unit residential uses with commercial uses mixed in and the site is located on a local street within an orthogonal street grid with a consistent presence of alleys.

The general purpose of the General Urban residential zone districts is to “promote and protect residential neighborhoods within the General Urban Neighborhood Context” and “reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts” (DZC Section 6.2.2.1). The proposed G-MU-3 UO-3 zone district with a waiver would foster reinvestment in an existing structure in the Urban House building form, consistent with the general purpose of the General Urban residential districts.

The specific intent of the G-MU-3 zone district is to allow “urban house, duplex, garden court, town house, and apartment building forms. The tallest building form has a maximum height of three stories” (DZC Section 6.2.2.2.B). The proposed rezoning would allow building forms consistent with the intent of the G-MU-3 zone district, while allowing additional uses to facilitate the preservation of the historic structure and neighborhood look and feel.

The intent of the Historic Structure Use Overlay (UO-3) is to encourage the continuing preservation and adaptive reuse of designated Historic Structures by permitting limited nonresidential uses. This proposed rezoning would preserve the existing two-unit residential zone district, while allowing for some limited nonresidential uses that will encourage rehabilitation and ongoing preservation of a historic residential structure that has not been in residential use for many years.

Attachments

1. Application
2. Waiver