



TO: Land Use, Transportation, and Infrastructure Committee of the Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: August 6, 2020
RE: Official Zoning Map Amendment Application #2019I-00129

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00129.

Request for Rezoning

Address: 1332 22nd Avenue
Neighborhood/Council District: City Park West / Council District 9
RNOs: Inter-Neighborhood Cooperation (INC); The Points Historical Redevelopment Corp; Uptown on the Hill; City Park Friends and Neighbors (CPFAN); Neighbors for Greater Capitol Hill; Northeast Denver Friends and Neighbors (NEDFANS); City Park West Neighborhood Organization; Denver Arts and Culture Initiative; Capitol Hill United Neighborhoods, Inc.; Opportunity Corridor Coalition of United Residents

Area of Property: 9,048 square feet
Current Zoning: U-TU-B
Proposed Zoning: U-TU-B UO-3 with waiver
Property Owner: Khalil Nasser
Owner Representative: Zeke Freeman, Root Architecture and Development

Summary of Rezoning Request

- The site is in the City Park West neighborhood, at the southwest corner of 22nd Avenue and Lafayette Street, one block north of the Uptown Healthcare District.
- The property currently has a single-unit house on it with for office and short-term rental uses.
- The applicant is requesting the rezoning to allow the property to be operated as a bed and breakfast.
- The U-TU-B (**U**rban, **T**wo **U**nit, 4,500 square foot minimum lot size) zone district allows single-unit and two-unit household living uses in Urban House, Duplex, and Tandem House primary building forms. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).
- UO-3 is the Historic Structure Use Overlay District. It allows the commercial uses of office not including dental/medical office or clinic, art studio, and bed and breakfast lodging in Historic Structures subject to certain limitations. Further details of the UO-3 overlay can be found in the proposed zone district section of the staff report (below) and in Article 9 of the DZC.

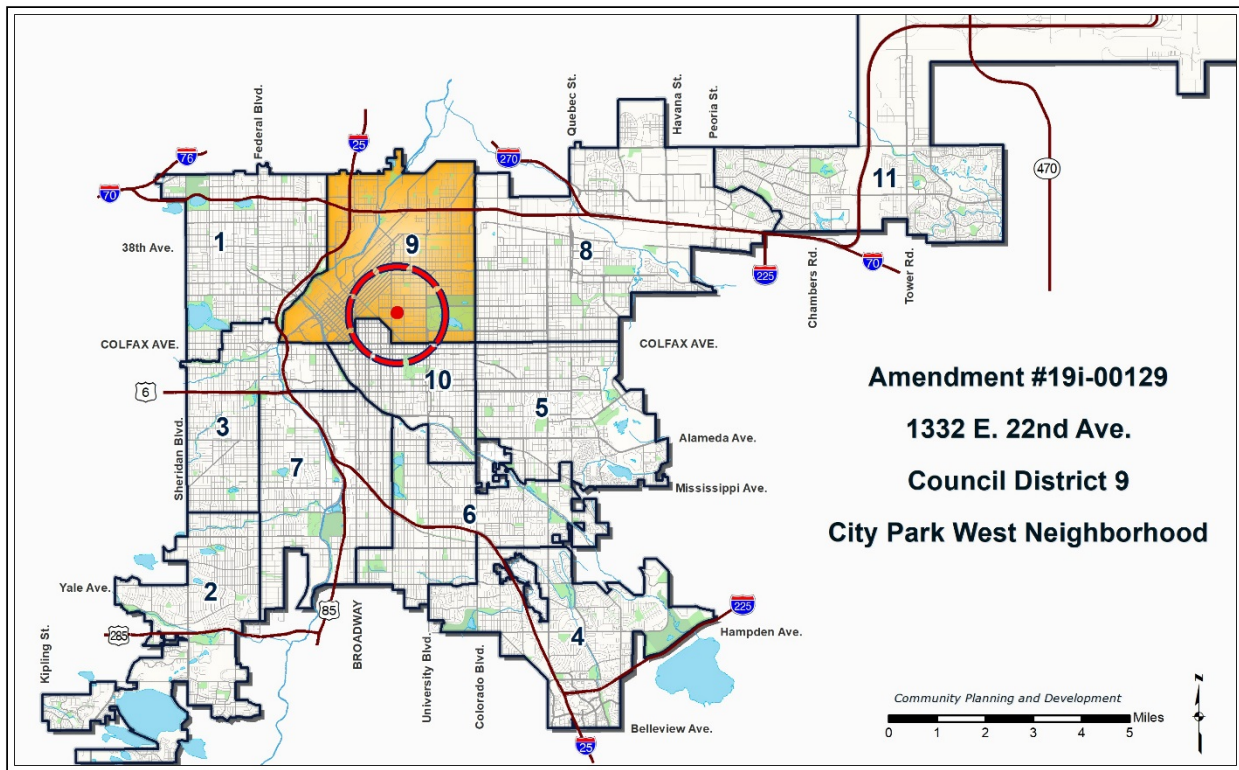
Waiver

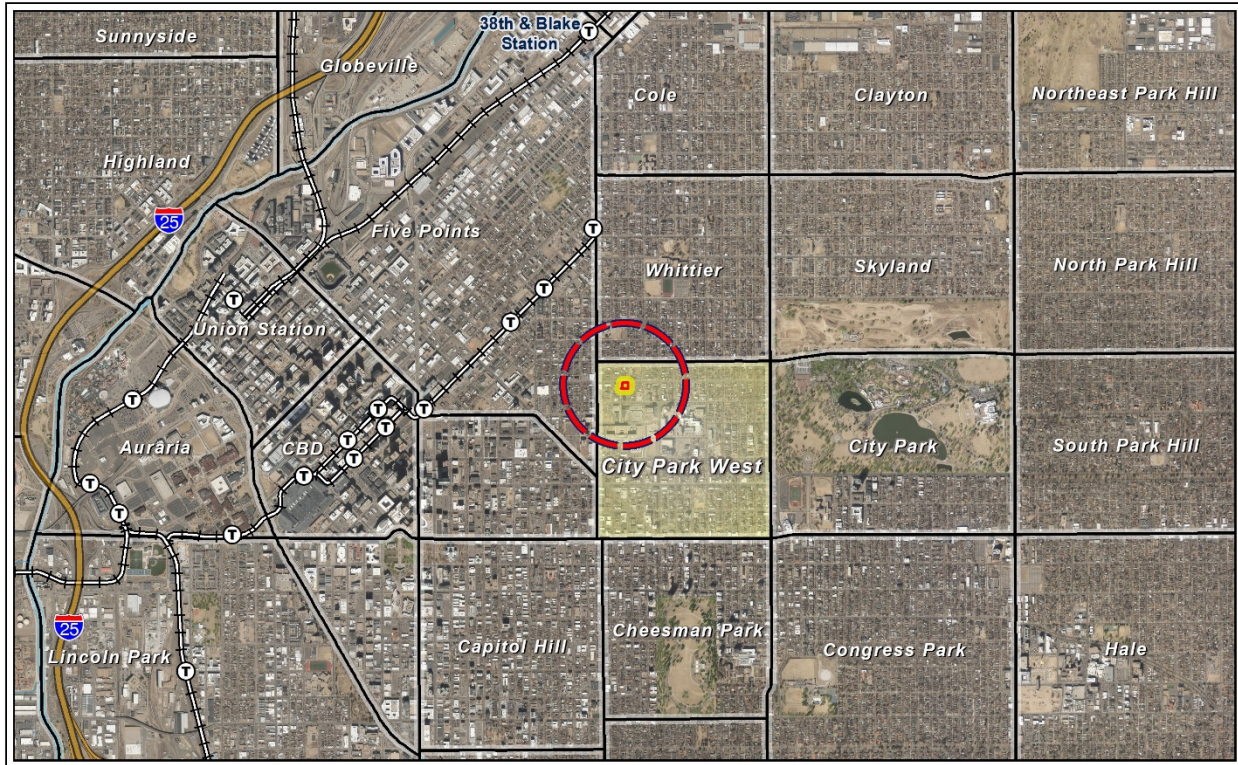
Section 12.4.10.6 of the DZC enables official map amendment applicants to request a waiver of certain rights or obligations under the proposed zone district. This application includes a request for one waiver, as detailed in the attached application and which would read as follows:

1. The undersigned owner of the property hereby waives 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.”

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. 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.

Existing Context



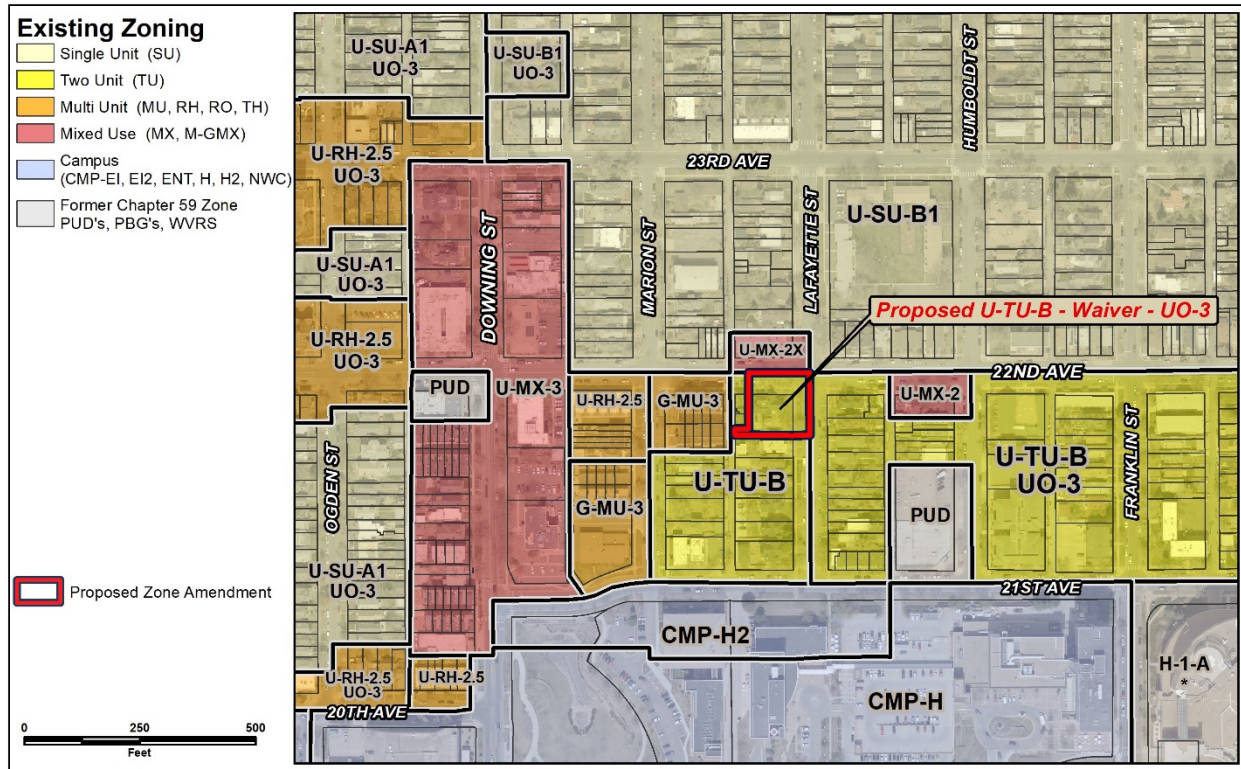


The property is in the City Park West neighborhood at the southwest corner of 22nd Avenue and Lafayette Street. There is a small commercial development across 22nd Avenue to the north in an otherwise predominately residential area. The Uptown Healthcare District, including Saint Joseph and Presbyterian Saint Luke’s Hospitals, is one block to the south. Whittier School is two blocks to the north. City Park is about ½-mile to the east. There is RTD bus service on 22nd Avenue and on Downing Street two blocks to the west.

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	U-TU-B	Office, short-term rental	2.5-story single-unit house	Generally regular grid of streets interrupted to the south by the Uptown Healthcare District. Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	U-MX-2x	Retail	1-story multi-tenant retail building	
South	U-TU-B	Multi-unit residential	3-story apartment building	
East	U-TU-B UO-3	Single-unit residential	2- to 2.5-story single-unit residential buildings	
West	U-TU-B, G-MU-3	Single-unit and multi-unit residential	1.5-story carriage houses, 3-story row houses	

1. Existing Zoning



The current U-TU-B zone district allows the urban house, duplex, and tandem house primary building forms with a minimum zone lot size of 4,500 square feet. The maximum building height is 35 feet and the maximum lot coverage is 37.5 percent. Primary street setbacks are block sensitive and, on this lot, side setbacks would be five to 10 feet depending on building form and location, and the rear setback would be five to 12 feet depending on building form. Detached garages and other detached accessory structures are allowed. Single-unit dwelling, two-unit dwelling and certain group living uses are allowed. There is no minimum parking requirement for single-unit dwelling uses; two-unit dwelling uses require one vehicle parking space per unit.

2. Historic District or Structures

The subject property is within the Lafayette Street Historic District, established in 1987. The subject property is a contributing structure to the district, qualifying it as a Historic Structure 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. East Central Area Plan

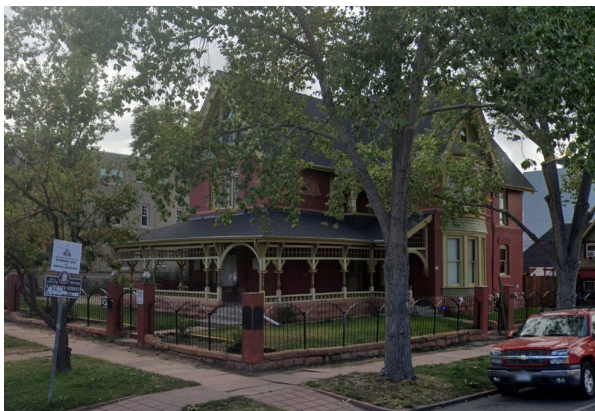
The site is located in the planning area for the pending East Central Area Plan. A second draft plan has been released, but the plan has not yet been approved by Planning Board or adopted

by City Council. This rezoning application was not analyzed for consistency with the East Central Area Plan draft because it has not been adopted.

4. Existing Land Use Map



5. Existing Building Form and Scale



Site – from 22nd Ave. & Lafayette St.



North – from 22nd Ave. & Lafayette St.



East – from 22nd Ave. & Lafayette St.



South – from Lafayette St.



West – from 22nd Ave.
Source: Google Maps

Proposed Zoning

The proposed zoning of U-TU-B UO-3 with a waiver would have the same building design standards as the existing U-TU-B zone district described above. The UO-3 Historic Structure Use Overlay District allows the commercial uses of office not including dental/medical office or clinic, art studio, and bed and breakfast lodging in Historic Structures. The structure must be at least 5,000 square feet to qualify for the office and art studio uses, and at least 1,000 square feet for the bed and breakfast use. The bed and breakfast use is limited to 10 guest rooms. The office and art studio uses must comply with the MS-2 parking standards, while the bed and breakfast use must provide one vehicle parking space for each guest room, each non-resident employee, and the owner/manager.

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

Design Standards	U-TU-B	U-TU-B UO-3 w/ waiver
Primary Building Forms Allowed	Urban House, Duplex, Tandem House	Urban House, Duplex, Tandem House
Height in Stories / Height in Feet (max)	2.5/35'	2.5/35'
Primary Build-To Percentages (min)	N/A	N/A
Primary Build-To Ranges	N/A	N/A
Minimum Zone Lot Size/Width	35'	35'
Primary Street Setbacks (min)	Block sensitive	Block sensitive
Building Coverages (max)	37.5%	37.5%

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 – See Comments Below:

- Notes. The Denver Department Public Health & Environment (DDPHE) concurs with the request and is not aware of environmental concerns that should be considered for the rezoning.
- 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, DDPHE 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.
- If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must always be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays.
- 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, DDPHE (720-865-5410).

- **Scope & Limitations:** DDPHE performed a limited search for information known to DDPHE 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.

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 rezoning only – Will require additional information at site plan review:

- DES 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: Approved – See Comments Below:

- Any changes to the property, use, number of units, or parking spaces, etc. will require an SDP. A zoning permit should be issued through Commercial Zoning upon approval of rezoning to document current zoning conditions of property under new zone district for future reference.

Development Services – Fire Prevention: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	1/17/20
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:	7/20/20
Planning Board voted unanimously to recommend approval:	8/5/20
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:	7/27/20
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	8/11/20
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:	8/31/20
City Council Public Hearing:	9/21/20

- **Registered Neighborhood Organizations (RNOs)**
 - As of the date of this staff report, staff has not received any comments from RNOs. However, the applicant has reached a Good Neighbor Agreement (GNA) (attached) with the Capitol Hill United Neighborhoods, Inc. and City Park West RNOs as well as the Uptown Hospital District Urban Design Forum, which is not itself an RNO but is a collective of RNOs, hospitals, residents, and businesses in the area.

- **General Public Comment**
 - As of the date of this staff report, two letters have been received opposing the proposed rezoning. One opposes the rezoning because of the impacts on traffic, parking, and noise. This letter was received before the GNA was agreed.

The second opposes the rezoning because of the potential impacts on the historic character. This letter was received after the GNA was agreed.

- **Mediation Summary**
 - The applicant entered mediation with the surrounding RNOs in February 2020, resulting in the GNA mentioned above. The GNA addresses the operations of the proposed bed and breakfast and provision of parking.

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)
- Uptown Neighborhood Plan (1986)
- Uptown Healthcare District Plan Update (2007)

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 strategy 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).*

The proposed rezoning would allow for additional uses appropriate for the surrounding neighborhood while promoting the preservation and reuse of an existing historic building, consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- 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 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).

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

Blueprint Denver

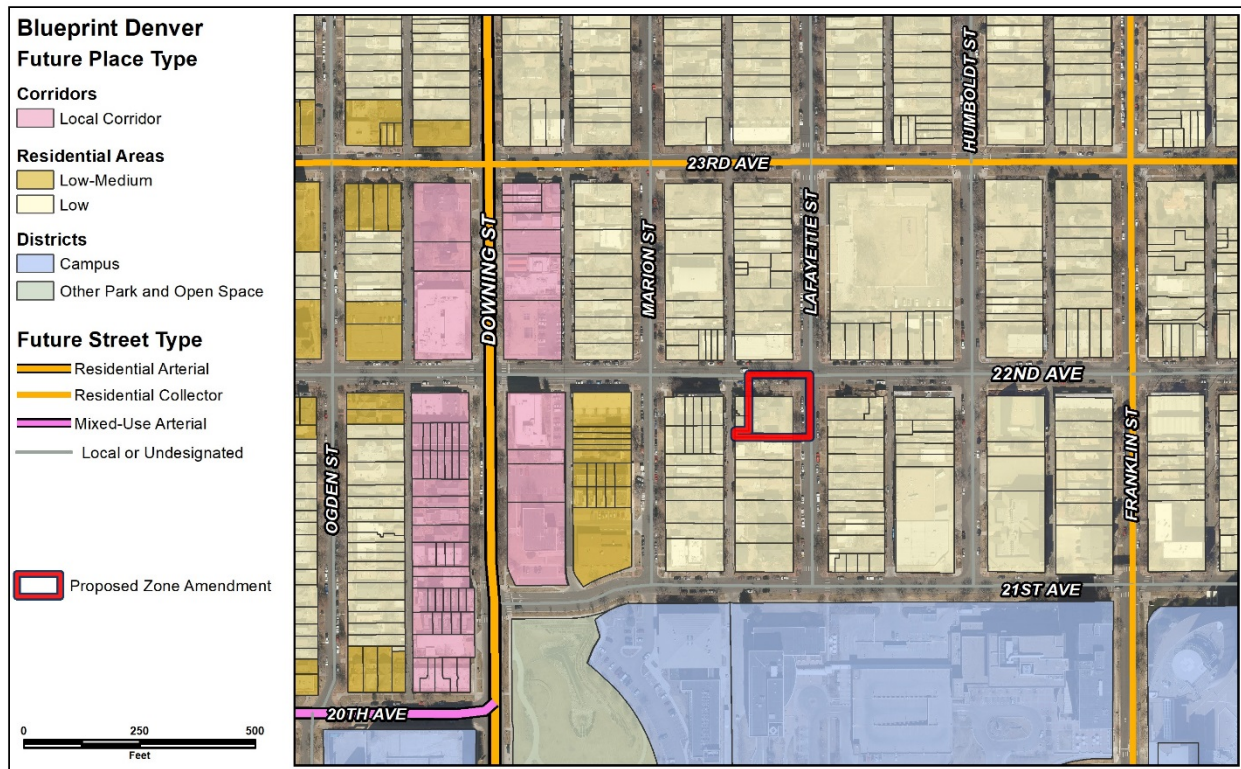
Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city's land use and transportation decisions. Blueprint Denver identifies the subject property as part of Low Residential place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



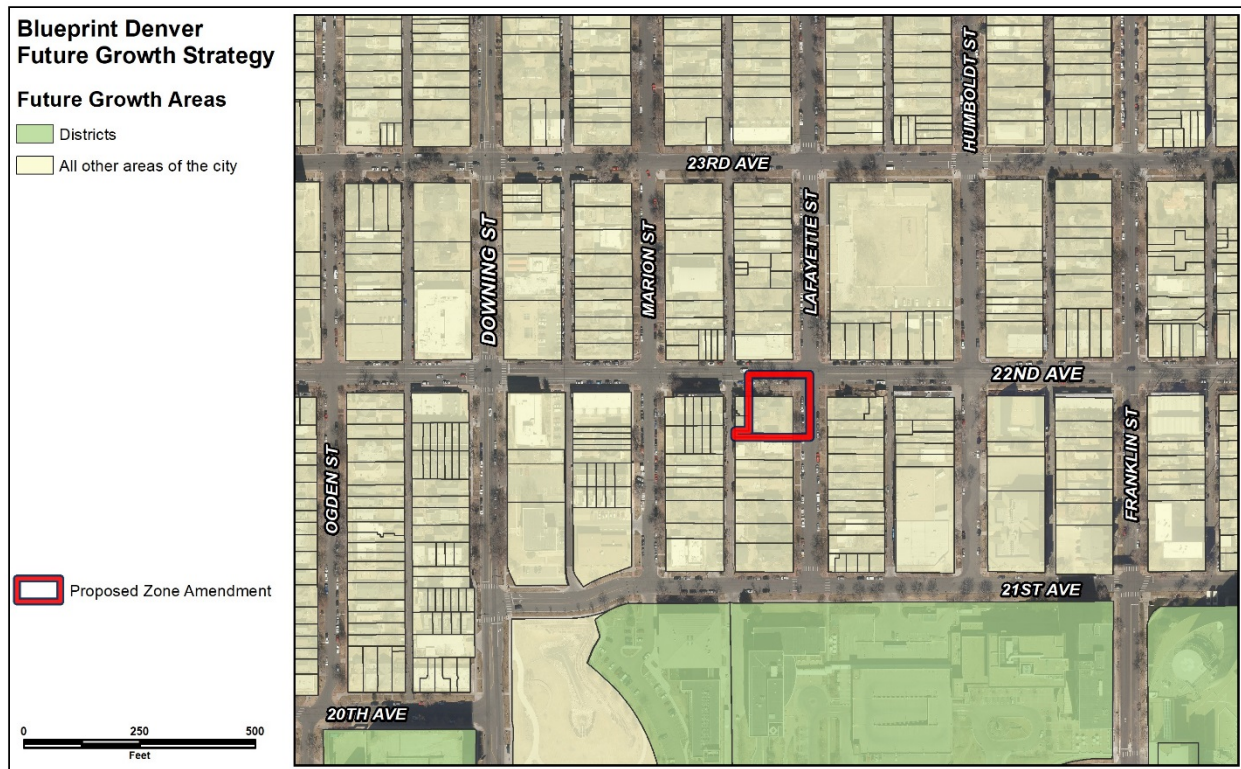
In Blueprint Denver, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as where “small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas” (p. 222). In addition, “small, embedded local centers are also common as a result of the development of many of urban neighborhoods during the street car era” (p. 225). The proposed U-TU-B UO-3 zone district with a waiver is part of the Urban neighborhood context and would allow single-unit and two-unit residential uses and compatible commercial uses consistent with the intent of the Urban neighborhood context in Blueprint Denver.

Blueprint Denver Future Places



The neighborhood context of Urban provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as Low Residential. Blueprint Denver describes the aspirational characteristics of Low Residential places in the Urban context as “predominately single- and two-unit uses on smaller 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.... Medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 230). The proposed district of U-TU-B UO-3 with a waiver would allow single-unit and two-unit residential uses and compatible commercial uses at a location where commercial uses have been established, consistent with this description.

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 a Low Residential place. Low Residential places fall under “all other areas of the city” on the growth strategy map, which are anticipated to see 20% of new housing and 10% of new jobs by 2040. The areas are designated to “take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-TU-B UO-3 with a waiver would allow additional commercial uses appropriate for the existing neighborhood, helping to accommodate the anticipated increase in jobs in Low Residential places throughout the city.

Street Types

In Blueprint Denver, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). Blueprint Denver classifies both 22nd Avenue and Lafayette Street as Local Streets, 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 U-TU-B UO-3 zone district with a waiver would allow low-scale residential and compatible commercial uses consistent with the intent of the Local Street designation.

Strategies

Blueprint Denver provides recommendations related to preserving historic structures. Land Use and Built Form: General Policy 2, Strategy E says, “in historic areas, balance efficiency with preservation through strategies that encourage the reuse of structures” (p. 72). In addition, Land Use and Built Form: Design Quality and Preservation Policy 2, Strategy A says, “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” and Strategy I says, “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 the existing house, which is a contributing structure to a historic district, and facilitate its continued use, consistent with these recommendations from Blueprint Denver.

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 structure and the need to modify the requirement for owner occupation in order to facilitate the continued use and preservation of the structure. 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, 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.

Uptown Neighborhood Plan

The Uptown Neighborhood Plan was adopted by City Council in 1986 and covers the neighborhoods of North Capitol Hill and City Park West, including the subject property. The plan has three objectives: economic revitalization, stabilization and revitalization of neighborhoods, and reinforcement of diversity (p. 3). The plan’s vision calls for “emphasizing the potential of Uptown to redevelop as an urban village, providing a living, working, shopping, and recreational environment for a wide variety of people” and “reinforcing the momentum of redevelopment in the neighborhood and strengthening the employment and retail bases” (p. 21).

In the area north of 21st Avenue, called Midtown in the plan, in which the subject property falls, the plan recommends protecting residential uses: “no expansion of hospital, retail, or other commercial uses should be permitted north of 21st Avenue or east of High Street” (p. 30). The plan also recommends resolving non-conforming statuses for businesses along 22nd Avenue and revitalizing neighborhood businesses (p. 31).

The plan also emphasizes historic preservation, stating “because of the contribution of the historic and architecturally interesting buildings to the historic fabric, and, therefore, to the unique character and redevelopment potential of Uptown, their preservation should assume top priority in reviewing development proposals, proposing capital improvements, and allocating funding” (p. 38).

The proposed rezoning would facilitate reinvestment in a historic structure and allow a small business to operate in a building that is currently being used for commercial purposes. This would help preserve the residential nature of the area while promoting businesses in appropriate locations. The proposed U-TU-B UO-3 with a waiver would contribute to the development of an urban village in the neighborhood while also promoting historic preservation, consistent with the recommendations of the Uptown Neighborhood Plan.

Uptown Healthcare District Plan Update

The Uptown Healthcare District Plan Update was adopted in 2007, replacing the Uptown Healthcare District Urban Design Plan of 1993. The plan covers the Uptown Healthcare District and surrounding blocks, including the subject property. The vision of the plan is to “support the expansion and growth of the hospitals and associated businesses; recognize, foster and enhance the interdependency and compatibility of the healthcare, residential and neighborhood retail uses within the area; support and accommodate growth and redevelopment that respects the historic scale, diversity and character of the neighborhood; (and) support the redevelopment of the Children’s Hospital site as a mixed-use community integrated into the surrounding residential neighborhoods” (p. 8).

The plan focuses on the development of the Healthcare District and its interactions with the surrounding neighborhoods, but also includes strategies for surrounding areas. The plan includes the recommendation to “support rezonings that allow for a mixed-use community with people living, working and recreating within the community” (p. 22). The plan also recommends to “support the adaptive reuse of existing structures throughout the district but especially between 17th and 18th Avenues” (p. 28) and to “broaden the employment base within the community beyond healthcare and retail” (p. 32).

The proposed rezoning to U-TU-B UO-3 with a waiver would facilitate reuse of a historic building for a small business, contributing to a mixed-use community and broadening employment beyond healthcare. It would also support healthcare by allowing for additional lodging options near the hospitals for visitors, consistent with the recommendations of the Uptown Healthcare District Plan Update.

2. Uniformity of District Regulations and Restrictions

The U-TU-B 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: Changed or changing conditions in a particular area, or in the city generally..." The application also identifies the adoption of the UO-3 use overlay as 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."

The growth of the Uptown Healthcare District in recent years, including the completion of the new Saint Joseph Hospital building, has increased the demand for lodging uses in the area, justifying the rezoning to allow the establishment of a bed and breakfast on the subject property.

It is also 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 a unique historic structure that has 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 would retain the underlying U-TU-B district and thus meets this criterion.

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

The requested U-TU-B zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses in a regular pattern of blocks surrounded by an orthogonal street grid with alleys. In addition, "small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas" and "commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets" (DZC, Division 5.1). This portion of the City Park West neighborhood fits the general description of Urban neighborhoods and the proposed U-TU-B UO-3 zone district with a waiver would allow single-unit and two-unit residential uses and embedded commercial uses at the intersection of two local streets, consistent with the Urban Neighborhood Context general description.

The general purpose of the Urban residential zone districts is to “promote and protect residential neighborhoods within the Urban Neighborhood Context” and “reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC Section 5.2.2.1). The proposed U-TU-B 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 Urban residential districts.

The specific intent of the U-TU-B zone district is to allow “up to two units on a minimum zone lot area of 4,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms” (DZC Section 5.2.2.2.O). The proposed rezoning would allow building forms consistent with the intent of the U-TU-B 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. Public comment letter
3. Good Neighbor Agreement