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TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: December 8, 2021
RE: Official Zoning Map Amendment Application #2021I-00087
555 East 8th Avenue
Rezoning from PUD 34 to G-MU-3, UO-3

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00087.

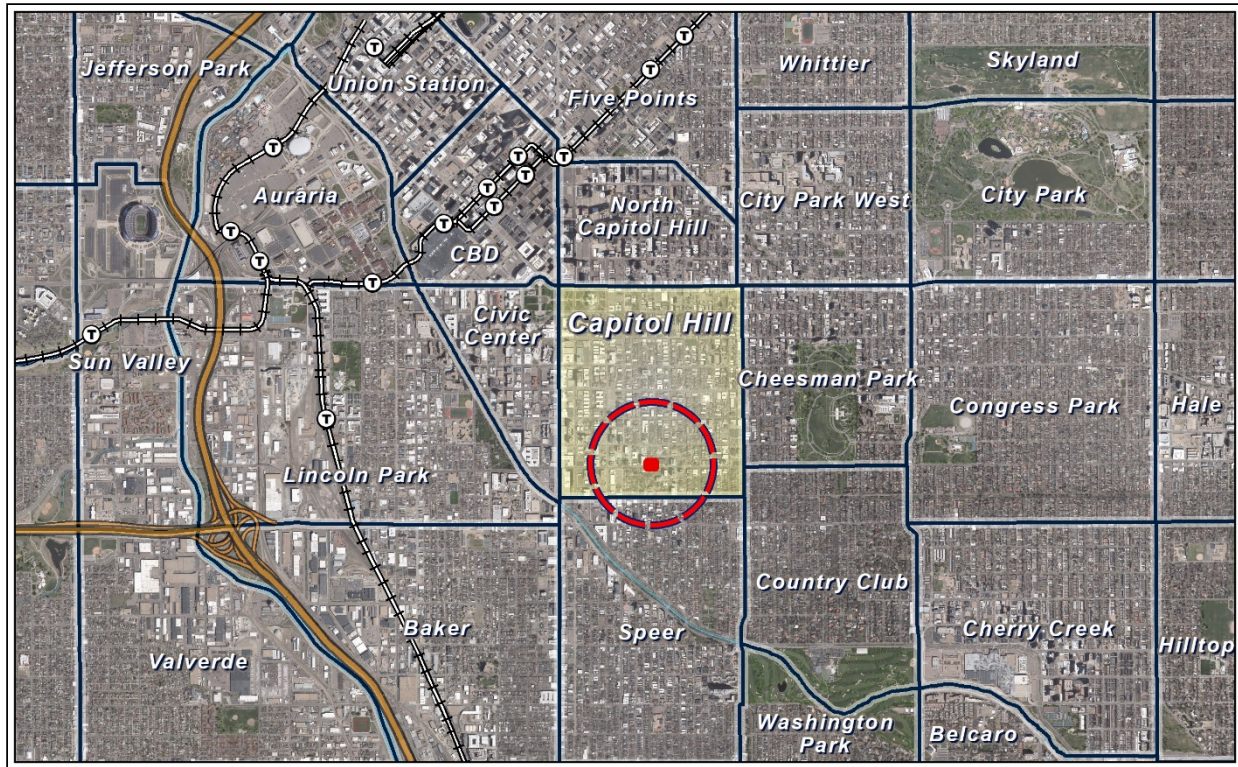
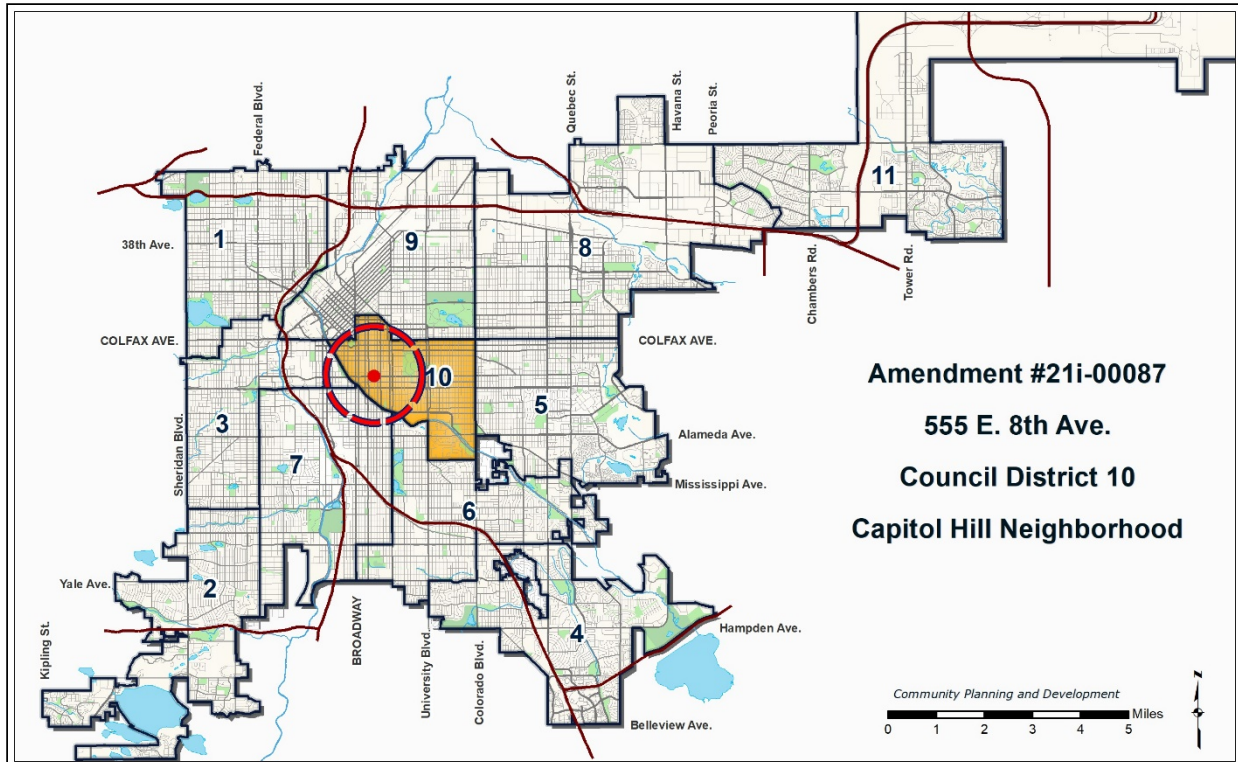
Request for Rezoning

Address: 555 East 8th Avenue
Neighborhood/Council District: Capitol Hill / Council District 10
RNOs: Inter-Neighborhood Cooperation (INC), Center City Denver Residents Organization, Capitol Hill United Neighborhoods, Inc., Denver For ALL, District 10 Neighborhood Coalition, Inc., Neighbors for Greater Capitol Hill
Area of Property: 11,997 square feet or 0.275 acres
Current Zoning: PUD 34
Proposed Zoning: G-MU-3, UO-3
Property Owner(s): Karen M. Christiansen
Owner Representative: Bruce O'Donnell

Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1888. It is located within the Capitol Hill statistical neighborhood at the northwest corner of East 8th Avenue and North Pearl Street and currently used as an office.
- The property owner, with Bruce O'Donnell as their representative, is proposing to rezone the property to allow for residential uses and limited commercial uses.
- 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. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 6 of the Denver Zoning Code.
- 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. A concurrent designation application proposes to designate this structure as a city Landmark, which would allow for these limited non-residential uses.

Existing Context





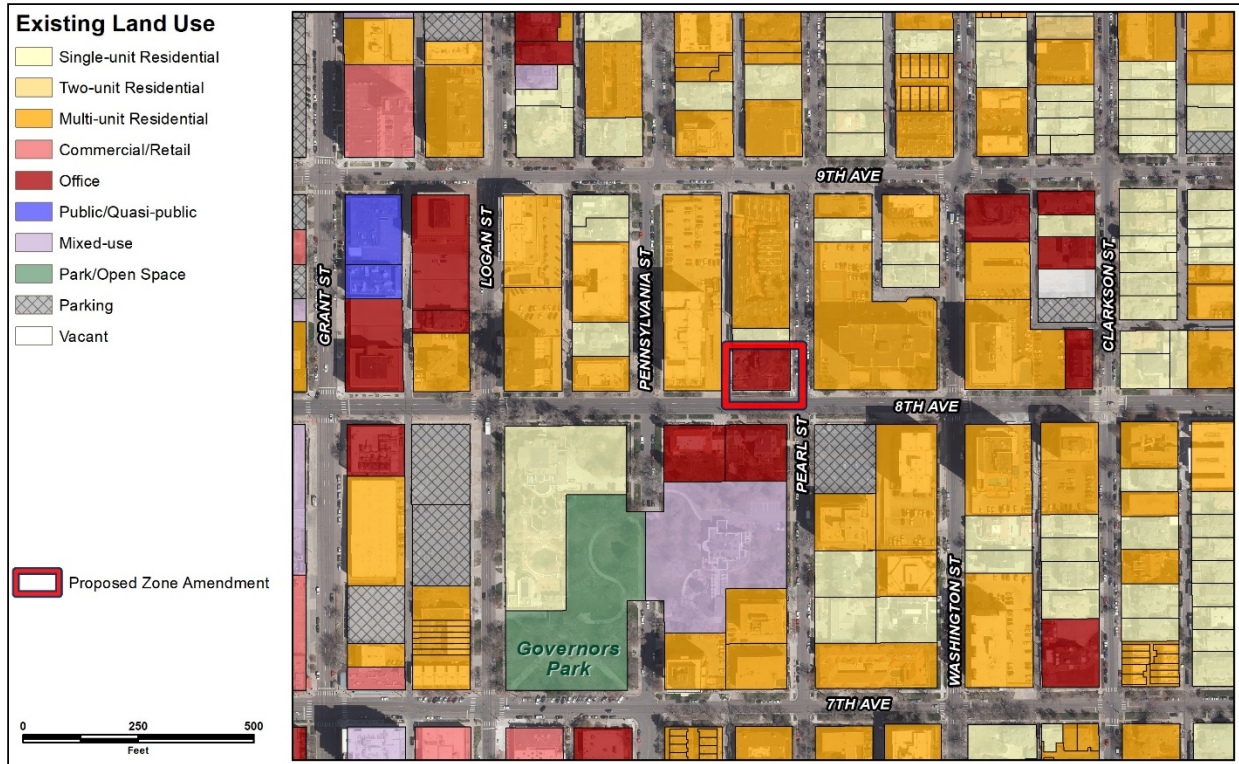
The subject property is located within the Capitol Hill statistical neighborhood, at the northwest corner of East 8th Avenue and North Pearl Street. Governors Park is located 1 block south and one block west of the subject site. The subject property is approximately 96 feet wide and 125 feet deep and the main entry is oriented towards East 8th Avenue. The subject site is served by RTD bus route 6 along East 8th Avenue and routes 0, 0L, 3L, 83, 87L, 99L, 116X, EV and P along the Broadway/Lincoln couplet six 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	PUD 34	Office	3-story brick residence with entrance along E. 8 th Ave. and carriage house	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with consistent sidewalks and amenity zones. Generally, vehicle parking is located to the rear or side of buildings in the neighborhood.
North	G-MU-12, UO-3	Multi-unit Residential	2-story brick residential structure with block-sensitive setback	
East	G-MU-12, UO-3	Multi-unit Residential	12-story condominium building	
South	PUD 34	Office	2.5 story brick landmark designated residential structure	
West	G-MU-12, UO-3	Multi-unit Residential	15-story apartment building	

height restriction of 130-134 feet. However, the proposed zone district of G-MU-3, UO-3 has a much lower height restriction of 40 feet maximum height for primary structures.

3. Existing Land Use Map



4. Existing Building Form and Scale



Site - Aerial view, looking north (Source: Google Maps)



Site - from East 8th Avenue (Source: Google Maps)



North – from North Pearl Street (Source: Google Maps)



East – from East 8th Avenue (Source: Google Maps)



South – DERP Offices (Parcel 1 in PUD 34) from North Pearl Street (Source: Google Maps)



West – from East 8th Avenue (Source: Google Maps)

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 34 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 on the following table.

Design Standards	PUD 34 (Existing)	G-MU-3, UO-3 (Proposed)
Primary Building Forms Allowed	N/A	Urban House, Duplex, Garden Court, Town House, Apartment
Height in Stories / Feet (max)	N/A / 55 feet	3 stories / 30-40 feet*
Primary Street Build-To Percentages (min)	N/A	0-70%*
Primary Street Build-To Ranges	N/A	10' to 20'*
Minimum Zone Lot Size/Width	N/A	3,000 sf / 25'
Primary Street Setbacks (min)	5'	5' to 20'*
Building Coverages (max)	N/A	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. There is not currently a Landmarked Historic Structure on the subject site but a historic designation application is running concurrent with this rezoning request. 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 – No 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: Approved – No response

Development Services – Project Coordination: Approved – No response

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:	9/13/21
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:	11/30/21
Planning Board Public Hearing:	12/15/21
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:	11/30/21
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	12/21/21
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):	1/17/22
City Council Public Hearing (tentative):	2/7/22

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received one written comment from an RNO pertaining to this application.
 - One written comment in support was received from Capitol Hill United Neighborhoods (CHUN) and is attached to this staff report.
- **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 Section 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

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *East Central 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.

The proposed rezoning would allow for multi-unit residential development within an established neighborhood, consistent with the following strategies 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).*

Similarly, the proposed G-MU-3 zoning coupled with the historic structure use overlay (UO-3) would allow 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:

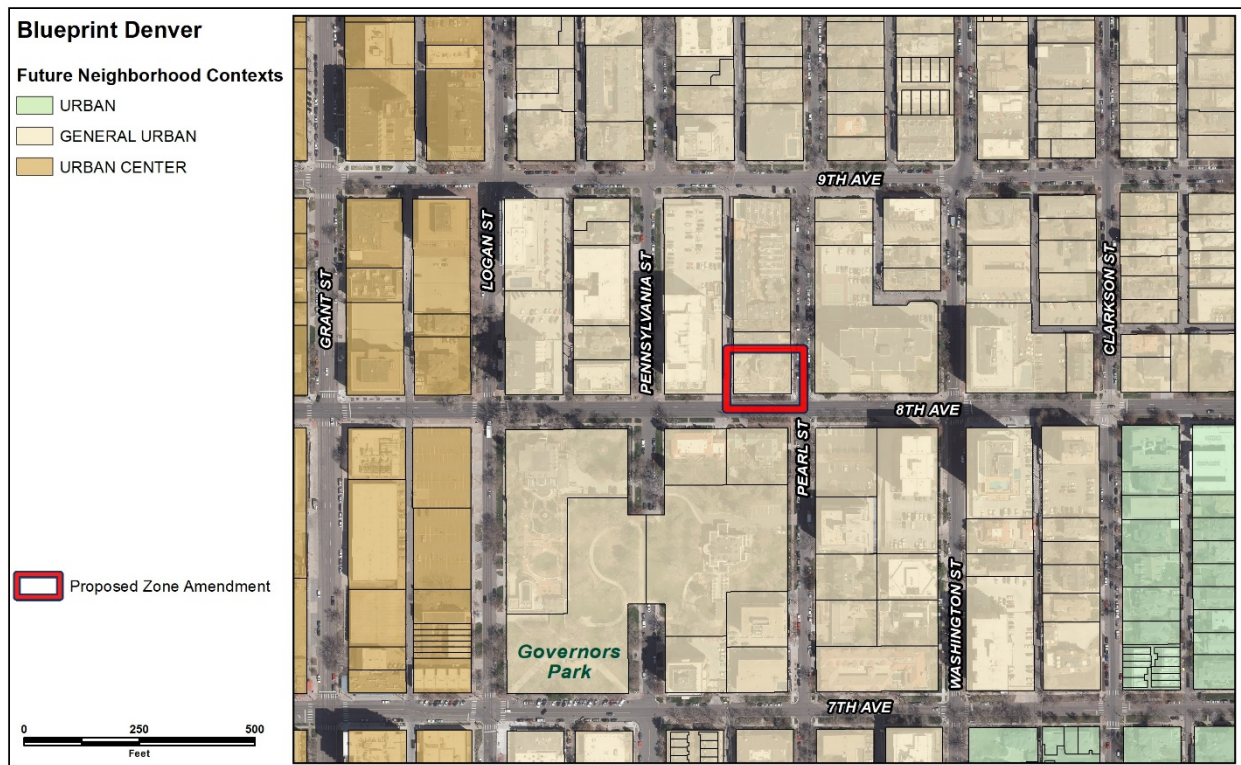
- Strong and Authentic Neighborhoods Goal 1, Strategy B – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*

Overall, the requested map amendment would allow for a broader variety of residential uses at an intensity consistent with the desire for dense, walkable neighborhoods expressed in Comprehensive Plan 2040.

Blueprint Denver (2019)

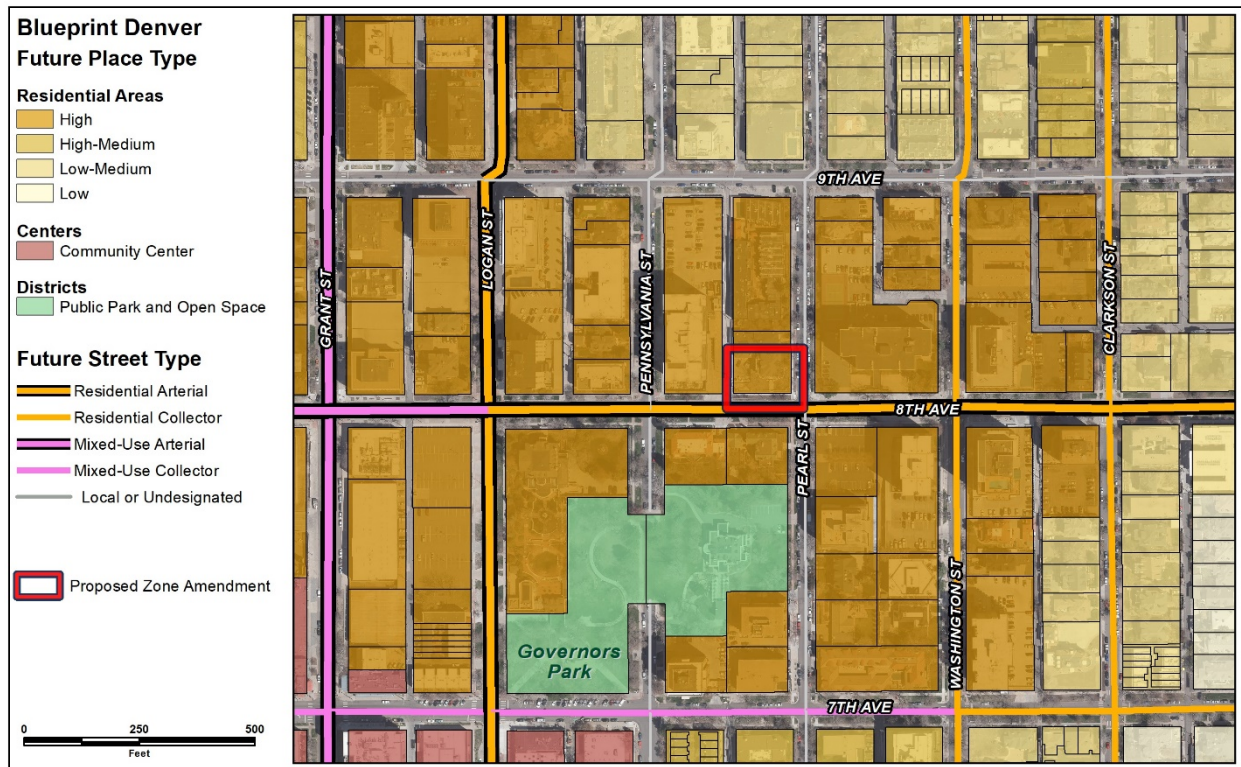
Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city’s land use and transportation decisions. Blueprint Denver identifies the subject property as part of a Residential High place within the General Urban Neighborhood Context 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 property is 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

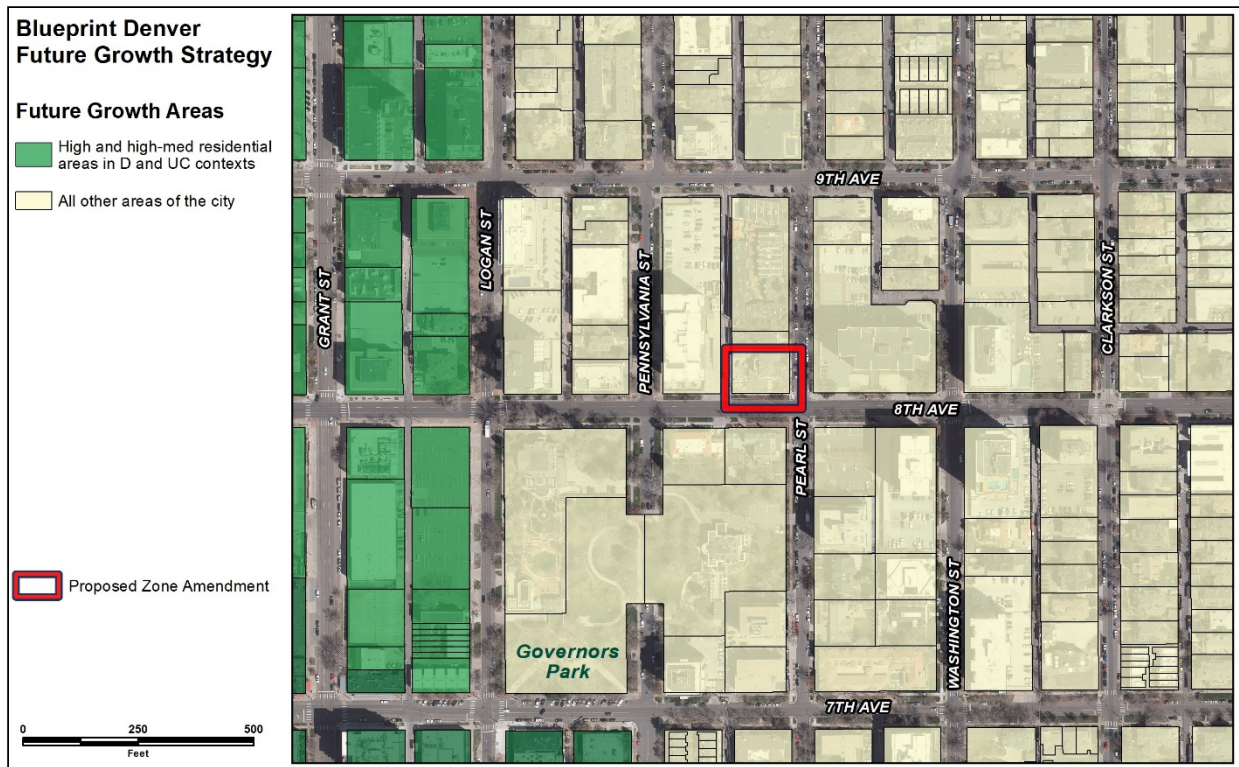


The General Urban Neighborhood Context provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Residential High place type. Blueprint Denver describes the aspirational characteristics of Residential High places in the General Urban context as, “Predominately multi-unit residential, though compatible commercial uses should be interspersed throughout. Buildings are generally the tallest of the residential places in this context” (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 East 8th Avenue as a Residential Arterial, which are “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 161). 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 property is 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 O2 Strategy E: *In historic areas, balance efficiency with preservation through strategies that encourage the reuse of structures* (p. 72).

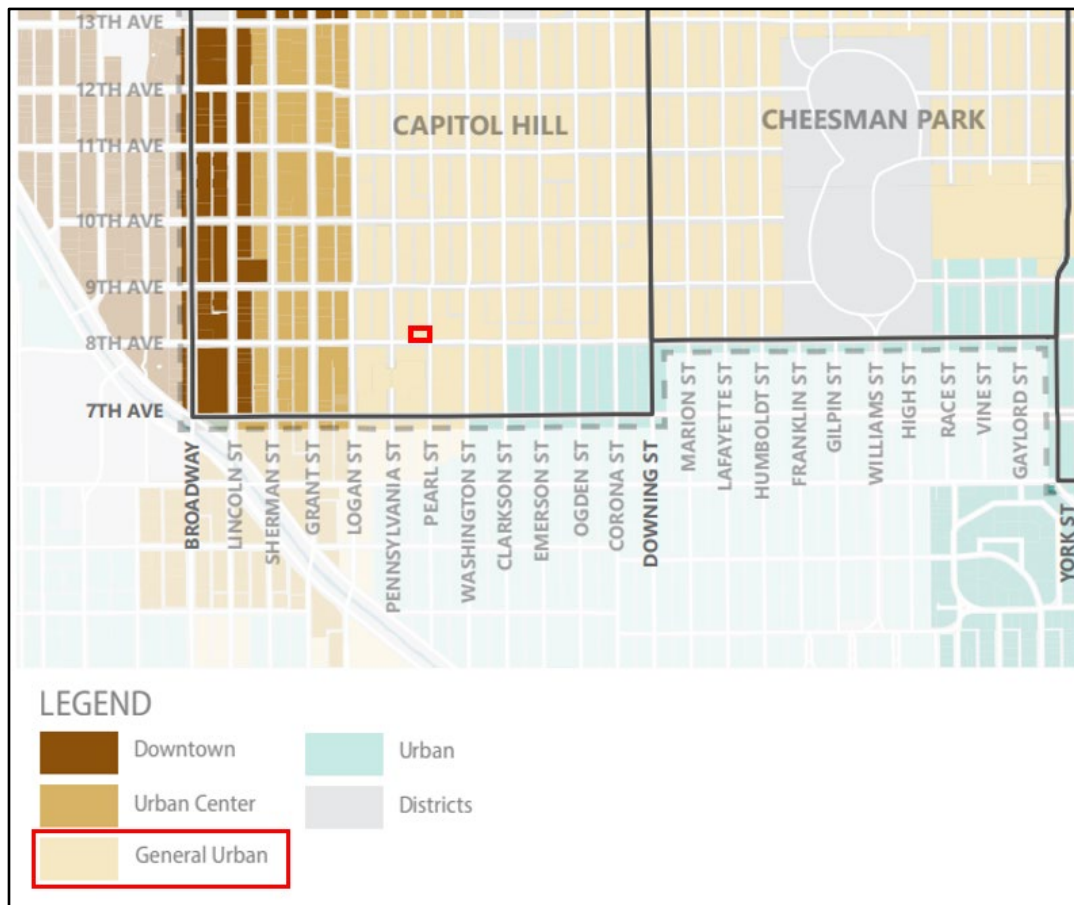
Blueprint Denver also provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code.

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

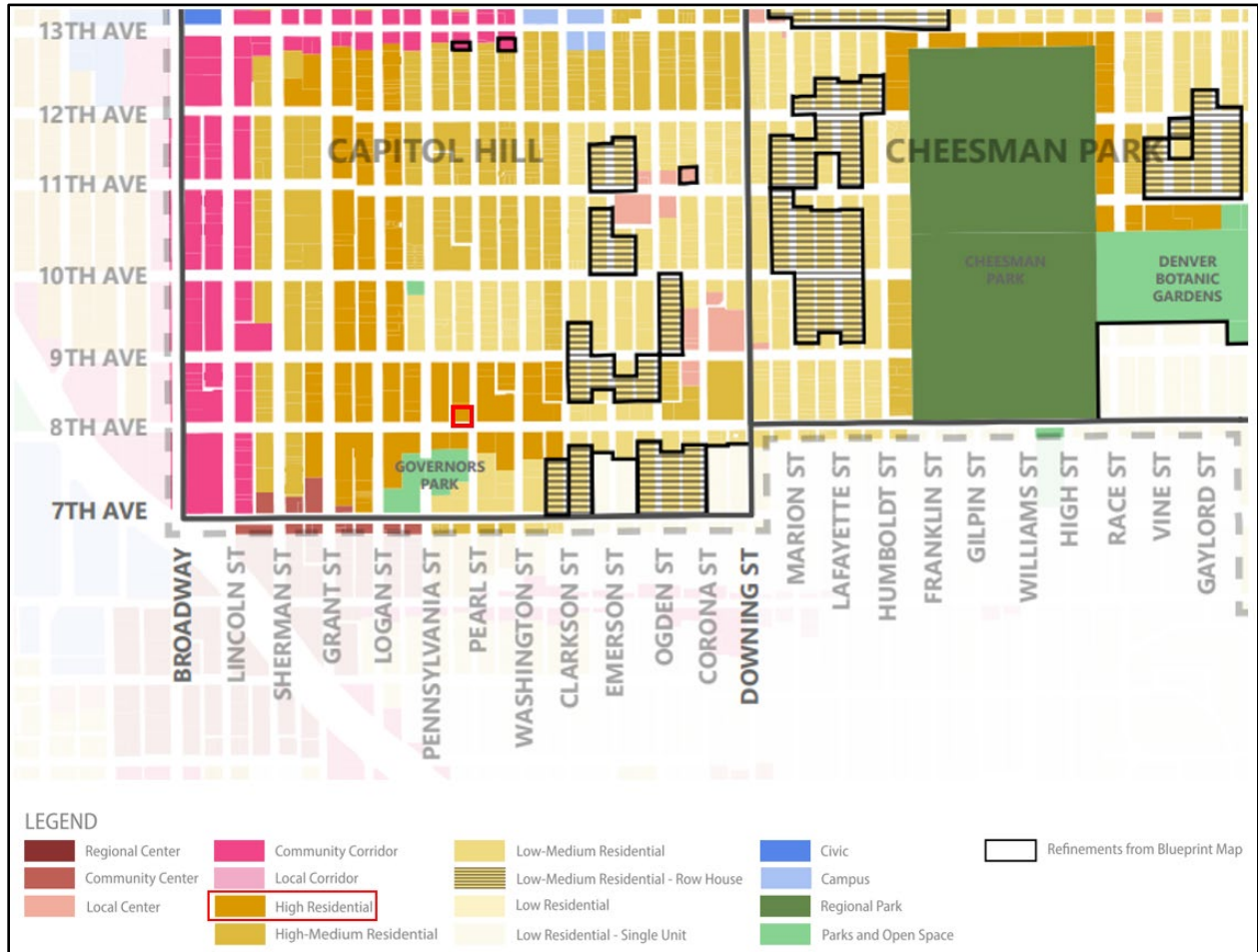
Therefore, the proposed rezoning to come from custom zoning under Former Chapter 59 to a standard zone district under the DZC is consistent with Blueprint Denver.

East Central Area Plan (2020)

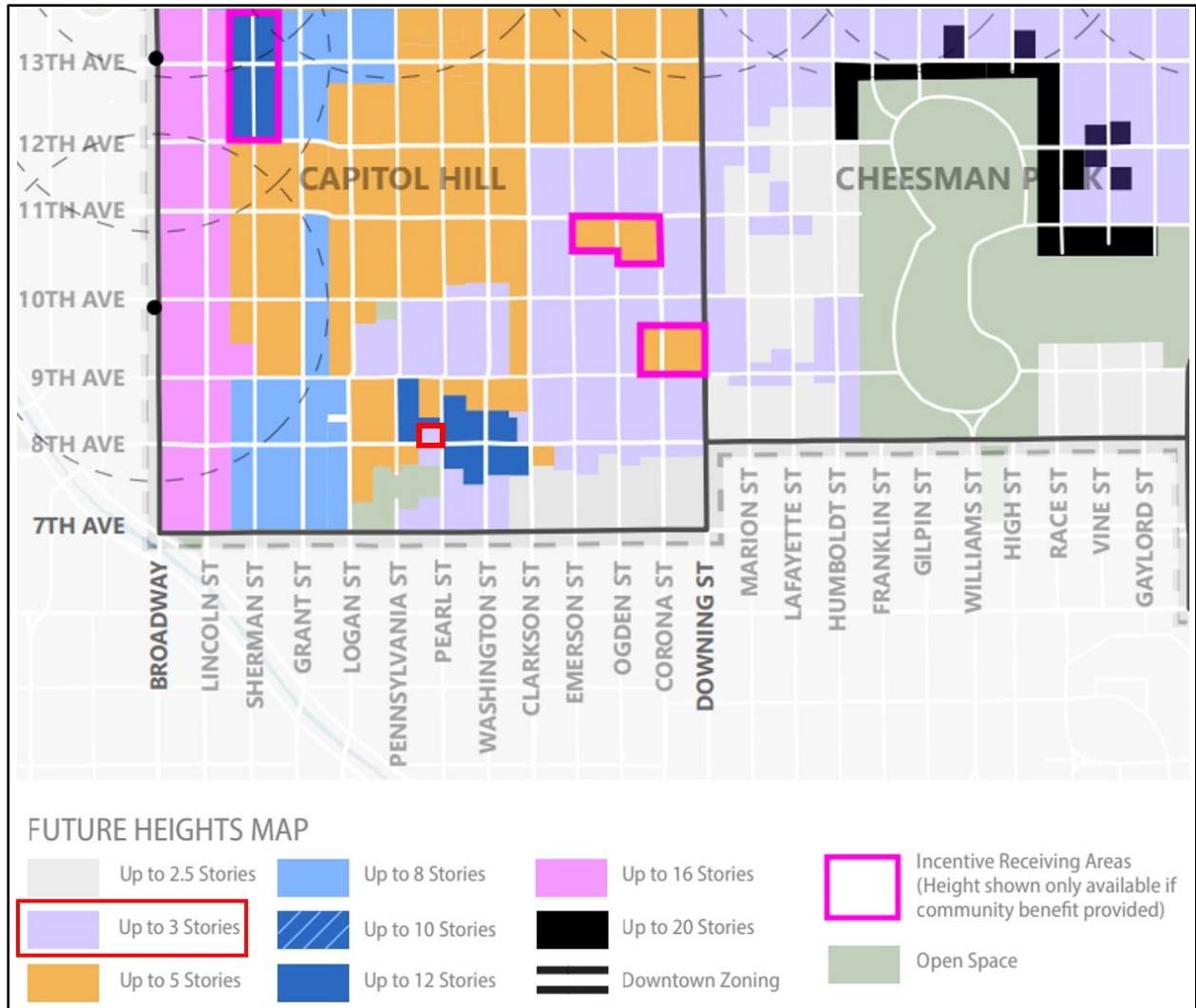
The East Central Area Plan identifies the Neighborhood Context for the subject property as General Urban. This is consistent with the requested zone district’s neighborhood context.



The East Central Area Plan identifies the Future Place for the subject property as Residential, which should include “predominately multi-unit residential, though compatible commercial uses should be interspersed throughout” (p.29). This is consistent with the requested zone district’s scale and uses.



The East Central Area Plan further refines Blueprint Denver height guidance and identifies the maximum building height for the subject property as up to 3 stories. This is consistent with the requested zone district’s height.



In the East Central Area Plan, the vision outlined in the plan identifies the need for increasing historic preservation by making it easier to reuse existing buildings. There are several strategies around historic preservation and adaptive reuse that the rezoning request is consistent with. They include:

- Zoning and Regulations Policy L6, Strategy A: *Promote preservation of historic and character defining single-unit, multi-unit, and mixed-use buildings. Consider individual landmarks, historic districts, or other tools as appropriate (p. 42).*
- Zoning and Regulations Policy L6, Strategy A1: *Facilitate adaptive reuse of historic structures by allowing a broader range of uses, including compatible commercial uses, and appropriate additions (p. 42).*

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MU-3, UO-3 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate the ability for the property to be used for residential purposes and limited commercial uses if designated as a Denver landmark.

4. Justifying Circumstances

Changed or changing conditions in the area and city adopted plans serve as the Justifying Circumstances 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; or, a city adopted plan...."

Since the property was last rezoned in 1980, the Capitol Hill neighborhood has seen substantial redevelopment and reinvestment, including significant infill along mixed-use corridors. As a result, there has been additional residential and commercial development in the area.

The application also identifies a change in zoning as a Justifying Circumstance, "That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The zoning on the subject property is Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance.

The combination of changes in the neighborhood and the existence of a Former Chapter 59 PUD justify the proposed rezoning to G-MU-3, UO-3 as being in the public interest.

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 which is primarily 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. Residential uses are primarily located along local and residential arterial streets which consist of a regular pattern of block shapes surrounded by an orthogonal street grid (Denver Zoning Code Division 6.1). Within the Urban Neighborhood Context homes vary from multi-unit development to compact single-unit homes.

The proposed G-MU-3 zone district is consistent with the neighborhood context description and appropriate for this location because it is a multi-unit district allowing a variety of building forms, compatible height and building form/design standards. The building form standards, and uses work

together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, garden court, and apartment building forms.

In addition to allowing the above building forms, the specific intent of the G-MU-3 zone district is to provide certainty to property owners and neighborhoods about the limits of what is allowed in a residentially-zoned area and reinforce desired patterns in existing neighborhoods. The proposed G-MU-3 zone district is consistent with the zone district purpose and is an extension of the surrounding context and existing G-MU-3 zone district. The street classifications and desired building heights in this area are consistent with the zone district purpose and intent, therefore, it is appropriate for this location.

The applicant has also requested establishment of the UO-3 Historic Structure Use Overlay District to be consistent with the surrounding neighborhood. The intent of the UO-3 is “to encourage preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1” (DZC 9.4.4.8.B). The UO-3 may only be established in conjunction with an underlying zone district, as is the case with the surrounding neighborhood containing homes and structures that date to the late 1800s. A residential zone district is proposed for this site, making this proposal consistent with the intent of the UO-3 Historic Structure Use Overlay District.

Attachments

1. Application
2. PUD 34
3. RNO comments