



TO: Denver Planning Board
FROM: Ella Stueve, Senior City Planner
DATE: January 9, 2020
RE: Official Zoning Map Amendment Application #2018I-00172

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00172.

Request for Rezoning

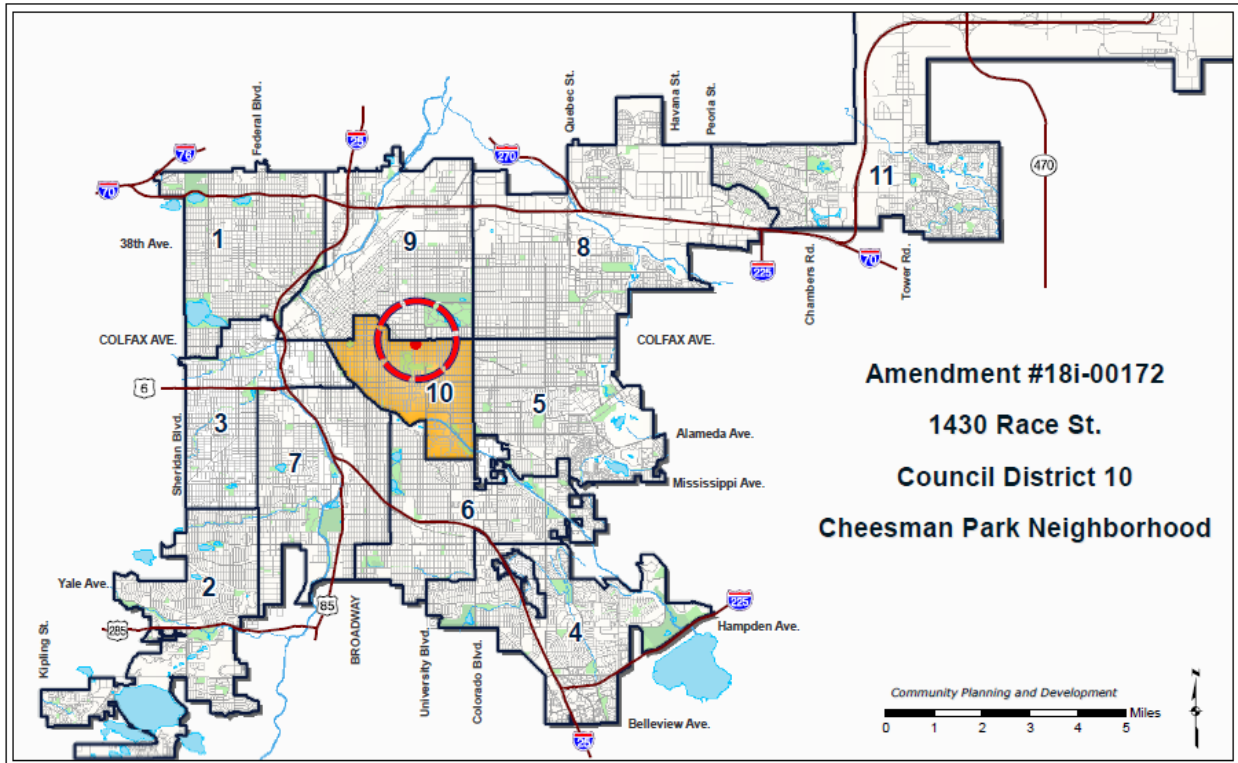
Address:	1430 N. Race Street
Neighborhood/Council District:	Cheesman Park Neighborhood / Council District 10
RNOs:	City Park Friends and Neighbors (CPFAN); Neighbors for Greater Capitol Hill; East Side RNO; Friends & Neighbors for Cheesman Park; Capitol Hill United Neighborhoods, Inc.; Colfax Ave. Business Improvement District; Informed and Concerned Community Gardeners (ICCG); Inter-Neighborhood Cooperation (INC)
Area of Property:	9,371 square feet or 0.215 acres
Current Zoning:	PUD 554
Proposed Zoning:	G-RX-3
Property Owner(s):	Helen Strader, A Capitol Inn Inc.
Owner Representative:	Bruce O'Donnell, STARBOARD Realty Group, LLC

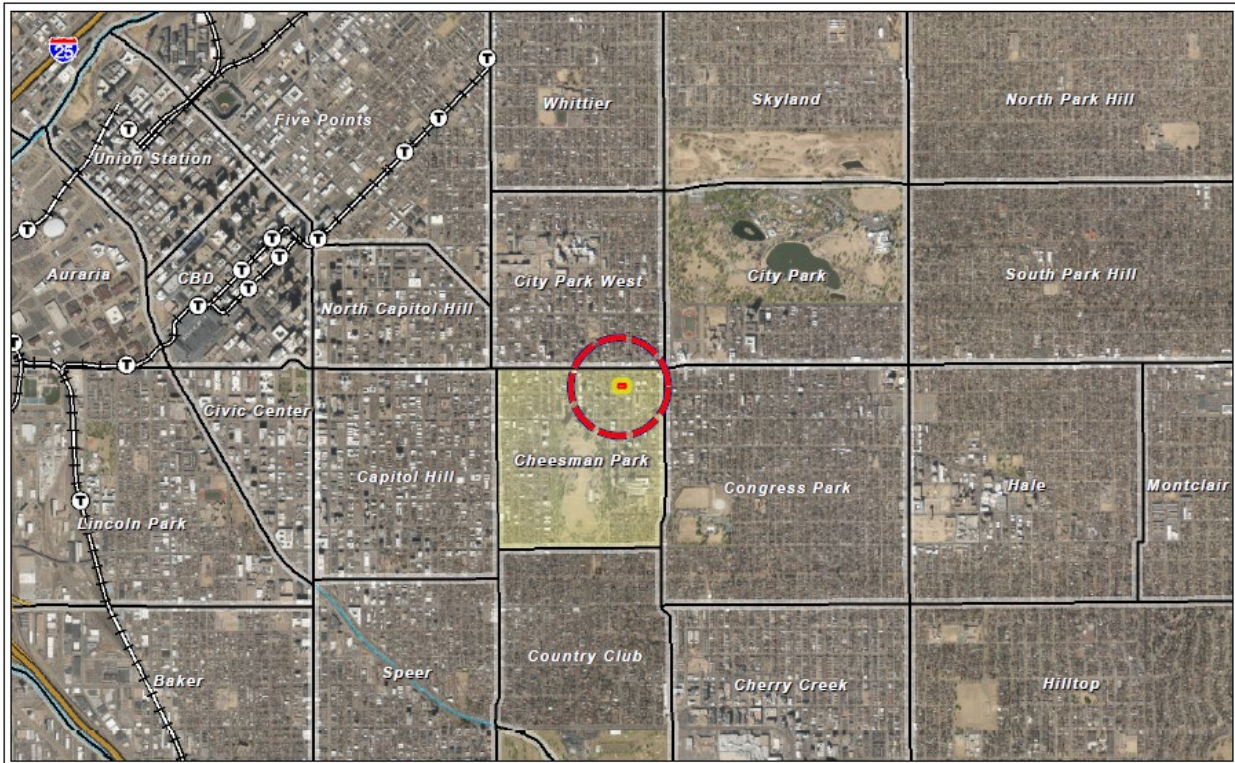
Summary of Rezoning Request

- The property is located in the Cheesman Park neighborhood on Race Street between 14th Avenue and Colfax Avenue.
- The subject property is a three-story bed and breakfast.
- The applicant is requesting this rezoning to continue the current bed and breakfast operation and to facilitate the use of the property that is consistent with the recommendations in the adopted plans. The proposed rezoning also would allow correction of zoning violations for unpermitted landscaping work that is inconsistent with the current PUD.
- The G-RX-3 (General Urban, Residential Mixed Use, 3 stories) zone district is intended for residentially-dominated areas served primarily by local or collector streets where a building scale is 3 stories, or 45 feet, is desired. The G-RX-3 district is intended for use in the General Urban Neighborhood Context which is characterized by one- and two unit residential and low scale mixed use are embedded within the multi-unit areas block. Buildings in a Residential Mixed-Use district can have street-level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. Commercial uses are secondary to the primary residential use of the district and provide neighborhood-scaled shops and offices. Shopfront and

Town House are the primary building forms allowed. Further details of the G-RX-3 zone district can be found in Article 6 of the Denver Zoning Code.

- The site is currently zoned PUD 554, which is a custom zone district from Former Chapter 59 allowing Bed and Breakfast Lodging.



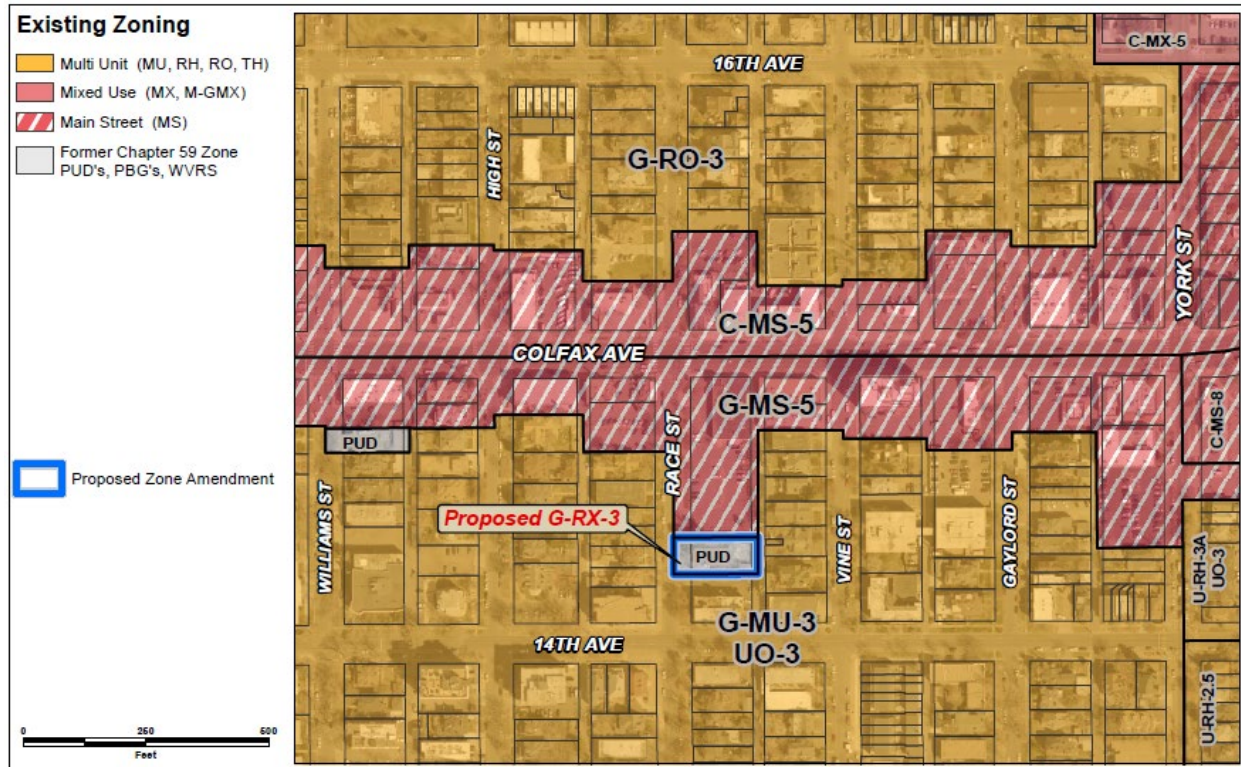


Existing Context

The subject property is half a block south of Colfax Avenue, which has high-capacity transit service. It is also less than two blocks north of Cheesman Park and less than a mile southwest of City Park. 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 554	Mixed-Use	3-story bed and breakfast with a moderate setback with parking along the side of the building	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. A mixture of attached, detached with existing alleys.
North	G-MS-5	Commercial/Retail	1-story retail drug store with minimal setback on the primary and side streets with parking in a surface lot behind the building along Race Street	
South	G-MU-3, UO-3	Multi-Unit Residential	4-story multi-unit Residential with moderate setback and parking along the side of the building	
East	G-MU-3, UO-3	Single-Unit Residential	3-story multi-unit Residential with moderate setbacks, front porches, and front lawns; parking is from the rear or in a side driveway	
West	G-MU-3, UO-3	Single-Unit Residential	3-story multi-unit residential with moderate setbacks, front porches, and front lawns; parking is from the rear or in a side driveway	

1. Existing Zoning

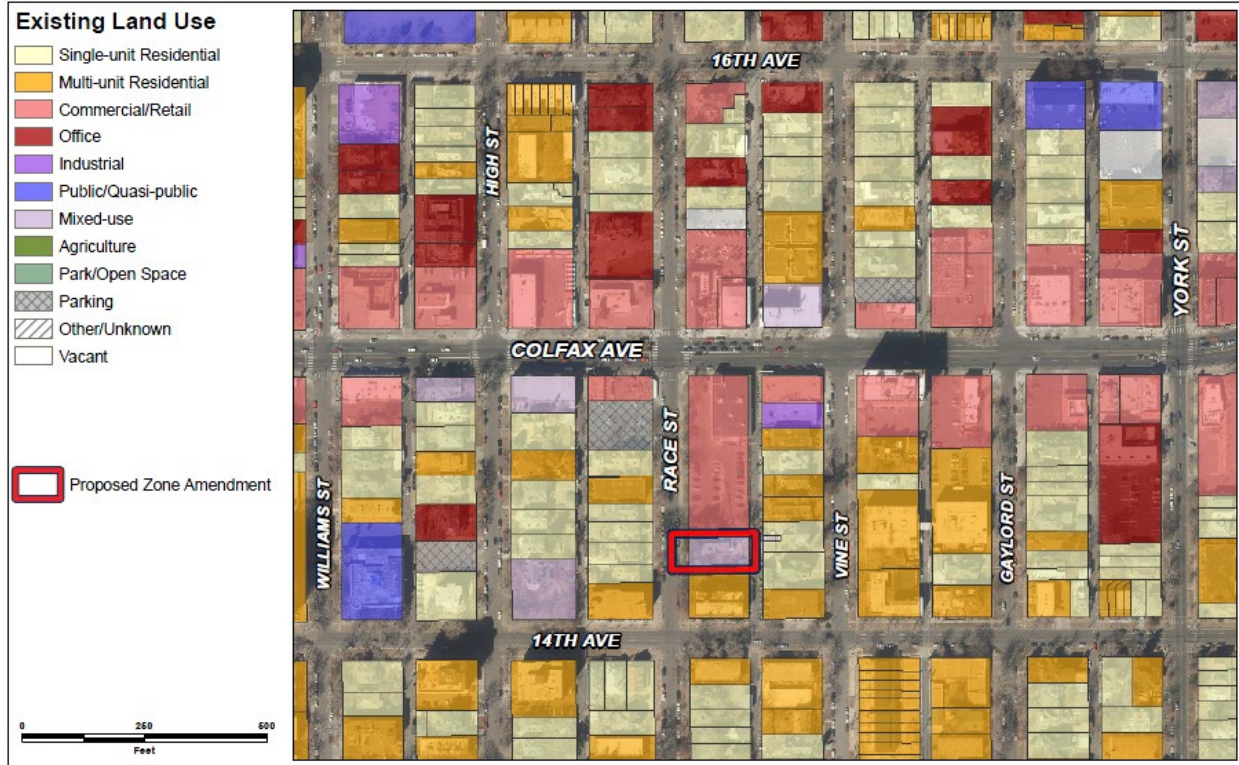


The existing zoning is PUD 554, which is a Former Chapter 59 custom zone district that allows bed and breakfast, R-3, or on-site catering meals and meeting room uses with a maximum floor area ratio of 0.64:1. Buildings are allowed up to 3 stories and up to 46 feet. The PUD includes specific landscaping requirements. For more details of the zone district, see Attachment 3.

2. Historic District or Structures

The subject property is within the Wyman Historic District, which is a large district that represents the many architectural styles in fashion between the late 1800s through 1955. All properties within a historic district are subject to design review. Design review focuses on any exterior work, demolition or development on the site within the boundaries of a historic district. Design review ensures that a proposed project preserves key historic features and is compatible with the character of the designated historic buildings, sites and districts. Once a project is approved in design review, Landmark Preservation staff issues a Certificate of Appropriateness, which may be presented as part of the zoning and building reviews that follow.

3. Existing Land Use Map



4. Existing Building Form and Scale

All images are from Google Street View.



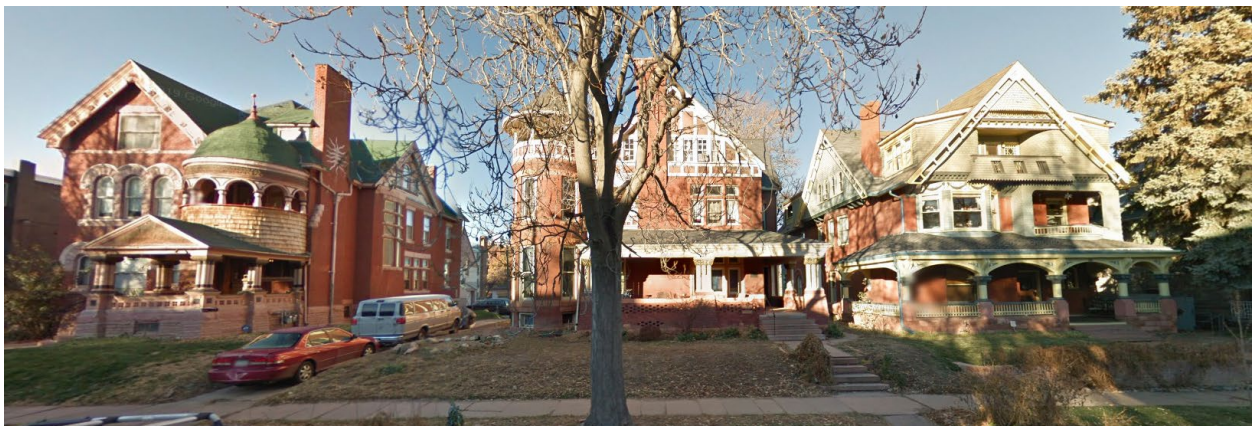
Subject property facing east from Race Street.



Four-story, multi-unit residential building directly south of the subject site, facing east from Race Street.



Single-story Walgreen's north of the subject site, facing south from Colfax Avenue.



Three story single unit residential buildings east of the subject site, facing west from Vine Street.



Three story single unit residential buildings west of the subject site, facing west from Race Street.

Proposed Zoning

The requested G-RX-3 zone district has a maximum height of 45 feet and allows the Town House and Shopfront primary building form. A wide variety of residential, civic, and commercial land uses are allowed. However, most uses are only allowed on the first floor; the second story and above can only be residential or lodging accommodation uses.

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

Design Standards	Existing PUD 554	Proposed G-RX-3
Primary Building Forms Allowed	N/A	Shopfront, Town House
Height in Stories / Feet (max)	3 stories / 46'	3 stories / 38-45'*
Primary Build-To Percentages (min)	N/A	70% to 75%**
Primary Build-To Ranges	N/A	0' to 10', 10' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	10'	0' to 10'*
Building Coverages	N/A	N/A

*Standard varies between building forms

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.

Community Planning and Development – Denver Landmark Preservation: Approve Rezoning Only - Will require additional information at Site Plan Review. 1430 Race Street is a contributing structure in the Wyman Historic District. The property will remain contributing with the existing and proposed zoning.

All work to the exterior of the structure or site that requires a Building or Zoning permit must be reviewed and approved by Denver Landmark Preservation prior to the issuance of the permit. Work to the property will be reviewed with the Design Guidelines for Denver Landmark Structures and districts once it is rezoned. If the property is not rezoned, it is subject the requirements of the existing PUD.

On October 1, 2018 Landmark staff were notified of site work violations that did not meet the existing PUD. Once the property is rezoned to G-RX-3, an application must be submitted to Denver Landmark Preservation for review of the site work violations. The violations will be reviewed with the Design Guidelines for Denver Landmark Structures and Districts.

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved - See Comments Below.

Notes. DDPHE concurs with the rezoning and has no information to suggest that current environmental conditions would impact the proposed 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 be effective in the control of fugitive particulate emissions at all times 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, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH 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: Approved – No response.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review. Any additional changes to the property or building may be subject to a Site Development Plan review.

Development Services – Fire Prevention: Approved – No comments.

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:	09/24/19
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:	12/03/19

Planning Board voted unanimously to recommend support:	12/18/19
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations:	1/2/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	1/14/2020
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):	2/10/2020
City Council Public Hearing (tentative):	3/2/2020

- **Registered Neighborhood Organizations (RNOs):** Staff received a letter in support from CHUN, stating that G-RX-3 strikes a balance between fitting into an appropriate context and enabling flexibility to encourage neighborhood vitality.
- **Other Public Comment:** To date, staff has received no other public comment letters.

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *East Colfax Plan (2004)*
- *Capitol Hill/Cheesman Park Neighborhood Plan (1993)*

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 requested G-RX-3 zone district will enable mixed-use development with an emphasis on residential uses close to the transit and mix of uses along the Colfax Corridor. It is therefore consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).

In addition to providing a mix of uses with an emphasis on residential, this site is also an infill location where infrastructure is already in place, and it provides a transition between the mixed-use corridor along Colfax and the primarily residential neighborhood to the south. It is therefore consistent with the following strategies 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).

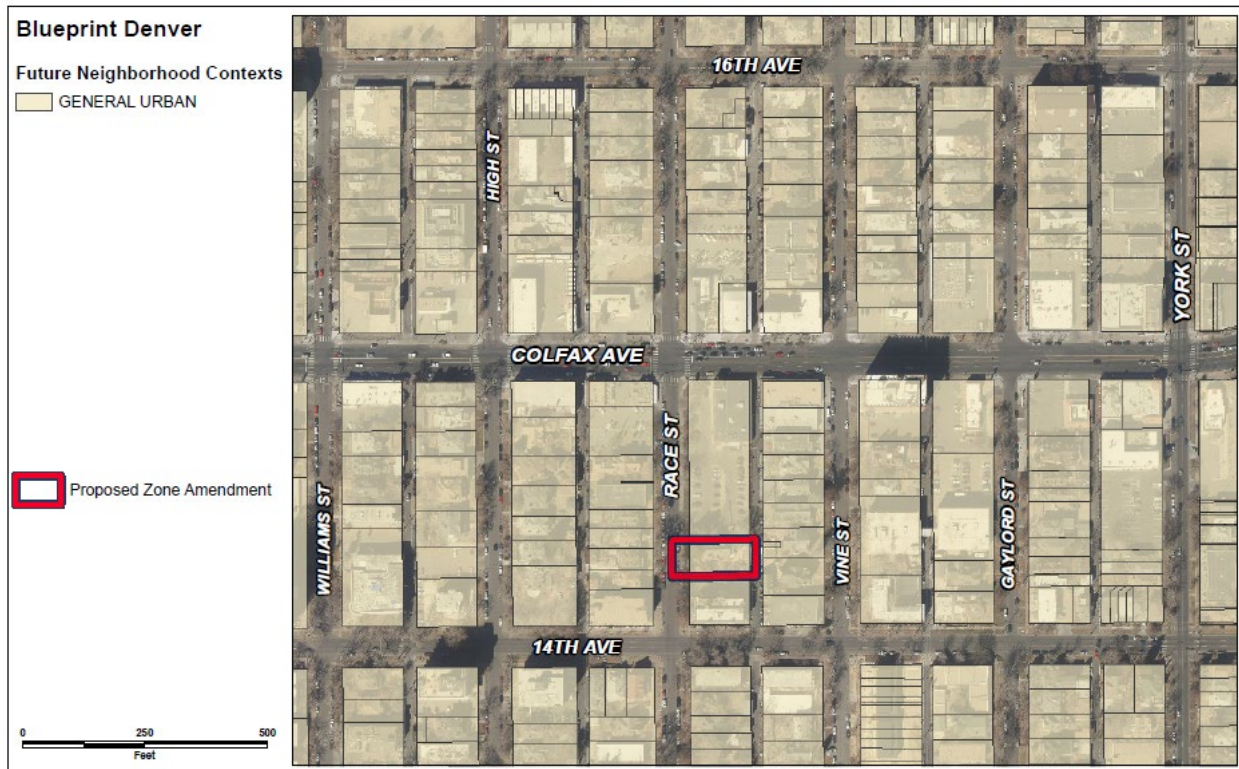
Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

- 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).
- Environmentally Resilient Goal 8, Strategy C – *Focus growth by transit stations and along high- and medium-capacity transit corridors* (p. 54).

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 a Low-Medium Residential Area within the General Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



The subject property is shown on the context map as General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as “vibrant places with proximity to Denver’s major centers like Downtown and Cherry Creek. Homes in this context vary from multi-unit complexes to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 237). The proposed G-RX-3 zone district is part of the General Urban context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public realm” (DZC 6.2.4.1). The proposed rezoning to G-RX-3 is appropriate and consistent with the General Urban context plan direction.

Blueprint Denver Future Places



The Future Places Map shows the subject property as part of a Low-Medium Residential Area within the General Urban context. *Blueprint Denver* describes these areas 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 residential emphasis and the three-story heights of the proposed G-RX-3 zone district are consistent with this plan direction. G-RX districts are “intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC 6.2.4.1). This location at the transition between the Community Corridor along Colfax and the Low-Medium Residential Areas to the south and in an existing bed and breakfast operation is an appropriate location for the kind of limited neighborhood-serving commercial uses allowed by G-RX-3.

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 Race Street as an undesignated local street. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Colfax Avenue is a Main Street Arterial, and 14th Avenue is a Residential Arterial. Arterials “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). The proposed G-RX-3 district is consistent with this plan

direction for this location as it is intended to be applied to “areas served primarily by local or collector streets” (DZC Section 6.2.4.2.A).

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 located within “All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040” (p. 51). The proposed map amendment to G-RX-3 will enable compatible growth for this location.

Strategies

Blueprint Denver provides recommendations related to properties that retained zoning from the Former Chapter 59 zoning code. Land Use & Built Form: General Policy 3, Strategy B, says, “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). That same policy also speaks to custom zoning such as PUDs; Strategy B says, “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.

Small Area Plan: *East Colfax Plan (2004)*

The East Colfax Plan illustrates a vision of a multi-modal, active corridor along Colfax Avenue supported by nearby residential neighborhoods. The East Colfax Plan includes a Future Land Use Concept Map, which maps the subject site as Medium Density Residential adjacent to a Mixed Use corridor along Colfax Avenue.



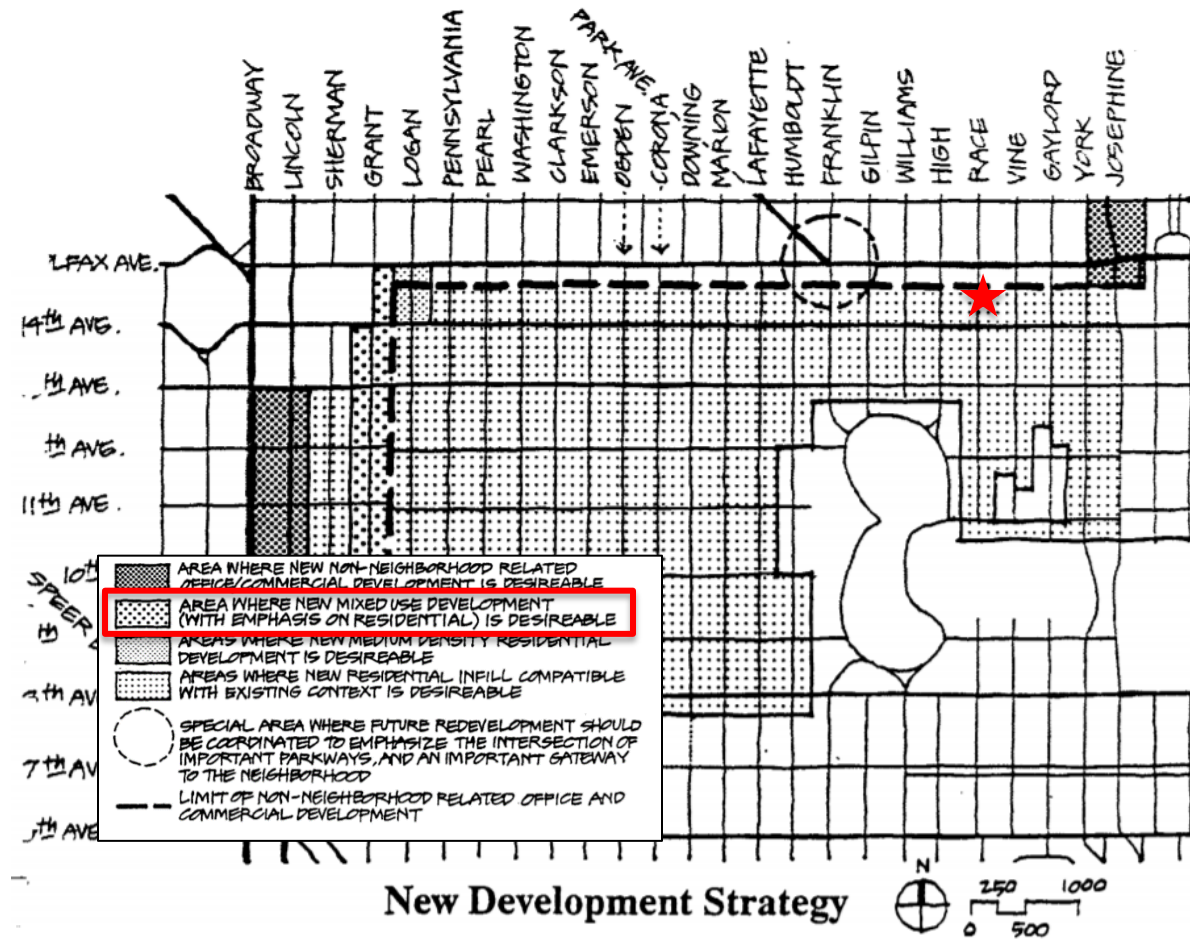
The plan includes a recommendation in the land use section to “Support infill development of retail, office and residential uses. Consider the complementary nature of a project in the context of surrounding or nearby uses. Encourage both horizontal and vertical mixed use. Mixed-use projects, with commercial or public uses on the ground floor and residential... and/or office on the upper levels, are especially appropriate” (p. 81). The plan also includes recommendation language around addressing the transition between the corridor and the residential neighborhood, including that “only those uses with positive impacts on residential character (such as small scale, neighborhood serving, walk-up traffic generators) seep into the neighborhoods” (p. 81).

The proposed G-RX-3 is consistent with the plan direction of medium density residential adjacent to a mixed use corridor. It provides an appropriate transition that complements the surrounding uses with the allowance of mixed uses on the ground floor and residential and lodging uses on upper levels.

Small Area Plan: *Capitol Hill Cheesman Park Neighborhood Plan (1993)*

The vision articulated by the Capitol Hill Cheesman Park Neighborhood Plan includes inviting neighborhoods that are well maintained, comfortable, and safe. The New Development Strategy listed in the Land Use section of the Framework Plan lists this location as an “area where new mixed use

development (with emphasis on residential) is desired” (p. 27). The plan also has extensive language around the preservation of historic structures. Because this site is a contributing structure in a Historic District, the proposed rezoning will not impact the Landmark design review of any potential changes to the building.



The Capitol Hill Cheesman Park Neighborhood Plan also focuses on specific districts. The subject property is within the Cheesman Park North District, which includes zoning recommendations that residential areas contain single and multiple family residential while retail areas contain retail and residential and retail mixed use projects. These areas are not mapped within the specific district, but the existing land use map shows the subject site just within the “High Density Residential Low Rise (30+ units/ac.)” area on the edge of strip commercial (p. 19). Recommended heights are to be limited only by the view plane ordinances, and recommended densities are 3:1 FAR for residential areas and 3:1 FAR for residential/retail mixed use projects in retail areas, with the retail component not exceeding 1:1 FAR (p. 111).

Given the subject site’s location at the transition between the Colfax Avenue corridor and the high density residential area to the south, the proposed G-RX-3, which allows 3-story buildings with a mix of

uses on the first floor with residential and lodging allowed on upper stories, is consistent with the plan direction in the Capitol Hill Cheesman Park Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-RX-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. Additionally, the proposed G-RX-3 allows a mix of uses in proximity to transit and other amenities, which has been linked to increased physical activity¹ and other health benefits.

4. Justifying Circumstance

The application identifies 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 change may include: c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The zoning on the subject property is Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance.

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

The proposed G-RX-3 zone district is within the General Urban context. The Denver Zoning Code describes the General Urban context as "characterized by multi-, single- and two-unit residential uses in a variety of building forms. Low-scale commercial areas are embedded within residential areas. 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. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets" (DZC 6.1.1). There is a regular street grid pattern with alleys. The proposed G-RX-3 is consistent with the neighborhood context description and appropriate at this location.

The General Urban residential mixed-use zone districts are intended to "promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm" (DZC 6.2.4.1.A). These districts are also "intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods" (DZC 6.2.4.1.C).

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

Unlike Mixed Use districts, “the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district” (DZC 6.2.4.1.C). The proposed G-RX-3 is consistent with the zone district purpose and appropriate for this location as a transition between the commercial corridor along Colfax Avenue and the residential neighborhood to the south.

The specific intent of the G-RX-3 zone district “applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired” (DZC 6.2.4.2.A). The subject site is located on a local street, and the desired building height, character, and uses are consistent with the intent statements and appropriate at this location.

Attachments

1. Map Attachments
2. Application
3. Existing PUD Ordinance
4. Public Comments