



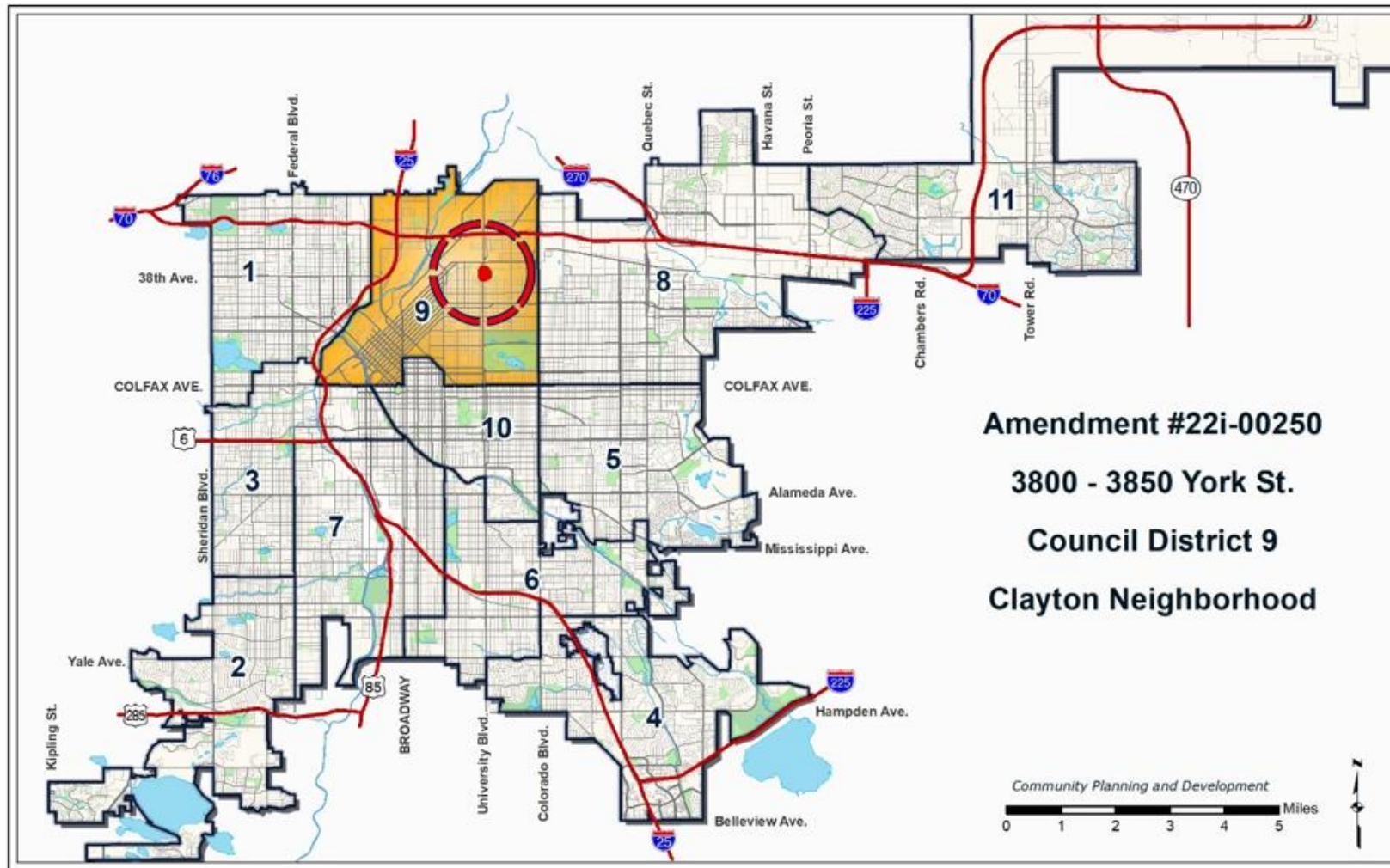
# 3740-3850 N York Street

Request: PUD G-20 to PUD G-32

LUTI Hearing: 6/13/2023

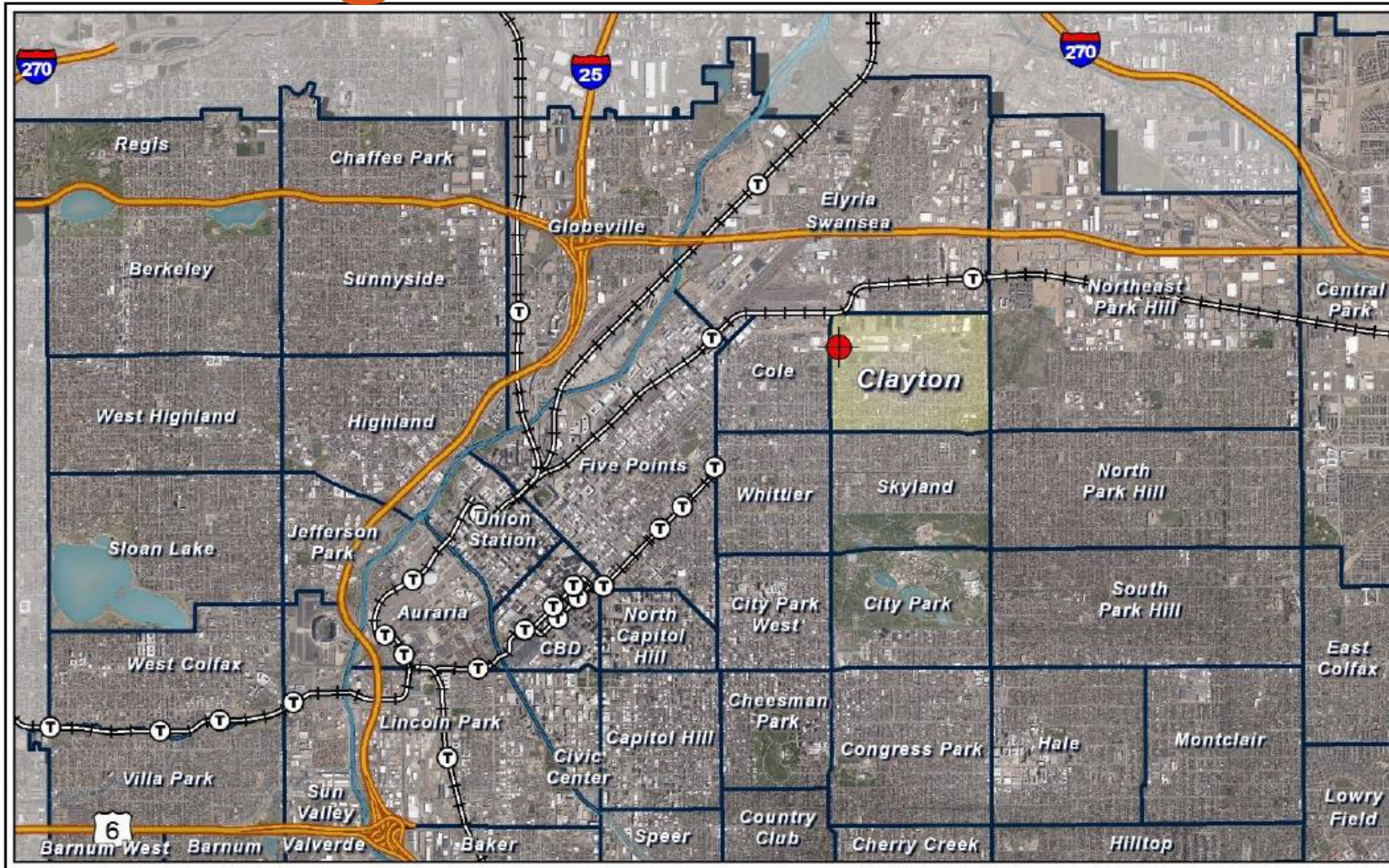
Case #: 2022i00250

# Council District 9 – CM CdeBaca



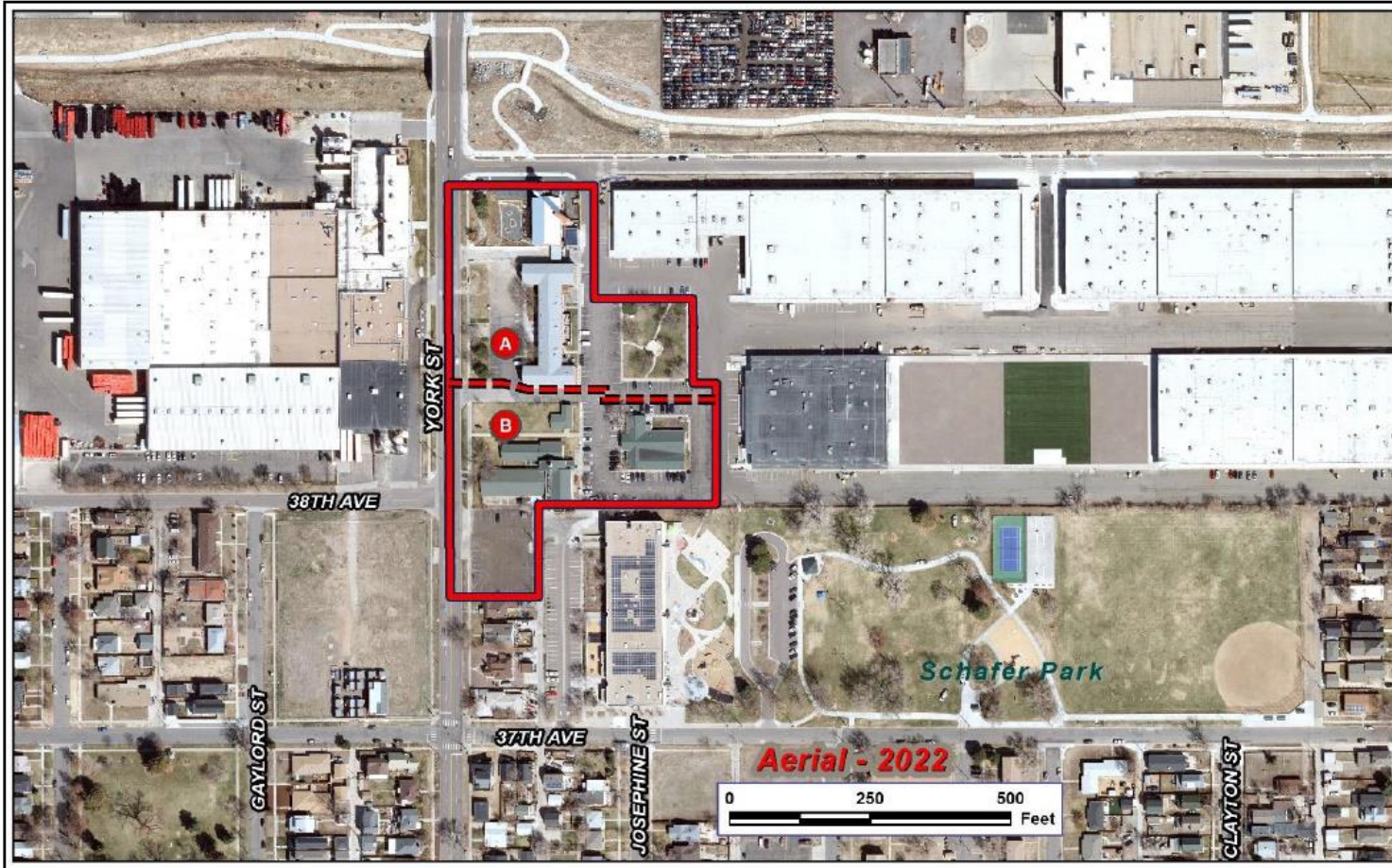


# Clayton Neighborhood





# Request: PUD G-32



## Subject Property

- 212,974 square feet or 4.89 acres

## Proposal

- Proposed PUD based on I-MX-5 and U-MX-3 to facilitate the reuse of existing character buildings and future additional development.
- Requirements to provide public amenities, including open space

*Reminder: Approval of a rezoning is not approval of a proposed specific development project*

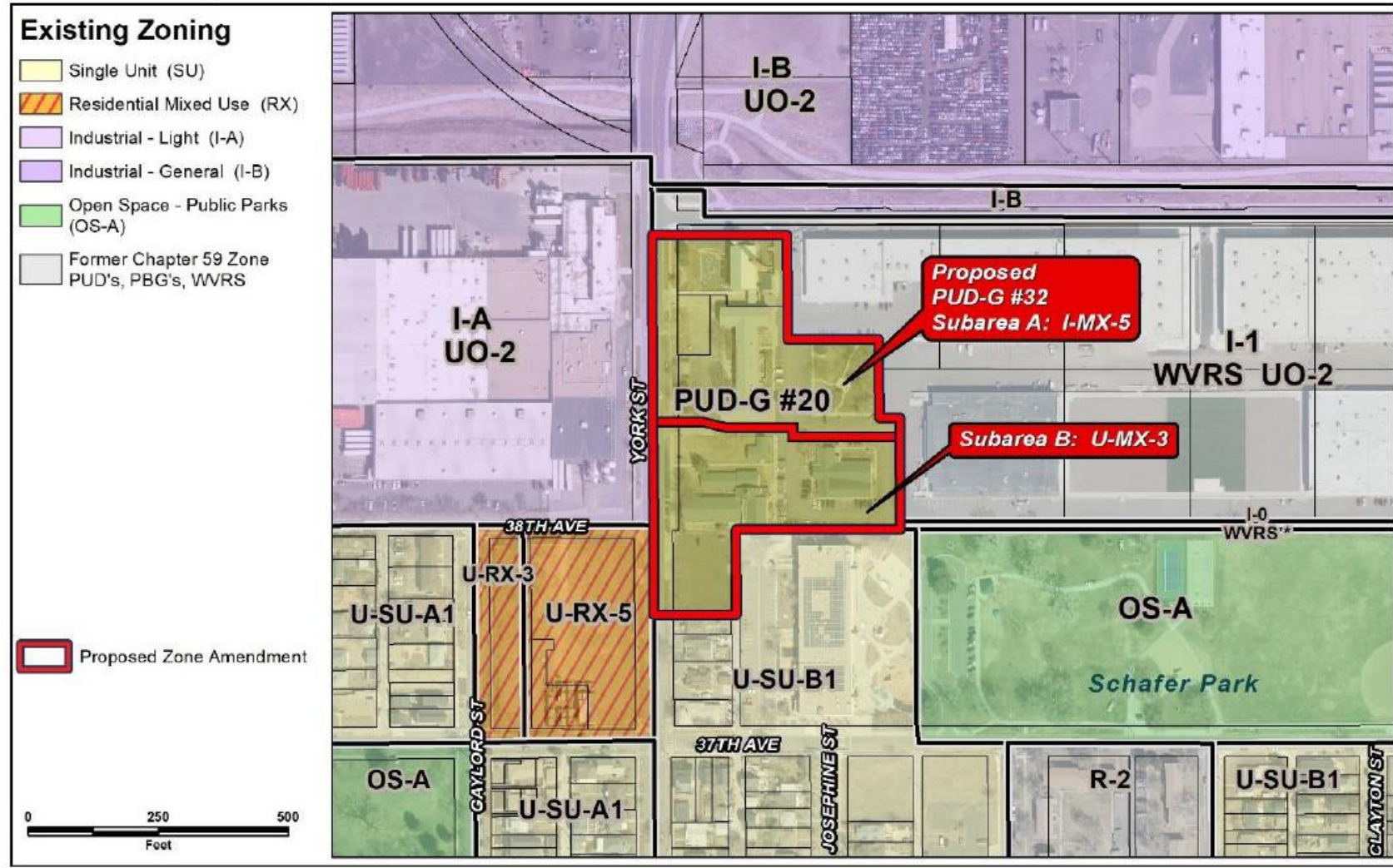
# Proposal: PUD-G 32

## Purpose of PUDs (Denver Zoning Code Sec. 9.6.1)

- To provide an alternative set of regulations in unique and extraordinary circumstances
- More flexible zoning than what is achievable in standard zone district without multiple variances, waivers, and conditions



# Existing Zoning



# Existing Zoning PUD G-20

- Subarea A: Based on I-MX-3
  - Flexibility in phased development reserve area
  - Require 1,500 sq ft of publicly accessible open space
  - Allow build-to measured from required open space
- Subarea B: Based on U-MX-3
  - Require highest amount of transparency, regardless of building form
  - Flexibility in phased development reserve area
  - Requirements for additional amenities in parking lot screening
  - Flexibility in the demolition of Compliant structures

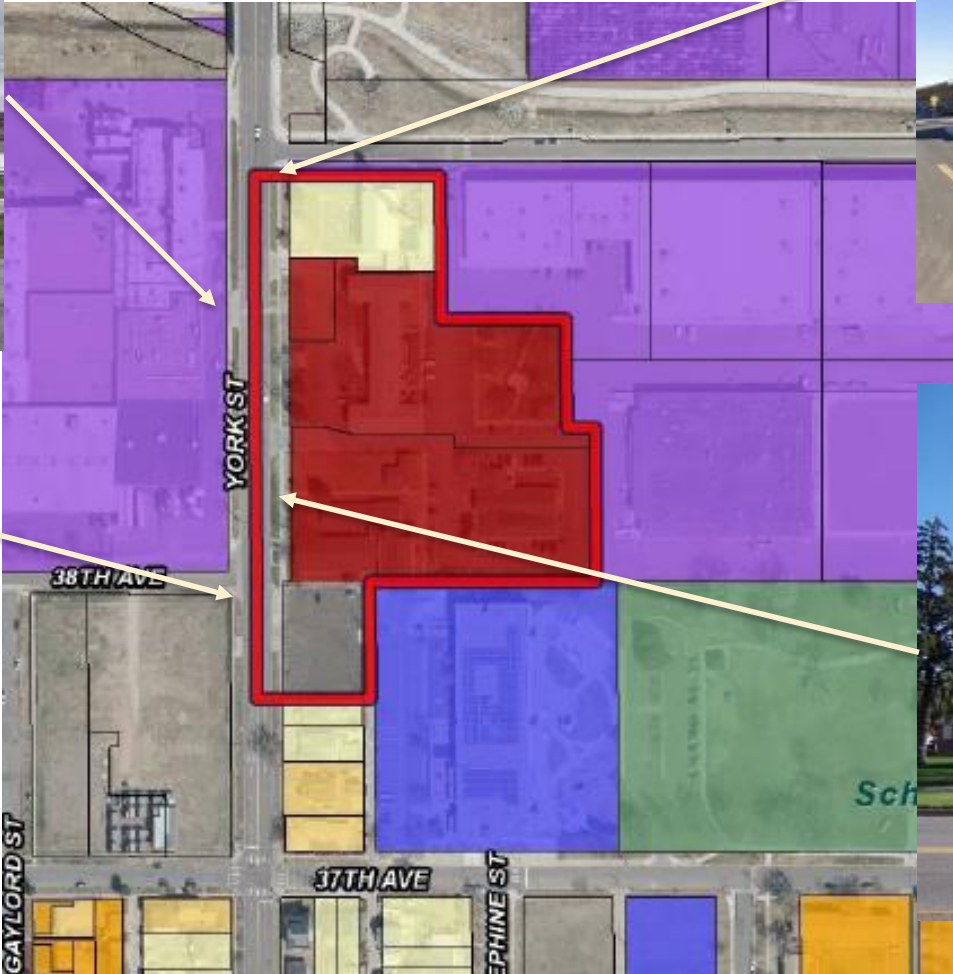




*Bottling Plant west of the subject site*



*West of the subject site*



*Subject property looking Southeast*



*Inner City Health Center looking east*



# Affordable Housing Plan (HOST)

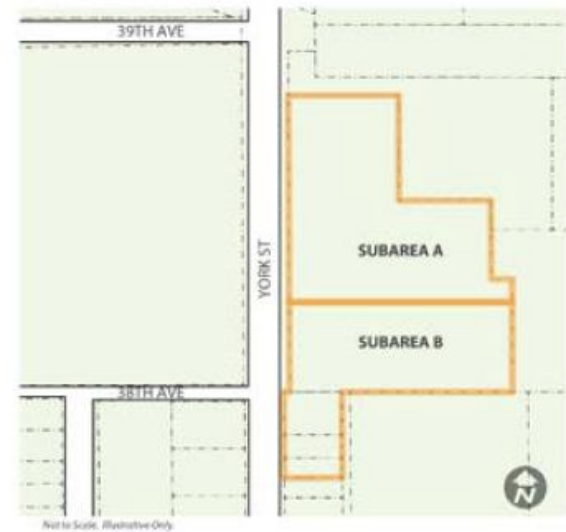
AHP is being pursued with HOST concurrent with the proposed rezoning.

The AHP would commit the site to the minimum, on-site Enhance Housing Affordability standard as defined by the Mandatory Affordable Housing Ordinance at the time of development.

# Request: PUD-G 32

## Customized Standards & Related Updates

- Subarea A: Based on I-MX-5
  - Key change from existing PUD-G 20, which uses I-MX-3 as the base district for Subarea A
  - Maximum height of 5 stories or 70 feet.
    - Flexibility in phased development reserve area
    - Require 1,500 sq ft of publicly accessible open space
    - Allow build-to measured from required open space
    - Affordable Housing Plan Concurrent
- Subarea B: Based on U-MX-3 – No changes proposed





# Process

- Informational Notice: 4/18/23
- Planning Board Notice: 5/2/2023
- Planning Board Public Hearing: 5/17/2023
  - Approved Unanimously
- LUTI Committee: 6/13/23
- City Council Public Hearing: 7/31/23 (tentative)

# Public Comment

- RNO: 2 letters from RNOs and 2 letters from non-profit organizations in support
- Three letters of support from neighborhood residents
  - Cite need for inclusive, affordable senior housing
- Two letters in opposition sent on May 16
  - Opponents highlight concerns about parking and vehicle circulation
- Since Planning Board: 8 letters of support



# Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Denver Zoning Code Review Criteria

## 1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver 2019*
- *Elyria & Swansea Plan (2015)*
- *Housing Inclusive Denver*

## 2. Uniformity of District Regulations

## 3. Further Public Health, Safety and Welfare

## 4. Justifying Circumstances

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



# Consistency with Adopted Plans: Comprehensive Plan

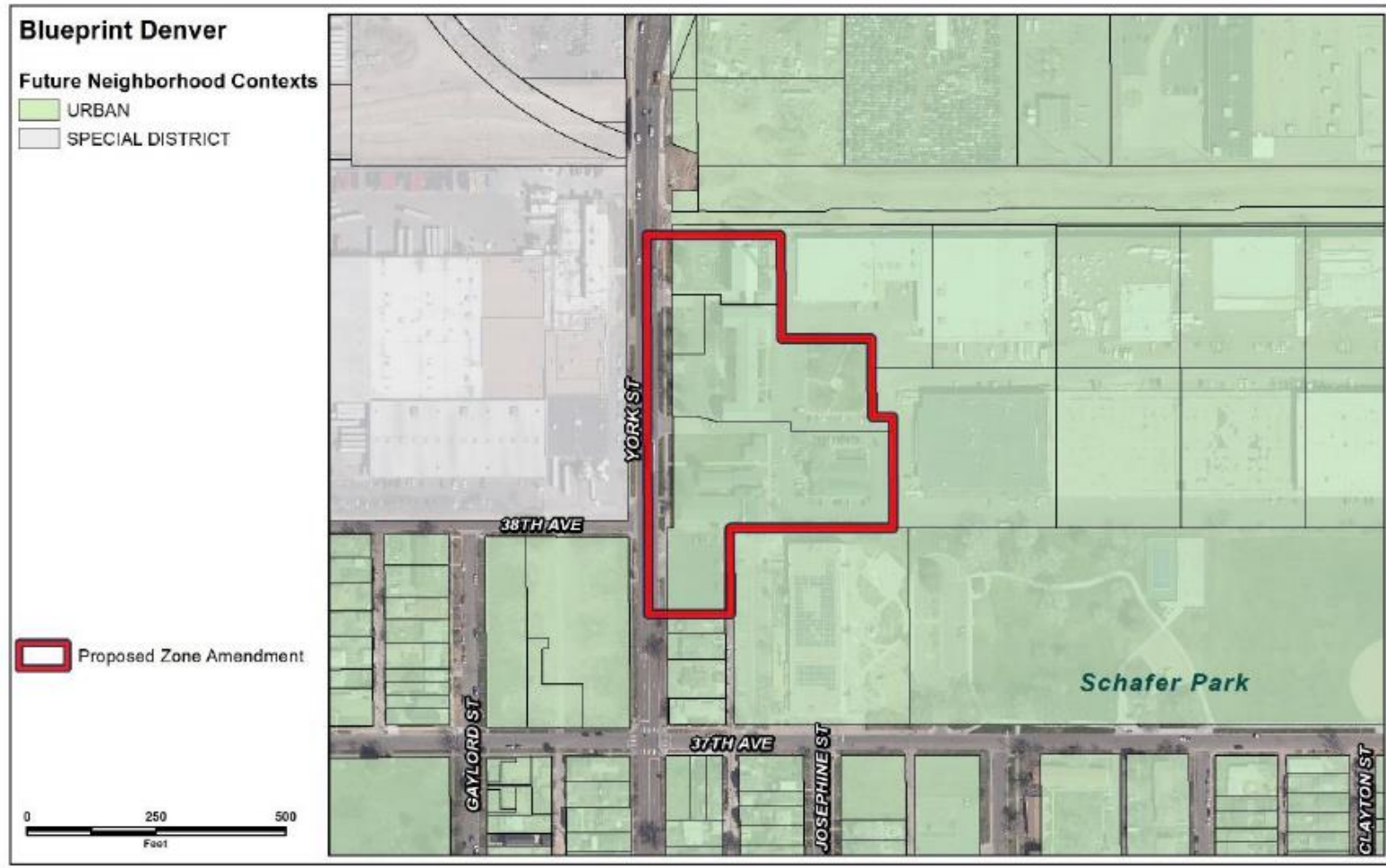


- **Equitable, Affordable and Inclusive** Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families.*
- **Equitable, Affordable and Inclusive** Goal 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments.*
- **Equitable, Affordable and Inclusive** Goal 8, Strategy D – *Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place.*



- **Environmentally Resilient** Goal 7, Strategy C – *Prioritize the reuse of existing buildings and explore incentives to salvage or reuse materials from demolished structures.*

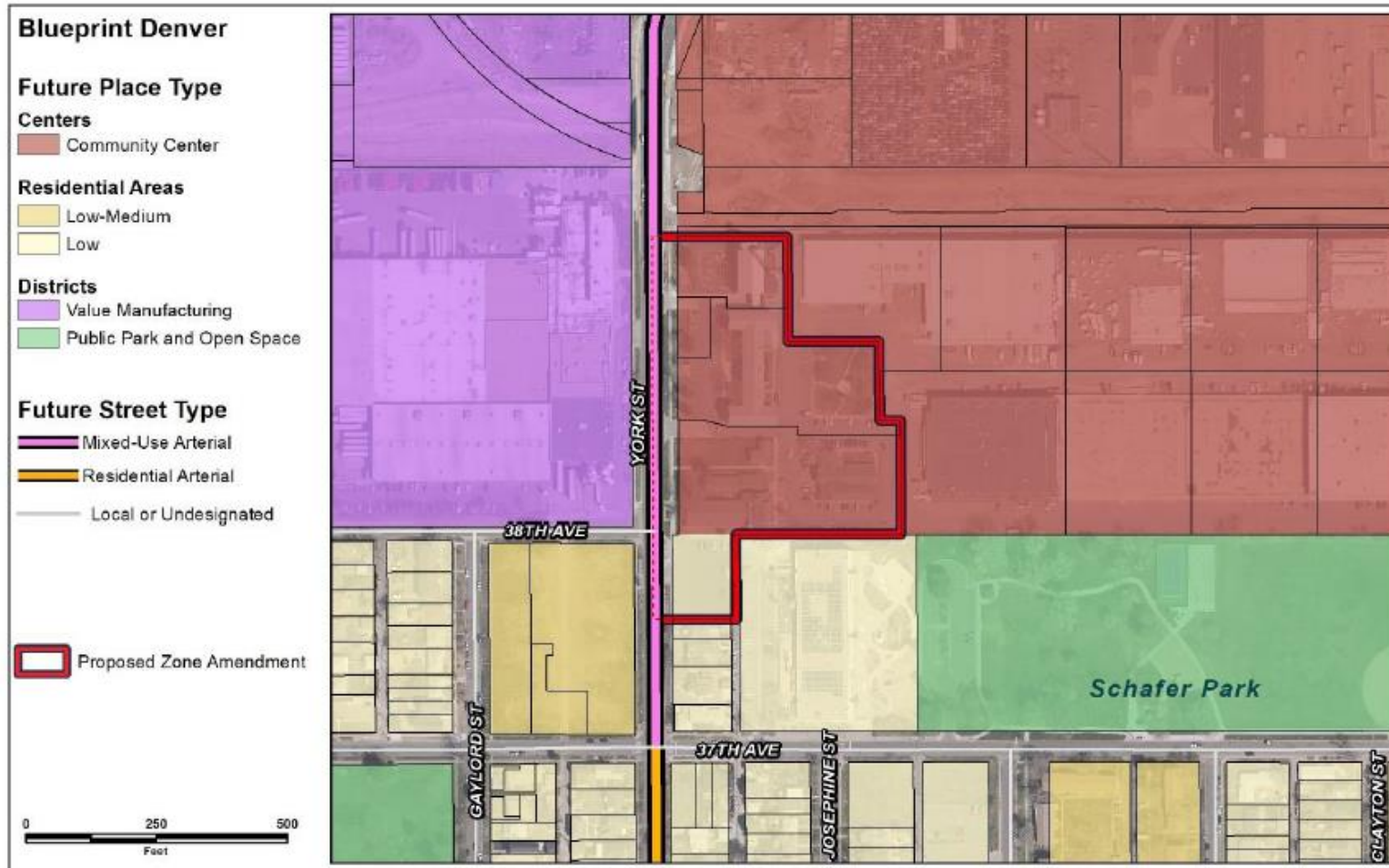
# Consistency with Adopted Plans: Blueprint Denver



## Urban Future Neighborhood Context

- Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas
- The mapping of neighborhood context is at the citywide scale, so the boundaries of the context may be interpreted with limited flexibility (p.66)

# Consistency with Adopted Plans: Blueprint Denver



## Community Center Future Place Type

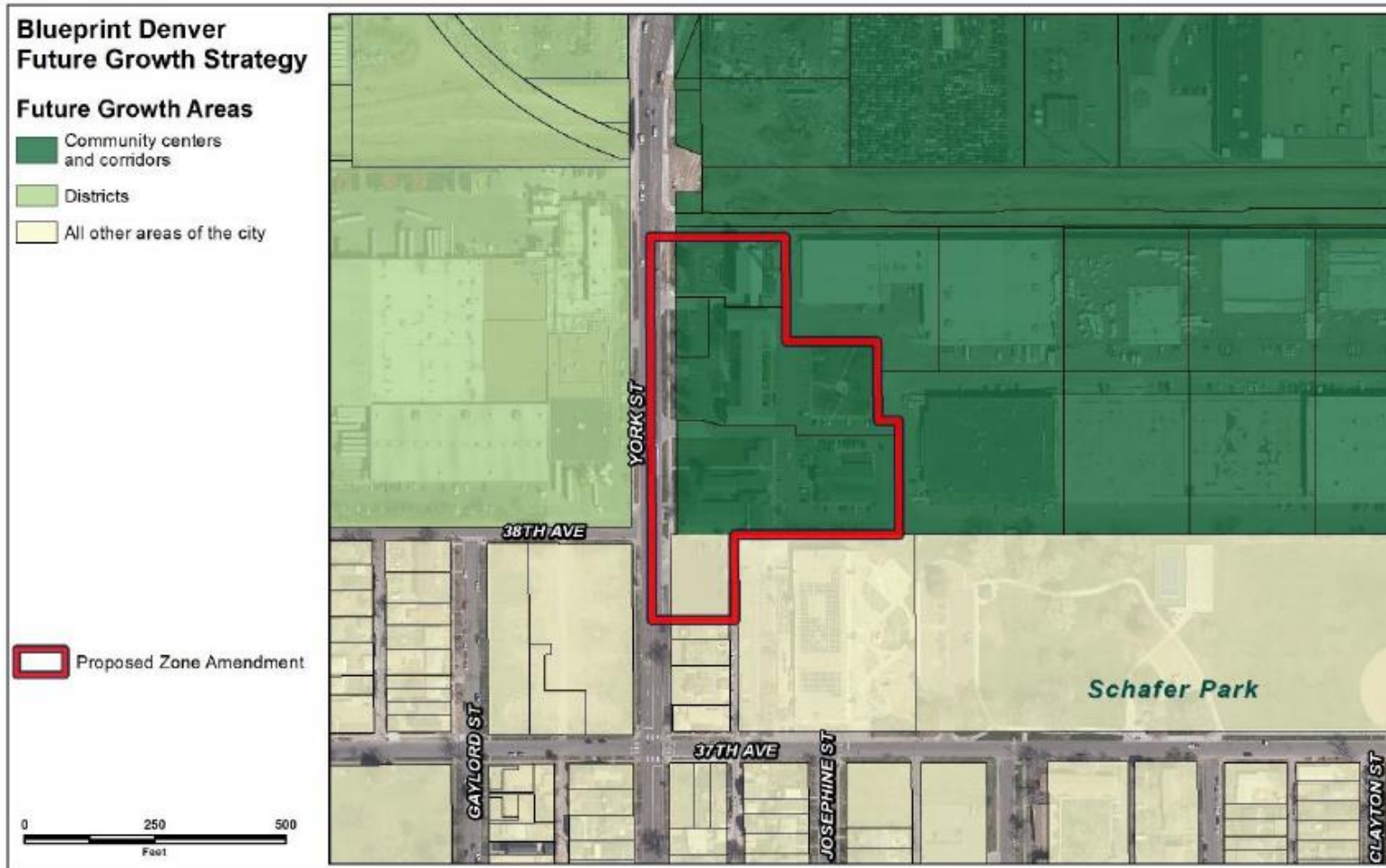
- Provides some mix of office, commercial and residential uses. Heights are generally up to 5 stories.

## Future Street Type

- Mixed Use - Arterial



# Consistency with Adopted Plans: Blueprint Denver



## Community Centers

- 20% of new employment
- 25% of new housing

## All other Areas

- 20% of new employment
- 10% of new housing

*Most growth is guided to regional centers, community centers and corridors, select districts and high and medium-high intensity residential areas. Other areas of the city are still expected to see some growth, however more limited.*

# Consistency with Adopted Plans: Blueprint Denver

- **Land Use & Built Form:** General Policy 6: *Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities*
- **Land Use & Built Form:** Design Quality and Preservation Policy 6: *Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts*

# Consistency with Adopted Plans: Blueprint Denver

- Custom Zoning
  - “Limit the use of site-specific, customized zoning tools—such as Planned Unit Developments (PUDs) and waivers/conditions—to unique and extraordinary circumstances. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area” (p. 73).

# Review Criteria: Consistency with Adopted Plans



## Elyria & Swansea Plan (2015)

- Mixed use concept land use
  - These areas have both a sizable employment base as well as a variety of mid-to high-density housing options. Intensity is higher in mixed-use areas than in predominantly residential areas.
- 3 Story maximum height recommended



# Elyria & Swansea Plan (2015)

- Recommendation B.5: Improve Transition Between Industrial And Residential Uses
  - PUD Subarea A would allow for 5 Stories
  - PUD Subarea B would remain as 3 Stories

# Plan Guidance

- Blueprint Denver Recommends Community Center with heights up to 5 stories
- Blueprint provides height guidance
  - Small Area Plan
  - Surrounding Context
  - Transitions
  - Community benefits
  - Urban Design Goals

# Consistency with Adopted Plans: Housing an Inclusive Denver

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

# Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
  - City Adopted Plan
5. Consistency with Neighborhood Context, Zone District Purpose and Intent



# PUD Review Criteria

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan

# PUD Review Criteria

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Zoning Code;
- *Unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, and waivers can be avoided*
  - *Facilitate continued use and adaptive reuse of existing structures on the site, and redevelopment of underutilized parts of the site that is compatible with the Industrial Neighborhood Context abutting the north part of the site and Urban Neighborhood Context to the south.*
  - *Provide flexibility in urban design in exchange for outcomes that contribute to the vibrancy of the York Street corridor,*

# PUD Review Criteria

- Not intended solely as a vehicle to develop a site inconsistent with the applicable neighborhood context or enhance economic feasibility
  - *PUD-G 32 is consistent with the surrounding Industrial and Urban neighborhood contexts and character.*
  - *PUD-G 32 is intended as a mechanism to ensure that development is consistent with adopted plans.*
- **Significant public benefit**
  - *Privately owned, publicly accessible open space requirement*
  - *Higher standard of street level activation through transparency*
  - *Additional requirements for parking lot screening with amenities to enhance the pedestrian character along York St.*
  - *Concurrent AHP*

# PUD Review Criteria

- B. The PUD complies with all applicable standards and criteria for PUDs
  - *The PUD complies with all standards and criteria stated in Division 9.6.*
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions
  - *There is no standard zone district available that is specifically intended to allow reuse of this site.*
- D. The PUD establishes permitted uses that are compatible with existing land uses adjacent to the subject property
  - *This PUD is the best tool to ensure land use compatibility.*



# PUD Review Criteria

E. The PUD establishes permitted building forms that are compatible with adjacent existing building forms.

- *The PUD District allows building heights and building forms that are compatible with the surrounding neighborhoods, especially serving as a transition from intense industrial development to low-density residential neighborhoods.*

# CPD Recommendation

CPD recommends **approval**, based on finding that all review criteria have been met:

## Standard Rezoning Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

## PUD-Specific Rezoning Criteria

- A. The PUD is consistent with the intent and purpose of PUDs;
- B. The PUD complies with all applicable standards and criteria for PUDs;
- C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD establishes permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD establishes permitted building forms that are compatible with adjacent existing building forms.