



TO: Denver Planning Board
FROM: Tony Lechuga, Senior City Planner
DATE: March 13, 2024
RE: Official Zoning Map Amendment Application #2023I-00044

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00044.

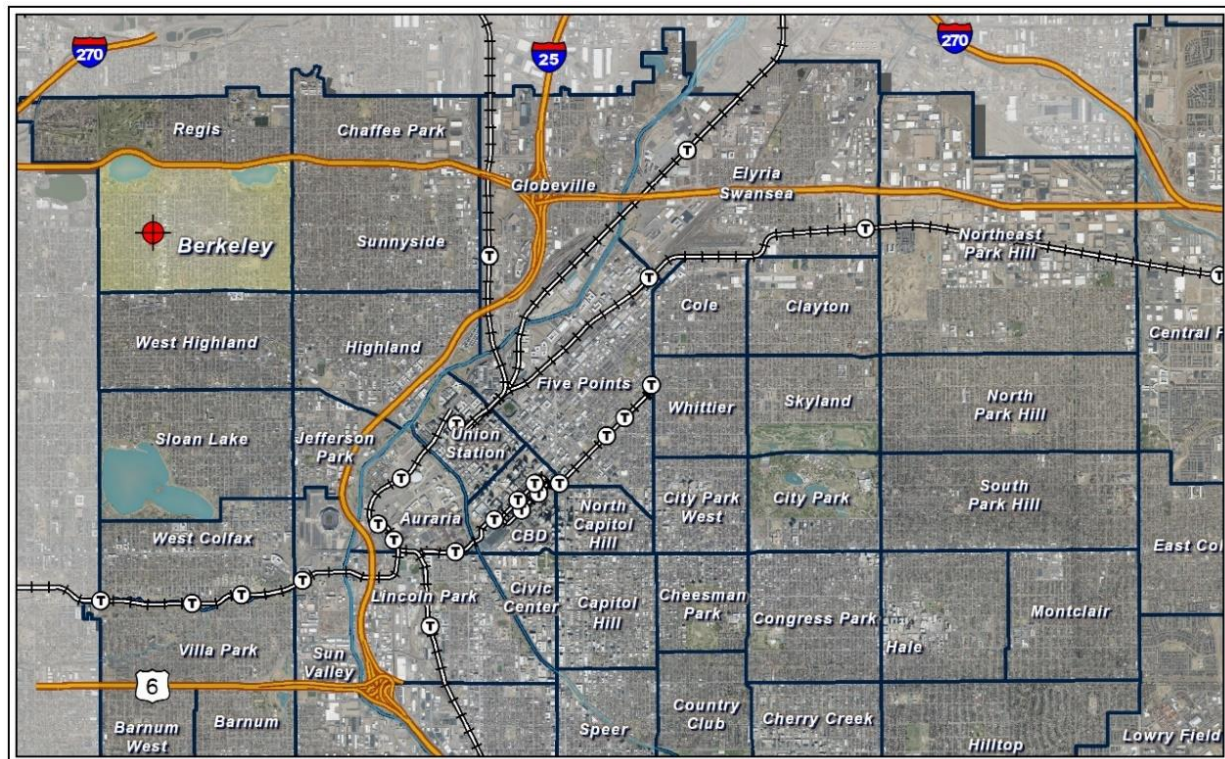
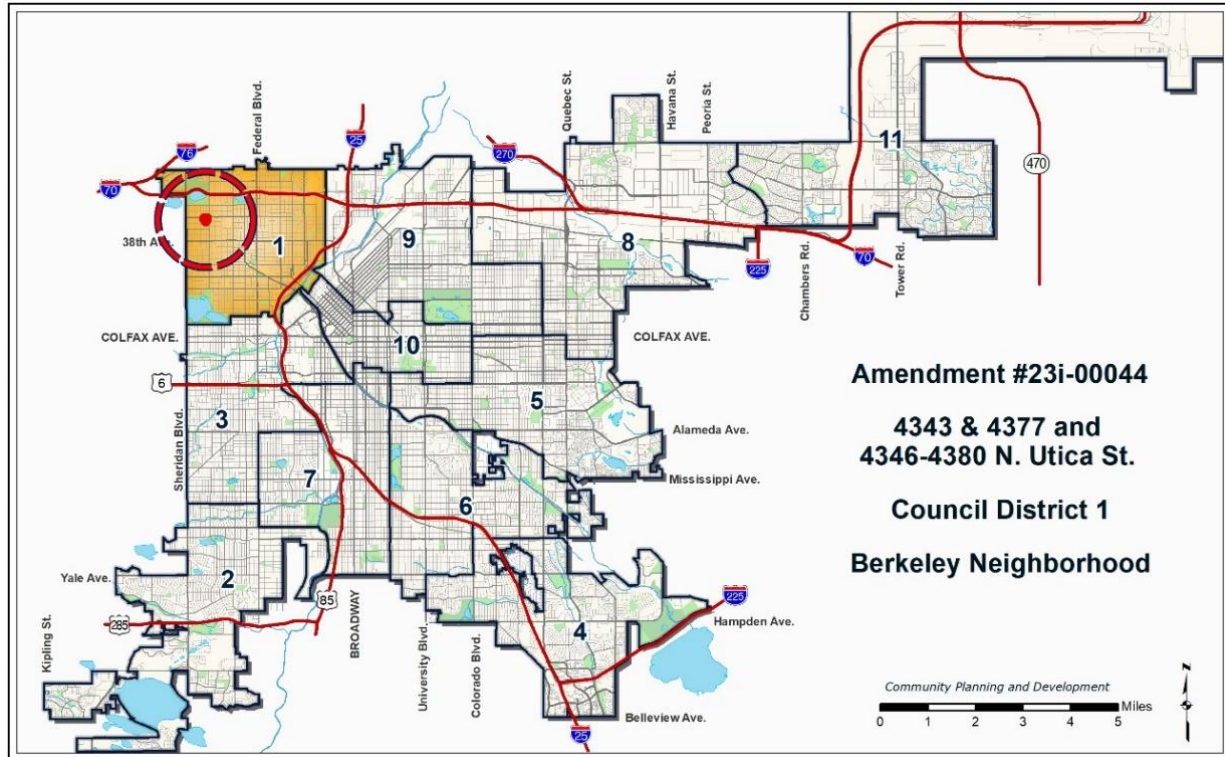
Request for Rezoning

Address: 4343 North Utica Street and associated properties
Neighborhood/Council District and CM: Berkeley / Council District 1, Councilwoman Sandoval
RNOs: Berkeley Regis United Neighbors, Inter-Neighborhood Cooperation, Strong Denver
Area of Property: About 139,000 square feet or 3.2 acres
Current Zoning: R-2 and U-TU-C
Proposed Zoning: U-TU-C and PUD-G 33
Property Owner(s): Arrupe Jesuit High School and the Archdiocese of Denver
Owner Representative: Dustin Mallory

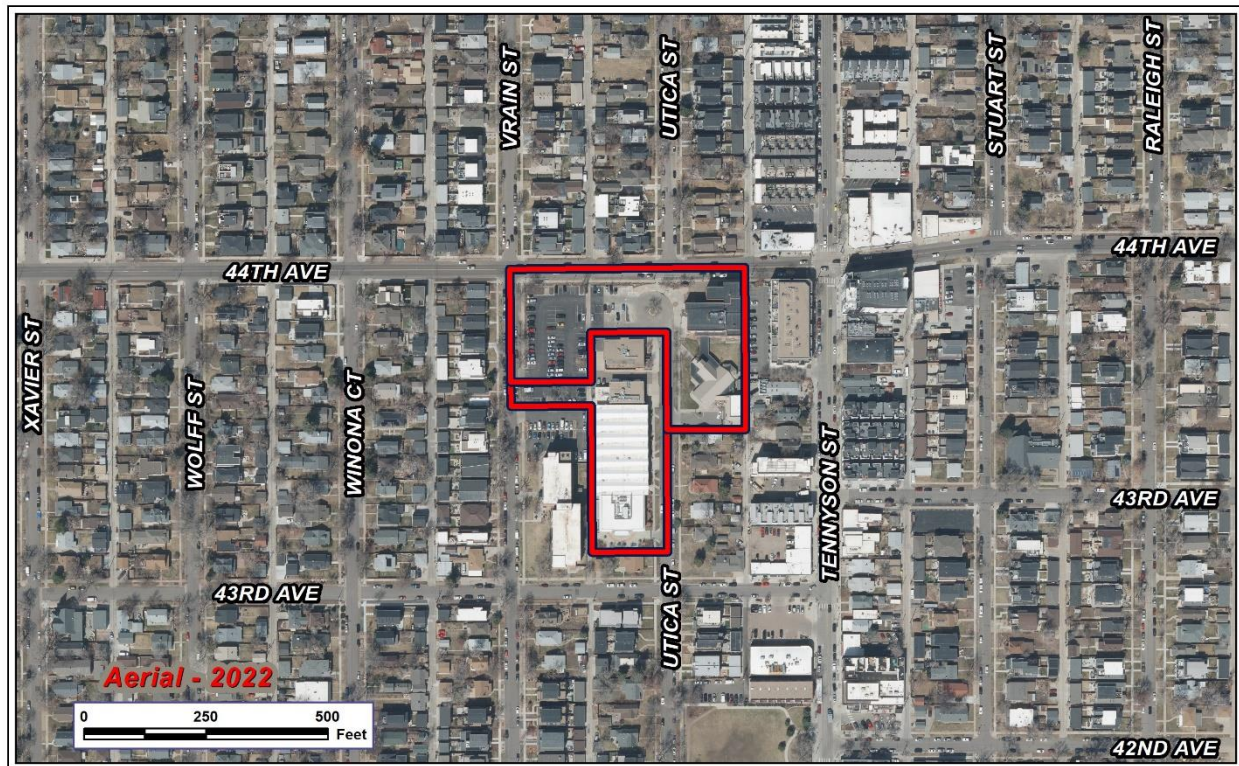
Summary of Rezoning Request

- The site is located between West 44th and West 43rd Avenues, with frontages along West 44th Avenue, Utica Street, and Vrain Street. The site is one block west of the Tennyson Street commercial corridor.
- The site is comprised generally of two areas. The first area is the northern portion of the site fronting West 44th Avenue between the eastern side of Utica and Vrain Streets which belongs to the Archdiocese of Denver (Archdiocese). That property comprises the Holy Family Church and associated surface parking. The second area is the midblock of the western side of Utica Street with a small portion extending westward to Vrain Street which belongs to Arrupe Jesuit High School (Arrupe) and the Archdiocese. That property comprises the Arrupe school building, the Holy Family Rectory, and a small surface parking lot associated with the high school.
- The existing zoning on the land owned by the Archdiocese is R-2, a Former Chapter 59 zone district, which allows for low-density residential, but also allows civic, public, and institutional uses such as schools and churches.
- The existing zoning on the land owned by Arrupe is U-TU-C (**Urban-Two Unit-C**) which allows single- and two-unit residential uses, but also allows civic, public, and institutional uses such as schools and churches with a maximum height of 2.5 stories.
- For most of the property owned by the Archdiocese, U-TU-C is requested. 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).

- The Archdiocese and Arrupe are participating in a land swap that will result in the high school acquiring the property immediately to the north of the existing school which is currently occupied by the church rectory. For that property and the existing school property, **Planned Unit Development – General (PUD-G) 33**, based on the CMP-EI2 (**Campus-Education/Institution-2**) is requested. The intent of the proposed PUD is to allow for growth of the school while requiring the preservation of the unique architectural folded plate roof of the existing school and requiring development in a minimum percentage of brick. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below).



Existing Context

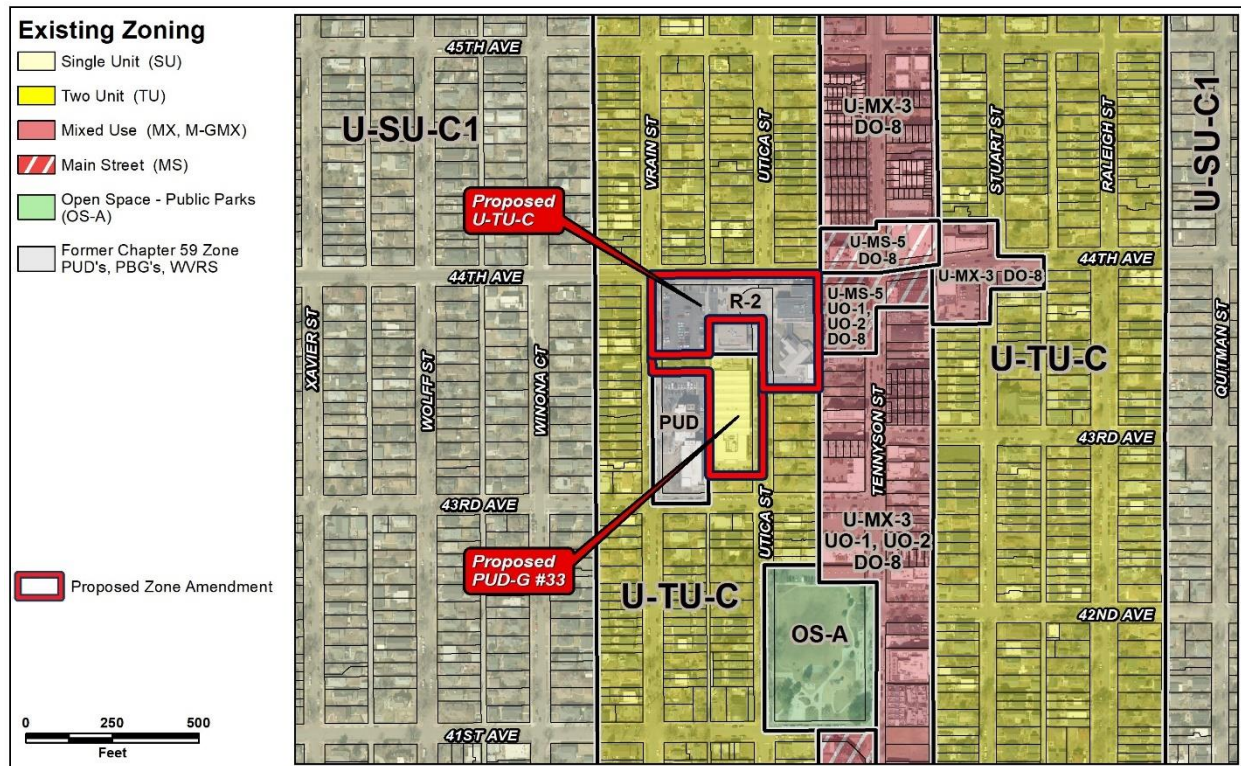


The Berkeley neighborhood contains a range of uses, building types, and scales representing the largely low-scale residential nature of the neighborhood but also the mixed-use character of Main Street and Mixed-Use zone districts along major corridors such as 44th Avenue and Tennyson Street. The subject site is a transitional area from the commercial corridor along Tennyson Street to the low-scale single-unit residential neighborhood to the west. The subject site is about 1 block north of César Chavez Park. At the northern end of the subject site, at both Vrain and Tennyson Streets, are stops for the RTD 44 Bus which runs east west from the RTD Ward train station in Wheat Ridge to downtown Denver and on to the RTD 40th and Colorado train station.

The following table summarizes the existing context proximate to the subject site:

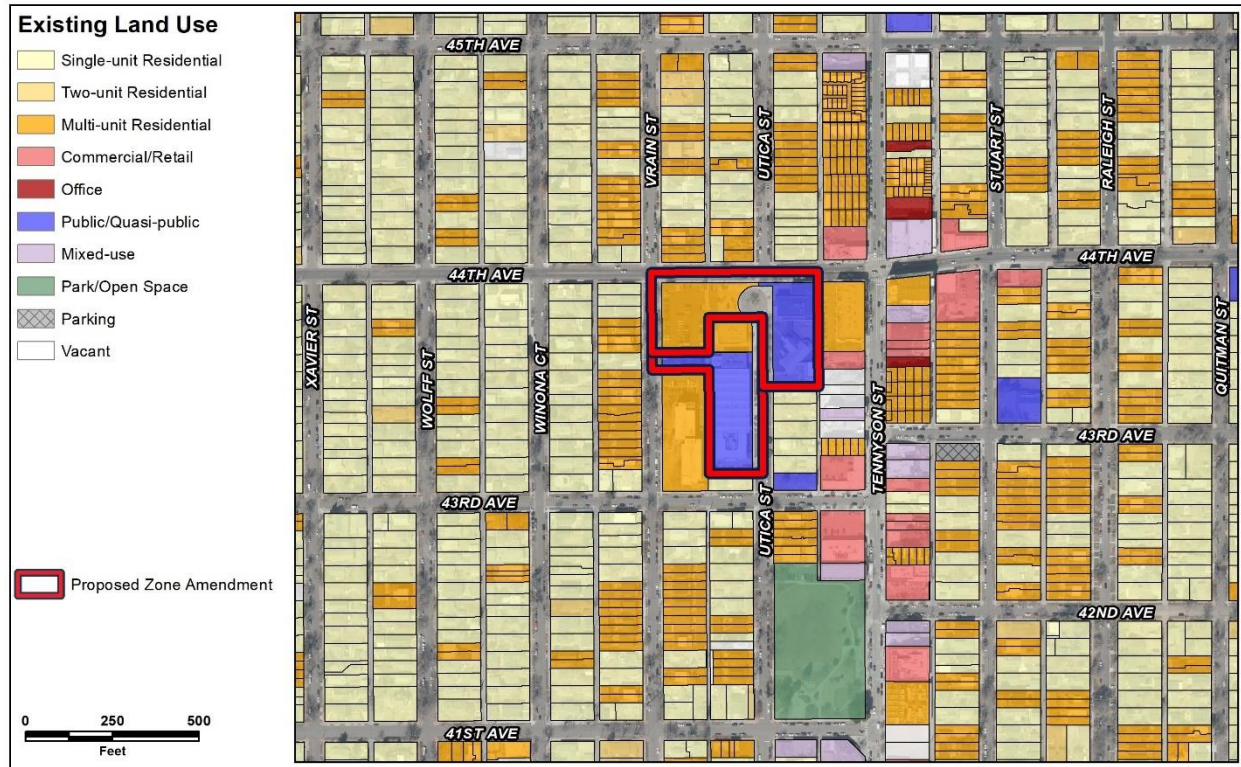
| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|------------------------|---|---|---|
| Site | R-2 and U-TU-C | Public/Quasi-public; | Arrupe High School, 2-3 stories in height; 1 story multi-unit residential church rectory; 2 story Holy Family Church; associated surface parking lot | Generally regular grid of streets interrupted by the Cesar Chavez Park. Lot sizes vary from 25 feet wide to 150+ feet wide. Many buildings with side-by-side units oriented perpendicular to the street. Vehicle parking mostly to the rear of buildings. |
| North | U-TU-C | Multi-unit Residential; Single-unit Residential | 1-2 story homes generally fronting on the streets with alley access | |
| South | U-TU-C | Single-unit Residential | 1 story homes fronting on the streets with alley access | |
| East | U-TU-C; U-MX-3; U-MS-5 | Single-unit Residential; Multi-unit Residential; Commercial/Retail; Mixed-use | Utica – 1 story homes fronting on the street with alley access; Tennyson – 1-3 stories ranging from converted homes to multi-unit and mixed-use buildings | |
| West | PUD 12; U-TU-C | Multi-unit Residential; Single-unit Residential | East side of Vrain – 5 story multi-unit residential building and surface parking lot; West side of Vrain – a diversity of home types ranging from older 1-2 story homes to 3 story homes and duplexes all with alley access | |

1. Existing Zoning



The subject site comprises two zone districts. The northern portion of the subject site is an R-2 zone district which is a low-density Former Chapter 59 zone district that allows primarily residential development and some commercial/retail and community services uses. The southern portion of the subject site is a U-TU-C zone district that allows the Urban House, Duplex, and Tandem House building forms on a minimum 5,500 square foot lot. While the existing zoning allows for schools, the allowed building forms are not compatible with larger schools like Arrupe.

2. Existing Land Use Map



3. Existing Building Form and Scale (Source: Google Maps)



View of Arrupe Jesuit High School, looking west from Utica Street.



View of existing Holy Family Rectory, looking west from Utica Street.



View of Holy Family Church, looking east from Utica Street.



View of surface parking along Vrain Street, looking east



View of the properties to the south of Holy Family Church and east of Arrupe, looking east from Utica Street



View of the property to the south of Arrupe, looking west from Utica Street.



View of the property to the west of Arrupe, looking east from Vrain Street.



View of the properties to the west of the surface parking lot, looking west from Vrain Street.



View of the properties to the north of the surface parking lot and Holy Family Church, looking north on West 44th Avenue

Proposed U-TU-C Zoning

The applicant request is to rezone the subject site into two zone districts. The northern portion of the site is requested to be rezoned to U-TU-C. The U-TU-C zone district is a two-unit residential zone district that allows the Urban House, Duplex, Tandem House and detached accessory dwelling unit building forms on a minimum 5,500 square foot lot. Development in U-TU-C has a maximum height of up to 30 feet with height, siting, and design standards typical of low-scale residential districts. While primarily a residential district, the U-TU-C zone district allows for some community services, cultural, educational, or religious uses. For additional details of the requested zone district, see DZC Section 5.2.2

Proposed PUD-G 33

The applicant request for the existing Arrupe school site and the existing Holy Family rectory site is PUD-G 33 per Denver Zoning Code Section 9.6.1. The purpose of a Planned Unit Development (PUD) district is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and submitting procedural protections for the more prescriptive requirements in the Code. A PUD district is intended to respond to unique and extraordinary circumstances, where more restrictive or flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers and conditions can be avoided.

Consistent with this purpose, the proposed zoning, if adopted, would allow the growth of the school while requiring preservation of unique architectural features of the existing school including preservation of the existing folded plate roof and requirements for a minimum percentage of brick cladding. The PUD would facilitate compatible expansion of the school. PUD-G 33 would establish three subareas, each with defined regulations based on the CMP-EI2 zone district.

- Subarea A comprises the existing school along Utica Street and would lower the allowable height in the CMP-EI2 zone district from 150' down to 50'. Given the unique architecture of the folded plate roof of the existing school, the PUD would require that the roof be preserved. Given the prevalence of brick on the exterior of the building, Subarea A is required to maintain a minimum of 60% brick on the exterior surface. The PUD would allow for more flexibility in the side and rear setbacks to accommodate the existing school building.
- Subarea B comprises the current Holy Family Rectory north of the existing school, which is anticipated for new expansion. The subarea would require a lower height, 50', than is permitted in the CMP-EI2 zone district, 150', but would allow for more flexibility in the setbacks. Any new construction in this subarea would be required to be built with a minimum of 40% brick on the exterior surface to compliment the brick exterior of the existing school.
- Subarea C comprises the narrow lot of surface parking west of the existing school to Vrain Street. This subarea would be allowed to develop under the standards of the CMP-EI2 zone district; however, given the narrow site width and the established standards any development would be limited in size.

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: Approve Rezoning Only – Will require additional information at Site Plan Review. The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed rezoning. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No Comments

Transportation & Infrastructure - City Surveyor: Approved – No Comments

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No Comments. No objection on behalf of DES Wastewater.

Development Services – Project Coordination: Approved – No Response

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: | 01/22/2024 |
| 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: | 03/05/2024 |
| Planning Board public hearing | 03/20/2024 |
| 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 (10) working days before the meeting: | 03/19/2024 (tentative) |
| Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward: | 04/02/2024 (tentative) |
| 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: | 04/22/2024 (tentative) |
| City Council Public Hearing: | 05/13/2024 (tentative) |

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this report, staff has not received RNO comment about this proposed rezoning.

- **General Public Comments**

As of the date of this report, staff has not received the following public comments:

- A letter of support with 309 signatures from the Holy Family Church and Arrupe Jesuit High School communities.
- 11 individual letters of support from students of Arrupe Jesuit High School.
- 2 letters of support from residents of the neighborhood.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
 - 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 this 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 the adjacent building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)

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 the natural growth of the existing school within a confined urban neighborhood consistent with the following strategies from the Equitable, Affordable, and Inclusive vision element:

- 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)

- Goal 9 – Improve equitable access to quality education and lifelong learning opportunities (p. 30)

The proposed rezoning would allow for the adaptive reuse of the existing school and infill growth while requiring preservation of unique architectural features consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34)
- Goal 2, Strategy D – Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life (p. 34)
- Goal 3 – Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture, and culture (p. 34)
- Goal 3, Strategy E – Support the stewardship and reuse of existing buildings (p. 34)

The proposed map amendment would allow for the natural growth of an established educational institution with ties to local employers and higher education institutions consistent with the following strategies from the Economically Diverse and Vibrant vision element:

- Goal 1, Strategy A – Improve economic mobility through workforce training, career development, quality education and wealth creation (p. 46)
- Goal 4, Strategy C – Encourage businesses to work with local workforce training and education organizations to better prepare residents for job and career opportunities (p. 47)
- Goal 6, Strategy A – Create partnerships between employers and educators to directly connect students to entrepreneurs and business leaders (p. 47)

The proposed rezoning would require preservation of key features that necessitate adaptive reuse of the existing site rather than demolition consistent with the following strategy from the Environmentally Resilient vision element:

- Goal 7, Strategy C – Prioritize the reuse of existing building and explore incentives to salvage or reuse materials from demolished structures (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 Residential Low place type within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

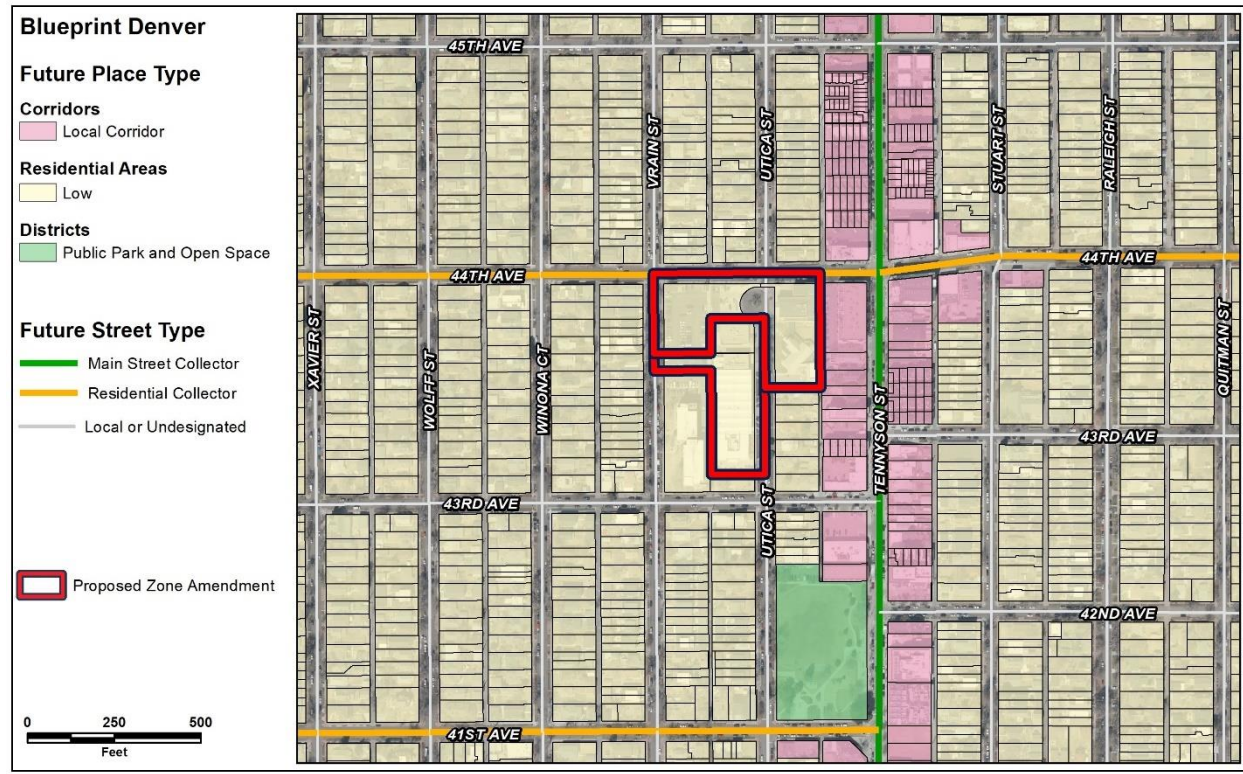


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as varying “from multi-unit development to compact single-unit homes” with grid block patterns and alley access (p. 222). Additionally, “development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 222).

The proposed U-TU-C zone district is consistent with the Urban neighborhood context. The proposed PUD-G 33 is based upon a Campus neighborhood context. The Campus context is embedded throughout the city where education or institutional uses are found. The design standards of the proposed PUD have been tailored to allow for the growth of the school but still meet the *Blueprint Denver* guidance that development “should be sensitive to the existing neighborhood character”. The proposed PUD lowers the allowable height of the CMP-EI2 district to XX feet to better match the existing character along the block and requires a minimum percentage

of development to be in brick to also match the existing character of the neighborhood. The proposed PUD, while based on the CMP-EI2 district, is consistent with the future neighborhood context of Urban because it will promote context sensitive development and offer a mix of uses with good street activation and connectivity.

Blueprint Denver Future Places

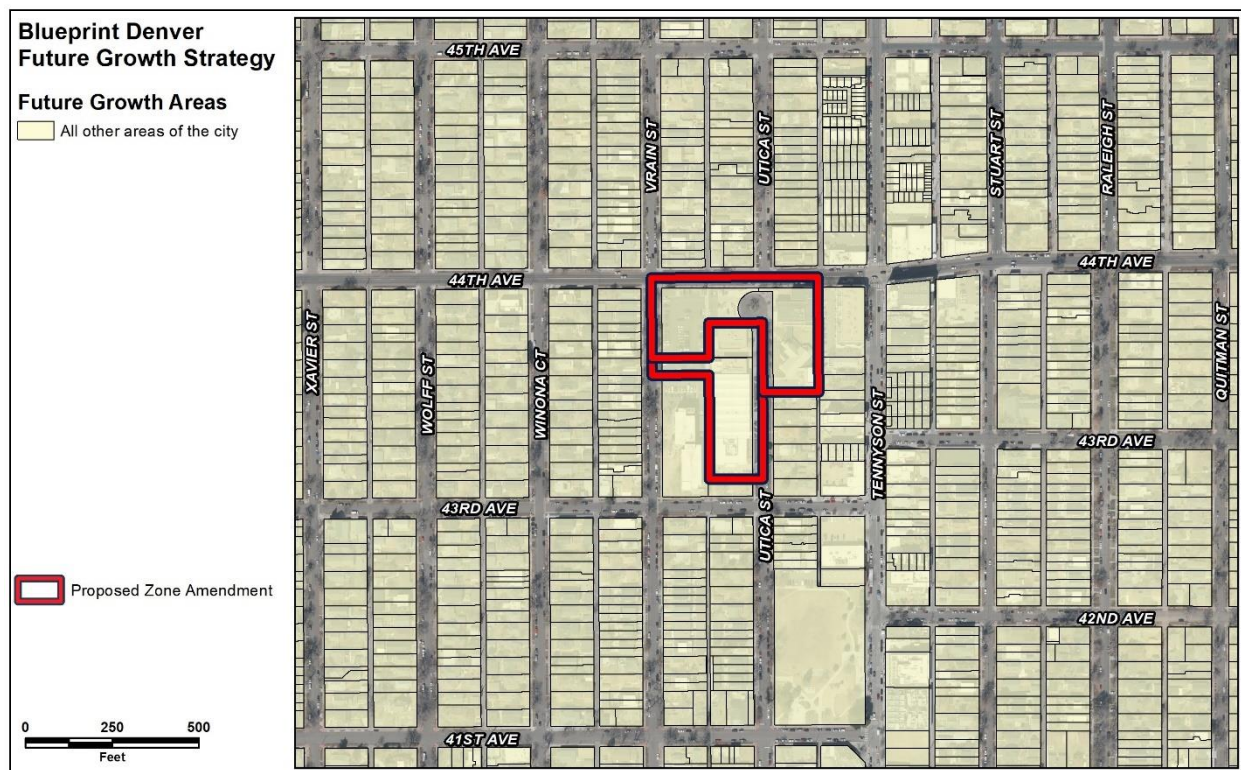


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place is “predominately single- and two-unit uses on smaller lots” and “some civic and institutional uses are compatibly integrated throughout” (p. 230). The proposed U-TU-C zone district will ensure new development is low-scale and consistent with the adjacent residential homes. The proposed PUD uses tailored design standards to allow for a compatibly integrated educational use to grow adjacent to the existing school. While building heights are “generally up to 2.5 stories” (p. 230) in the Low Residential place type, the height within the PUD is set to generally match that of the existing school rather than the higher standard of the CMP-EI2 district. The proposed zone districts are consistent with the *Blueprint Denver* future place of Low Residential by establishing the U-TU-C zone district immediately adjacent to other U-TU-C zone districts, and by utilizing building form standards within the proposed PUD that allow for a compatibly integrated institutional use.

Blueprint Denver Future Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Utica and Vrain Streets as Local or Undesignated Future Street Type, which are designated as “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-C is a residential district which aligns with this guidance. The proposed PUD would allow for the continued use of an established educational facility which is appropriately placed within a largely residential context.

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% of new housing growth and 10% of new employment growth by 2040” (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed zone districts would allow low-intensity growth to the number of households in this area in the U-TU-C zone district as well as a moderate increase in employment potential within the PUD and are therefore consistent with the growth strategy.

Blueprint Denver Strategies

Blueprint Denver also includes policies and strategies to guide implementation of the plan.

The following policies and strategies align with the Land Use & Built Form: General recommendation:

- Policy 3 – Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible (p. 73)
 - Strategy A – Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code (p. 73)

The following policies and strategies align with the Land Use & Built Form: Design Quality & Preservation recommendation:

- Policy 2 - Ensure residential neighborhoods retain their unique character as infill development occurs (p. 99)
 - Strategy I – Promote incentives to preserve the reuse of historic buildings and the unique historic features of Denver’s neighborhoods (p. 99)
- 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 (p. 104)
 - Strategy C – Create new regulations to encourage the reuse of existing buildings. This could include requirements to salvage or reuse building materials after a structure is demolished or allowing flexibility in uses or density when an existing structure is reused and maintained (p. 104)

The proposed PUD requires the preservation of a unique architectural feature of the existing school building. It also requires the use of brick cladding as a unique characteristic of the existing school and the neighborhood in general. The PUD also provides flexibility for the growth of the school in a way that encourages the reuse of the existing structure rather than demolition. Therefore, the proposed PUD is consistent with the recommendations of *Blueprint Denver*.

Custom Zoning

Blueprint Denver provides the following direction on how to limit the use of custom zoning including PUDs: “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.

Due to the constrained site within an established Urban neighborhood and the desire to preserve unique architectural features of the existing school, there is no standard zone district that can address this site's unique and extraordinary circumstances. Therefore, the use of a PUD is consistent with the recommendations of *Blueprint Denver*.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-TU-C will result in the uniform application of zone district building form, use and design regulations. The proposed PUD will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the CMP-EI2 zone district, with customization to address the unique location and features of the site.

3. Public Health, Safety and General Welfare

The proposed map amendment to U-TU-C and PUD-G 33 furthers the public health, safety, and general welfare through implementation of the city's adopted land use plan. Additionally, it furthers public health, safety, and general welfare by establishing site design requirements that align new development with the existing fabric while minimizing adverse impacts to the surrounding neighborhood.

4. Justifying Circumstance

The application is justified by multiple circumstances outlined by DZC Section 12.4.10.8.A. For the portions of the site currently zoned R-2, the proposed rezoning is justified by 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" and more specifically "that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning".

For the portions of the site proposed to rezone from U-TU-C to PUD-G 33, the proposed rezoning is justified by 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". Schools provide a necessary public good and are essential to complete neighborhoods and Low Residential areas. The current zoning makes it challenging for the school to expand and continue to serve the community. Therefore, the rezoning is justified it is in the public interest to accommodate the growth of the school, rather than demolition or out-migration, while including tailored regulations to ensure that growth is compatible with neighborhood character.

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

The proposed U-TU-C zone district is consistent with the Urban neighborhood context. The proposed PUD-G 33 is based upon a Campus neighborhood context. The Campus context is embedded throughout the city where education or institutional uses are found. The design standards of the proposed PUD have been tailored to allow for the growth of the school but still meet the *Blueprint Denver* guidance that development "should be sensitive to the existing

neighborhood character” (p. 222). The proposed rezoning is consistent with the neighborhood context description.

For analysis on consistency of this rezoning with the PUD zone district purpose and intent statements, see below.

6. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)

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 this Code*

- Denver Zoning Code Section 9.6.1.1 states that the general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections. A PUD is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 33 is consistent with the intent and purpose of PUD districts because the subject site has special characteristics related to the scale of the development project and demands a more customized zoning approach to achieve a successful, phased development. The subject site is in the process of reconfiguring parcels and zone lots to enable a land swap between Arrupe and the Archdiocese with will result in development of a new rectory consistent with the residential neighborhood and an expansion of the school. It will also require preservation of a unique architectural feature of the existing school, development design that is consistent with the existing school and neighborhood character, and facilitate the adaptive reuse of the existing building.

There is not an appropriate Urban Neighborhood Context zone district to apply to this site that will achieve a similar outcome. The CMP-EI2 zone district is the closest analogue but is designed for larger sites and would not address some of the future and existing building form characteristics of the site, including building height, front and side setbacks.

To address the unique circumstances, the proposed PUD district uses the CMP-EI2 zone district with customized provisions for each subarea that allow redevelopment alongside preservation and design in character with the neighborhood.

- DZC Section 9.6.1.1.C states that a PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.

PUD-G 33 is consistent with the Urban neighborhood context and character as noted above. The PUD is intended as a mechanism to ensure that development is consistent with adopted plans, not as a vehicle to enhance the proposed development’s economic feasibility.

- According to DZC Section 9.6.1.1.D., in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary

pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

PUD-G 33 provides significant public benefit not achievable through application of a standard zone district, including preservation of a unique architectural feature of the existing school, development design that is consistent with the existing school and neighborhood character, and adaptive reuse of the existing building.

b. *The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6*

The PUD District 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*

The PUD District is necessary because there is no standard zone district available that applies appropriate standards to this unique location and development. An unreasonable number of variances or waivers and conditions would be required to achieve the tailored approach in the PUD.

d. *The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property*

The PUD District establishes permitted uses in accordance with CMP-EI2 zone district, with no use-related changes proposed. The zone district allows a mix of residential and civic uses compatible with the Urban neighborhood context of the area.

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 (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.)*

The PUD provides tailored building form standards to directly address appropriate transitions to neighboring properties and areas, including:

- Maximum height that is compatible with the existing roof to be preserved and adjacent buildings on the block.
- Providing custom side and front setback standards that enable appropriate redevelopment of land to the north of the existing school.

The PUD therefore establishes permitted building forms that are compatible with adjacent existing building forms through appropriate transitions and design requirements.

Attachments

1. Application (including PUD-G 33)
2. Public Comments