

TO:Denver Planning Board, Joel Noble, ChairFROM:Theresa Lucero, Senior City PlannerDATE:February 27, 2019RE:Official Zoning Map Amendment Application #2017I-00149

#### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00149.

#### **Request for Rezoning**

Address:	10 South Colorado Boulevard
Neighborhood/Council District:	Hilltop Neighborhood / Council District 5
RNOs:	Cranmer Park – Hilltop Civic Association; Hilltop Heritage
	Association; Cherry Creek East Association, Inter-Neighborhood
	Cooperation (INC)
Area of Property:	12,500 square feet or 3.48 acres
Current Zoning:	E-SU-D
Proposed Zoning:	E-TU-C
Property Owner(s):	10 Colorado LLC
Owner Representative:	Mike Kortendick

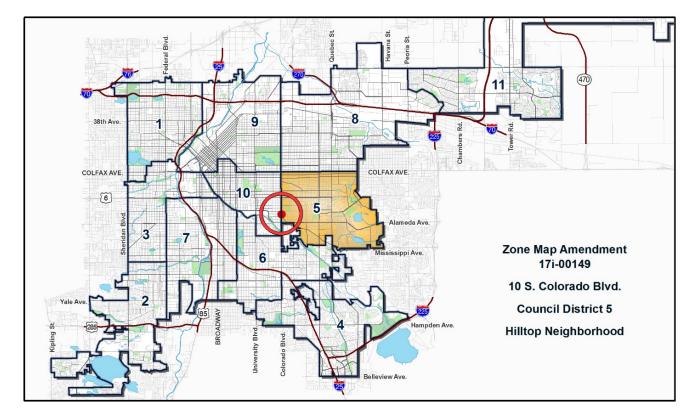
#### **Summary of Rezoning Request**

- The subject property is vacant and located at the southeast corner of South Colorado Boulevard and East Ellsworth Avenue.
- The property owner is proposing to rezone the property to develop two duplex structures on the property with a total of 4 dwelling units.
- The E-TU-C, Urban Edge, <u>T</u>wo-<u>u</u>nit, <u>C</u> (5,500 square feet minimum zone lot size for Duplex), zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. Single-unit structures in the zone district are the Urban House form with allowed Tandem House forms, and the allowed two-unit building form is the Duplex form on minimum zone lots of 5,500 square feet (See the table below). Further details of the zone district can be found in Article 4 of the Denver Zoning Code.

Urban Edge	e (E)	Building Forms											
Neighborh Context Zone Distri		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures1*1*1*2No MaximumPer Zone LotImage: Structure Struct													
Two Unit (TU)	E-TU-B, C												

\*See Section 1.2.3.5 for exceptions

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## 1. Existing Context



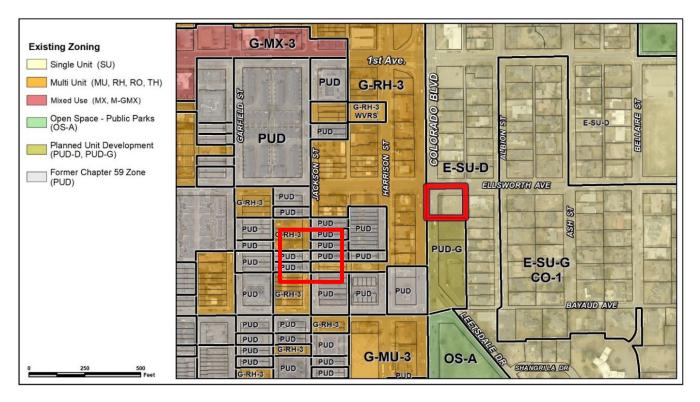
The subject property is on the southeast corner of East Ellsworth Avenue and South Colorado Boulevard. In the general vicinity are:

- East 1<sup>st</sup> Avenue one block north;
- South Leetsdale Drive ½ block south;
- East Alameda Avenue 2 <sup>1</sup>/<sub>2</sub> blocks south;
- Cranmer Park 3 blocks northeast;
- Burns Park  $-\frac{1}{2}$  block south;
- Cherry Creek 5 blocks south;
- Gates Tennis Center and Pulaski Park 6 blocks west; and
- Cherry Creek Shopping Center 8 blocks west.

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern			
Site	E-SU-D	Vacant	Vacant	Block sizes and shapes are consistent and			
North	E-SU-D	Single-unit Residential					
South	PUD-G #17	Vacant	Colorado Boulevard from he east at the southern end of the block. Lack of				
East	E-SU-D	Single-unit Residential	1-2 story Residences	sidewalks and alleys to the east, regular attached and			
West	G-RH-3	Single- and Multi- unit Residential	1-2 story Residences	detached sidewalks and alleys to the west. Garage and on-street vehicle parking.			

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

# 2. Existing Zoning



Urban Edg	ge (E)	Buildi	ing For	ms									
Neighborf Context Zone Dist		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
	ax Number of imary Structures er Zone Lot 1* 1* 1* 2 No Maximum												
		•	• 	•	-								
Single Unit (SU)	E-SU-D												

\*See Section 1.2.3.5 for exceptions

The E-SU-D zone district is a single-unit district allowing only the Urban House building form on a minimum 6,000 square feet zone lot. The intent of the district is *to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.* The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form.

#### 3. View Plane

The subject property is within the Cranmer Park View Plane. This view plane protects views to the west from the park. Under view plane building height limits structures on the property are limited to a height of between 80-100 feet.

#### 4. Parkway

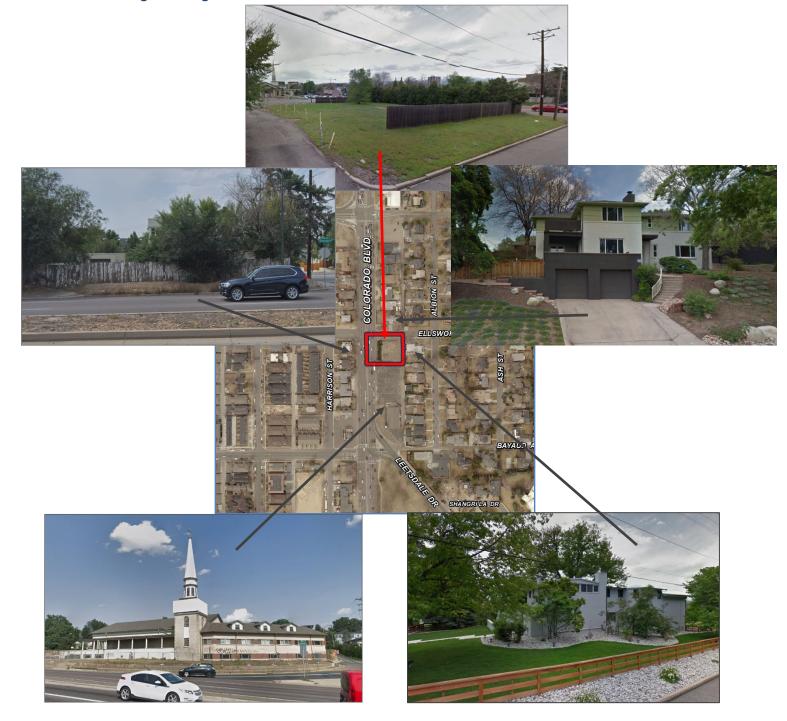
This segment of Colorado Boulevard is a designated Parkway and the subject property is subject to a 20 feet parkway setback from Colorado Boulevard. The setback begins at the Boulevard property line.

## 5. Existing Land Use Map



Existing Land Use

# 6. Existing Building Form and Scale



#### **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 Response.

**Denver Public Schools:** Approved – No Response.

**Department of Public Health and Environment:** Approved - See Comments Below. Notes. DDPHE is not aware of environmental concerns on the property and concurs with the rezoning request. 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, DEH 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 DEH 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.

**Development Services – Fire Prevention:** Approved – No Response.

**Development Services – Project Coordination:** Approved - See Comments Below. This project will be reviewed by the one and two family group; however it should be noted, there is no public alley abutting this property as shown on their plan.

**Development Services - Transportation:** Approved – No comments.

**Development Services – Wastewater:** Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Works – ROW - City Surveyor: 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:	01/25/18
CPD informational notice of receipt of a REVISED rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	12/28/18
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:	02/18/19
Planning Board public hearing:	03/06/19
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	03/05/19
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	03/19/19 (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:	04/07/19 (Tentative)
City Council Public Hearing:	04/29/19 (Tentative)

- The applicant has met with representatives of the Cranmer Park Hilltop Civic Association.
- Registered Neighborhood Organizations (RNOs)
  - To date, staff has received no comment letters from Registered Neighborhood Associations.
- 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 public hearing schedule for the subject property is such that the Planning Board public hearing will occur prior to the adoption of the Denveright Plans, Comprehensive Plan 2040 and Blueprint Denver 2019, which is anticipated to be April 22, 2019. On this schedule the City Council public hearing for the rezoning of the property will be after the adoption of the Denveright Plans. The following adopted plans currently apply to this property if the rezoning is approved prior to the anticipated adoption of the Denveright plans (April 22, 2019):

- Denver Comprehensive Plan 2000
- Blueprint Denver (2002)

If the proposed map amendment is approved by City Council after the adoption of the Denveright plans (anticipated April 22, 2019), the following plans would apply instead:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)

The following plan will apply to this property both before and after April 22, 2019:

• The Boulevard Plan (1991)

## Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F "Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place" (p. 39).
- Land Use Strategy 3-B "Encourage quality infill development that is consistent with the character
  of the surrounding neighborhood; that offers opportunities for increased density and more
  amenities; and that broadens the variety of compatible uses" (p. 60).

- Legacies Strategy 3-A "Identify areas in which increased density and new uses are desirable and can be accommodated" (p. 99).
- Housing Objective 2 "Encourage preservation and modernization of Denver's existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development" (p. 114).

The proposed map amendment will enable the addition of low-scale two-unit residential development on the edge of the Hilltop neighborhood at an infill location where services and infrastructure are already in place. The proposed zone district matches the same 30 to 35 feet maximum allowed building height in the adjacent neighborhood. The proposal offers an opportunity to add moderate density in a location that serves as a transition to an arterial street, Colorado Boulevard, and to the Cherry Creek neighborhood west of the Boulevard. The rezoning is consistent with the Comprehensive Plan policies that encourage infill development where services and infrastructure are already in place, where the infill development is in character with the existing neighborhood, where increased density can be accommodated and where additional housing is supported.

#### Denver Comprehensive Plan 2040

Although Comprehensive Plan 2040 is not yet adopted, it is anticipated to be considered by City Council by the time this map amendment would be scheduled at City Council for a public hearing and would be relevant to this request. As such, this staff report provides an analysis of the most current public draft of the plan, January 7, 2019, and the proposed rezoning is consistent with many of the draft *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive, Goal 1, Strategy A "Increase development of housing units close to transit and mixed use development" (p. 28).
- 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).
- 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).
- Environmentally Resilient Goal 8, Strategy A "*Promote infill development where infrastructure and services are already in place*" (p.54).

The proposed map amendment will enable mixed-use development at an infill location where infrastructure is already in place. The requested E-TU-C zone district broadens the variety of housing options close to a priority transit corridor allowing residents a diversity of housing choice that is in character with the existing neighborhood. Therefore the rezoning is consistent with Denver *Comprehensive Plan 2040* recommendations.

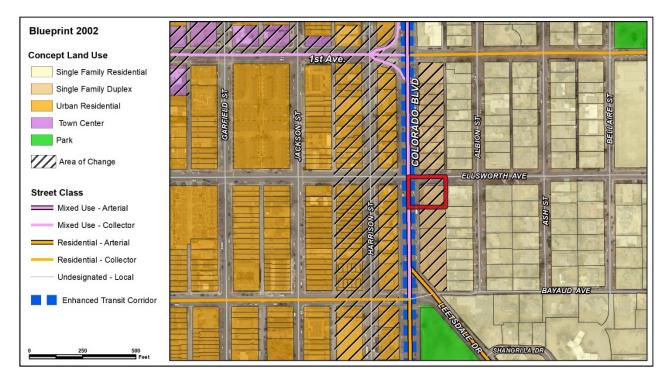
#### Blueprint Denver (2002)

According to the 2002 Plan Map adopted in Blueprint Denver, the subject property has a concept land use of Single Family/Duplex Residential and is in an Area of Change.

#### Future Land Use

"Single Family/Duplex Residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses...There is a mixture of housing types

*including single-family houses, duplexes, townhouses and small apartment buildings*" (p. 42). The E-TU-C zone district standards allow a moderate step up in density on the subject property by allowing a similar mix of building forms named in the description of the Single Family/Duplex Residential land use type, Urban House and Duplex, and the district allows the structures at the same allowed height as the adjacent residential neighborhood.



# Area of Change / Area of Stability

As noted, the subject property is in an Area of Change. Blueprint Denver cites one type of Area of change as "areas along corridors with frequent bus service" (p. 128). The number 40 bus on this section of Colorado Boulevard arrives every 5-7 minutes. The subject property, because it's on a corridor with frequent bus service, is in an area where land use and transportation are linked. "*The goal for Areas of Change is to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips*" (p. 127).

Blueprint Denver provides additional specific strategies for Areas of Change. Applicable strategies include:

- "Contribute to urban design vision
  - Orientation to the street
  - o Building scale
  - o Transition to adjacent areas, especially Areas of Stability
- Respect valued attributes of area
  - Diversity of housing types and process
  - Parks and Parkways
- Expand transportation choice
  - Pedestrian/bicycle safety and comfort
    - Access to transit
- Improve environmental quality

- Tree canopy
- Parks and Parkways" (p. 142)

The rezoning application is consistent with these Blueprint Denver Area of Change strategies. The E-TU-C zoning standards will require orientation to the street and a building scale that is the same as the adjacent Area of Stability.

#### **Street Classifications**

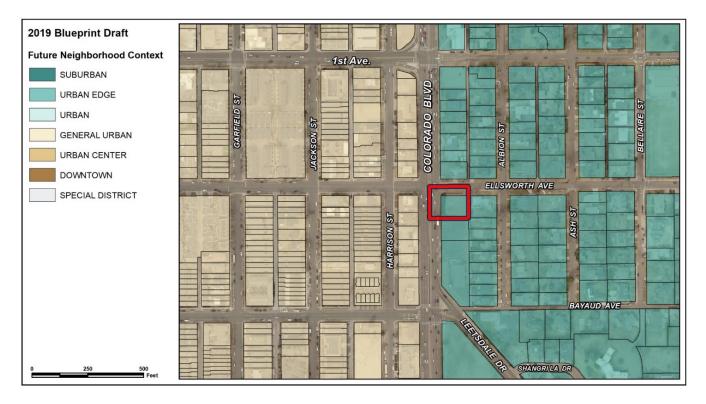
Blueprint Denver classifies Colorado Boulevard as a Mixed-Use Arterial and an Enhanced Transit Corridor, and Ellsworth Avenue is classified as an Undesignated Local Street. Mixed Use Arterials provide "a high degree of mobility" (p. 51) and "are located in high-intensity mixed-use commercial retail and residential areas with substantial pedestrian activity" (p. 57). Blueprint Denver encourages "evaluating and implementing enhanced bus transit service" (p. 98) on Enhanced Transit Corridors like Colorado Boulevard, and "developing transit-supportive incentives like shared or reduced parking, and a mix of transit-supportive land uses" (p. 100). Local Streets are tailored more to providing local access" (p. 51). The proposed map amendment to E-TU-C zoning will enable a moderate increase in density in an area that Blueprint Denver identifies as appropriate for change. Future residential development will be oriented to the street, will add to the diversity of housing in the area at the same scale as adjacent residential uses, and will improve the Colorado Boulevard parkway with pedestrian and landscaping enhancements.

#### Blueprint Denver (2019)

Although not yet adopted by City Council, *Blueprint Denver* 2019 is anticipated to be adopted by City Council by the time this map amendment is scheduled for a public hearing by City Council, therefore it is relevant to this request. The proposed rezoning was reviewed for consistency with the *Blueprint Denver* (2019) January 7, 2019 public review draft 2. The draft *Blueprint Denver* identifies the subject property as part of a Low Medium residential place within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

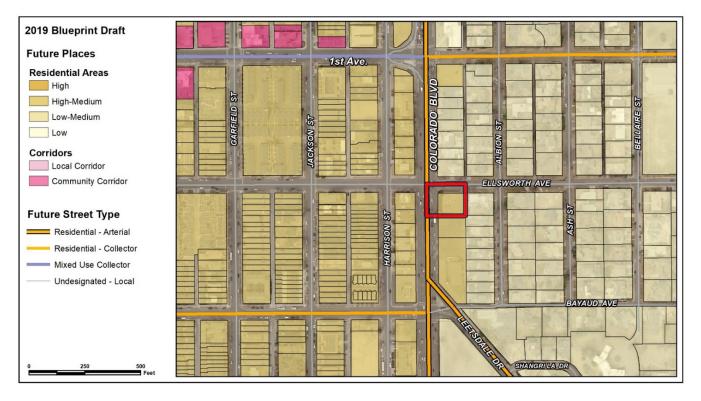
#### Future Neighborhood Context

*Blueprint Denver* 2019, as well as the Denver Zoning Code, are organized by neighborhood contexts. A context-based approach sets guidelines for character-compatible development. On the Blueprint Denver context map the subject property is within an Urban Edge Neighborhood Context. These areas contain elements of both the suburban and urban contexts. They generally contain low-scale multi-unit and commercial areas embedded in 1 to 2-unit residential areas, with regular block patterns (p. 136). The Urban Edge context tends to act as a transition between urban and suburban areas (p. 205).



The proposed E-TU-C zone district is an Urban Edge zone district and is "intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment" (p. 4.2-1 & 2). The zoning standards within the E-TU-C zone district that allow low-scale multi-unit structures will be compatible with the existing residential area, and consistent with the Blueprint Denver context.

# Future Places



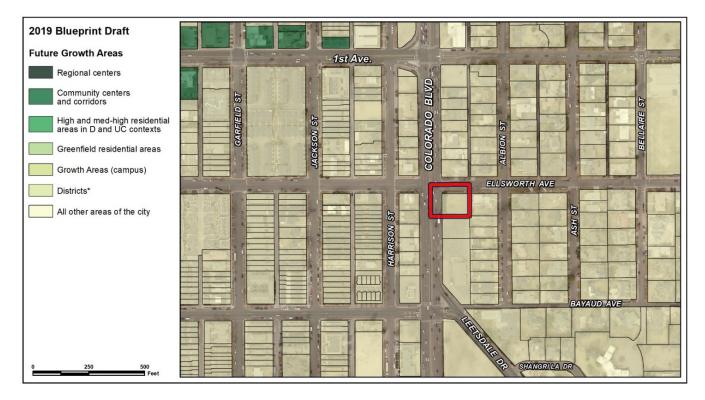
The subject property is within a Low-Medium residential future place. Per Blueprint Denver "*Future* places are an organizational system that describes the desired character of an area. *Future* places work together to promote complete neighborhoods for the residents living within or near each of them. *Each* place expresses itself differently depending on which neighborhood context it is located within." Residential areas have a predominantly residential land use but "are supported by a variety of embedded uses needed for a complete neighborhood including schools, recreation and nodes of commercial/retail uses" (p. 141). Per Blueprint Denver low-medium residential areas in the Urban Edge Context are a "*Mix* of low- to mid-scale multi-unit residential. *Limited mixed-use along residential arterial and collector streets and at some intersections.* Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses with a maximum height of 2.5 stories, or up to 35 feet, in conformance with the low-medium residential Urban Edge place type.

# Street Types

*Blueprint Denver* 2019 classifies Colorado Boulevard as a Residential Arterial street and Ellsworth Avenue as a Local or Undesignated street. Residential streets have *"Primarily residential uses, but may include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback"* (p. 160). Regarding Ellsworth Avenue, *Blueprint Denver* states, "Local streets are designed for the highest degree of property access and the lowest amount of through

movement" (p. 154). Blueprint Denver also notes the unique quality of streets that are designated parkways as Colorado Boulevard is adjacent to the subject property. Within the Urban Edge Context the predominate street types are mixed use, commercial and residential. The proposed E-TU-C district allows primarily residential and civic uses and includes modest primary street setbacks. Therefore, it consistent with the Urban Edge residential arterial and local street types at this site.

## Growth Strategy



The subject property is within a low-medium residential place type, and "All other areas of the city" on the Growth Strategy map. These types of places are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). "The remaining growth areas are smaller but still play a key role in meeting the diversity of new job and housing needed for our dynamic city. Higher intensity residential areas near downtown, mid-scale housing stock. The remaining parts of Denver, 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 map amendment to E-TU-C will will allow low-intensity growth in a low-medium place where it is in character with the existing area.

#### The Boulevard Plan (1991)

The Boulevard Plan outlines visions, goals and objectives mainly for the commercially zoned property along Colorado Boulevard between 1<sup>st</sup> Avenue on the north and Iliff Avenue on the south. The overall vision of the Plan is that "*this portion of Colorado Boulevard is and should continue to be, a regionally distinct transportation, business and residential corridor accommodating a wide range of development types and sizes which serve the shopping, business and entertainment needs of nearby residents, as* 

*well as providing destination opportunities for a wider community*" (p. 3). Plan goals to achieve this vision include:

- Improving traffic flow and safety
- Retain a broad mix of land uses
- Define and reinforce the unique image of the corridor and ensure that new development has no adverse impacts on adjacent uses

Three areas of concern identified in the Plan Goals are transportation, land use and urban design. The transportation recommendations in the Plan are mainly oriented to physical improvements within the corridor, improvements to support corridor transit and attempts to manage trip generation. Urban design recommendations in the Plan center mainly on physical improvements in the corridor to improve the public right-of-way, signage, landscaping and the quality of private development on the corridor.

The general land use goals in the Plan include "*Continue an appropriate mix of land uses along the Boulevard*" and "*New development should be compatible with existing development*" (p. 29). Plan land use recommendations include:

- Overall Development Cap "While no wholesale increases in overall allowable development seem appropriate, some increase in development intensity may be appropriate for individual projects because of specific site or development proposal issues" (p. 35).
- Land Use Mix "Seek to retain a diversity of land uses in the corridor" (p. 36).
- On-Site Parking "All new development should provide sufficient parking to meet 100% of the project's needs on-site or in shared facilities adjacent to the site" (p. 36).

The proposed rezoning of the subject property complies with these recommendations because the proposed duplex development will add to the

mix of residential development types on the corridor, will add a moderate level of development that is in character with the adjacent neighborhoods and will provide 100% of the project's parking needs on-site.

## 2. Uniformity of District Regulations and Restrictions

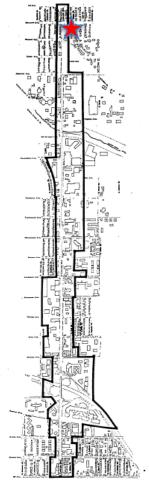
The proposed rezoning to E-TU-C will result in the uniform application of zone district building form, use and design regulations.

## 3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and by implementing the city's adopted land use plans.

## 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: Changed or changing conditions in a particular area, or in the city generally; or a city adopted



plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

The application identifies changes to the overall city and cites the subject property's location as a transition site between Colorado Boulevard and the existing neighborhood to the east. On the opposite side of Colorado Boulevard the Cherry Creek neighborhood has experienced robust redevelopment with multi-unit residential uses on the Boulevard. In recognizing the citywide changes and changes in the immediate area the application is in conformance with this criterion. Changed conditions in the area is an appropriate justifying circumstance for the proposed rezoning.

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

The zoning standards in the proposed zone district are based upon the Urban Edge Neighborhood context. This context is characterized by a mix of urban and suburban characteristics with primarily single and two-unit residential land uses, and small-scale multi-unit residential and commercial areas embedded in residential areas. Single-unit structures in the zone district are the Urban House form with allowed Tandem House forms, and the allowed multi-unit building form is the Duplex form on minimum zone lots of 5,500 square feet. The surrounding area and the recommended neighborhood context both make the proposed rezoning to E-TU-C consistent with the neighborhood context description.

The Urban Edge residential zone districts are "intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment." The application to rezone to E-TU-C in this location is consistent with the above purpose and intent statement because the rezoning allows lower scale single- and two-uses and building forms consistent with the desired development pattern of the area.

## Attachments

- Application
   Legal Description