



TO: Denver City Council
FROM: Brandon Shaver, Senior City Planner
DATE: August 13, 2020
RE: Official Zoning Map Amendment Application #2019I-00105

Staff Report and Recommendation

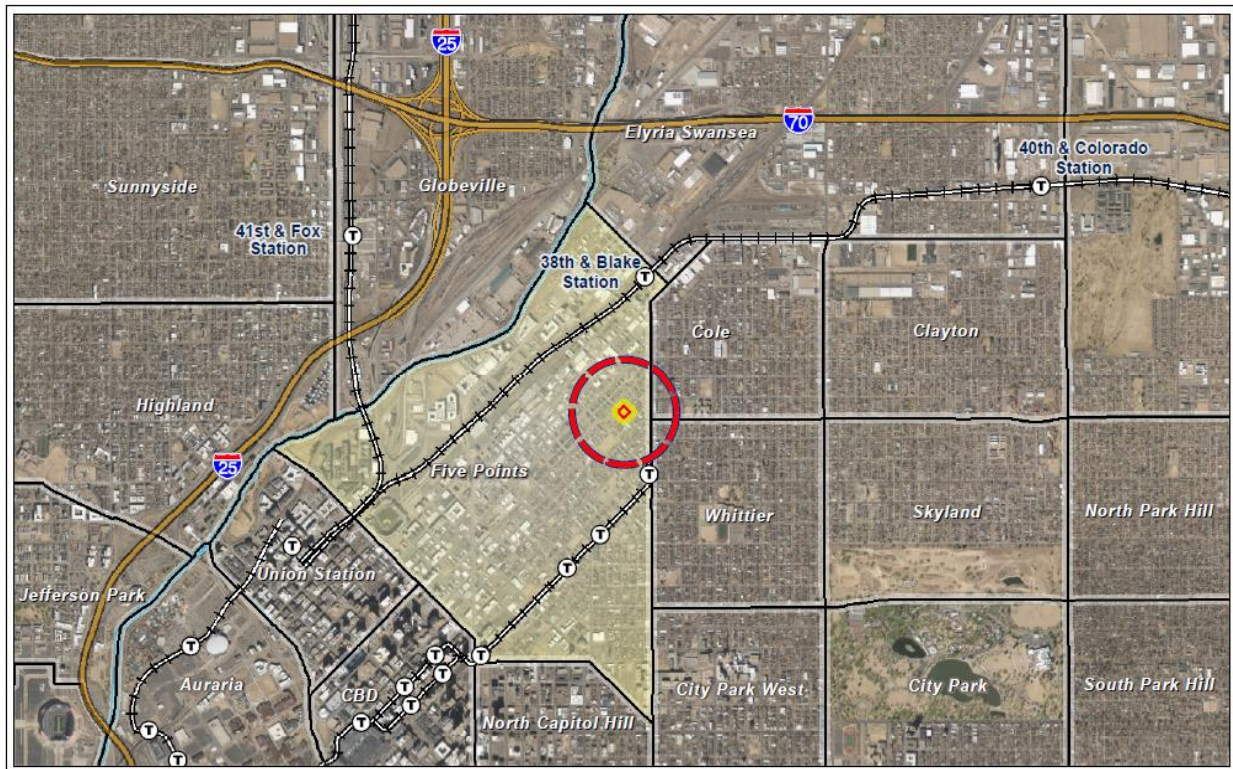
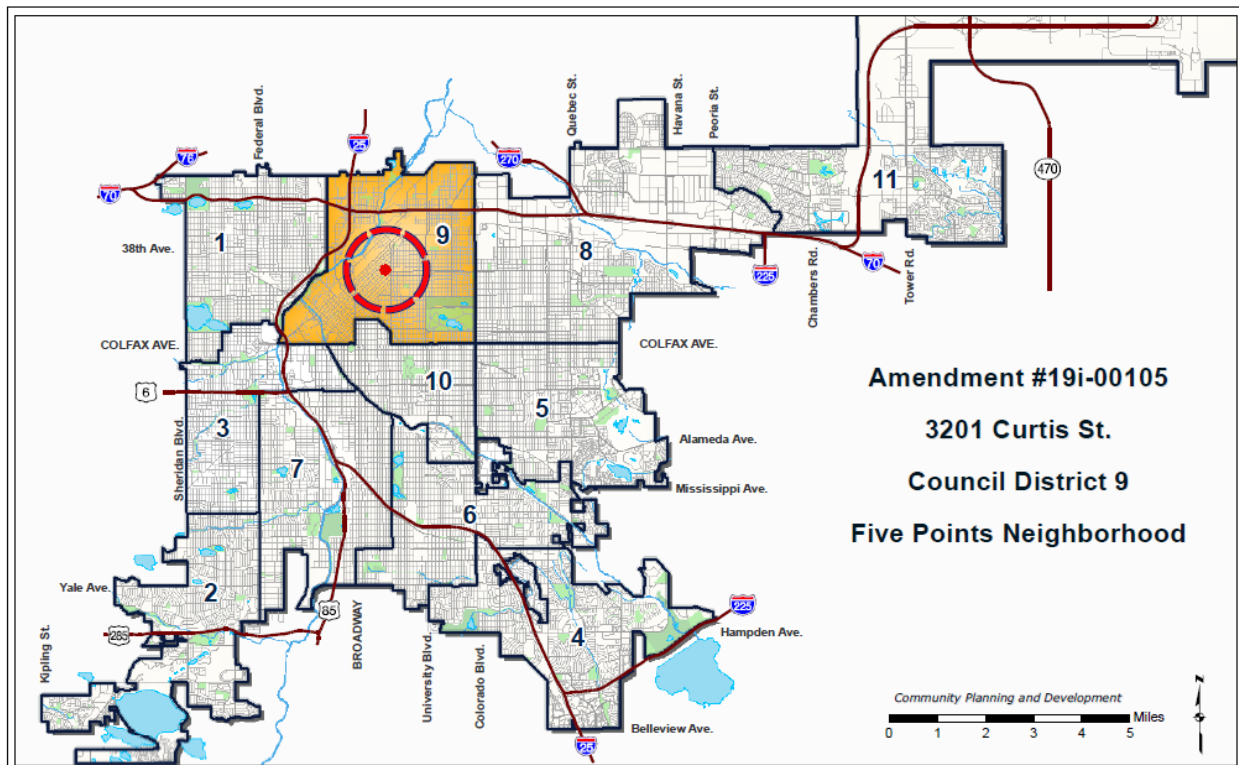
Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends approval for Application #2019I-00105.

Request for Rezoning

Address:	3201 Curtis Street
Neighborhood/Council District:	Five Points / Council District 9
RNOs:	UCAN, Five Points Neighbors, Northeast Denver Friends and Neighbors (NEDFANS), Rio Norte, Opportunity Corridor Coalition of United Residents, RiNo Art District, Curtis Park Neighbors, The Points Historical Redevelopment Corp, Center City Denver Residents Organization, Denver Arts and Culture Initiative
Area of Property:	16,625 square feet or 0.38 acres
Current Zoning:	PUD 379 (Former Chapter 59)
Proposed Zoning:	U-MX-2x
Property Owner(s):	Women's Bean Project
Owner Representative:	Bruce O'Donnell, Starboard Realty Group

Summary of Rezoning Request

- The subject property is in the Five Points neighborhood and in Council District 9, adjacent to Mestizo-Curtis Park.
- There is one two-story structure on the property, built in 1929 as a fire station. Since 1995, the structure has been used by the Women's Bean Project, a nonprofit that provides employment opportunities for women through food sales and manufacturing.
- The existing structure is a contributing structure in the Curtis Park G Historic Landmark District, which means there are significant protections in place to preserve the existing structure.
- The applicant is requesting the rezoning "to facilitate use of the Property that is consistent with the recommendations in the adopted plans."
- The current PUD zoning is specifically tailored for the existing building and use, maximum square footages by land use.
- The U-MX-2x zone district is designed for small sites embedded within neighborhoods and is limited to low intensity uses. (see Denver Zoning Code Section 5.3.2)





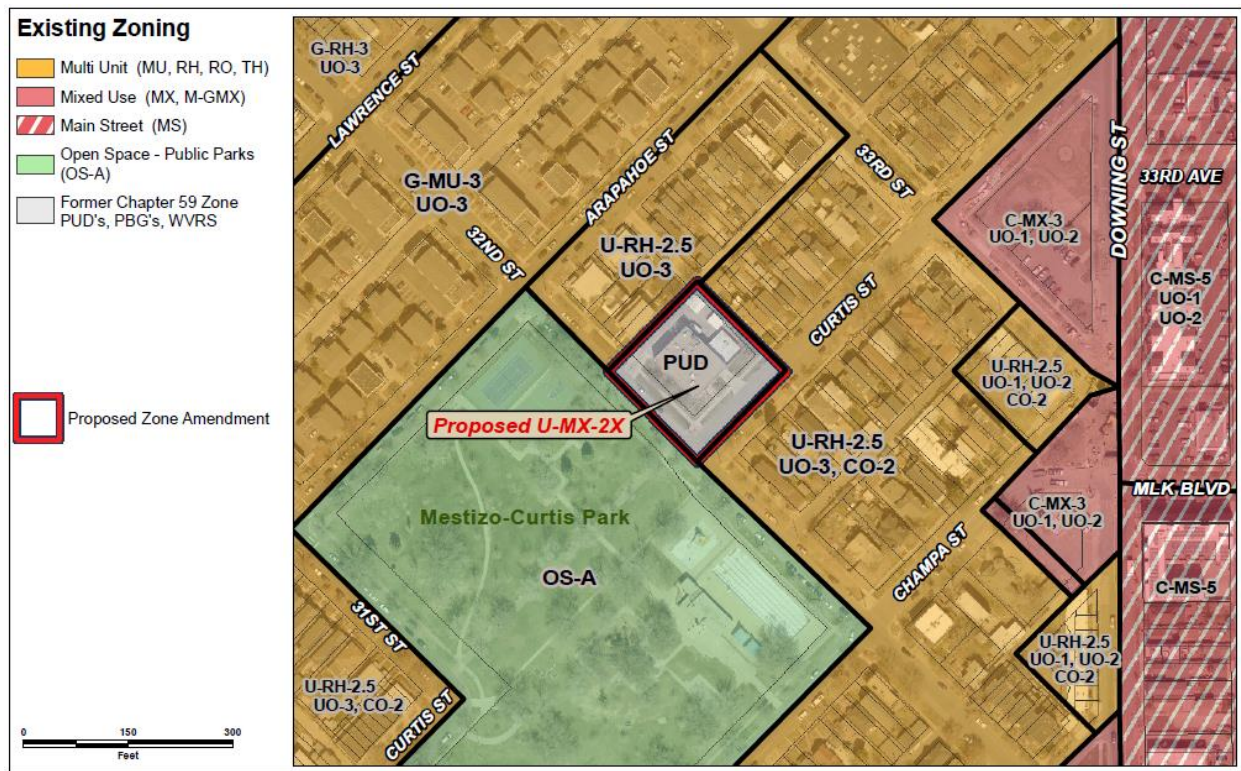
Existing Context

This area has a mix of single-, two- and multi-unit residential with some office uses. To the immediate south is the 8.2-acre Mestizo-Curtis Park. Building height is predominantly 1-2 stories. The subject site is within ½ mile of the 30th and Downing light rail station, and within ¼ mile of transit routes along Larimer Street, Martin Luther King Jr Blvd, Lawrence Street, and Downing Street.

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 379	Office and manufacturing	2-story structure	Immediate surroundings are part of the original angular street grid with alleys present on most blocks. One block east of the subject site across Downing Street the grid transitions to north-south.
North	U-RH-2.5, UO-3	Single and two-unit residential on the subject block, with multi-unit residential on surrounding blocks	Mix of 1-2 story structures	
South	OS-A, UO-3	Mestizo-Curtis Park	Existing park with minimal structures, including 1-story pool structure	
East	U-RH-2.5, UO-3	Predominantly single-unit residential, with some two-unit and multi-unit residential	Mix of 1-2 story structures	
West	U-RH-2.5, UO-3	Mestizo-Curtis Park and multi-unit residential	Existing park and 2-3 story structures	

1. Existing Zoning



The subject site is zoned PUD 379, which is a Former Chapter 59 PUD zone district. The PUD is highly customized for the existing building and current user that has been in place since the PUD approval in 1995. Specifically, PUD 379 sets forth:

- Maximum building coverage, heights, setbacks; and a floor area ratio to reflect the current building;
- Maximum areas for impervious surfaces, including parking and drive aisles;
- Minimum landscaping requirements;
- A minimum number of off-street parking spaces; and
- Allowed land uses in the R-3 zone district, with specific square footages for additional nonresidential uses including office, food packaging and processing, and retail sale of specialty food products.

Except for the park, the surrounding properties are zoned U-RH-2.5, which is a protected district. If the subject property is rezoned to U-MX-2x, it will be subject to all protected district standards including additional setbacks and use limitations. For protected district standards see DZC page 5.3-23 for setbacks in the General building form and see applicable use limitations (11.4.8, 11.5.8.3, 11.10.12.1, etc.).

2. Existing Land Use Map



3. Existing Building Form and Scale

All images from Google Maps Street View.



Subject property highlighted



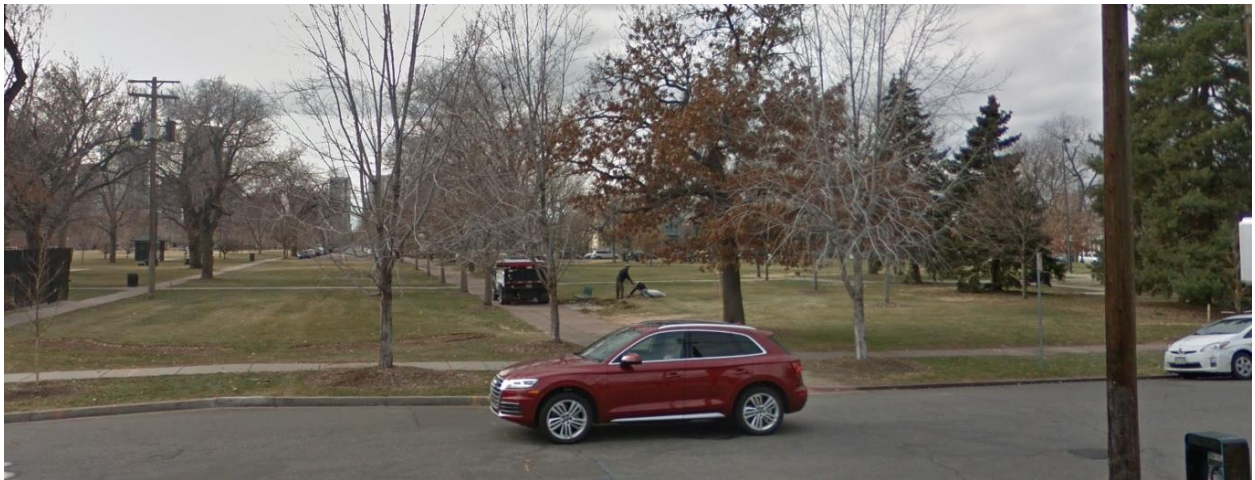
Subject property looking north from Curtis Street



Subject property looking east from 32nd Street



Surrounding property looking northeast along Curtis Street



Mestizo-Curtis Park immediately south of subject site



Surrounding property looking northwest along 32nd Street

4. Landmark Status

The subject site is a contributing structure in the Curtis Park G Historic Landmark District that was established in 2010. Any request for demolition would require a public hearing before the Landmark Preservation Commission pursuant to Denver Revised Municipal Code 30-6, and approval of any such request is extremely rare. Any request for a significant modification of the exterior would require

Landmark Preservation Commission design review. At a minimum, any change to the exterior of the building is subject to the Design Guidelines for Denver Landmark Structures and Districts.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments.

Notes. EQ is unaware of environmental conditions that impact the site and concurs with this 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, 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: DDPHE 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 – See comments.

Based on the address provided the description should be as follows:

LOTS 16 THROUGH 20, BLOCK 52, CASE AND EBERTS ADDITION TO THE CITY OF DENVER
CITY AND COUNTY OF DENVER,
STATE OF COLORADO
CONTAINING ±15,625 SQ FT OR ≈ 0.382 ACRES

Development Services - Transportation: Approved – No response.

Development Services – Wastewater: Approved – See Comments.

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No response.

Denver Fire Department: Approved – No response.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	11/18/2019
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:	2/3/2020
Planning Board Hearing (voted 8-0 in favor)	2/19/2020

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:	2/11/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	2/25/2020
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:	7/27/2020
City Council Public Hearing:	8/17/2020

Public Comments (see Attachment 2)

The summary below reflects comments received to date.

- **Registered Neighborhood Organizations (RNOs)**
 - One comment letter has been received in support of the rezoning from the Curtis Park RNO.
- **Other Public Comment**
 - One comment letter has been received in support of the rezoning from Historic Denver.
 - A petition signed by members of the public in support of the rezoning was collected at an open house held by Women's Bean Project on 10/24/19.
 - Four comment letters have been received in support of the rezoning from members of the public.
 - Two comment letters have been received from members of the public in opposition – one cites concerns not meeting rezoning criteria and the other citing concerns with the future buyer of the property.

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)*
- *Northeast Downtown Neighborhoods Plan (2011)*

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.

Strong and Authentic Neighborhoods Vision Element

The proposed rezoning would enable adaptive reuse of the existing structure at a location where services and infrastructure are already in place. The site is within ½ mile of the 30th and Downing light rail station, and within ¼ mile of transit routes along Larimer Street, Martin Luther King Jr. Blvd., Lawrence Street, and Downing Street. The proposed U-MX-2x zoning would allow for a broad variety of neighborhood-appropriate uses including housing, services, some limited retail, and employment near transit, and it is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well-connected, vibrant, mixed-use centers and corridors* (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 Vision Element

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).

The requested map amendment will enable adaptive reuse of a structure at an infill location where services and infrastructure are already in place. The requested U-MX-2x zone district broadens the variety of uses allowing residents to live, work and play in an area well served by transportation mobility options. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

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 the Low-Medium Residential future place within the Urban 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 in things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 67). The subject property is within the Urban neighborhood context. The Urban neighborhood context is for “Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” (p. 137).

The proposed U-MX-2x zone district is part of the Denver Zoning Code Urban Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge”, and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 5.2.3.1)

Blueprint Denver Future Places



The future places map shows which place description(s) should be used to evaluate the appropriateness of the proposed zone district (p. 67). The subject property is mapped as Low-Medium Residential in the Future Places Map. The Low-Medium Residential classification includes areas where “Neighborhood-serving retail may be found in key locations” (p. 149) and with “limited mixed-use along some arterial and collector streets and some intersections” (p. 201). “Buildings are generally 3 stories or less in height” (p. 201).

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 32nd 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). Curtis Street is a Residential Arterial. Arterials “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154).

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 U-MX-2x is consistent with this map because will enable compatible adaptive reuse of the existing structure for this location to support continued viability of the existing building.

Blueprint Denver Strategies

The following additional Blueprint Denver policies are applicable to the rezoning request:

- Land Use and Built Form: General Policy 3, 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).
- Land Use and Built Form: Design Quality & Preservation Policy 3, Strategy K – "Identify important mixed-use historic structures and encourage their continued use or adaptive reuse."

Consistency with Blueprint Denver

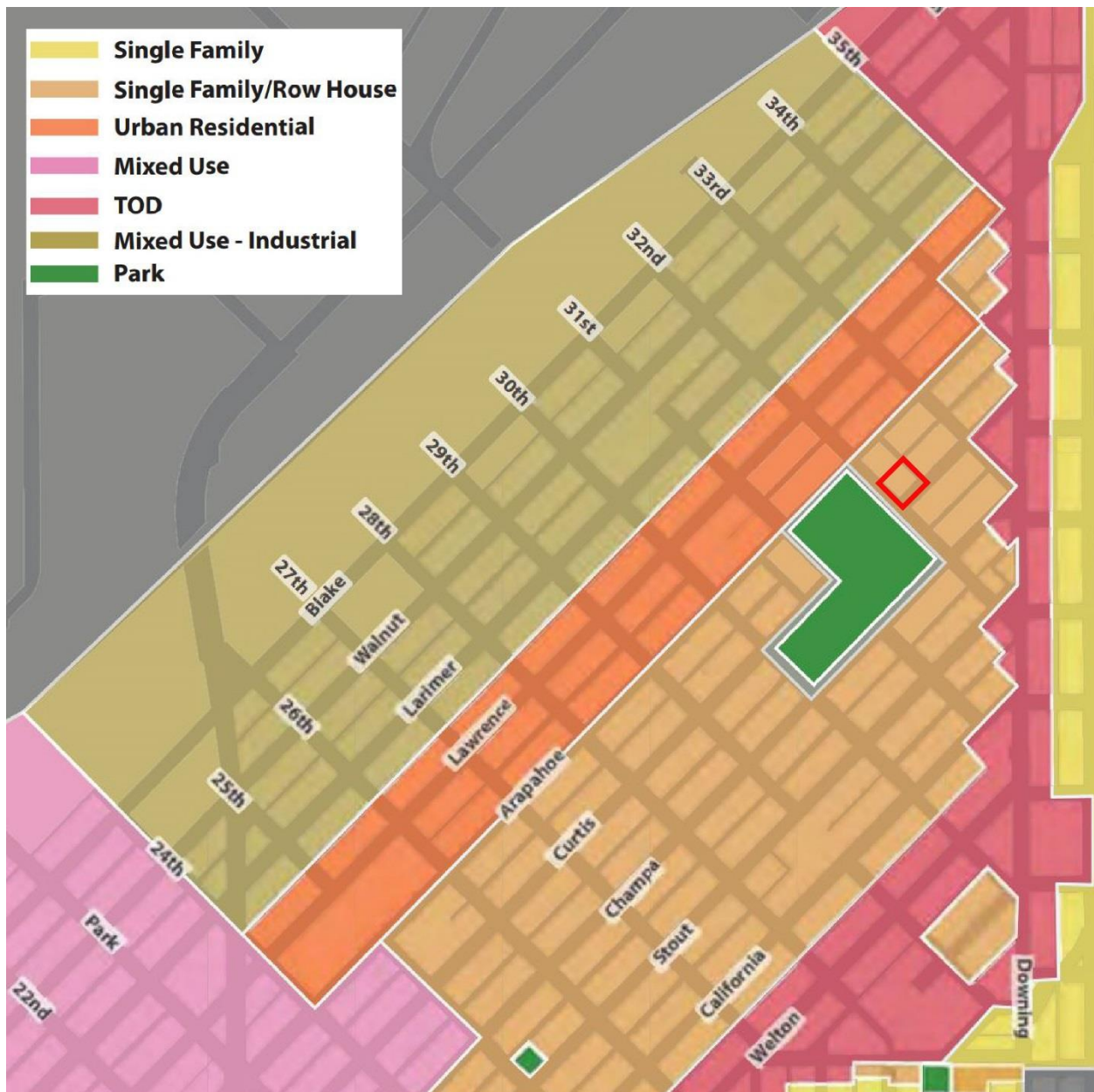
- The proposed rezoning is consistent with the Blueprint Denver Urban Neighborhood Context because:
 - The proposed U-MX-2x zone district is in the DZC Urban neighborhood context;
 - The subject site has historically been nonresidential and mixed use and is embedded in a 1-unit and 2-unit residential area, which is consistent with the purpose of the U-MX-2x zone district; and

- The proposed U-MX-2x zone district promotes pedestrian scaled, diverse areas through the use of building forms that clearly define and activate the public street edge. All allowed building forms have mandatory build to requirements, do not allow parking or drive aisles between the building and the street, and have minimum transparency requirements.
- The proposed rezoning is consistent with the Blueprint Denver Low-Medium Residential future place because:
 - The proposed U-MX-2x zone district is a mixed-use zone district that is calibrated for neighborhood-serving retail, and the subject site is a corner site fronting a Residential Arterial (Curtis Street); and
 - The proposed U-MX-2x zone district has a maximum 2-story building height.
- The proposed rezoning is consistent with the Blueprint Denver Undesignated Local and Residential Arterial street classifications because:
 - U-MX-2x is intended for embedded commercial areas primarily served by local streets. 32nd Street is an Undesignated Local, and Curtis Street is a Residential Arterial, supporting a zone district that allows low-scale commercial uses.
- The proposed rezoning is also consistent with Blueprint Denver policies because it would eliminate a Former Chapter 59 zone district and bring the site into the Denver Zoning Code.
- The proposed rezoning is also consistent with Blueprint Denver policies because it would facilitate adaptive reuse of an important historic mixed-use structure.

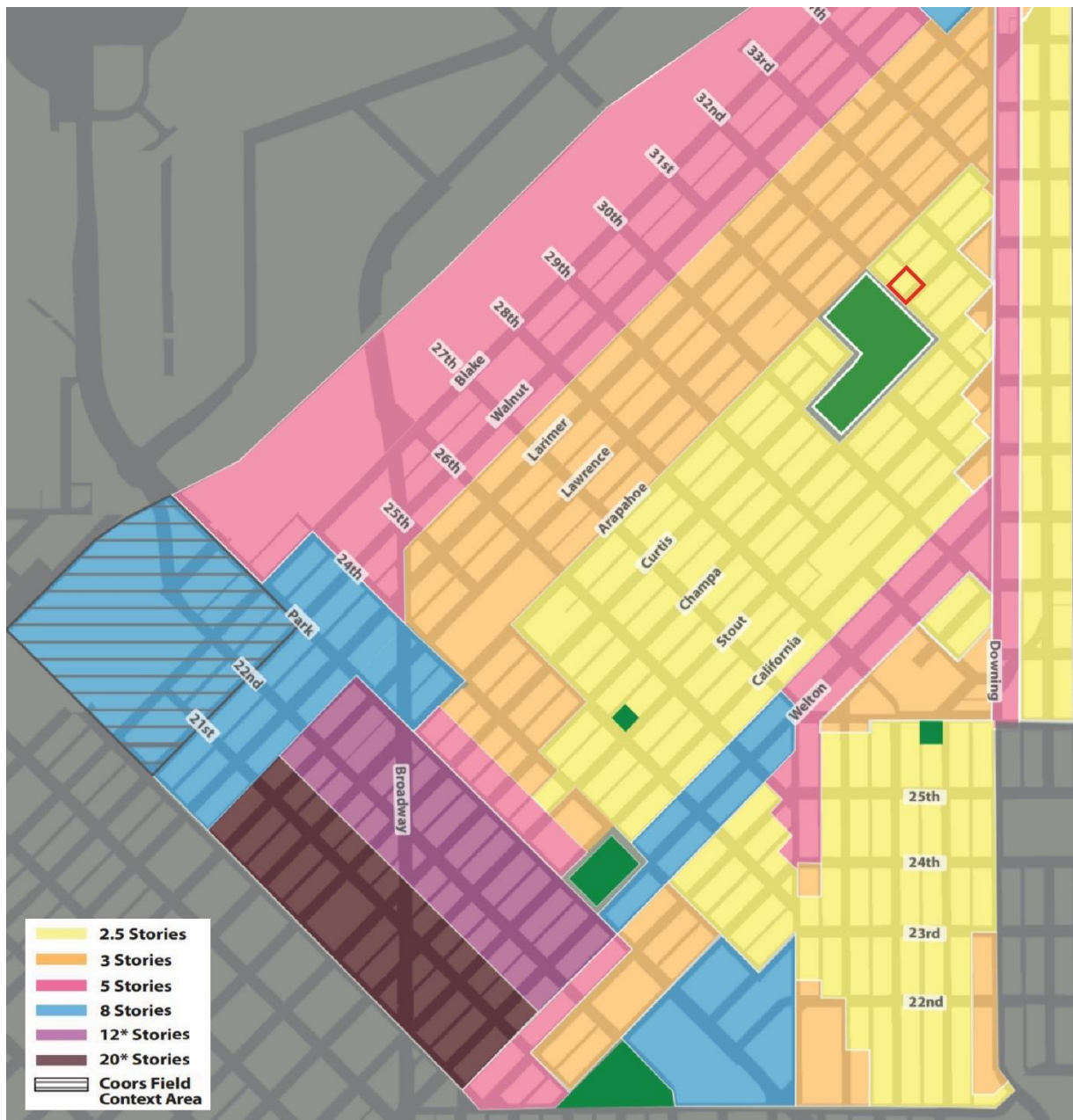
Northeast Downtown Neighborhoods Plan (2011)

The Northeast Downtown Neighborhoods Plan identifies the subject site as in a Single Family/Row House area with future building heights up to 2.5 stories (pp. 16-17, 19). “Single family rowhouse residential areas are moderately dense areas that are primarily residential but with some complementary, small-scale commercial uses” (p. 16).

Northeast Downtown Neighborhoods Plan Future Land Use Map



Northeast Downtown Neighborhoods Plan Future Concept Height Map



The following additional Northeast Downtown Neighborhoods Plan policies are applicable to the rezoning request:

- Neighborhood Connections and Character Concepts and Recommendations A.3 Low Intensity Development in Residential Neighborhoods - *Allow a mix of land uses consisting primarily of residential uses with limited neighborhood-serving commercial* (p. 20).
- Neighborhood Connections and Character Concepts and Recommendations A.4 Adaptive Reuse and Historic Preservation - *Promote the reuse of existing buildings. Existing buildings, whether historic or not, are important character-defining elements throughout the Northeast Downtown Neighborhoods* (p. 21).

Within the Northeast Downtown Neighborhoods Plan, this site is located in the Curtis Park neighborhood where additional neighborhood concepts and recommendations apply. The following recommendation most directly applies to this application:

- N.20 Accommodate Adaptive Reuse: Part of Curtis Park's unique character comes from the presence of imbedded commercial structures within the neighborhood, typically located on corners. In some cases, these structures are in active commercial use, but in many other cases the buildings are vacant. More often than not, these properties have residential zoning and as such the establishment of new commercial uses would be precluded. Such a situation would not be in the best interest of the neighborhood. The reuse of existing commercial buildings for commercial purposes should be accommodated on a case-by-case basis, in consultation with the neighborhood. (p. 80)

As demonstrated by the letter of support submitted by the registered neighborhood organization, the applicant has consulted the neighborhood regarding reuse of the site. Although not originally designed for commercial use, this existing building has been used for commercial/nonresidential purposes since the fire station closed and is imbedded in the neighborhood on a corner site.

Consistency with Northeast Downtown Neighborhoods Plan

The proposed rezoning is consistent with the Northeast Downtown Neighborhoods Plan for the following reasons:

- The proposed U-MX-2x zone district only allows neighborhood scaled commercial uses that are complementary to the predominantly residential character of the surrounding area;
- The maximum height (2 stories) in the proposed U-MX-2x zone district is less than the future conceptual building heights identified in the plan; and
- Through eliminating a very specific PUD tailored to one unique user and enabling a broader range of land uses, the rezoning will encourage the reuse of an existing building that is part of the fabric of the neighborhood.
- The rezoning would allow case-by-case reuse of an existing building used for commercial purposes, following consultation with the neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-2x 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 through implementation of adopted plan policies related to supporting both reuse of existing buildings and neighborhood serving commercial uses.

4. Justifying Circumstance

Justifying Circumstance is defined under DZC Section 12.4.10.8.A.4 as, "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 subject property has retained its Former Chapter 59 zoning since the city adopted the Denver Zoning Code, which represents an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-MX-2x zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

According to the zone district intent stated in the Denver Zoning Code, the U-MX-2x district “applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses” (DZC Section 5.2.3.2.B). The subject property is one parcel embedded in an existing neighborhood at the intersection of one local and one arterial street. The proposed U-MX-2x zoning would allow low-scale buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application
2. Public comments
3. PUD 379