



750 E 9th Street

Pre-Application Request: PUD 499 to G-MU-5 or G-MU-3

Meeting Date:
8/23/22

Pre-Application Information

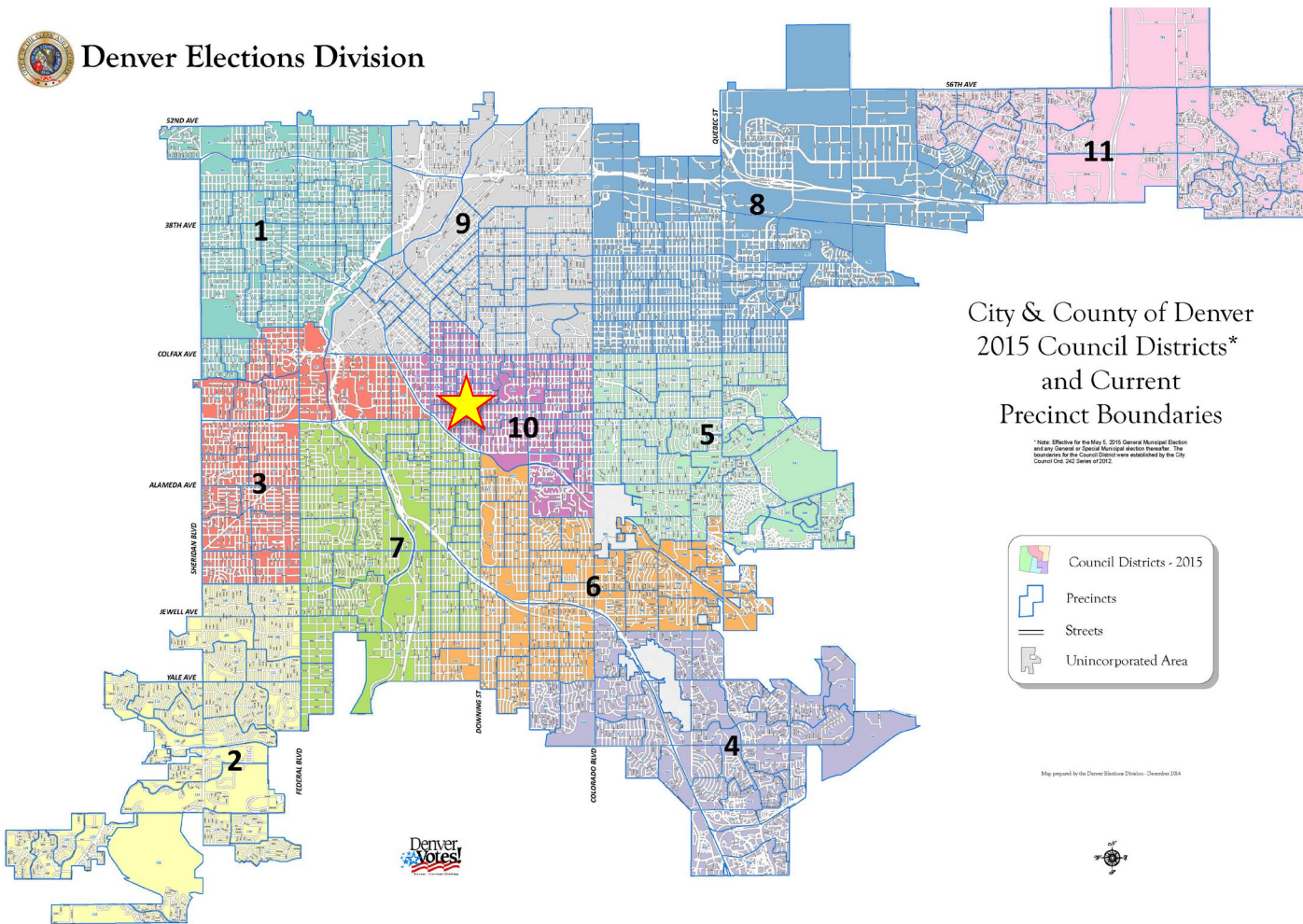
| | |
|--|---|
| Date Initiated: 8/2/22 | File Number: 2022i-00167 |
| Rezoning Address | 750 East 9 th Street |
| Property/Rezoning Size | 6,458 s.f. |
| Property Owner | |
| Representative (if other than owner initiated pre-application) | Max Odom, RCG Colorado LLC – under contract to purchase |
| Pre-Application Meeting Date | TBD |
| Pre-Application Planner and Contact Information | Chelsea Bennouna, (720) 865-2594, Chelsea.Bennouna@denvergov.org |

Note: Pre-application Reviews expire after 180 days, pursuant to Denver Zoning Code Sec. 12.3.2.4. If 180 days have passed, a new Pre-application Review is required prior to submittal of a rezoning application

Capitol Hill, Council District 10 – Councilmember Chris Hinds

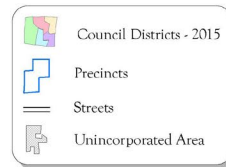


Denver Elections Division

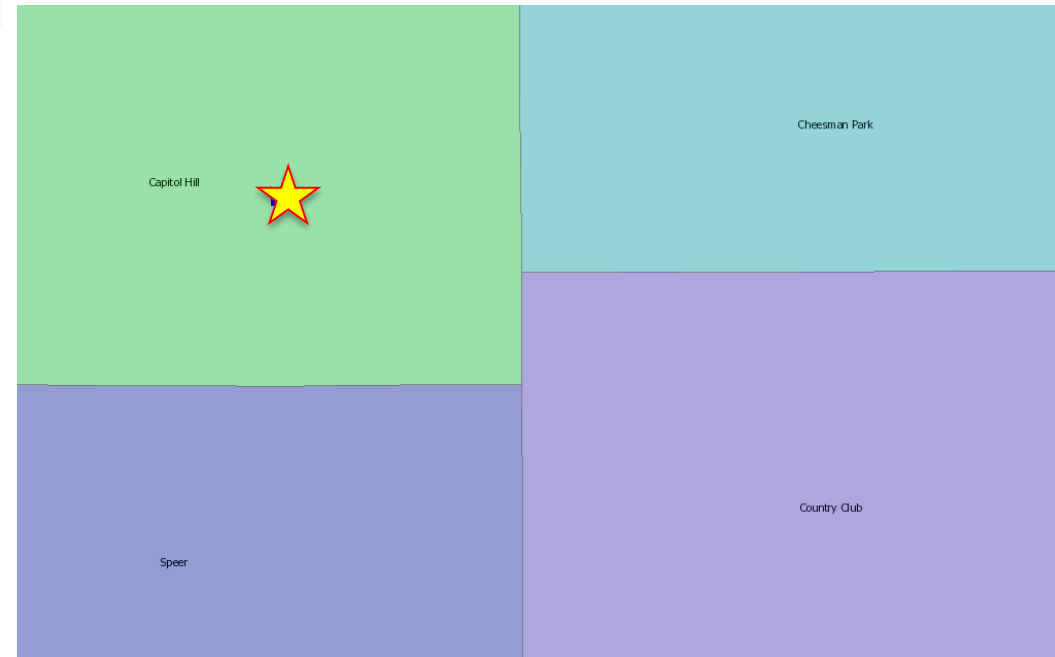


City & County of Denver
2015 Council Districts*
and Current
Precinct Boundaries

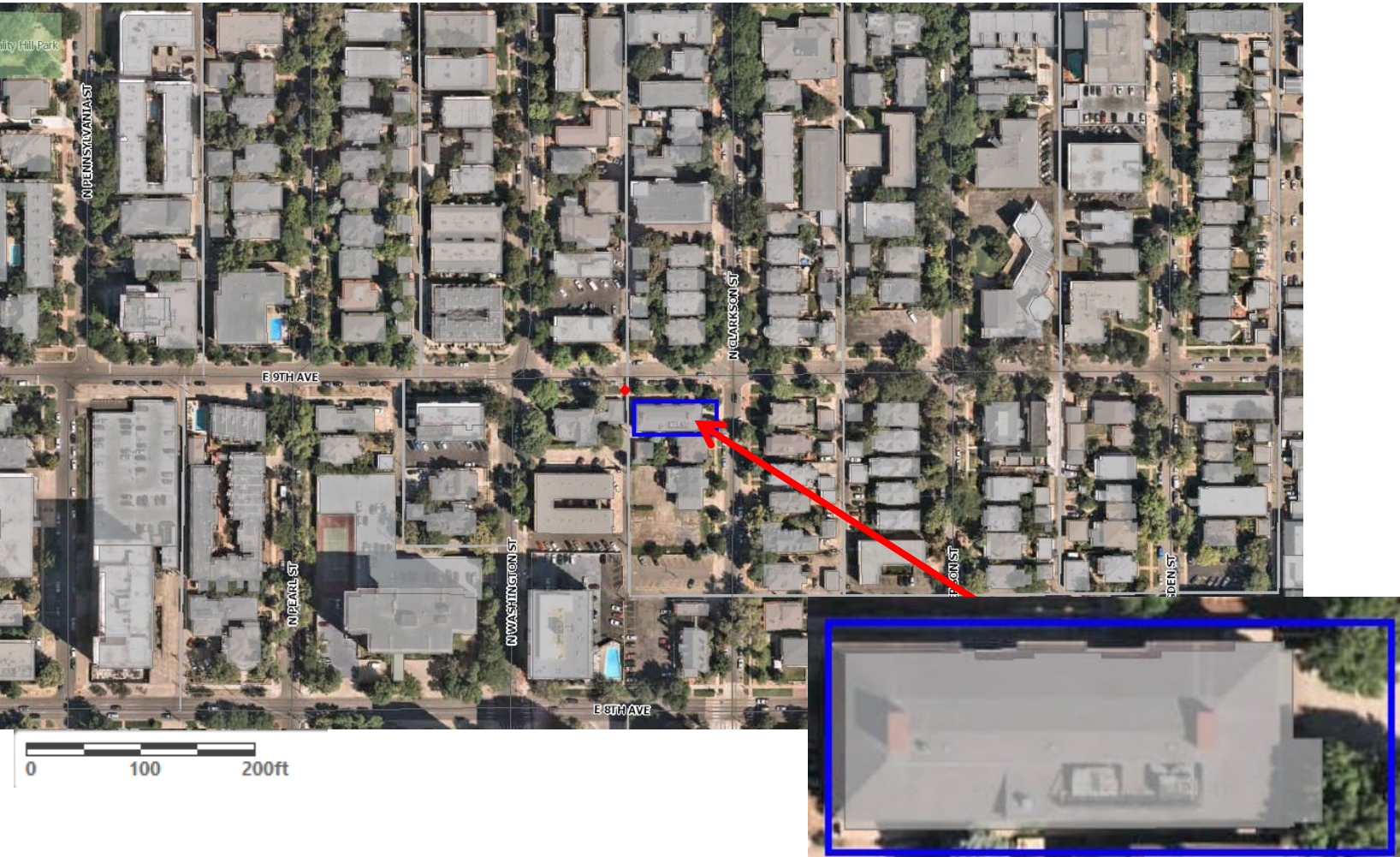
* Note: Effective for the May 5, 2015 General Municipal Election and any General or Special Municipal election thereafter. The boundaries for the Council Districts were established by the City Council Ord. 302 (June 9, 2012).



Map prepared by the Denver Elections Division, December 2014.

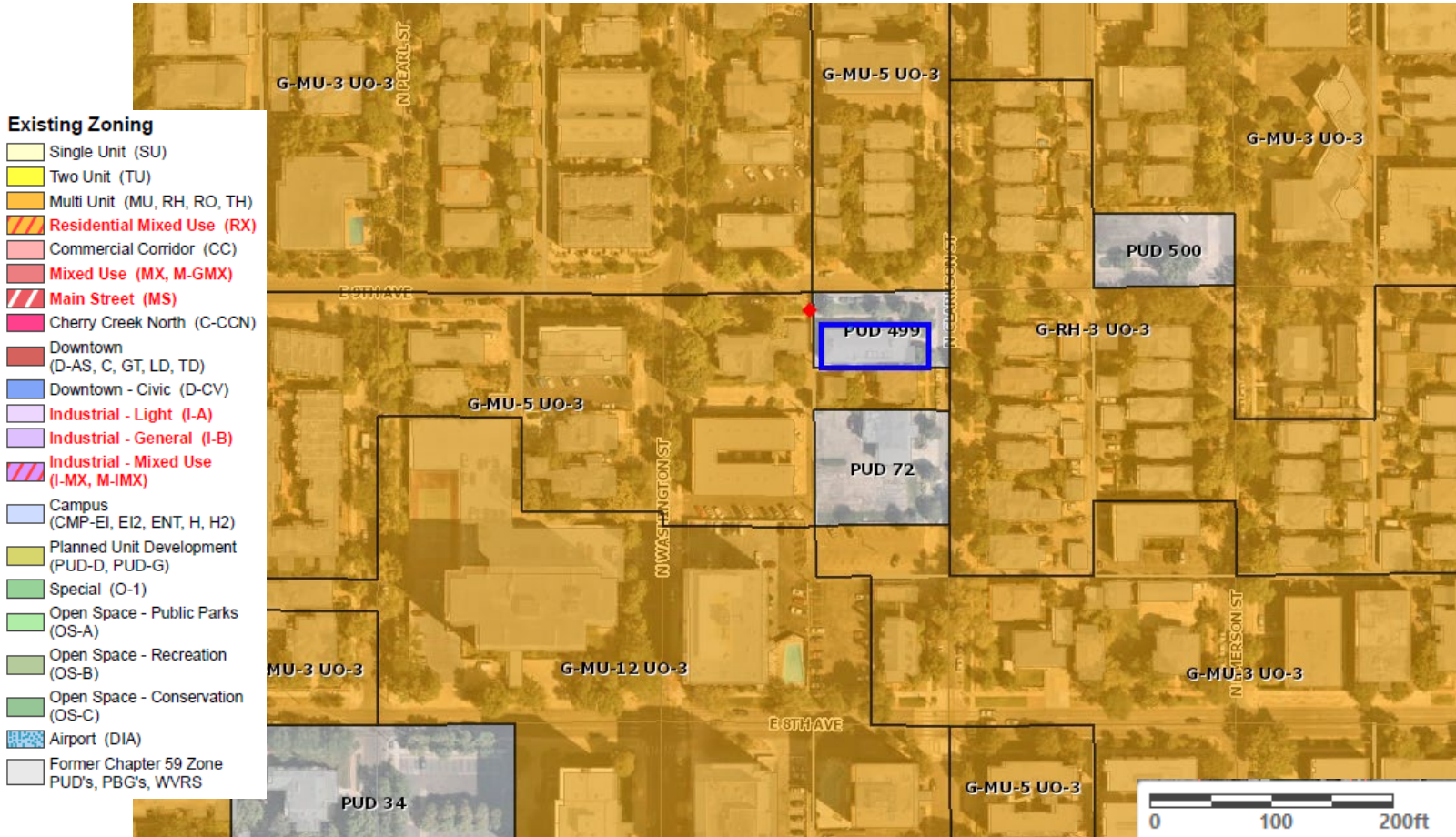


Pre-Application Request



- Property:
 - 6,458 sq. ft.
 - Existing two-story building, currently an office/healing center.
- Rezone from PUD 499 to G-MU-5 or G-MU-3
- *Applicant intends to reuse existing building and make minor modifications to convert to residential use.*
- *“Due to the effects of COVID on the office market – and specifically the therapy market – the building currently has significant vacancy with no prospects of full capacity”*

Existing Zoning – PUD 499



Existing Zoning: PUD 499

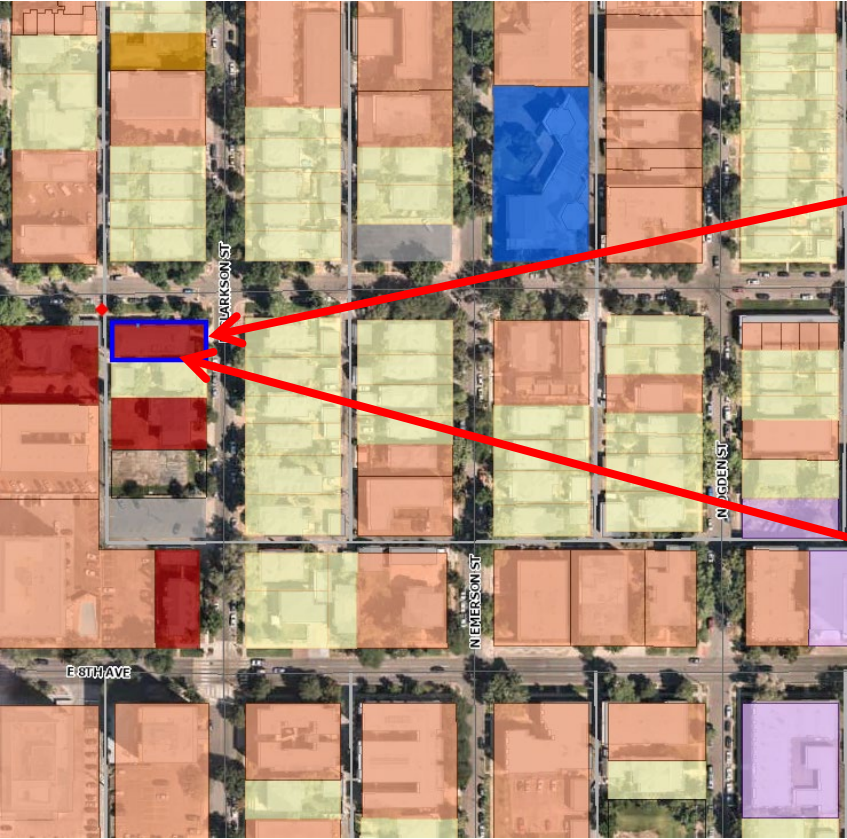
- Surrounded by G-MU-5, G-MU-3, G-RH-3, G-MU-12

Existing Land Use

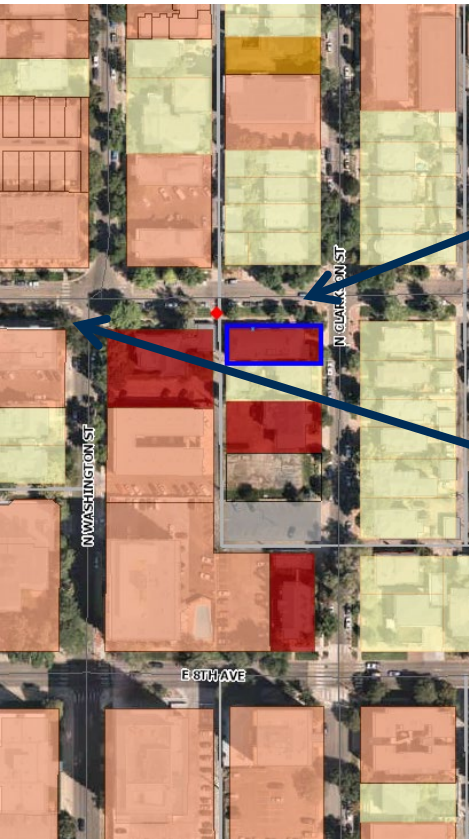


- Office
- Neighborhood is mostly a mix of single and multi unit residential with some office

Existing Context – Building Form/Scale



Existing Context – Building Form/Scale



Requested Zone District – PUD to G-MU-5

| General Urban (G-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | |
|--|------------------|----------------|-------------|--------|--------------|------------|--------------|------------|-----------|---------------------|-----------------------|---------|-----------|
| | | 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 Structures Per Zone Lot | | 1* | 1* | 1* | 2 | No Maximum | | | | | | | |
| RESIDENTIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Row House (RH) | G-RH-3 | | ■ | ■ | | ■ | | | | | | | |
| | G-MU-3, -5 | | ■ | ■ | | ■ | ■ | ■ | | | | | |
| Multi Unit (MU) | G-MU-8, -12, -20 | | ■ | ■ | | | | ■ | ■ | | | | |
| Residential Office (RO) | G-RO-3, -5 | | ■ | ■ | | | | ■ | ■ | | | | |
| COMMERCIAL MIXED USE ZONE DISTRICTS | | | | | | | | | | | | | |
| Residential Mixed Use (RX) | G-RX-3, -5 | | | | | | | ■ | | | | | ■ |
| Mixed Use (MX) | G-MX-3 | | | | | | | ■ | | □ | □ | ■ | ■ |
| Main Street (MS) | G-MS-3, -5 | | | | | | | ■ | | □ | □ | | ■ |

■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

Currently in PUD-499:

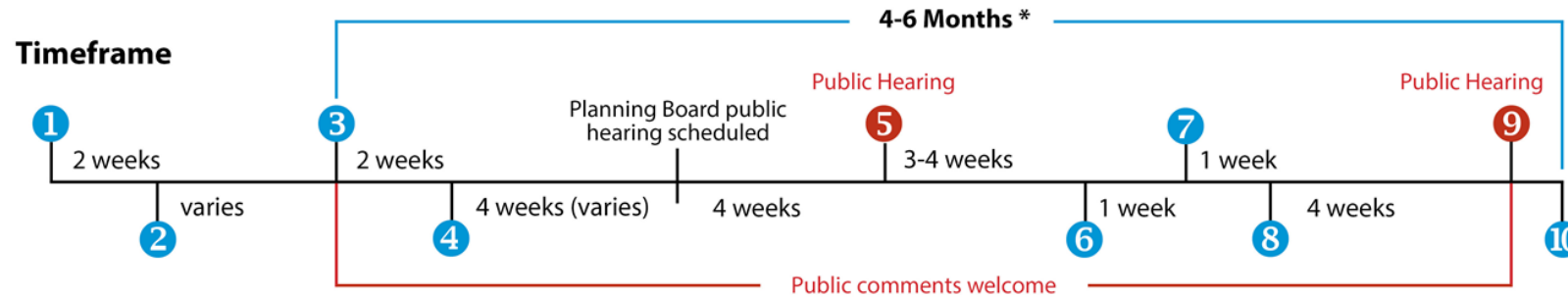
“PUD is a clinic/office that can be used for holistic, naturopathic practitioners and educators such as massage therapists, chiropractors, acupuncturists, yoga, and similar types of practice. 2 dwelling units maximum are allowed. There are historic preservation elements to the agreement.

In requested G-MU-5 Zone District:

G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories

Process

An overview of a typical rezoning process.



* This is a typical timeframe estimate. Unique circumstances and/or rezoning complexity will adjust the timeframe.

Registered Neighborhood Organizations

- *Inter-Neighborhood Cooperation (INC)*
- *Capitol Hill Neighbors for Greater Capitol Hill*
- *United Neighborhoods, Inc.*

- 1) **Pre-Application Review**
- 2) Informal public outreach (RNOs, surrounding neighbors, Councilmembers)
- 3) Submit a Complete Application
- 4) City/Agency review
- 5) Planning Board
- 6) Land Use, Transportation & Infrastructure Committee
- 7) Mayor-Council Meeting
- 8) City Council First Reading
- 9) City Council Public Hearing
- 10) Mayor Signature and Publication

Contact information for RNO's can be found here:

<https://www.denvergov.org/content/denvergov/en/community-planning-and-development/registered-neighborhoods.html>

Denver Zoning Code Map Amendment Review Criteria

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

See *DZC 12.4.10.7, 12.4.10.8*

Review Criteria

1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*
- *East Central Area Plan (2020)*

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

Review Criteria: Consistency with Adopted Plans

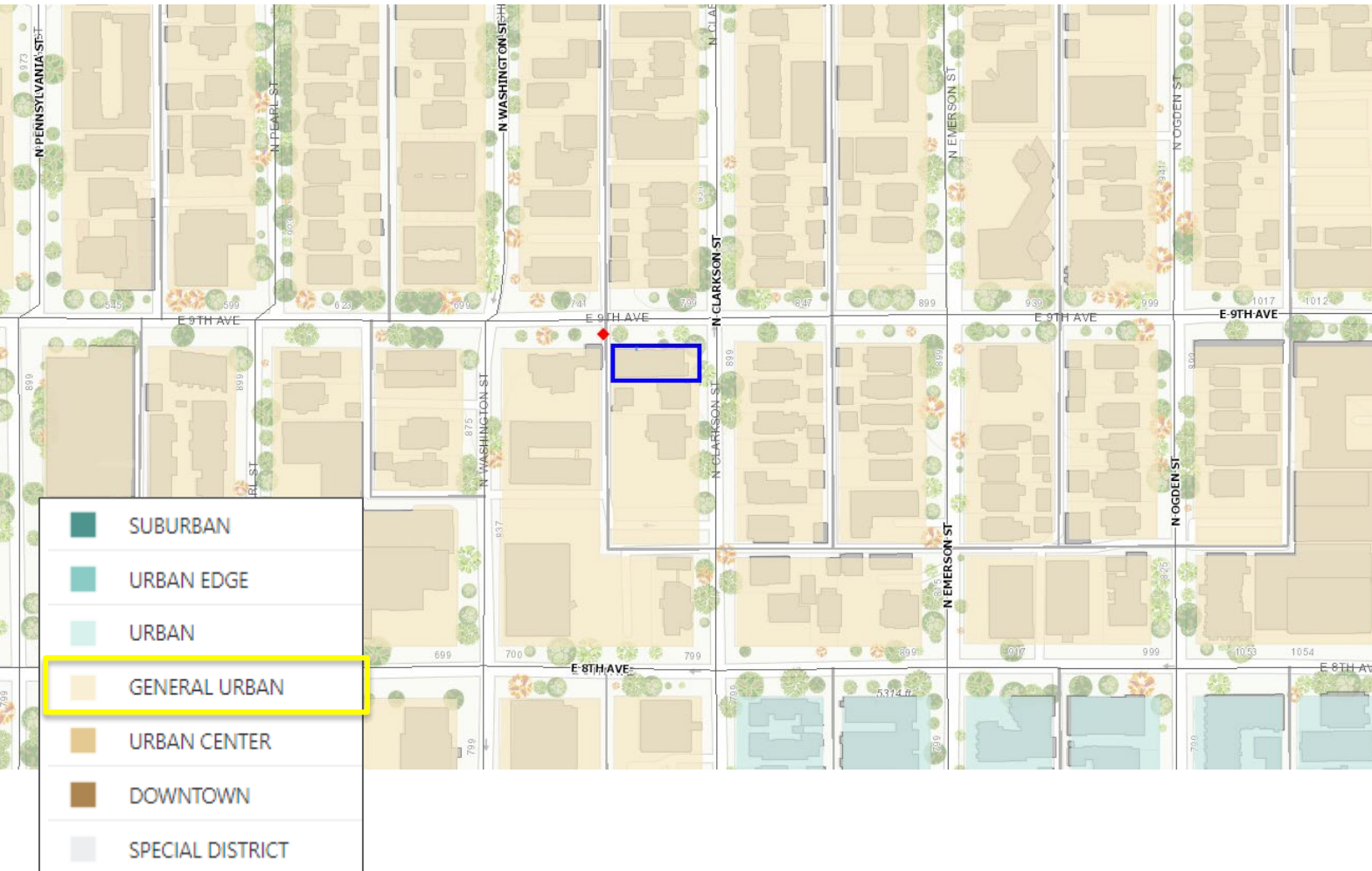
Comprehensive Plan 2040

Example:

- *Equitable, Affordable and Inclusive Goal 1 Strategy A – Increase development of housing units close to transit and mixed use developments*
- *Equitable, Affordable and Inclusive Goal 2 Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families*
- *Environmentally Resilient Goal 8, Strategy A- Promote infill development where infrastructure and services are already in place (p.54).*



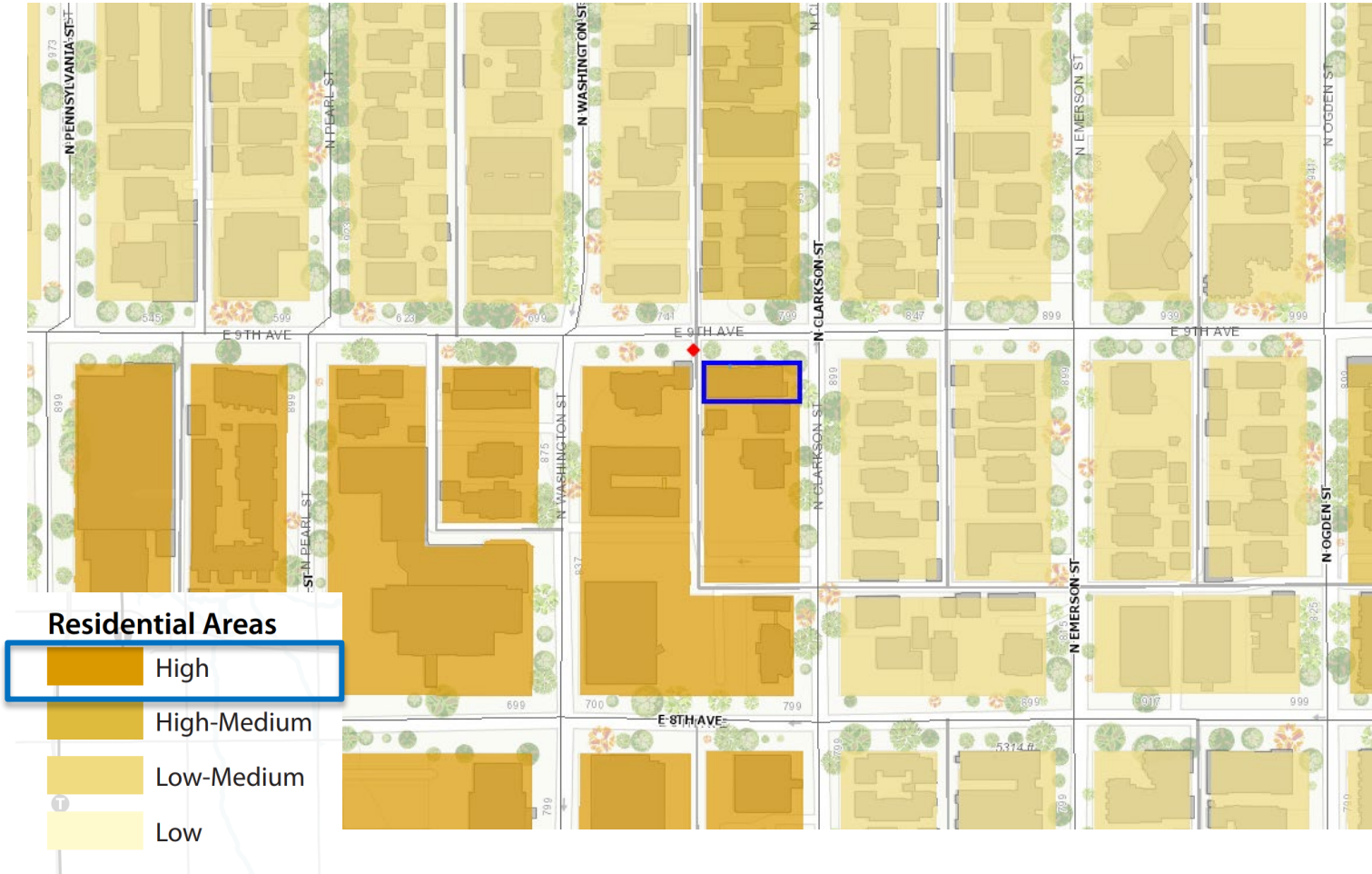
Consistency with Adopted Plans: *Blueprint Denver*



Future Neighborhood Context: General Urban

Predominantly multi-unit structures. 1-unit and 2-unit residential and low scale mixed-use are embedded within the multi-unit areas. Block patterns are generally regular with consistent alley access. Buildings are medium scale and close to the street.

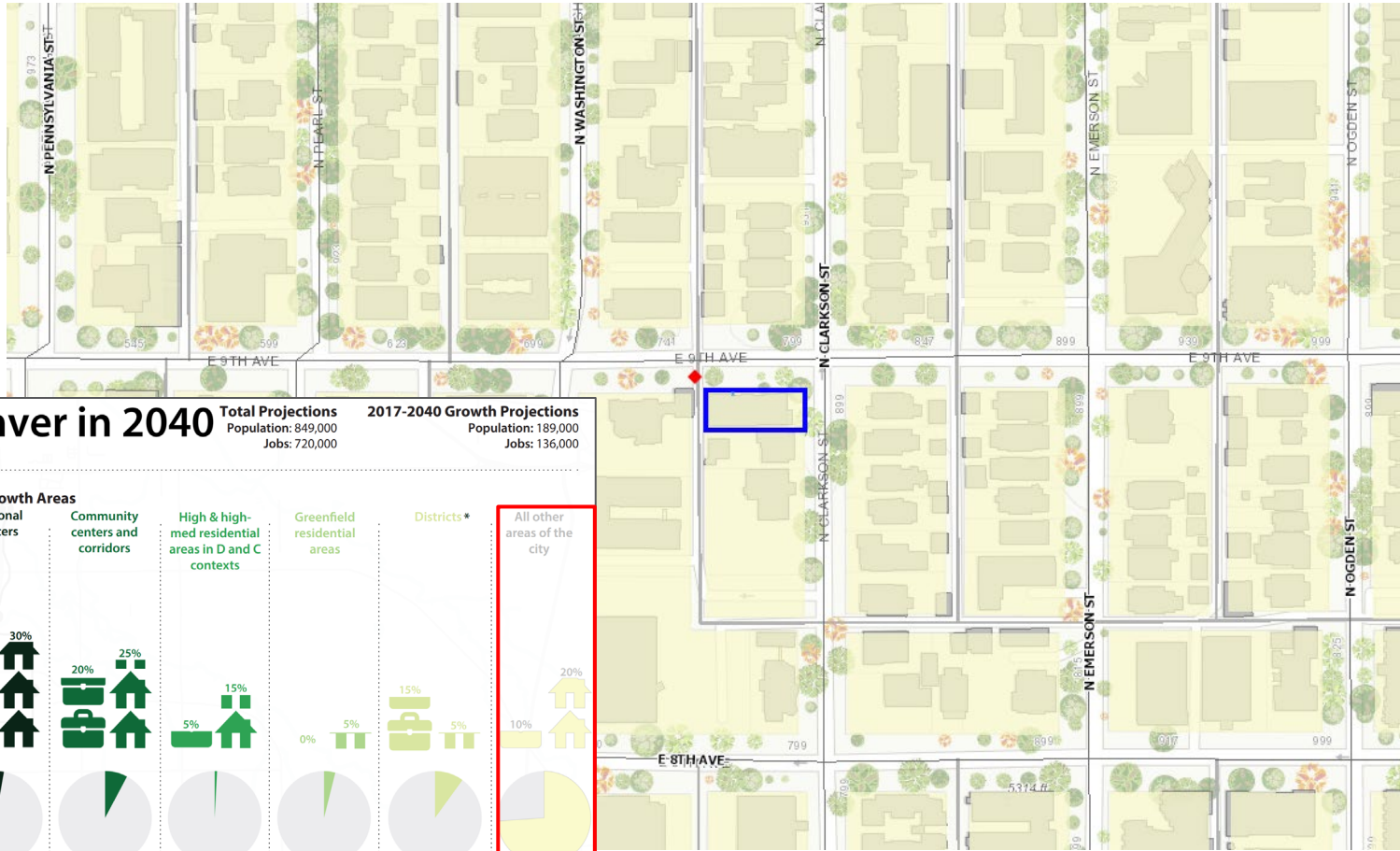
Consistency with Adopted Plans: *Blueprint Denver*



Future Places: High Residential

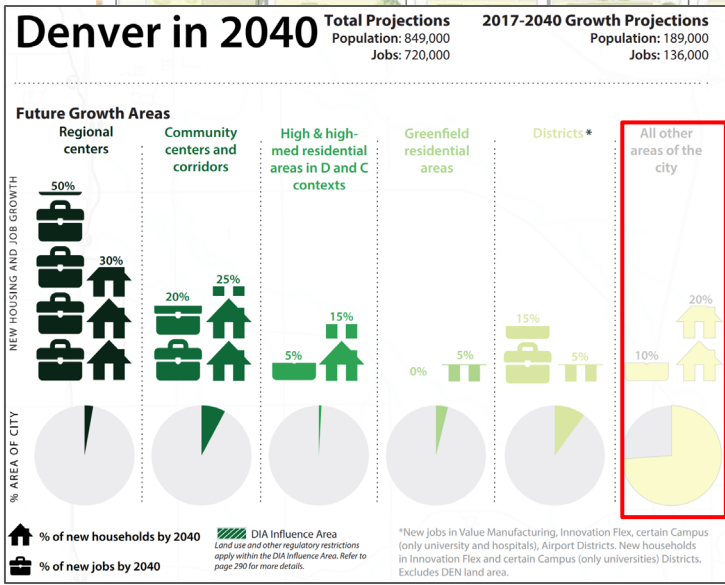
A high mix of uses throughout, including many large scale multi-unit residential uses. Commercial uses are prevalent. Buildings are generally the tallest of the residential places in this context. There is high lot coverage and shallow setbacks.

Consistency with Adopted Plans: Blueprint Denver



Growth Areas Strategy: All other areas of the city

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



Review Criteria: Consistency with Adopted Plans

Recommendations

Land Use & Built Form:
Housing



06

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.

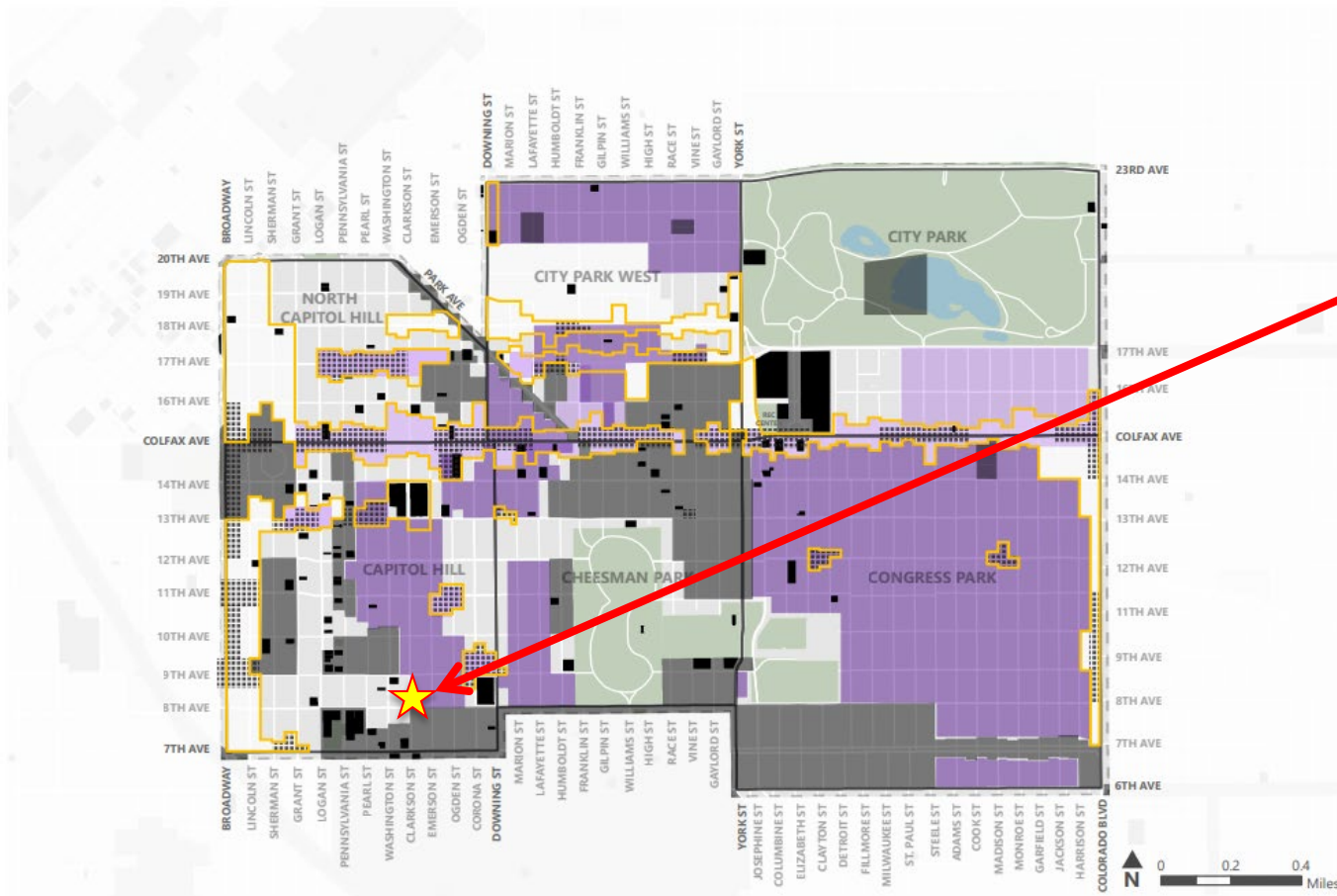
GOALS: 6, 7, 8, 9

The preservation and reuse of existing buildings enhances neighborhood character and encourages smarter, more efficient use of building materials. Although landmark designation is the most effective tool for preserving historic areas and structures, there are other tools to incentivize the preservation and reuse of existing structures throughout the city.

- A. Integrate historic resources surveys, like Discover Denver, that identify and provide data on buildings into land use planning and regulations.
- B. Develop a citywide preservation plan. The plan could provide guidance on methods to incentivize the adaptive reuse of existing historic buildings.
- 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.
- D. Study and implement additional financial incentives for historic structures, such as tax abatements or grants for listing properties on local and/or state and national historic registers.

Review Criteria: Consistency with Adopted Plans

LAND USE AND BUILT FORM OPPORTUNITY AREAS



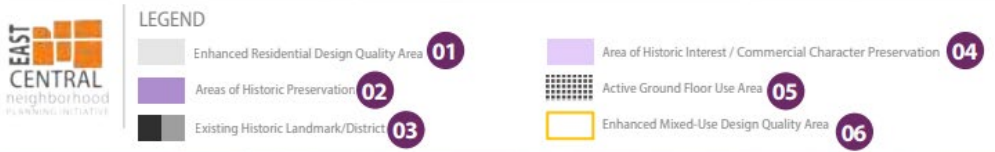
Enhanced Residential Design Quality Area **01**

01



Enhanced Residential Design Quality Area

Standards to preserve traditional neighborhood character by adjusting design standards to be more consistent with the existing architecture in the neighborhood, and encouraging context-sensitive additions instead of demolition. See Policies L4 & L7. (Photo: Home in Congress Park.)



Review Criteria: Consistency with Adopted Plans

RECOMMENDATIONS

BUILDING HEIGHTS

L3

Allow taller buildings when significant community benefits are provided

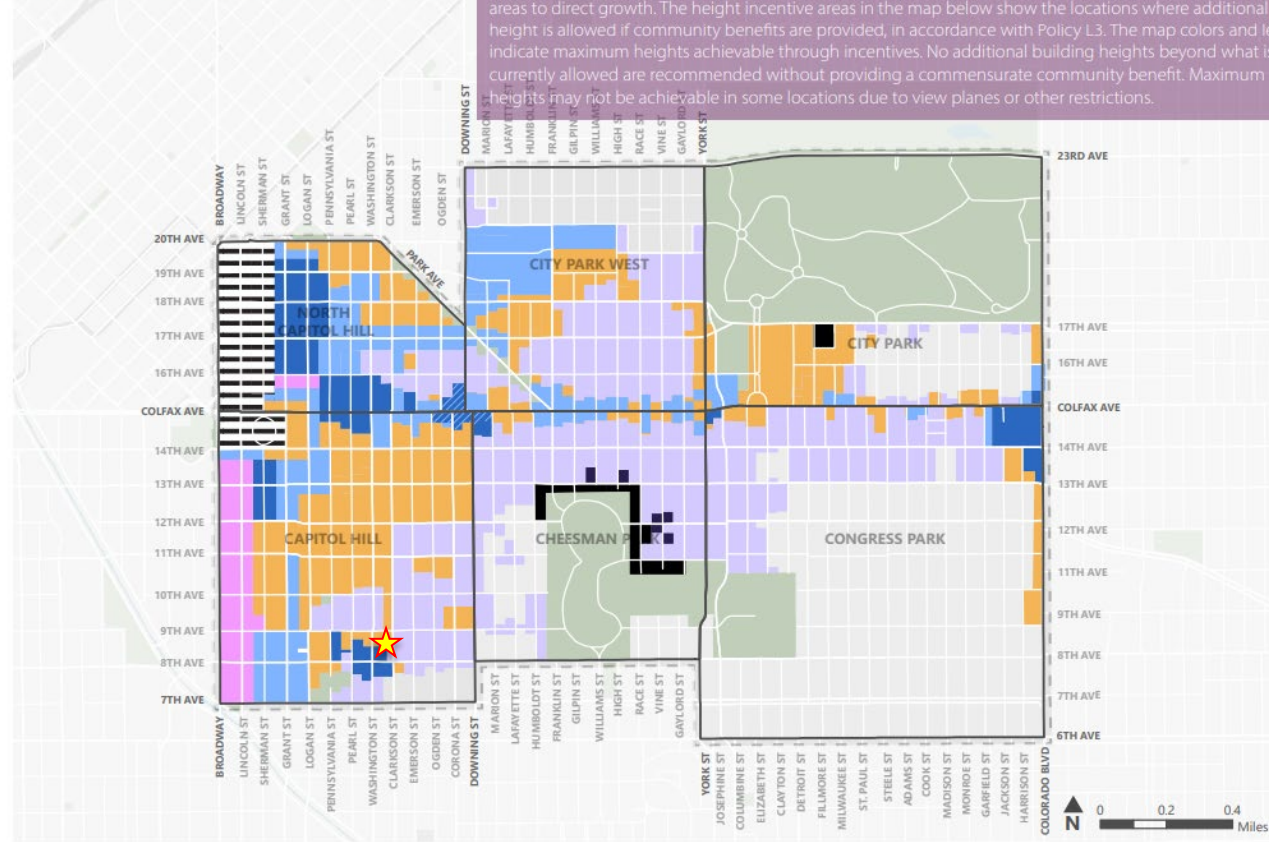
The vision for East Central includes pedestrian-friendly neighborhoods, a variety of affordable housing options, vibrant activity near major transit stops, quality jobs, community gathering spaces, and thriving locally owned businesses. The vision calls for directing more intense development to centers and corridors, while also encouraging preservation of commercial character buildings along Colfax Avenue. Requiring community benefits ensures new development contributes positively to the area.

- A.** Consistent with citywide policies in *Blueprint Denver*, develop a robust incentive system near major transit corridors through a community process that provides additional height in exchange for significant community benefits. On-site affordable (income-restricted) housing should be the primary community benefit achieved.
1. The incentive system should promote a range of income levels ranging from low-income to workforce.
 2. Coordinate with other tools to implement priority housing for very low income household (see Policy E10).
 3. The incentive system should promote permanent affordability.
 4. The incentive system should provide a range of unit sizes to accommodate individuals and families.
 5. In the development of an incentive system, include targeted outreach to historically underrepresented communities such as renters, immigrant refugee, young persons, people currently living in or in need of affordable housing; and residents within or near the proposed incentive.
 6. Coordinate allowances for additional height with improved transitions to residential places. The priority should be adjustments to setbacks and upper-story step-backs adjacent to residential places. (See Policy L8.C)
 7. Strategic locations for additional building height in exchange for community benefits area shown on Maximum Building Heights map on page 33.
 8. Until a citywide system is adopted by City Council, height increases may be allowed only if specific benefit requirements, including number of income restricted units and level of affordability, for an individual project are provided. Targeted outreach for individual project should occur as recommended in L3.A.5 above.
- B.** Additional community benefits identified include:
1. Publicly accessible open space especially in low access areas (see open space access map in Section 2.4 Quality-of-Life Infrastructure).
 2. Inclusion of affordable commercial space or community-serving uses (see sidebar for definition and Policy E6 for more detail).
 3. Preservation of an existing commercial character building.
 4. Providing transportation amenities and infrastructure to encourage mode shift (see TDM strategies in Section 2.3 Mobility).

East Central Area Plan | 2.1 Land Use and Built Form

MAXIMUM BUILDING HEIGHTS

The height strategy for East Central takes several factors into account, including heights of existing buildings, maximum heights allowed by existing zoning, and community input on desired development patterns and areas to direct growth. The height incentive areas in the map below show the locations where additional height is allowed if community benefits are provided, in accordance with Policy L3. The map colors and legend indicate maximum heights achievable through incentives. No additional building heights beyond what is currently allowed are recommended without providing a commensurate community benefit. Maximum heights may not be achievable in some locations due to view planes or other restrictions.



FUTURE HEIGHTS MAP

| | | |
|-------------------|------------------|------------------|
| Up to 2.5 Stories | Up to 8 Stories | Up to 16 Stories |
| Up to 3 Stories | Up to 10 Stories | Up to 20 Stories |
| Up to 5 Stories | Up to 12 Stories | Downtown Zoning |
| | | Open Space |

NOTE: many heights in North Capitol Hill, City Park West and Capitol Hill are limited due to various view plane ordinances.



Zoning Code Review Criteria

1. Consistency with Adopted Plans

- Comprehensive Plan 2040
- Blueprint Denver: A Land Use and Transportation Plan (2019)
- Small Area Plans
- Others, as applicable: e.g., General Development Plan

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

Review Criteria

Denver Zoning Code Review Criteria

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Denver Zoning Code Review Criteria

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2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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:

- a) Changed or changing conditions in a particular area, or in the city generally; or,
- b) **A City adopted plan; or,**
- c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.

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

Review Criteria: Consistency with Neighborhood Context, Zone District Purpose and Intent Statement

DIVISION 6.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 6.1.1 GENERAL CHARACTER

The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.

SECTION 6.1.2 STREET, BLOCK AND ACCESS PATTERNS

The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

SECTION 6.1.3 BUILDING PLACEMENT AND LOCATION

Residential buildings typically have consistent, shallow to moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 6.1.4 BUILDING HEIGHT

The General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

SECTION 6.1.5 MOBILITY

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

SECTION 6.2.2 RESIDENTIAL DISTRICTS (G-RH-3, G-MU-3 TO -20, G-RO-3, G-RO-5)

6.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.
- B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, row house, garden court, and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.
- C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods.

C. Multi-Unit 5 (G-MU-5)

G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

Expanding Housing Affordability

The City recently adopted a policy to ensure that **as new homes are built, more affordable homes are built**. These new requirements are intended to complement existing investments and programs to address Denver's current and future housing needs.

- **Requiring affordable housing in all new residential developments** over 10 units and offering means of alternative compliance (fee-in-lieu or negotiated alternatives); financial incentives (permit fee reductions, linkage fee exemptions) and zoning incentives (by-right parking reductions and height increases).
- **Increasing the linkage fee**, which funds city investment into future affordable housing across the city. The linkage fee applies to new residential developments of 1 – 9 units and other non-residential uses.

The proposed regulations were passed by City Council on June 6, 2022 and will apply to all new development projects going forward after June 30, 2022.

More information can be found online at www.denvergov.org/affordabilityincentive

Fees for rezoning and other development steps

| Planning and Rezoning | Fee |
|--|---|
| Annexation (Minor Boundaries Adjustment) | \$100 |
| Rezoning (map amendment) application: Standard Zone District | 1 acre or less: \$1,000 More than 1 acre: \$1,000 for 1st acre plus \$500 for each additional acre, \$50,000 max |
| Rezoning (map amendment) application: With Waivers or Conditions: | 1 acre or less: \$1,500 More than 1 acre: \$1,500 for 1st acre plus \$600 for each additional acre, \$50,000 max |
| Rezoning (map amendment) application: Planned Unit Development (PUD) | 1 acre or less: \$1,000 More than 1 acre: \$1,500 for 1st acre plus \$500 per each additional acre, \$50,000 max |
| Rezoning (map amendment) application: From Former Chapter 59 to Denver Zoning Code | Fee is waived |
| Rezoning (map amendment) application: Mailed Notices | Flat fee per application: \$90 Fee per postcard mailed: \$0.55 plus first-class postage |

- Rezoning Application: Fees start at \$1,000
 - Additional fees for larger sites, waivers, etc.
- Mailed Notice Fees: Typically \$100 - \$200
 - Due when Planning Board hearing is scheduled.
- Posted notice: Applicant is responsible for the cost of printing and laminating the required signs to be posted on the property (cost varies)
- Additional fees will apply at time of development and may include:
 - Site Development Plan Review
 - Permitting
 - Affordable Housing Linkage Fee

Review all building and development fees at Community Planning and Development's [fee webpage](#)

Next Steps for Pre-Applicant

1. Contact City Council Office for feedback and guidance on the rezoning. Contact Councilmember's office 720-337-7710; district10@denvergov.org
2. Contact the [Registered Neighborhood Organizations](#) for feedback on the [proposed re-zoning](#).
 - RNO contact information can be found on the CPD website under “Registered Neighborhoods”
3. Contact surrounding neighbors or other interested community groups
4. Document outreach efforts above. The rezoning application will ask if Council District offices were contacted about this application. Informal outreach documentation is helpful to include as an attachment.

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