

**DOWNTOWN REVIEW BOARD AGENDA
OCTOBER 6, 2021**

STAFF: MATTHEW FITZSIMMONS

FILE NOS:

AR DP 21-00500 – QUASI-JUDICIAL

AR R 21-00502 – QUASI-JUDICIAL

PROJECT: 316 N. TEJON ST

OWNER: NIEBUR DEVELOPMENT - TROY COATS

DEVELOPER: NIEBUR DEVELOPMENT

CONSULTANT: ECHO ARCHITECTURE



PROJECT SUMMARY:

1. Project Description: This proposal would allow multiple changes to the property which previously housed administrative offices for the YMCA. The current structure will be preserved and repurposed with minimal exterior changes. The first floor will be converted into two restaurants with a large patio in the front of the building for dining. The upper floor will remain an office space. The southwest corner of the property, which is currently a surface parking lot, will be developed as a five-story luxury condominium structure. The proposed five-story building requires approval of density bonus points due to the site's height standard which limits structures to four-stories. The site, located at 316 N. Tejon St, is 19,000 square feet in size, is zoned FBZ-T2A (Form-Based Zone – Transition Sector 2A), and is located just north of the El Paso Club on N. Tejon St. and E. Platte Ave. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning & Development Team's Recommendation: **Approval of the application with technical modifications**

BACKGROUND:

1. Site Address: 316 N. Tejon St.
2. Existing Zoning/Land Use: FBZ-T2A (Form-Based Zone – Transition Sector 2A) / The site was previously used as an office for the YMCA
3. Surrounding Zoning/Land Use: **(FIGURE 3)**
 - North: FBZ-T2A / office, commercial (retail, restaurant/bar) and civic uses
 - South: FBZ-T2A / civic uses
 - East: FBZ-T2A / residential, office, & commercial (retail, restaurant/bar)
 - West: R-5 / civic uses
4. Comprehensive Plan/Designated 2020 Land Use: Downtown/Mature Redevelopment Corridor
5. Annexation: Town of Colorado Springs (1871)
6. Master Plan/Designated Master Plan Land Use: Experience Downtown Master Plan (2016) / General Mixed-Use
7. Subdivision: Town of Colorado Springs (1871)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is flat with a two-story office building and a surface parking lot at the rear of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

One hundred and fifty-seven surrounding property owners were notified of the proposal shortly after the application was submitted. This notification provided basic information regarding the application and instructions on how to submit comments to Staff. Staff received four comments regarding the project: one was in support of the applications, while three were opposed for numerous reasons such as potential blocked views, crowding, changing neighborhood character and architecture **(FIGURE 4)**. Additional notices will be sent, and the site will be posted prior to the Downtown Review Board hearing.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Background

The subject property is located mid-block on the west side of N. Tejon St, one property north of the the N. Tejon St. and E. Platte Ave. intersection. The site is zoned FBZ-T2A (Form-Based Zone – Transition Sector 2A) and backs up to a 20' wide public alley to the west. Adjacent properties include one-story commercial buildings and parking areas to the north. To the south, on the northwest corner of N. Tejon and E. Platte is the “El Paso Club,” a members-only social club. Across the N. Tejon St. to the east is a large senior housing building that fronts E. Platte Ave. and Acacia Park. Further north on N. Tejon the block consists of restaurants and shops with some residential uses above. The area was designated as Transition Sector 2A during the creation of the Form-Based Zone in 2009 to “convey the benefits of the form-based code while also protecting the adjacent neighborhoods” (FBC-section: 2.2.6). As with most use types in the Form-Base Zone the Transition sector 2A permits all use types except for industrial.

2. Review Criteria / Design & Development Issues:

a. Project Details

The project proposes to convert the current office building into two restaurants on the first floor and renovating the office space on the second floor. The proposed 5-story midrise residential condo building, located next to the alley on the southwest corner of the property, will consist of twelve units with parking on the ground level. No part of the existing building will be demolished, but the exterior building envelope will be modified so that both structures look more cohesive.

Per Section 2.6.2. of the Form-Based Code, this block of downtown is parking exempt, allowing more flexibility due to the available street and structured parking in the area. The Applicant maximized the amount of available on-site parking by creating ground floor parking under the residential mid-rise and additional surface parking on the north side of the lot. In total, the proposed plans include 19 off-street parking stalls, one of those being an ADA stall, for the 12 condominium units and for the office and restaurant uses. In addition, the curb cut which currently exists in front of the property will be closed and two more publicly accessible metered parking stalls will be added. Closing this curb cut will reduce possible conflicts between pedestrians and vehicles on this well used sidewalk.

Due to the multiple use types of this building (commercial, office and residential) this building is considered a mixed-use building type, which is permitted in this sector. Per section 2.3.3, mixed-use buildings on interior lots must be placed on the property line to meet code standards. The existing building with a 30' setback is considered legal non-conforming and is not required to meet current setback standards because it is not altering the position of the façade, only refreshing it. Attention was placed on the design of the patio to create a strong sense of place in what is currently a front lawn for the office building. To create this inviting space, a 3' planter wall in front that leads up to a 6' high walled/fenced-in patio area a few feet back was proposed. This two-tiered patio entrance will create a new sense of space both inside and outside of the property. Meanwhile, the distinctive architectural features such as the archway windows on the first floor and the Spanish tile roof above the second floor will be preserved. Tenants for the first-floor restaurant and second floor office have not been solidified yet.

The residential midrise building in the rear of the property will rise five-stories (66'-5') from the ground level and will be located on the southwest corner of the lot. There will be four units on the second floor, three units on the third and fourth floors, and two units on the fifth floor. According to Form-Based Code section 2.3.4, the maximum allowable

stories in the FBZ-T2A sector with a mixed-use building type is four stories. The fifth story requires a density bonus, which can only be approved by the Downtown Review Board.

b. Form-Based Code

The Downtown Colorado Springs Form-Based Code implements physical standards that result in the development of a pedestrian-friendly, high-density, mixed use area. New buildings are required to be constructed in close proximity to the sidewalk and building facades must include high levels of glazing to maximize pedestrian interest. Parking requirements are reduced compared to other zone districts but surface lots are required to be located at the rear of the site, largely screened from the public realm. The Downtown Form-Based Zone is divided into a number of sectors, each of which has specific standards. The subject property is within the Transition Sector, which allows moderate density. This site is also included in the parking exempt area, since the area is surrounded by sufficient surface and structured parking.

c. Analysis

Staff finds this project is largely consistent with the Form-Based Code and the downtown master plan. The building currently on the site has been an underutilized office building which creates only minimal benefits and attraction to the surrounding area and downtown. The creation of a multi-use building with daytime use as an office and evening restaurant use with large outdoor patios will enliven the public realm. In addition, the residential use keeps the area active and occupied at all times of the day and night. Residents move to downtown locations like these so they can easily take advantage of the commercial and cultural offerings of downtown. In short, the restaurant use will create more of a draw to the downtown with unique culinary offerings, while the residential component will help supply the multi-family housing this City needs and create more of a downtown customer base to help the shops and restaurants there thrive. Furthermore, the current proposal is to establish the new residential units as owner-occupied condominiums, which is a relatively rare product type with pent up demand. Staffs supports all aspects of this project and its potential to contribute to the revitalization of Downtown Colorado Springs.

As discussed earlier, the development plan application requires Downtown Review Board approval because the Applicant is proposing a structure that exceeds the sector's height limit of four stories and is therefore requesting a density bonus. The Form-Based Code includes the ability to exceed maximum building height by incorporating project elements that provide exceptional benefits to the project, the surrounding area, and/or downtown as a whole. Project elements that are eligible for additional building height include: affordable or market rate housing units, green or sustainable building techniques, historic preservation, significant public art, and a few different parking-related actions. Section 3 of the Form-Based Code, Density Bonuses, establishes a point system where inclusion of one or more of the eligible project elements within the project is rewarded with points that can then be used to receive additional stories beyond the standard building height maximums in Section 2 of the Code. The actions required to earn points are quantitative and therefore minimize subjectivity and/or discretion on behalf of staff. Additionally, the extra building height cannot be granted administratively by staff; DRB approval is necessary.

According to Section 3.3 of the Form-Based Code, 3 density bonus points are necessary to earn one additional story beyond a building's maximum as described in Section 2.3.4.

In order to earn the required 3 density bonus points, the proposed development at 316 N. Tejon St. proposes the inclusion of 12 units of market rate housing (2 points) and a reflective roof surface that will reduce the heat island effect (2 points).

Colorado Springs has suffered from a shortage of housing of all types and the downtown has become a hot market for multi-family housing. Most of the downtown growth has occurred south of the city's center where most of the empty and underutilized parcels existed. 316 N. Tejon is one of only a few multi-family developments that has been proposed in the northern portion of the downtown core. In addition, this project is one of the few multi-family residential projects that will be for sale, not just for rent. Studies have shown that any increase of housing stock, be it market rate or affordable housing, will have a measurable improvement for housing as a whole. This is due to the fact that when one moves to a new market rate residence, their previous location is vacated and open for others at a lower price point. This chain reaction is known to continue all the way down to more affordable units.

Urban heat island effect reduces the livability of cities around the world. To combat the significantly higher temperatures in urban areas, planners have implemented strategies such as urban forest programs and green or reflective roof incentives. Due to the extreme sun and dry conditions in Colorado Springs, green roofs will not thrive without constant maintenance and expense. Roofing materials that have a solar reflective index (SRI) of 29 or greater will limit the building absorbing heat via the sun. The high albedo surface that is being proposed will reflect the sun light back out to the atmosphere and therefore the building will absorb significantly less solar heat than typical buildings. Usually this heat, which would normally be absorbed by roofing materials, would require additional energy usage for air conditioning and the replacement of roof and mechanical equipment because of wear and tear that can be avoided by having highly reflective surfaces.

Staff finds the addition of market rate housing and a reflective roof exceeds the three-point requirement stipulated in section 2.3.4 of the Form-Based Code to allow an additional story on the building. Staff also finds that the additional story will not negatively affect neighboring properties and will, in fact, likely increase the vitality of the neighborhood with new investment in the block, including the burying of electrical lines, and the resulting growth of a local customer base for the surrounding businesses. Because of these benefits, Staff supports the proposal to allow the addition of a fifth floor to the residential structure in the rear portion of 316 N. Tejon St.

A waiver of replat is required to legally combine lots 21-24 of the Town of Colorado Springs Subdivision (1871). The Applicant's submittal meets the requirements and will be approved once the technical modifications are met. Waiver of Replats are reviewed and approved administratively, therefore, the Downtown Review Board will not need to rule on this application.

The third application for this project is a proposed administrative relief to allow a 22'-8" wide drive aisle to access the surface parking in the rear where a 24' wide drive aisle is normally required. Planning supports this 1'-4" reduction in the drive lane as it would allow six more surface parking stalls in the rear of the property.

By code, Administrative Relief applications are reviewed using three formal criteria:

1. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief, and
2. The intent of this Zoning Code and the specific regulation in question is preserved, and
3. The granting of the administrative relief will not result in an adverse impact on surrounding properties.

Staff finds that all three criteria are met and recommends approval of the administrative relief application as well as the proposed development plan with density bonus request.

D. Technical Issues

The development plan for this project has gone through two rounds of City review (initial submittal and one resubmittal). While some technical issues remain, the majority of initial comments have been fully resolved. City Staff is confident that all these issues can be resolved without any major changes to the plan presented to the Downtown Review Board. All required technical modifications that must be addressed prior to final approval are listed below.

3. Conformance with the City Comprehensive Plan:

The proposed mixed-use project is consistent with a number of provisions within the City's Comprehensive Plan. PlanCOS supports creative infill development, especially in the City's core. In addition, the plan supports preserving and repurposing existing structures as well as adding multi-family units to the downtown core.

4. Conformance with the Area's Master Plan:

The 2016 Experience Downtown Master Plan's future land use map (Figure 1.4) considers this area along N. Tejon as a "General Mixed-Use" area. This area can be defined as: "similar to activity centers, but with a slightly decreased intensity and density, these areas are intended to include a range of uses, stressing the presence of urban residential options. General mixed-use areas are to be designed as pedestrian friendly and serve as transitions to the surrounding areas." That said, the Experience Downtown Colorado Springs Master Plan strongly supports the proposed project in that it represents a further evolution of downtown and will keep downtown a unique and vibrant place to live, work, and eat.

STAFF RECOMMENDATIONS:

AR DP 21-00500 - 316 N. TEJON - DEVELOPMENT PLAN AND DENSITY BONUS

Approve the proposed development plan along with the granting of density bonus points to allow the addition of a 5th story to the residential mid-rise building based on the findings that the requirements found in section 3 of the Form-Based Code are met once the following technical modifications are addressed:

1. Correct the front setback measurement.
2. Gain approval of revocable permits to allow the planters in the front to encroach into the public right-of-way.
3. Include a detailed drawing of the proposed awning in the front patio area.
4. Include tree protection detail on the plan and indicate if any additional trees are planned

5. Illustrate the northern edge of the building consistently between the waiver of replat and the development plan
6. Update the drainage report to show a 5-story multifamily building.
7. Include the gas meters and electric transformer in the plan.
8. Label the overhead electric line to be relocated underground.

AR R 21-00502 - 316 N. TEJON - ADMINISTRATIVE RELIEF

Approve the proposed administrative relief request for 316 S. Tejon St., to allow a 22'-8" wide drive aisle to access the surface parking in the rear where a 24' wide drive aisle is required, based on the findings that the criteria found in Section 7.5.1102 of City Code are met.