



TO: Denver City Council
FROM: Tony Lechuga, Senior City Planner
DATE: September 15, 2022
RE: Official Zoning Map Amendment Application #2022I-00090

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00090.

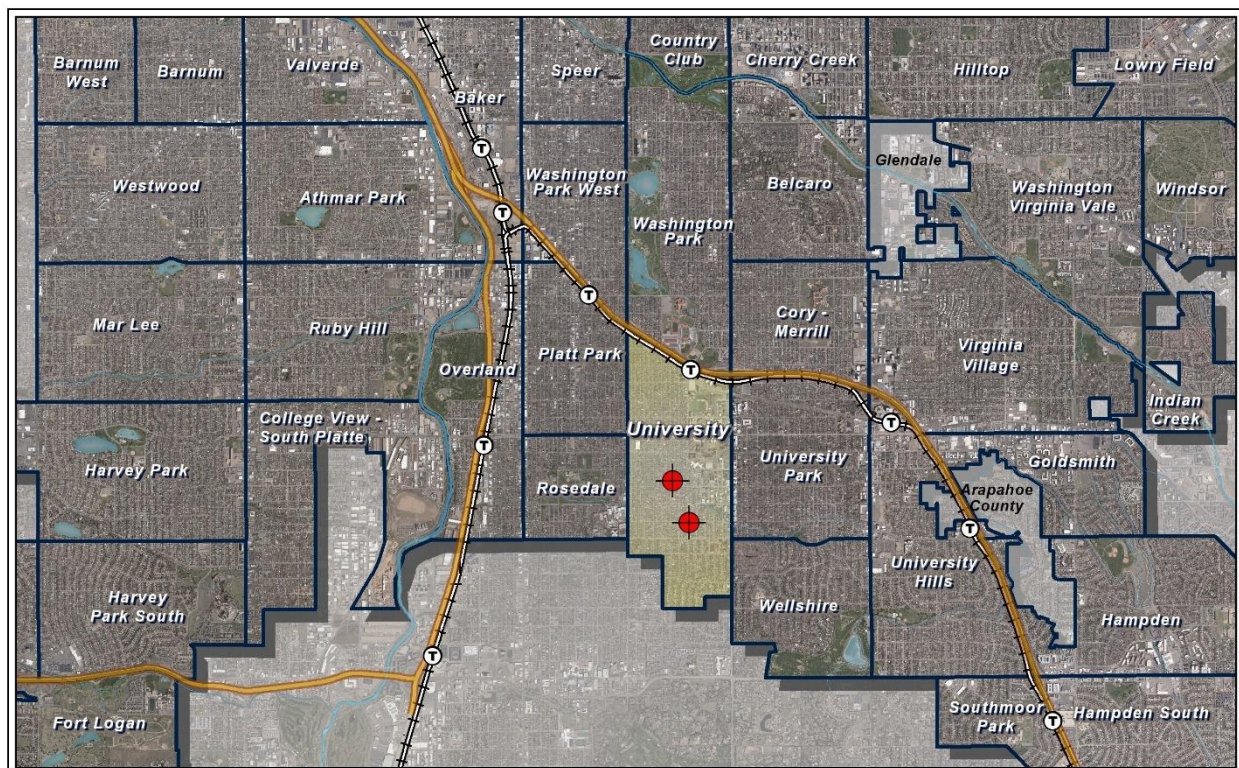
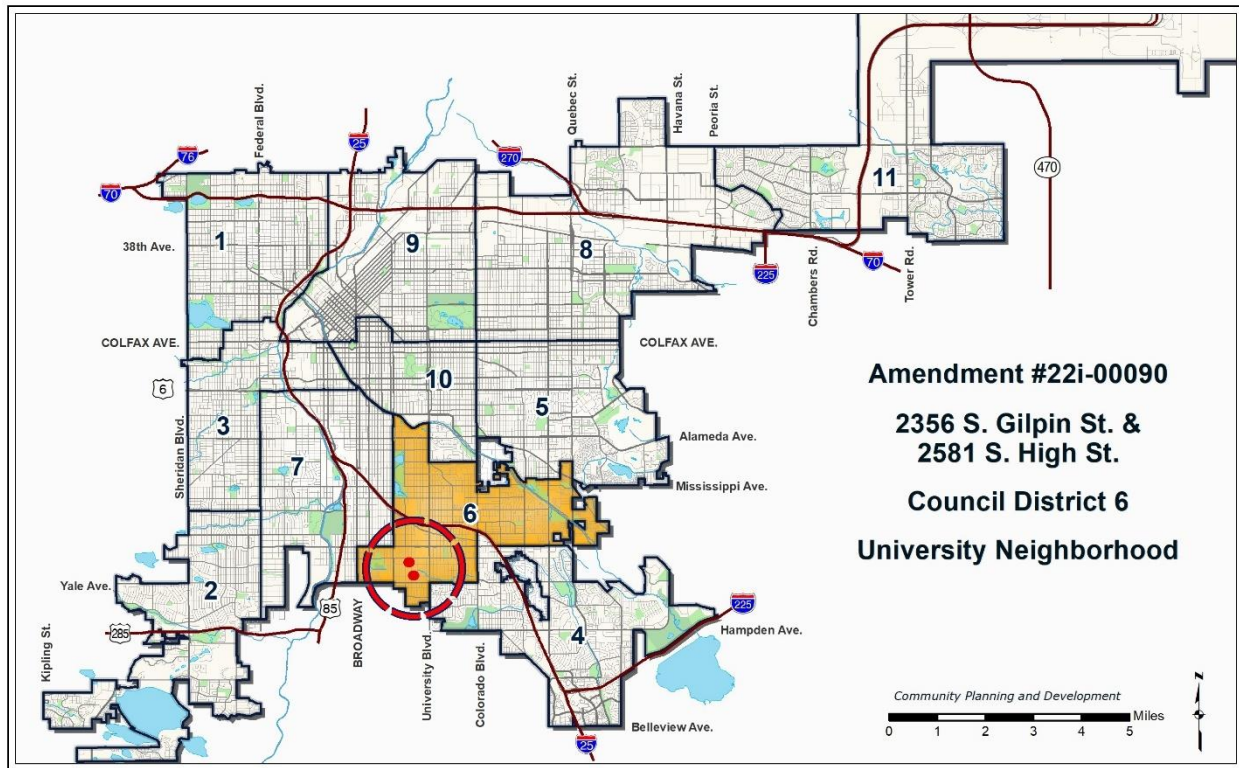
Request for Rezoning

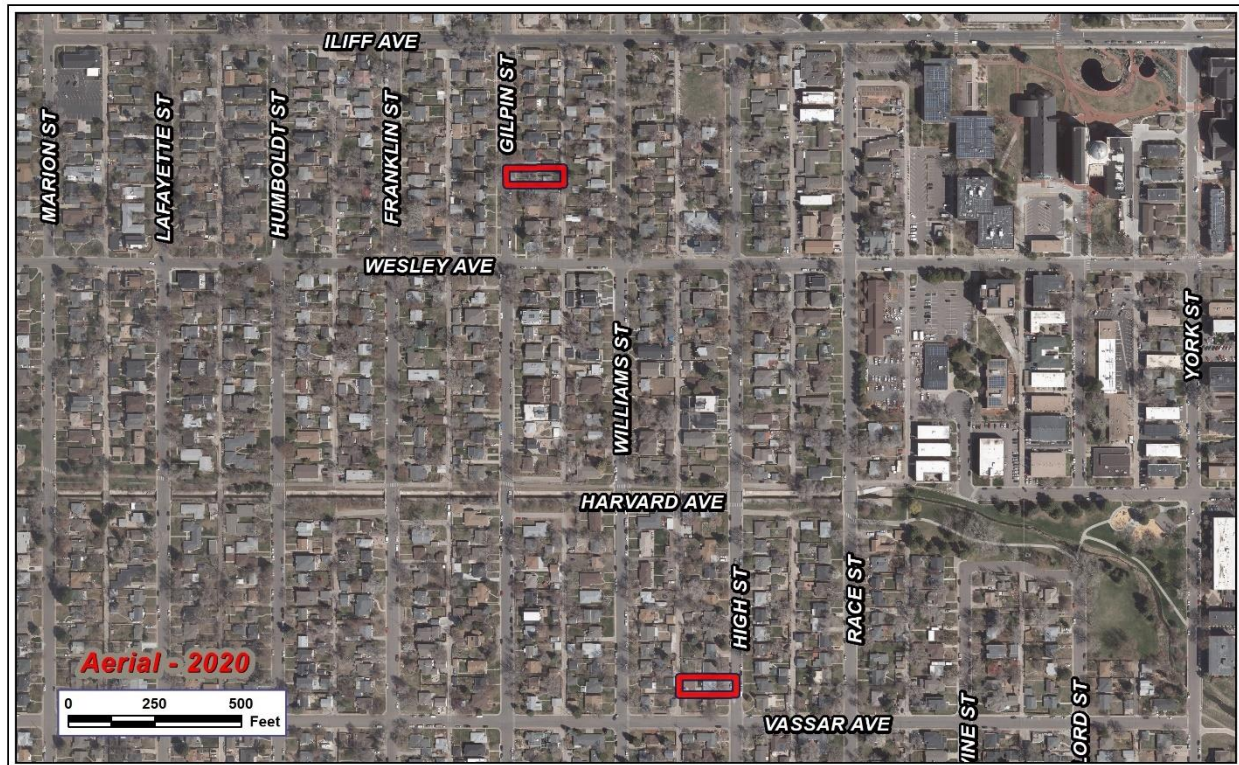
Address: 2356 S. Gilpin St. and 2581 S. High St.
Neighborhood/Council District and CM: University / Council District 6, CM Kashmann
RNOs: University Neighbors, Inter-Neighborhood Cooperation
Area of Property: 6,250 square feet or 0.14 acres each
Current Zoning: 2356 S. Gilpin St. – E-SU-D
2581 S. High St. – E-SU-Dx
Proposed Zoning: 2356 S. Gilpin St. – E-SU-D1
2581 S. High St. – E-SU-D1x
Property Owner(s): Brett Mosley
Owner Representative: N/A

Summary of Rezoning Request

- 2356 S. Gilpin St. contains a single unit home built in 1930 and is located mid-block along S. Gilpin St. between E. Illiff Ave. and E Wesley Ave.
- 2581 S. High St. contains a single unit home built in 1962 and is located mid-block along S. High St. between E. Harvard Ave. and E. Vassar Ave.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1, Urban Edge, Single-Unit, D1 (6,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) and E-SU-D1x, Urban Edge, Single-Unit, D1x (6,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone districts are intended for use in the Urban Edge Neighborhood Context which is characterized by elements from the Urban and Suburban neighborhood contexts and is primarily made up of single-unit and two-unit residential uses. The E-SU-D1 zone district only allows for the Urban House building form, whereas the E-SU-D1x allows for both the Urban House and Suburban House building forms. Single-unit residential uses are typically located along local and arterial streets. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, and 17 to 19 feet in the rear 35% of the zone lot. The Suburban House building form allows up to 30 to 35 feet in height for the entirety of the zone lot depth. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

Existing Context





The subject properties are in the University statistical neighborhood, which is characterized primarily by single-unit residential uses, with some two-unit and multi-unit uses. There are largely rectangular blocks on a grid pattern. Alley access is ubiquitous throughout the neighborhood. The University of Denver is to the Northeast of both sites which breaks up the neighborhood grid between. DeBoer park and the Harvard Gulch Trail break up the neighborhood grid to the east of 2581 S. High St. Bus Route 12 runs along Downing Street, five blocks west of S. Gilpin St. with a 30-minute headway. Bus Route 24 runs along University Boulevard, five blocks to the east of S. High St. with a 60-minute headway.

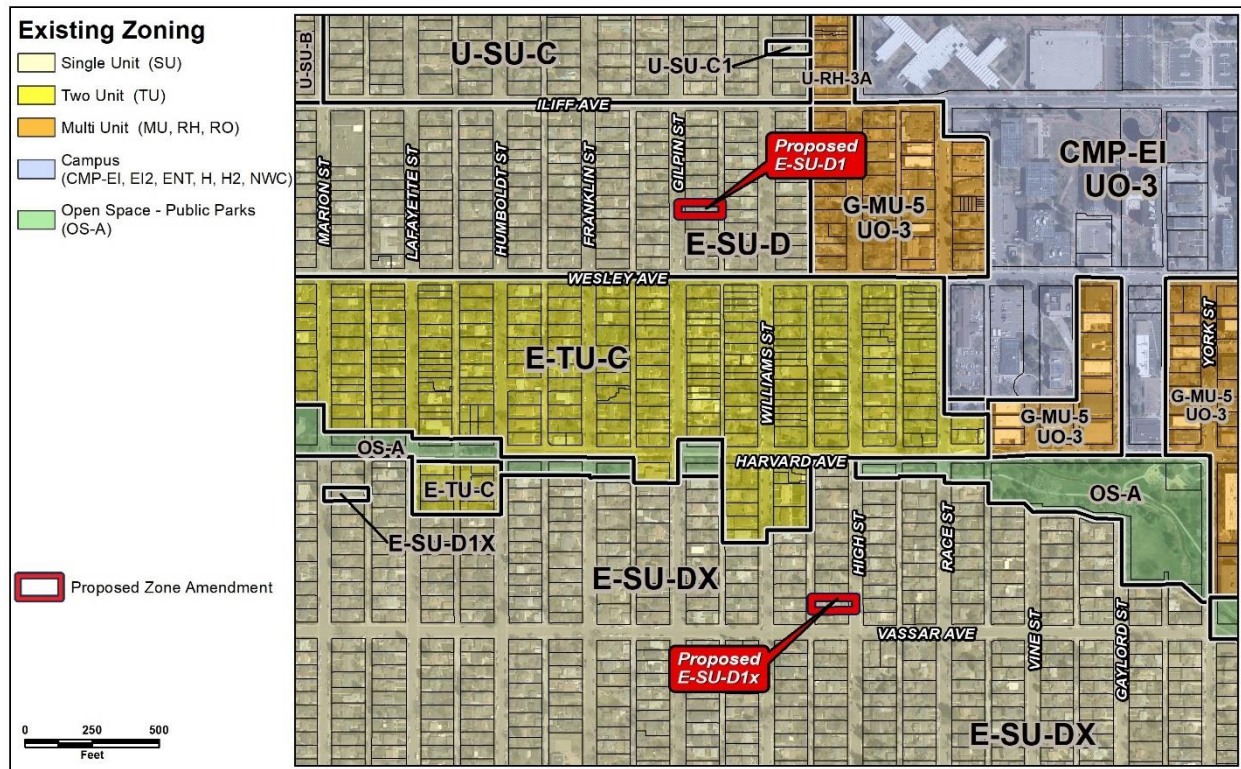
The following table summarizes the existing context proximate to the subject sites:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site (2356 S. Gilpin St.)	E-SU-D	Single-unit Residential	1-story house with curb cut on S. Gilpin St.	Generally regular grid of streets except to the northeast where the grid is interrupted by the University of Denver. Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or
North	E-SU-D	Single-unit Residential	1-story house with curb cut on S. Gilpin St.	
South	E-SU-D	Single-unit Residential	2-story house	
East	E-SU-D	Single-unit Residential	1-story house with curb cut on S. Williams St.	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	E-SU-D	Single-unit Residential	1-story house	rear of buildings (alley access).

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site (2581 S. High St.)	E-SU-Dx	Single-unit Residential	1-story house	Generally regular grid of streets except to the northeast where the grid is interrupted by the University of Denver and to the east where the grid is interrupted by DeBoer Park and the Harvard Gulch Trail. Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	E-SU-Dx	Single-unit Residential	1-story house	
South	E-SU-Dx	Single-unit Residential	1-story house on the corner of S. High St. and E. Vassar Ave.	
East	E-SU-Dx	Single-unit Residential	1-story house	
West	E-SU-Dx	Single-unit Residential	1-story house with curb cut on S. Williams St.	

1. Existing Zoning



The E-SU-D zone district is a single-unit district allowing the Urban House primary building form on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. Additionally, the Urban House form allows for a maximum of 1 story of 17 feet to 19 feet in the rear 35% of the zone lot. E-SU-D allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the zone district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

The E-SU-Dx zone district is a single-unit district allowing both the Urban House and Suburban House primary building forms on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. Additionally, the Urban House form allows for a maximum of 1 story or 17 feet to 19 feet in the rear 35% of the zone lot. E-SU-Dx allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

2. Existing Land Use Map



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

2356 S. Gilpin St.



View of the subject property, looking east.



View of the property to the north, looking east.



View of the property to the west across S. Gilpin St., looking west.



View of the property to the south, facing east.

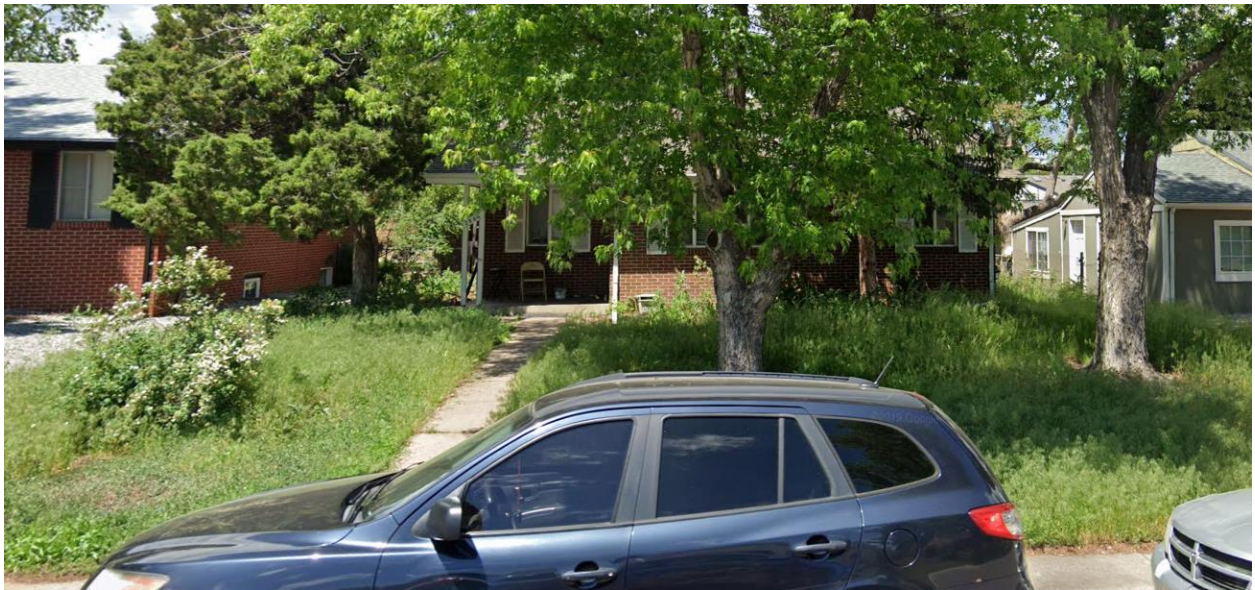


View of the property to the east across the alley, looking west.

2581 S. High St.



View of the subject property, looking west.



View of the property to the north, looking west.



View of the property to the south, looking west.



View of the property to the east across S. High Street, looking east.



View of the property across the alley, looking east.

Proposed Zoning

E-SU-D1 and E-SU-D1x are single-unit zone districts with a minimum zone lot size of 6,000 square feet. E-SU-D1 allows the Urban House primary building form, whereas E-SU-D1x allows both the Urban House and Suburban House primary building forms. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1 and E-SU-D1x district. Compared to the E-SU-D and E-SU-Dx zone district, E-SU-Dx and E-SU-D1x introduce the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The DADU building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. The subject sites each have a lot size of 6,250 square feet, allowing a maximum gross floor area of 864 square feet for the ADU.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards for 2356 S. Gilpin St.	E-SU-D (Existing)	E-SU-D1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories/ 30 feet	2.5 stories/ 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story/ 17 feet	1 story/ 17 feet
DADU Maximum Heights in Stories/ Feet	DADUs not permitted	1.5 stories/ 24 feet
Zone Lot Size (min.)	6,000 square feet	6,000 square feet
Zone Lot Width (min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes/ 20 feet	Yes/ 20 feet
Side Interior Setback (Min.)*	5 feet	5 feet

Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of approximately 50 feet

Design Standards for 2581 S. High St.	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House, Suburban House	Urban House, Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 31 feet	2.5 stories / 31 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story / 17 feet (Urban House), 2.5 / 32 feet (Suburban House)	1 story / 17 feet (Urban House), 2.5 / 32 feet (Suburban House)
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	5 feet	5 feet
Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of approximately 50 feet

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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Comments

Department of Public Health and Environment: Approve Rezoning Only – Will require additional information at Site Plan Review

Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W. - City Surveyor: Approved – No Comments

Development Services - Transportation: Approved – No Comments

Development Services – Wastewater: Approved – No Comments

Development Services – Project Coordination: Approved – No Comments

Development Services – Fire Prevention: Approved – No Comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	5/26/22
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:	7/5/22
Planning Board public hearing (unanimously recommended approval by a 7-0 vote on the consent agenda):	7/20/22
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	7/18/22
Land Use, Transportation and Infrastructure Committee of the City Council:	8/2/22
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:	8/29/22
City Council Public Hearing:	9/19/22

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

To date, staff has not received any comments from Registered Neighborhood Organizations.

- **General Public Comments**

To date, staff has received two comments in support for this rezoning. Both comments noted the creation of housing units as a community benefit. Staff initially received five comments in opposition to this rezoning, which were provided to the Planning Board and LUTI. However, after LUTI, two commenters spoke with the applicant and contacted staff to request their comments be withdrawn as they no longer opposed the rezoning. The remaining three comments in opposition, provided

as attachments to this staff report, highlighted concerns about increased traffic, lighting, and noise.

See the attached correspondence for the full text of these public comments.

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 apply to this property:

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

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- 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).

E-SU-D1 and E-SU-D1x allow for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes and ages.

- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendments will allow an additional housing unit on the site of an existing single-unit home where infrastructure and services such as water, stormwater, and transit already exist. This allows Denver to grow responsibly and promotes land conservation.

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 properties as part of a Low Residential place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as “predominately residential and tends to act as a transition between urban and suburban areas” with “good walkability with short, predictable blocks.” (p. 205). E-SU-D1 and E-SU-D1x are zone districts within the Urban Edge neighborhood context and are “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-D1 and E-SU-D1x are consistent with the Blueprint future neighborhood context of Urban Edge because they will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places



The subject properties are designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 215). E-SU-D1 and E-SU-D1x are single unit residential districts that allows for an additional dwelling unit accessory to an established single-unit home, consistent with the Low Residential future place type description. E-SU-D1 allows the Urban House primary building form and E-SU-D1x allows the Urban House and Suburban House primary building forms, which have a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies S. Gilpin St. and S. High St. as Local streets. Local streets “are designed for the highest degree of property access and the lowest amount of through movement (p. 154). The proposed E-SU-D1 and E-SU-D1x districts are consistent with this description because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendments to E-SU-D1 and E-SU-D1x will allow low-intensity growth in the number of households in this area by allowing accessory dwelling units.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Land Use & Built Form Housing Policy 4, Strategy E. says "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area" (p. 84). This rezoning to allow an ADU zone district is for two lots and will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1 and E-SU-D1x 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 amendments further the public health, safety, and general welfare of the City through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. It will also bring a new type of housing unit to a largely single-unit residential area, which will increase the housing diversity in the area.

4. Justifying Circumstances

The application identifies the adoption of *Blueprint Denver* 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 as degree that the proposed rezoning is in the public interest. Such a 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."

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

The requested E-SU-D1 and E-SU-D1x zone districts are within the Urban Edge Neighborhood Context. The neighborhood context is "primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Division 4.1). These areas consist of a "regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid" (DZC, Division 4.1). The University neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezonings to E-SU-D1 and E-SU-D1x are consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." It accommodates one and two and a half story urban and suburban house forms oriented towards the street in the single unit districts. This is consistent with the E-SU-D1 and E-SU-D1x districts as they allow for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context.

The specific intent of the E-SU-D1 is "a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet" (DZC 4.2.2.2.F) and E-SU-D1x zone district is "a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet" (DZC 4.2.2.2.G). The

subject properties are in an area where Urban and Suburban Houses and lots of 6,000 square feet are common. The sites at 2356 S. Gilpin St. and 2581 S. High St. are both 6,250 square feet with a width of approximately 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning these properties would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public comments