



**TO:** Denver City Council  
**FROM:** Libby Kaiser, AICP, Senior City Planner  
**DATE:** January 6, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00054

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00054.

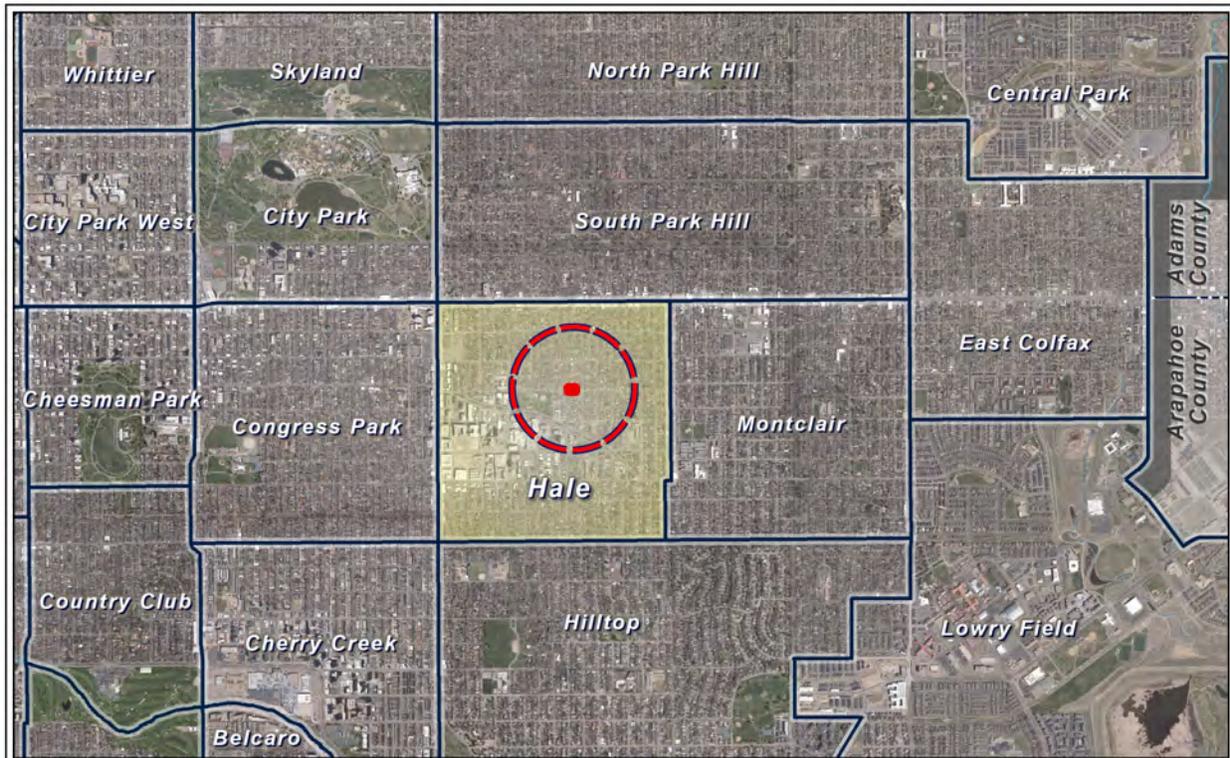
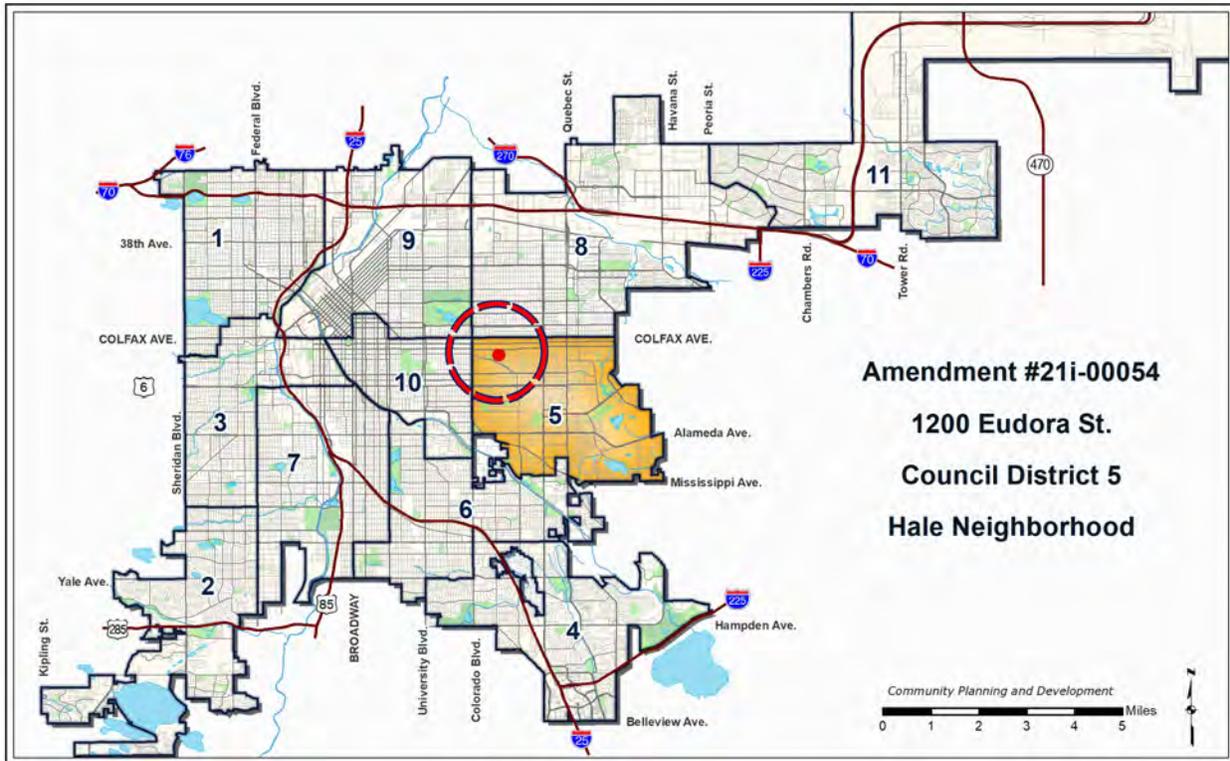
### Request for Rezoning

Address: 1200 Eudora Street  
Neighborhood/Council District: Hale / Council District 5 – CW Amanda Sawyer  
RNOs: Mayfair Neighbors, Inc., Bellevue-Hale Neighborhood Association, City Park Friends and Neighbors (CPFAN), Denver For ALL, Inter-Neighborhood Cooperation (INC)  
Area of Property: 6,250 square feet or 0.14 acres  
Current Zoning: U-SU-C  
Proposed Zoning: U-SU-C1  
Property Owner(s): Katy Buchanan  
Owner Representative: None

### Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling originally built in 1949. The property is located north of East Hale Parkway on the northeast corner of 12<sup>th</sup> Avenue and Eudora Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-C1, Urban, Single-Unit, C1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 5,500 square feet. The district is intended for use in the Urban Neighborhood Context, which is characterized by single-unit and two-unit uses with small-scale multi-unit residential uses and commercial development is typically embedded in residential areas. The maximum height of the Urban House building form is 30 to 35 feet for the front 65 percent of the zone lot and 17 to 19 feet in the rear 35 percent of the zone lot. The Detached Accessory Dwelling Unit (DADU) building form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

**Existing Context**





The subject property is near the center of the Hale statistical neighborhood, which is primarily characterized by single-unit dwellings. The property is located north of Hale Parkway one block from Lindsley Park, which includes a playground, tennis courts and a softball field, and two blocks from Rose Medical Center. The Colorado Boulevard commercial corridor exists approximately one half mile to the west with a mix of restaurants, a grocery store, and movie theater. Bus Route 40 traverses Colorado Boulevard, and the property is approximately one quarter mile from bus stops on 9<sup>th</sup> Avenue, serving Route 10.

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	U-SU-C	Single-unit Residential	1-story Residence and Detached Garage Accessed from Street	In general, a regular grid of streets. Residential block sizes and shapes are orthogonally oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks in the
North	U-SU-C	Single-unit Residential	1-story Residence and Attached Garage Accessed from Alley	
South	U-SU-C	Single-unit Residential	1-story Residence and Attached Garage Accessed from Alley	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C	Single-unit Residential	2-story Residence and Detached Garage Accessed from Alley	immediate area are attached.
West	U-SU-C	Single-unit Residential	1-story Residence and Detached Garage Accessed from Street	

### 1. Existing Zoning

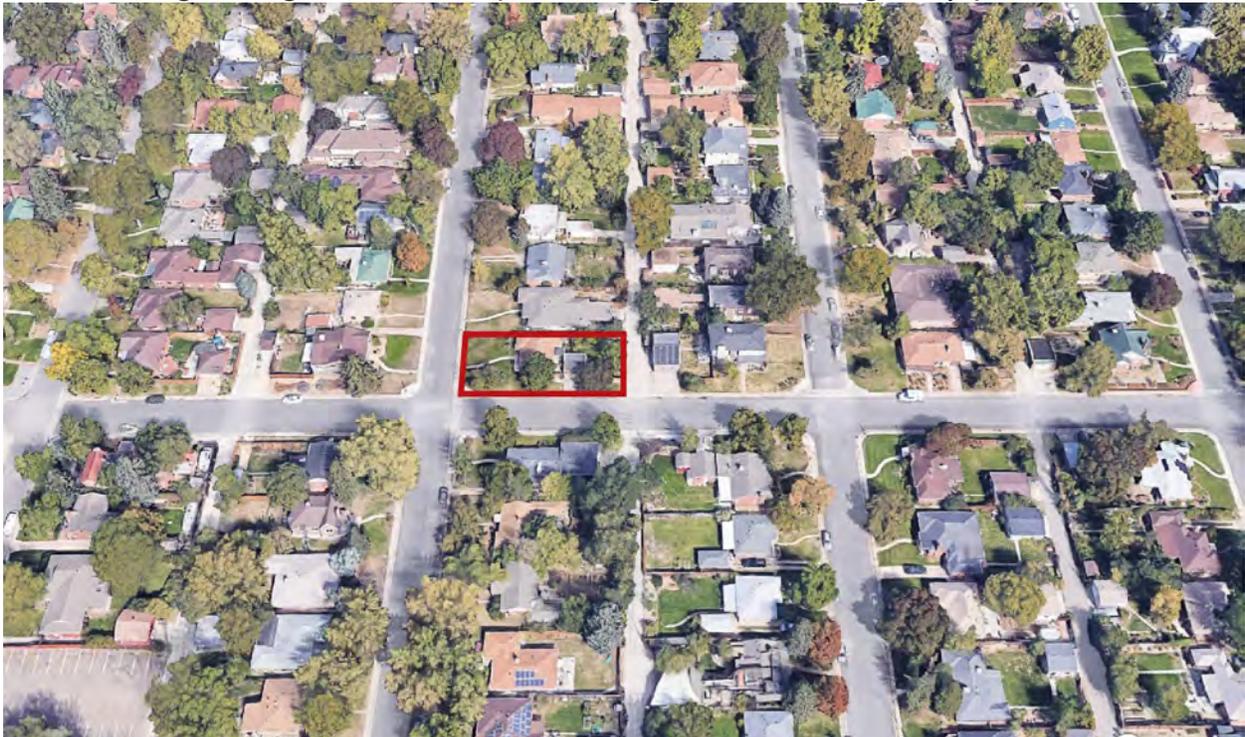


The U-SU-C zone is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65 percent of the zone lot and 1 story / 17 to 19 feet in the rear 35 percent of the zone lot. The maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed exceptions. The district allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (source: Google Earth and Google Maps)



Aerial view of the site looking north.



View of the site (on the right) looking east, with a neighboring home to the north (left).



View of single-unit dwellings across Eudora Street, looking west.



View of single unit dwelling to the south, looking south.



View of single unit dwelling to the east, looking north.

**Proposed Zoning**

The applicant is requesting to rezone to U-SU-C1, which allows only the Urban House primary building form on a zone lot with a minimum area of 5,500 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The U-SU-C1 district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the U-SU-C district. 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, also applies to the DADU building form. This form allows an exemption from the 37.5 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

<b>Design Standards</b>	<b>U-SU-C (Existing)</b>	<b>U-SU-C1 (Proposed)</b>
Primary Building Forms Allowed	Urban House	Urban House
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2.5 stories / 30 feet	2.5 stories / 30 feet
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	1 story / 17 feet	1 story / 17 feet
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 SF	5,500 SF

<b>Design Standards</b>	<b>U-SU-C (Existing)</b>	<b>U-SU-C1 (Proposed)</b>
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Setback, Alley / No Alley	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 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 response.

**Asset Management:** Approved – no comments.

**Denver Public Schools:** Approved – no response.

**Department of Public Health and Environment:** Approved – no response.

**Denver Parks and Recreation:** Approved – no comments.

**Department of Transportation and Infrastructure – Surveyor:** Approved – no comments.

**Development Services – Project Coordination:** Approved rezoning only – see comments below:

- Future use and construction will need to obtain zoning and building permits through the Residential review team. New construction will need to meet the building form standards for the chosen zone district.

**Development Services – Fire Protection:** Approved – no comments.

**Development Services – Transportation:** Approved – no response.

**Development Services – Wastewater:** Approved – see comments below:

- DS 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.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>8/25/2021</b>
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:	<b>10/19/2021</b>
Planning Board public hearing:	<b>11/3/2021</b>
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:	<b>11/2/2021</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>11/16/2021</b>
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:	<b>12/20/2021</b>
City Council Public Hearing:	<b>1/10/2022</b>

- **Registered Neighborhood Organizations (RNOs)**
  - The applicant reached out to applicable Registered Neighborhood Organizations, and to date, staff has received no comment letters from RNOs.
- **Other Public Comment**
  - To date, staff has received one supportive comment and one email opposing the rezoning for non-specific reasons.

**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 application:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *East Area Plan* (2020)

***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.

The proposed rezoning would allow for an additional housing option near transit and a mix of uses within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive: Goal 1, Strategy A – Increase development of units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive: Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B.: "Ensure neighborhoods offer a mix of housing types and services for a diverse population" (p. 34).

The proposed rezoning would allow for compatible infill development in an established neighborhood, consistent with the following strategy from the Environmentally Resilient vision element:

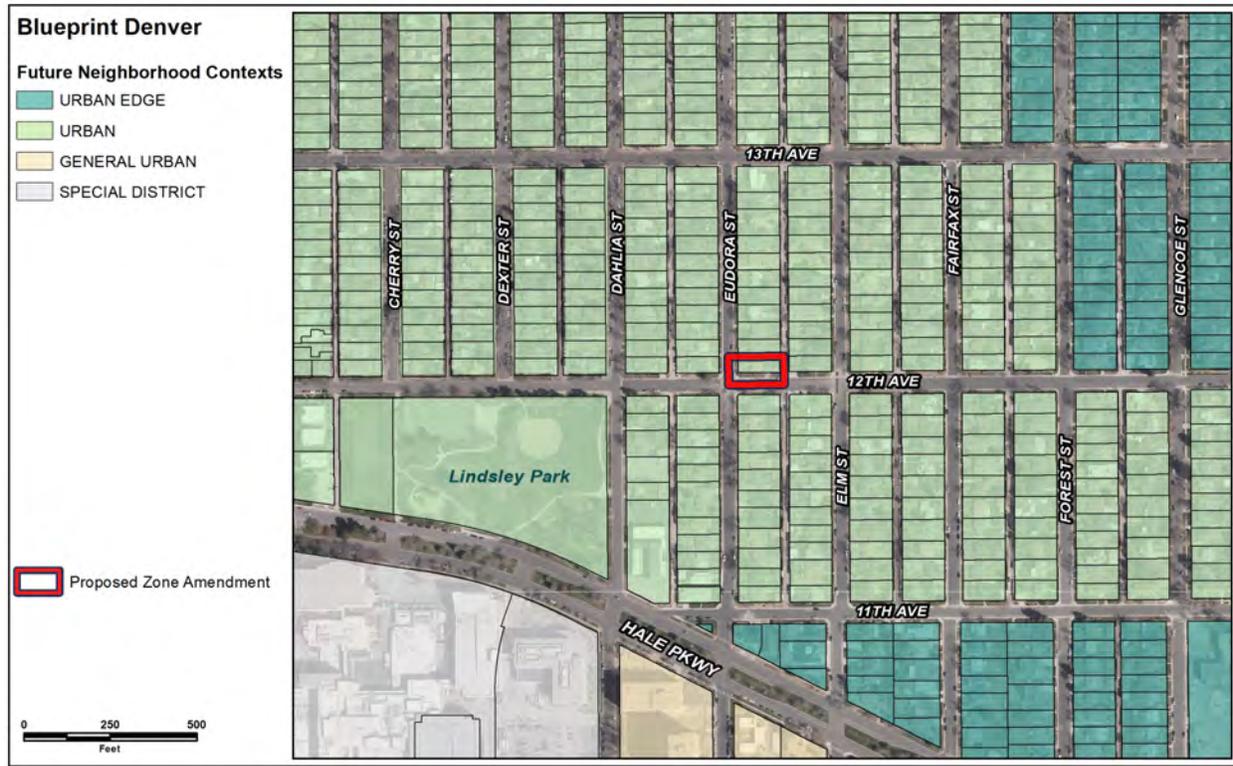
- Environmentally Resilient: Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

In summary, the proposed U-SU-C1 zone district is consistent with the goals of *Comprehensive Plan 2040*.

### ***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 a Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

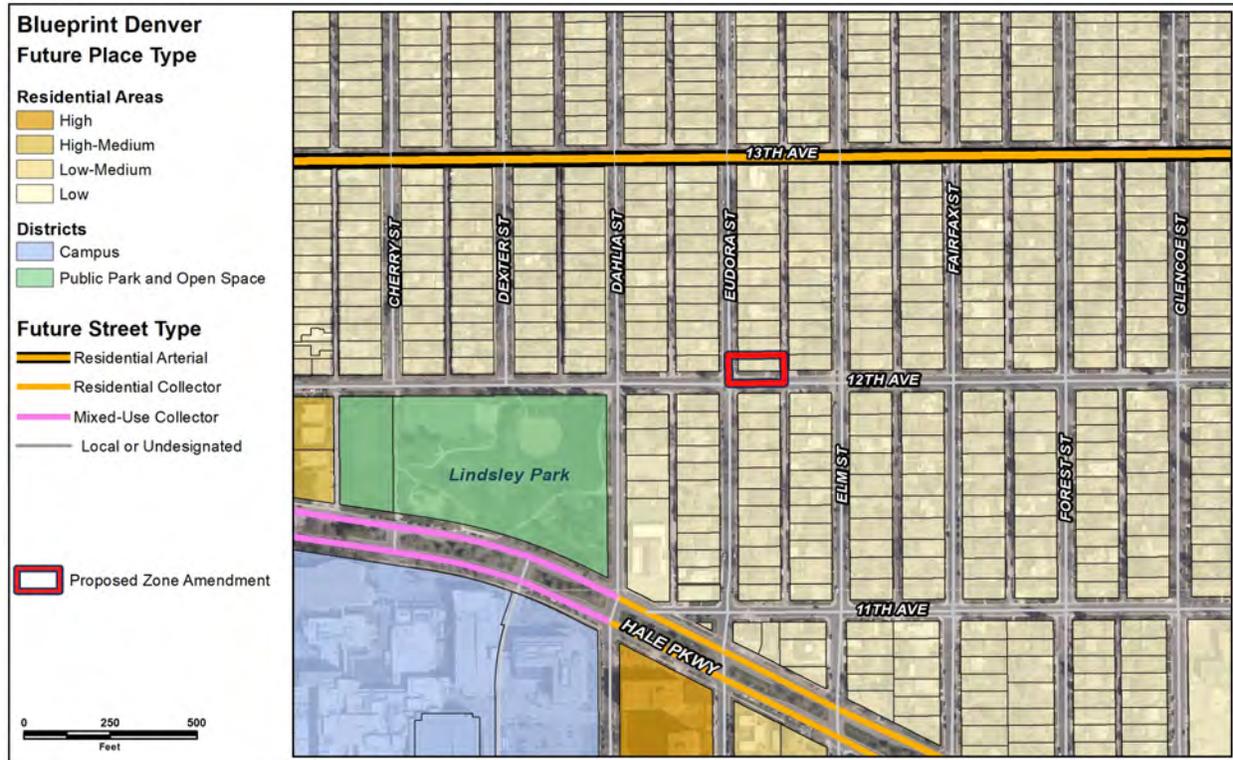
### **Blueprint Denver Future Neighborhood Context**



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 property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-SU-C1 is a zone district within the Urban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-C1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing a small-scale ADU that will be compatible with the existing residential area.

**Blueprint Denver Future Places and Streets**



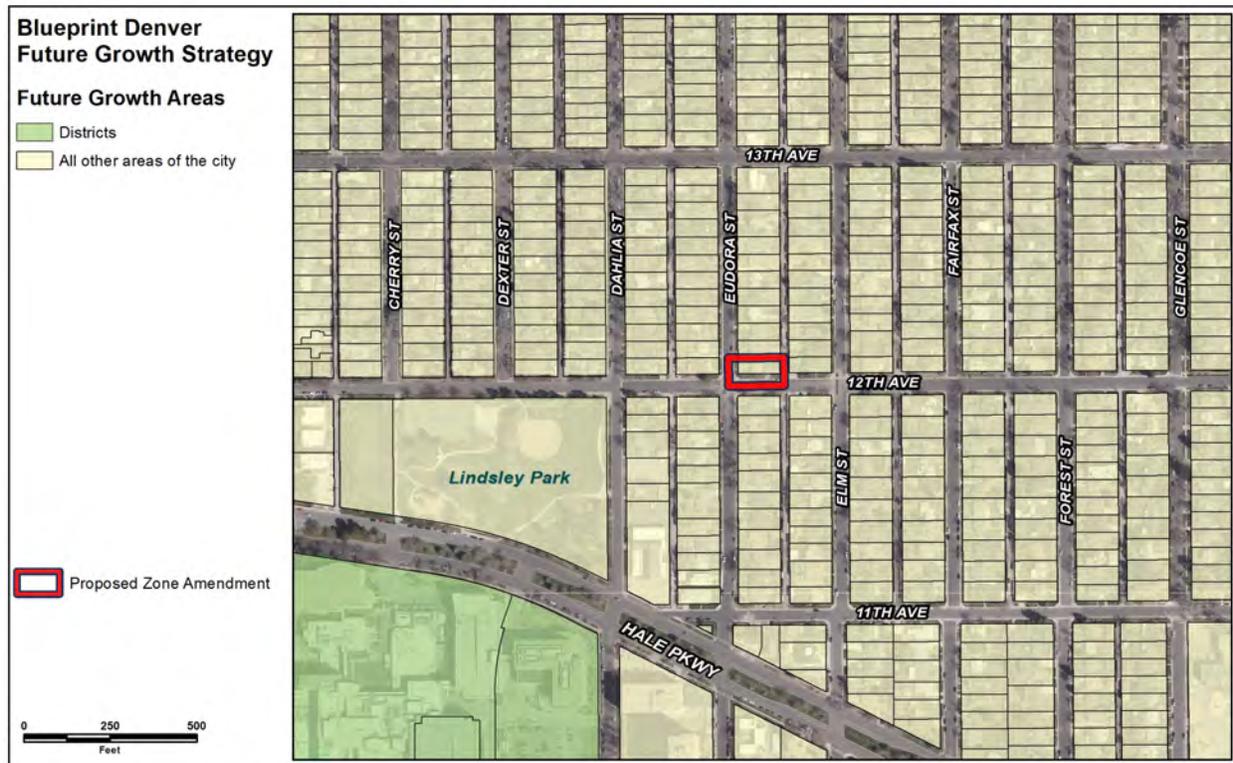
**Future Places**

Within the Urban Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “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. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed U-SU-C1 zone district allowing a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

**Future Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies both 12<sup>th</sup> Avenue and Eudora Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-C1 district is consistent with this street type 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 approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed U-SU-C1 zone district allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-unit residential character.

**Blueprint Denver Strategies**

*Blueprint Denver* supports rezonings to allow for ADU's via one key policy:

- **Land Use and Built Form, Housing Policy 4, Strategy E:** "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).

In this case, the requested rezoning is a single lot in a residential area within a half mile from two bus routes. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

### **East Area Plan**

The *East Area Plan* supports ADU's via two key policies:

- **H.L2.B:** "Integrate accessory dwelling units and missing middle housing in appropriate locations." (p. 187).
- **H.E4.A:** "Integrate missing middle housing and accessory dwelling units in appropriate locations." (p. 190).

The subject property, located in a predominately single-unit neighborhood, is an appropriate location for an ADU, and the rezoning to U-SU-C1 is consistent with the area plan.

### **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-C1 will result in the uniform application of zone district building form, use and design regulations.

### **3. Public Health, Safety and General Welfare**

The proposed rezoning furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and recommendations of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near transit, which could encourage active transportation. The addition of housing near a park, commercial center and medical jobs also increases access to opportunity.

### **4. Justifying Circumstance**

Per the DZC Section 12.4.10.8, City Council may approve a rezoning if it meets one of several Justifying Circumstances, which include the following circumstance applicable to this particular request: "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."

Since the approval of the existing U-SU-C zone district, the City has adopted the *Comprehensive Plan 2040*, *Blueprint Denver*, and the *East Area Plan*. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-C1 zone district is within the Urban Neighborhood Context, which "is primarily characterized by single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building form" (DZC, Division 5.1). This context "consists of a regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The Hale neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The specific intent of the U-SU-C1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H.). The subject property at 1200 Eudora Street contains a single-unit dwelling on a lot of 6,250 square feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

#### **Attachments**

1. Application
2. Public Comments