



TO: Denver City Council
FROM: Libby Kaiser, Senior City Planner
DATE: June 9, 2021
RE: Official Zoning Map Amendment Application #2020I-00154

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00154.

Request for Rezoning

Address: 2394 S. Lincoln Street
Neighborhood/Council District and CM: Rosedale Neighborhood / Council District 6, CM Kashmann
RNOs: Rosedale Harvard Gulch Neighborhood Association, Inter-Neighborhood Cooperation (INC), Neighborhood Coalitions of Denver, Inc.
Area of Property: 6,250 square feet or 0.14 acres
Current Zoning: U-SU-B1
Proposed Zoning: U-TU-B
Property Owner(s): Rachel Frances Hartgen & John Carter Chandler

Summary of Rezoning Request

- The property is in the Rosedale neighborhood on the northeast corner of S. Lincoln Street and Wesley Avenue.
- There is currently a one-story, brick, single-unit house with a detached garage on the property. Single-unit houses and accessory dwelling units are allowed in the existing U-SU-B1 zoning.
- The applicant is requesting the rezoning to allow a duplex on the property.
- The **U-TU-B** (**U**rban Neighborhood, **T**wo-**U**nit, **4,500** square foot minimum lot size) zone district is intended to promote and protect residential neighborhoods. The U-TU-B zone district allows the Urban House, Duplex, and Tandem House primary building forms. The Urban House form is allowed on lots as small as 3,000 square feet. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

Existing Context



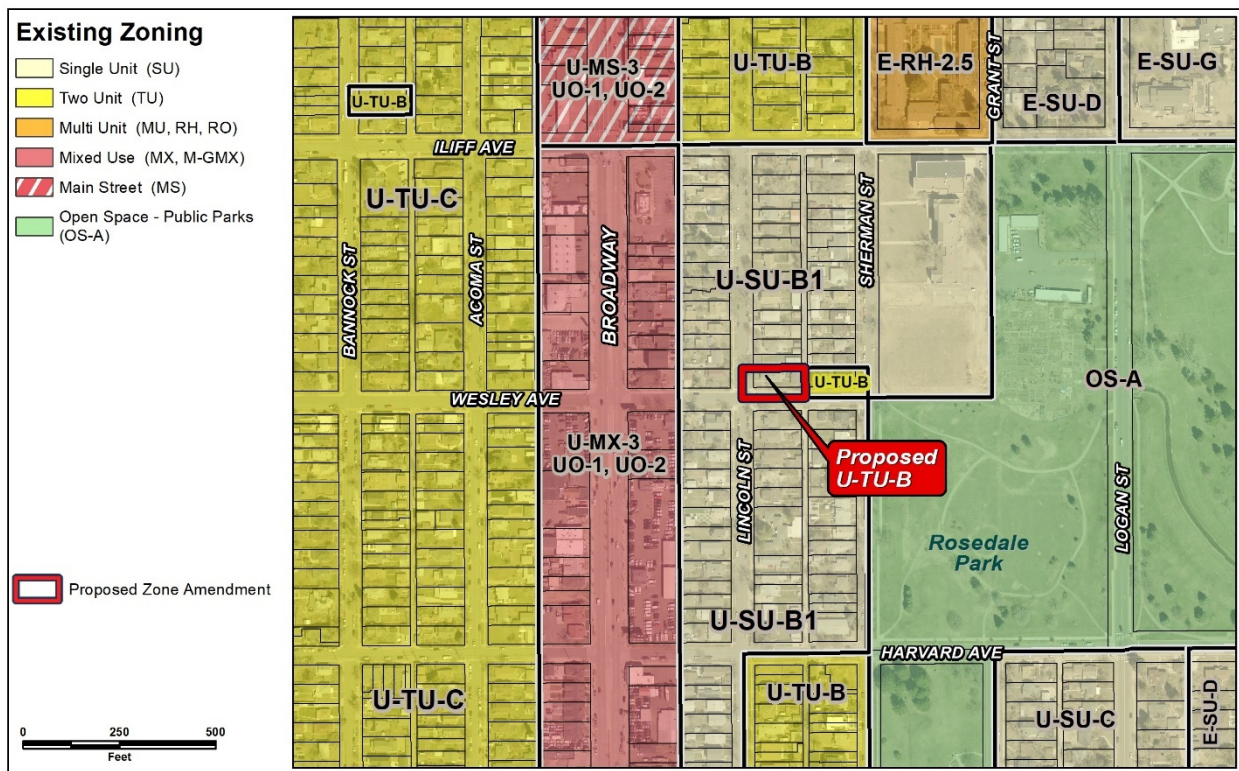
The subject property is on the northeast corner of S. Lincoln Street and Wesley Avenue in the Rosedale neighborhood in southern Denver, three blocks north of Englewood. The neighborhood includes two key landmarks: Harvard Gulch Park and Golf Course and Porter Adventist Hospital. The surrounding residential area is predominantly single-unit, with some two-unit and multi-unit properties scattered throughout. The South Broadway commercial corridor is one block to the west, with a wide range of uses. There is bus service on Broadway, on Evans Avenue three blocks north, and on Yale Avenue, three blocks south. The property is about one-half mile from Evans Station, served by the C and D light rail lines.

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-B1	Single-unit Residential	1-story Residence, Detached Garage	In general, a regular grid of streets; Wesley Ave. interrupted east of Sherman St. by parks. Residential block sizes and shapes are orthogonally
North	U-SU-B1	Single-unit Residential	1-story Residence	
South	U-SU-B1	Single-unit Residential	1-story Residence, Detached Garage	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-TU-B	Single-unit Residential	1-story Residence, Detached Garage	oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks are typically detached.
West	U-SU-B1	Single-unit Residential	1-story Residence, Detached Garage	

1. Existing Zoning

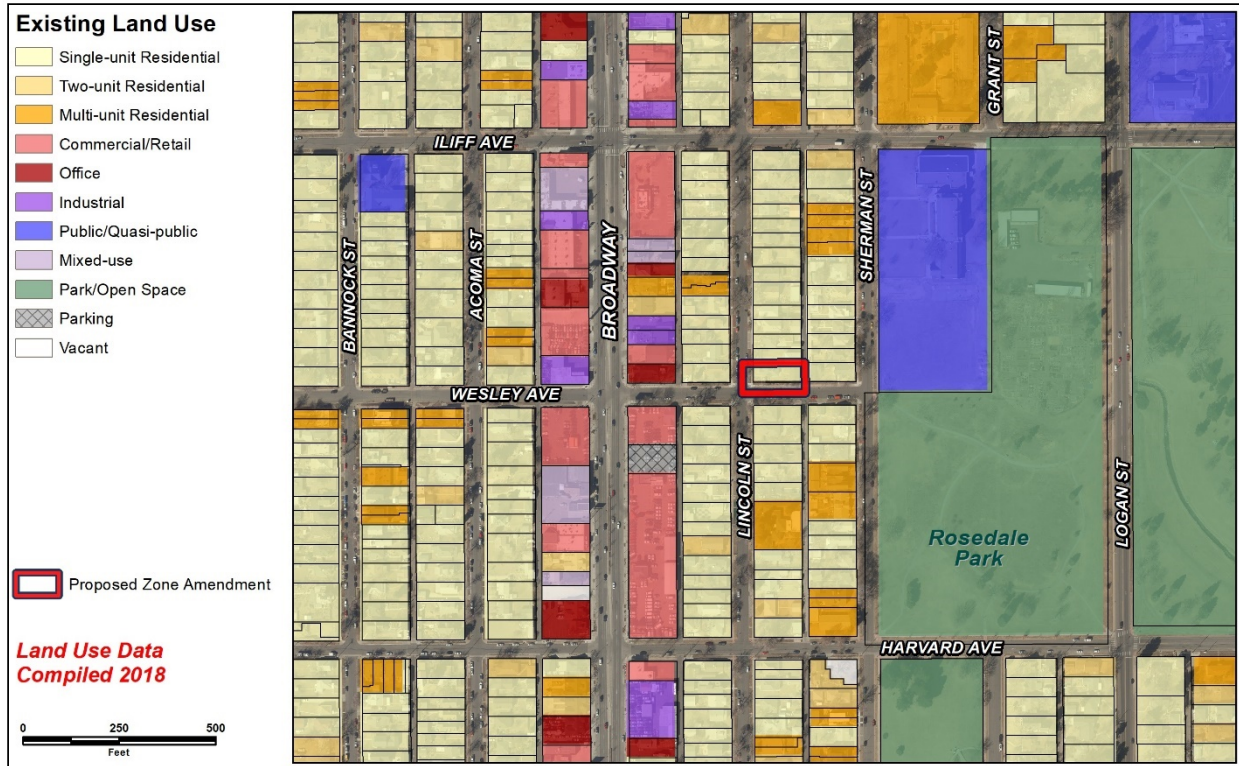


The current U-SU-B1 zone is a single-unit district in the Urban Neighborhood Context. It allows only the Urban House primary building form on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5 stories / 30 feet in the front 65 percent of the zone lot. Setback requirements are 3 to 10 feet on the sides and 12 to 20 feet on the rear. Front setbacks are block sensitive, depending on the setbacks of surrounding structures. The maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed exceptions. The district allows three accessory structure forms: Detached Accessory Dwelling Unit with a maximum height of 24 feet, as well as Detached Garage and Other Detached Accessory Structure. No vehicular parking is required for single-unit dwellings.

2. View Planes

The State Home Park view plane, which protects mountain views from Harvard Gulch Park, covers the subject property and limits building heights to 56 to 60 feet.

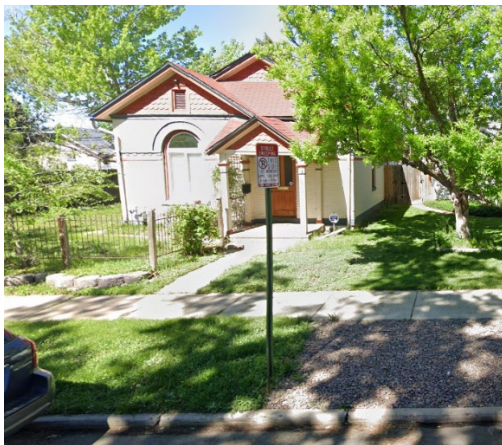
3. Existing Land Use Map



4. Existing Building Form and Scale (Source: Google Maps)



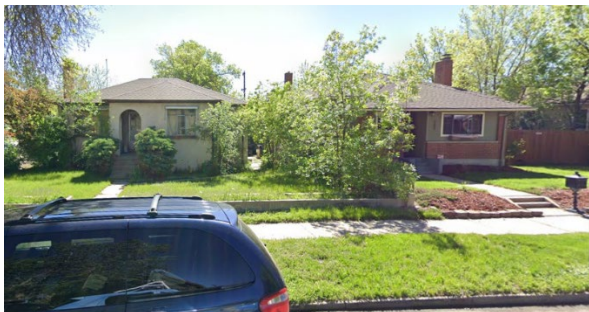
Subject site on the right and properties to the north, looking east



Property to the west, looking west



Property to the southwest, looking south



Properties to the south, looking east



Property to the east, looking north

Proposed Zoning

The requested U-TU-B zone is a two-unit district allowing the Urban House primary building form on a minimum zone lot of 3,000 square feet, as well as the Duplex and Tandem House building forms on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5 stories / 30 feet in the front 65 percent of the zone lot. Setback requirements are 3 to 10 feet on the sides and 12 to 20 feet on the rear. Front setbacks are block sensitive, depending on the setbacks of surrounding structures. The maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed exceptions. The district allows three accessory structure forms: Detached Accessory Dwelling Unit with a maximum height of 24 feet, as well as Detached Garage and Other Detached Accessory Structure. No vehicular parking is required for single-unit dwellings.

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

Design Standards	U-SU-B1 (Existing)	U-TU-B (Proposed)
Primary Building Forms Allowed	Urban House	Urban House, Duplex, Tandem 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	Urban House, Duplex: 1 story / 17' Tandem House: 24'
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.)	4,500 SF	Urban House: 3,000 SF Duplex, Tandem House: 4,500 SF
Zone Lot Width (Min.)*	35 feet	25-35 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	3-5 feet
Side Interior Setback (Min.)	5 feet	5 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Rear Setback, Structure #1 / Structure #2	NA	Tandem House: 50% of lot depth / 5 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Standard varies between building forms

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 response.

Department of Transportation and Infrastructure – Surveyor: Approved – No comments.

Development Services - Transportation: Approved – No response.

Development Services – Wastewater: Approved – No response.

Development Services – Project Coordination: Approved – No response.

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:	1/11/21
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:	3/22/21
Planning Board (voted unanimously to recommend approval):	4/7/21
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:	4/6/21
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	4/20/21
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	5/24/21

neighborhood organizations:	
City Council Public Hearing:	6/14/21

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff received no comments from RNOs.
 - **General Public Comments**
As of the date of this report, staff received no 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)*
- *Evans Station Area Plan (2009)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with several of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for additional housing options near bus transit within an established mixed-use 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 housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning would allow for increased housing diversity in an area where the residential uses are predominately single unit homes, 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).

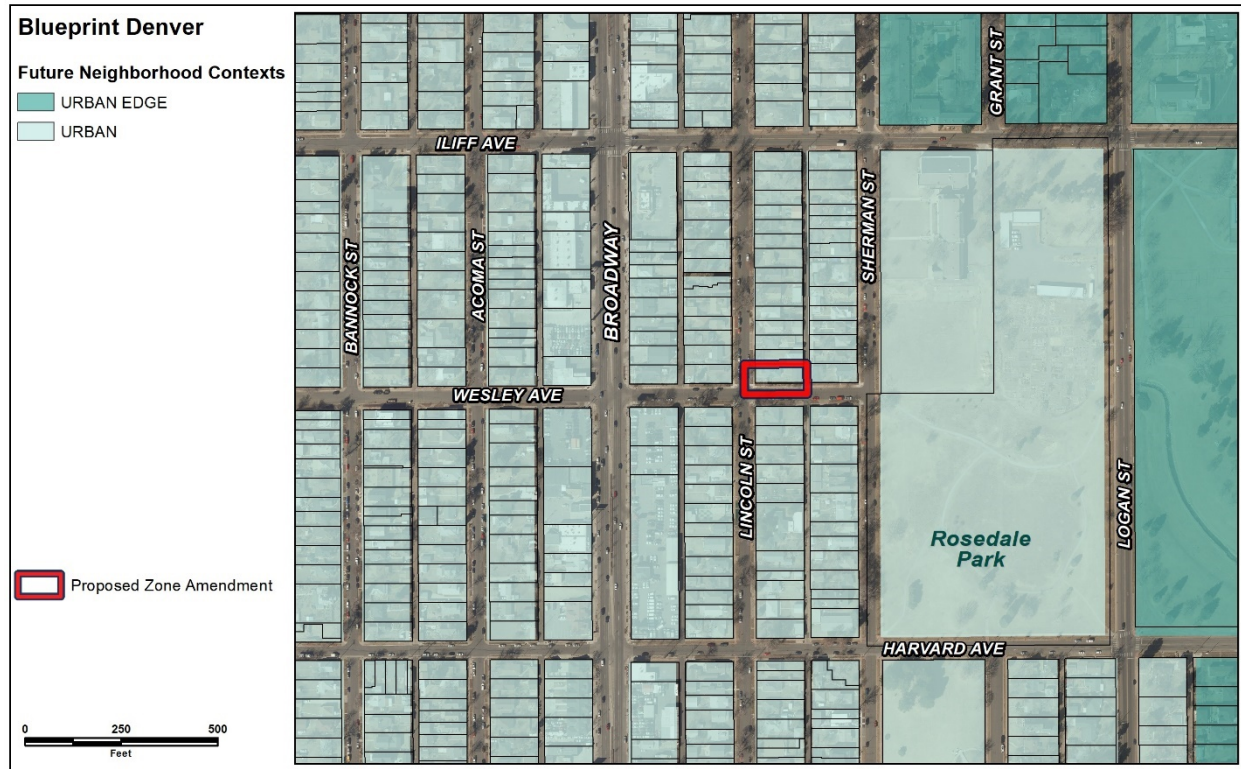
The proposed map amendment would allow for compatible infill development in an established neighborhood near transit, consistent with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

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, transportation, and quality of life decisions. *Blueprint Denver* defines future neighborhood contexts, future place types, and future street types to understand differences between land use, built form, and mobility at a high scale, between neighborhoods, and provides guidance from the future growth strategy for the city. The maps below help illustrate how a rezoning request for the U-TU-B zone district is appropriate for this site and the surrounding area.

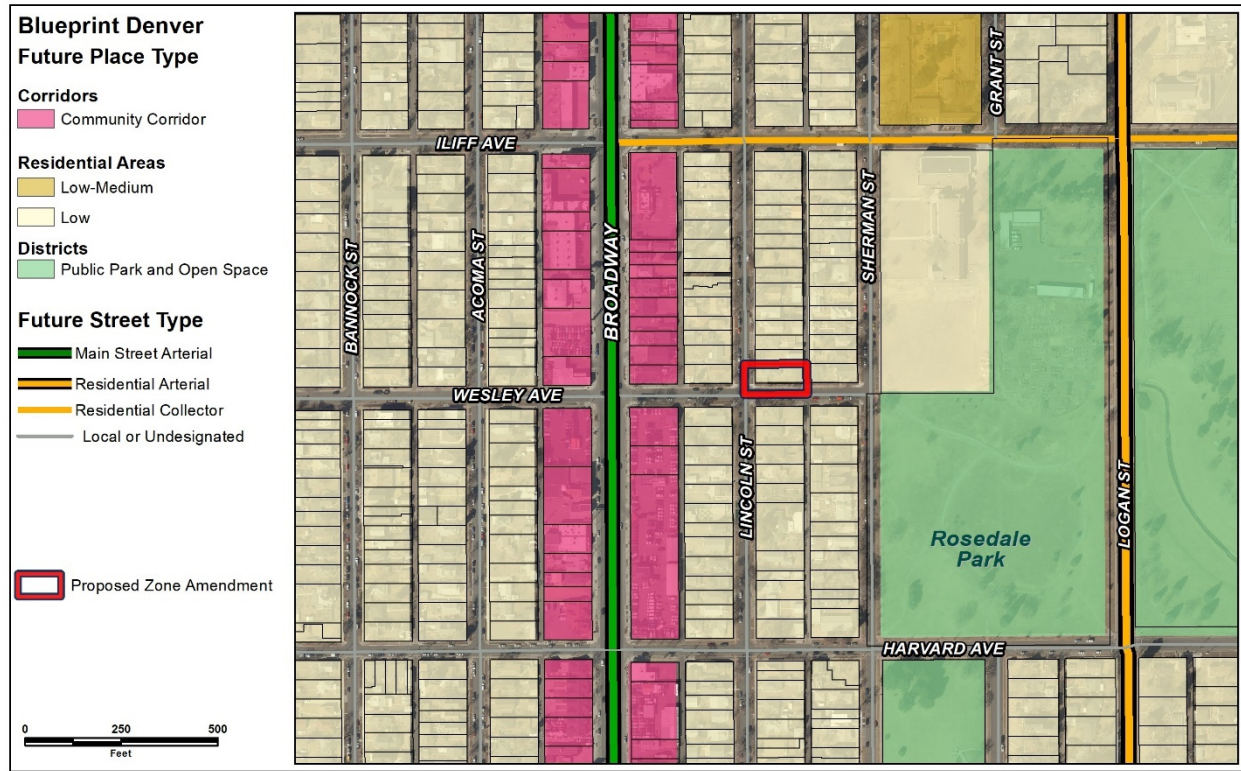
Blueprint Denver Future Neighborhood Context



The subject property is shown on the *Blueprint Denver* 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).

The requested U-TU-B zone district 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-TU-B is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing an Urban House, Duplex, or Tandem House that will be compatible with the existing residential area.

Blueprint Denver Future Place Type and Future Street Type



Future Place Type

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 smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible...Medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 230). The proposed U-TU-B zone district allowing 2.5-story Urban Houses, Duplexes, or Tandem Houses is compatible with this Future Place Type.

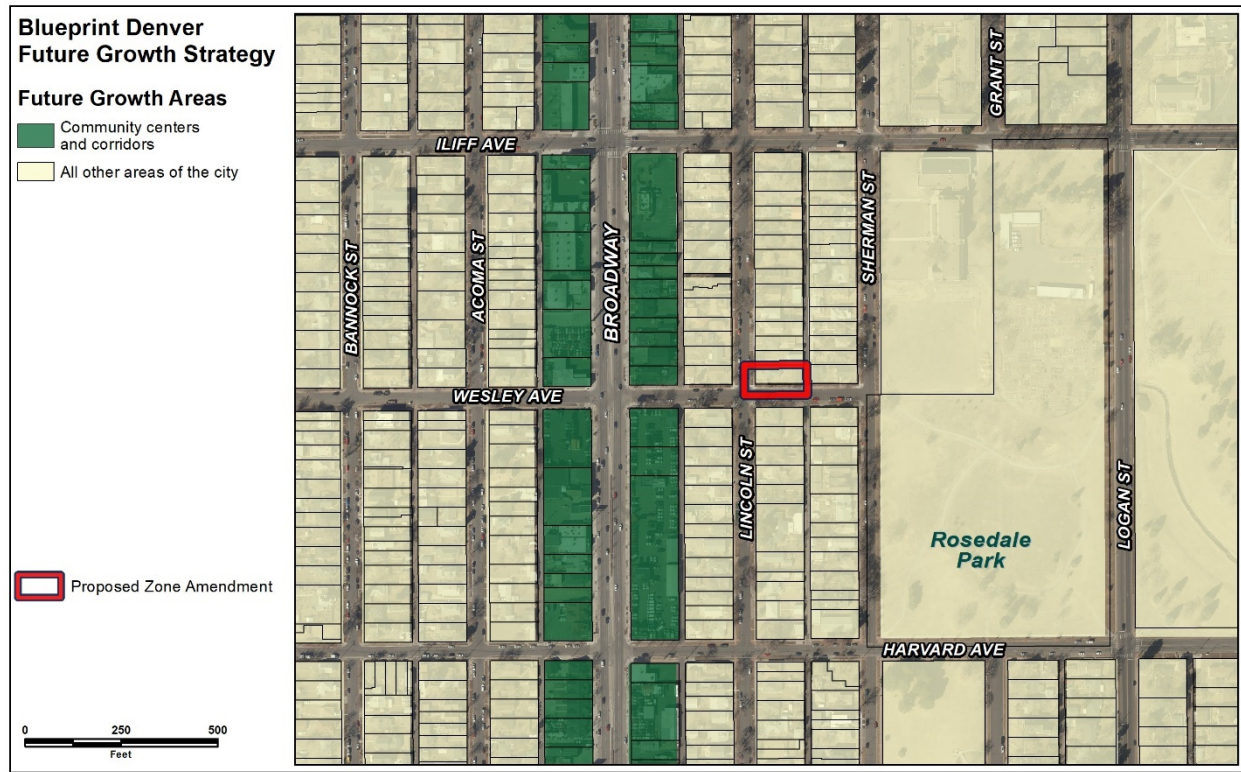
Blueprint Denver also provides guidance regarding rezoning to allow two-unit uses in Residential Low areas. “A departure from the established zoning pattern may be appropriate if the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input” (p. 231). As discussed below, the *Evans Station Area Plan* supports a mix of lower-intensity residential uses in the area.

Future Street Type

In *Blueprint Denver*, Future Street Types work in concert with the Future Place Types to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies both Lincoln Street and Wesley Avenue 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-TU-B district is consistent with this street type because it primarily allows for residential 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 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-TU-B zone district allowing Urban Houses, Duplexes and Tandem Houses is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's low-density residential character.

Small Area Plan: *Evans Station Area Plan (2009)*

The *Evans Station Area Plan* applies to the subject property and seeks to "maintain residential character of surrounding communities and encourage development of a full range of housing types and housing price points" (p. 10). The plan defines the property as Urban Residential, which "recommends less intensity and lower building heights (1-2 1/2 stories) than mixed use residential, to complement the existing neighborhood context. It encourages a mix of low and medium-density housing types including

single family houses, accessory dwelling units (ADUs), duplexes and row houses. New development should reflect the existing character - small single family lots (4,500 sf minimum), medium lot coverage, shallow to moderate setbacks, detached sidewalks with tree lawns and garages/parking accessed from the alley” (p. 15). The requested U-TU-B zone district is consistent with the area plan as it will allow single- and two-unit residential uses in building forms that are limited to 2.5 stories on a zone lot of 6,250 square feet with a maximum lot coverage of 37.5 percent and moderate setbacks. In addition, the property is served by an alley and a detached sidewalk with a tree lawn.



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-TU-B 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 within walking distance of parks, the Broadway commercial corridor, bus routes, and a light rail station, thus providing increased access to opportunity.

4. Justifying Circumstance

The application identifies several changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area." The property is near the Broadway commercial corridor, which continues to attract reinvestment, including significant streetscape improvements made a few years ago. There has also been additional residential development in the area near the Evans light rail station, such that it is in the public interest to allow additional density on the subject property compatible with the changed character of the area.

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

The requested U-TU-B zone district is within the Urban Neighborhood Context, which "is primarily characterized by single-unit and two-unit residential uses...located along local and residential arterial streets" (DZC Section 5.1.1). The rezoning is consistent with this description as it will allow single-unit and two-unit residential uses adjacent to local streets where such uses are compatible with the Low Residential Future Place Type defined in the neighborhood context. It is also consistent with the general purpose of residential districts in this context as it will "promote and protect residential neighborhoods" where "the standards of the two unit and row house districts promote existing and future patterns of lower scale multi unit building forms that typically address the street in the same manner as an urban house building form" (DZC Section 5.2.2.1). Furthermore, the rezoning is consistent with the specific intent of the U-TU-B zone district, which "allows up to two units on a minimum zone lot area of 4,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms" (DZC Section 5.2.2.2.N).

Attachments

1. Application