



Community Planning and Development
Planning Services

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TO: Land Use, Transportation, and Infrastructure Committee
FROM: Abner Ramos Salcedo, Associate City Planner
DATE: May 30, 2024
RE: Official Zoning Map Amendment Application #2023I-00239

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2023I-00239 forward for consideration by the full City Council.

Request for Rezoning

Address: 1896 & 2009 South Humboldt Street; 1918, 1930, 1936, 1961 & 2063 South Franklin Street; 1929 & 1935 South Gilpin Street
Neighborhood/Council District and CM: University / Council District 6 – Paul Kashmann
RNOs: Inter-Neighborhood Cooperation (INC), University Neighbors Neighborhood Association, Strong Denver
Area of Property: 54,990 square feet or 1.26 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Owner Representative: Zsolt Papp, Kyle Chism, Carol Lee, Matthias Stehle, Mandy Stehle, Leslie Brown, Thomas Blumenthal, Sarah Blumenthal, Wayne Martin

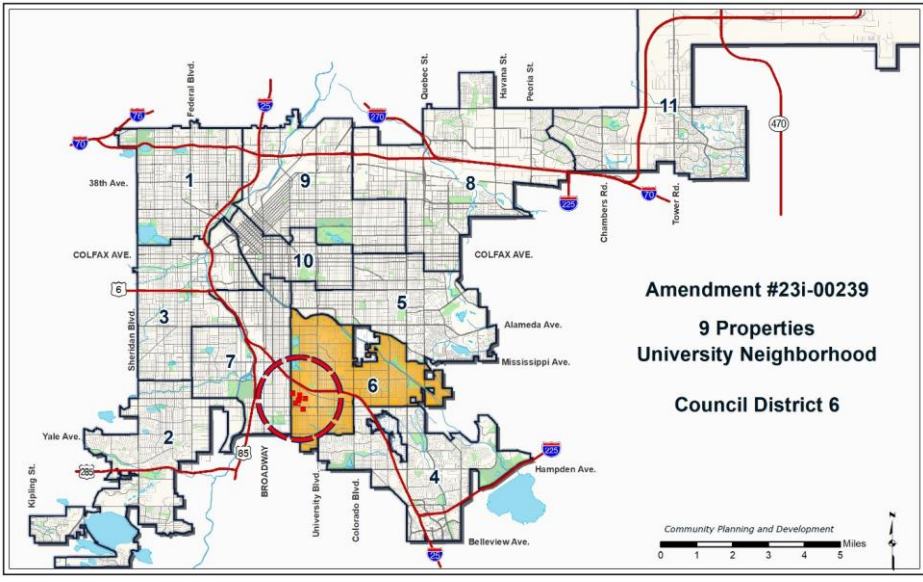
Commented [PVMFCCC1]: I think it reads better the way you have it on the header

Summary of Rezoning Request

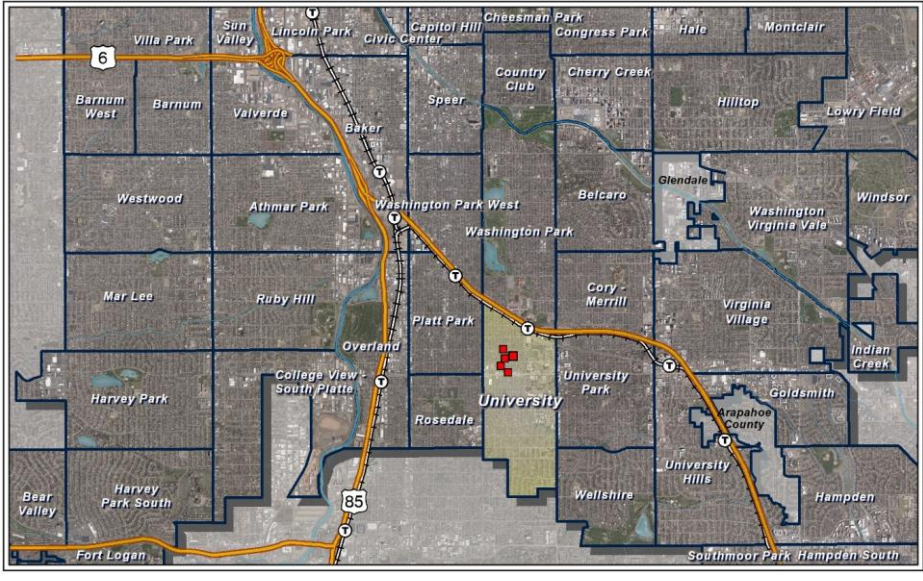
- The subject properties each contain a single-unit home, and most properties also have an attached or detached garage. They are located in generally the same area, bounded by East Colorado Avenue to the north, South Lafayette Street to the west, South Gilpin Street to the east, and East Evans Avenue to the south.
- The property owners are proposing to rezone the properties to allow accessory dwelling units (ADUs).
- The proposed U-SU-C1, Urbane, Single-Unit, C1 (5,500 square feet minimum zone lot size allowing ADUs), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. 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 5 of the Denver Zoning Code (DZC).

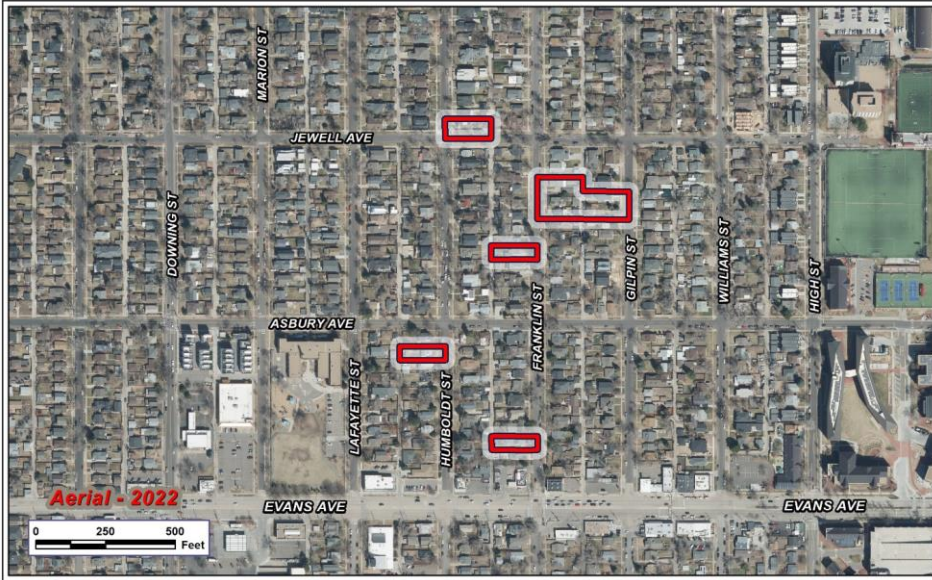
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City Location



Neighborhood Location - University





1. Existing Context

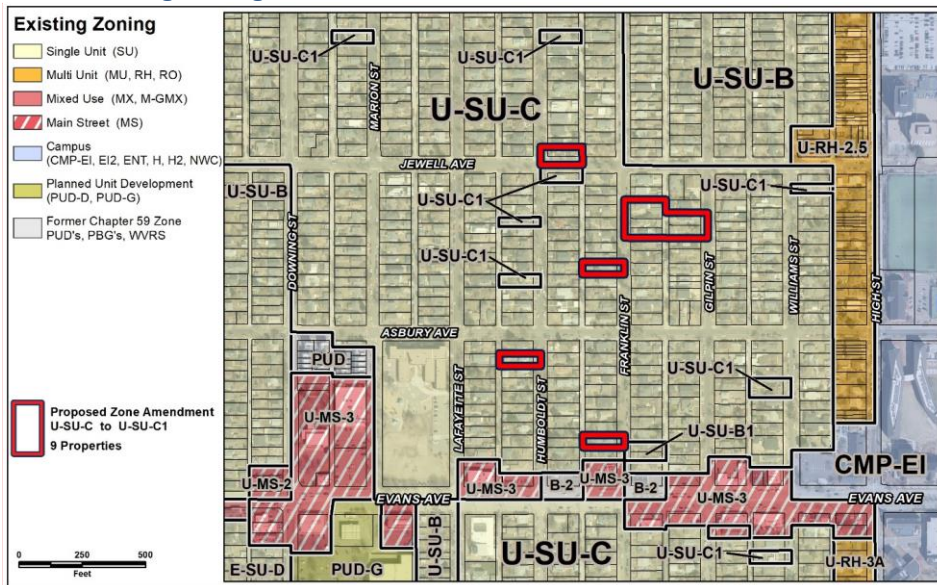
The subject properties are in the University statistical neighborhood, which is characterized mostly by single-unit residential uses and some neighborhood serving commercial/retail uses on East Evans Avenue, and the University of Denver Campus. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject properties are located within a mile of the University of Denver Campus. There are various RTD stops on South Downing and East Evans Avenue. These bus stops serve routes 12 and 21, each with a 30-minute headway.

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
1896 South Humboldt Street	U-SU-C	Single-unit Residential	1 story house with detached garage at alley	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
2009 South Humboldt Street	U-SU-C	Single-unit Residential	1 story house with detached garage at alley	
1918 South Franklin Street	U-SU-C	Single-unit Residential	1 story house with attached garage that extends to the alley and driveway on South Franklin Street	
1930 South Franklin Street	U-SU-C	Single-unit Residential	2 story house with detached garage at alley	
1936 South Franklin Street	U-SU-C	Single-unit Residential	2 story house with detached garage at alley	
1961 South Franklin Street	U-SU-C	Single-unit Residential	1 story house with attached garage and driveway on South Franklin Street	
2063 South Franklin Street	U-SU-C	Single-unit Residential	1 story house with detached garage at alley	
1929 South Gilpin Street	U-SU-C	Single-unit Residential	2 story house with detached garage at alley	
1935 South Gilpin Street	U-SU-C	Single-unit Residential	1 story house	
North	U-SU-C	Single-unit Residential	1 -2 story houses, in some cases with detached garages on the alley	
South	U-SU-C and U-MS-3	Single-unit Residential and Main Street	1 -2 story houses, in some cases with detached garages on the alley. Also, some small scale commercial uses	
East	U-SU-C	Single-unit Residential	1 -2 story houses, in some cases with detached garages on the alley	
West	U-SU-C	Single-unit Residential	1 -2 story houses, in some cases with detached garages on the alley	

Commented [PVMFCCPP2]: I would change this one to say the same as the rest, given they all have 1-2 story houses to the south (I know there is commercial uses on Evans, but directly south, there are all houses

2. Existing Zoning



Commented [PVMFCCPP3]: Reminder to update map

The U-SU-C zone district 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% of the zone lot, 1 story and 17 to 19 feet in the rear 35% of the zone lot. It 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 Neighborhood Context.

3. Existing Land Use Map



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4. Existing Building Form and Scale



1896 S Humboldt St. - View of the subject property, looking east from South Humboldt St.

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2009 S Humboldt St. - View of subject property, looking west from South Humboldt St.



1918 S Franklin St. - View of subject property, looking east on South Franklin St.



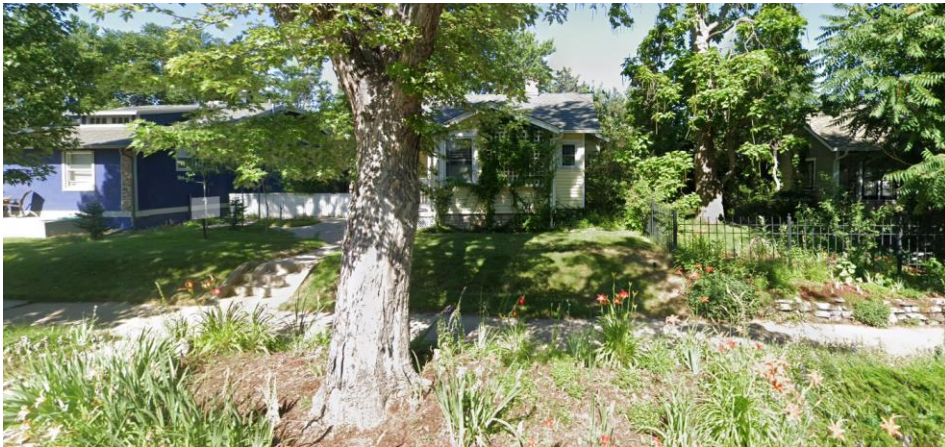
1930 S Franklin St. – View of subject property, looking east on South Franklin Street.



1936 S Franklin St. - View of subject property, looking east on South Franklin Street.



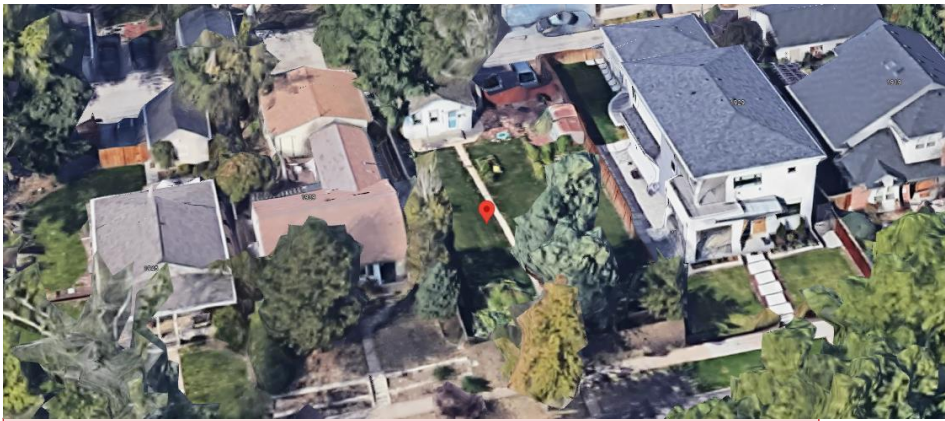
1961 S Franklin St. - View of subject property, looking west on South Franklin Street.



2063 S Franklin St. - View of subject property, looking west on South Franklin Street.



1929 S Gilpin St. - View of subject property, looking west on South Gilpin Street.



1935 S Gilpin St. – Birds-eye view of subject property, looking west on South Gilpin Street.

Commented [PVMFCCPP5]: Remind me to talk about this property when we chat next. I can see CM Flynn asking questions about this property. He will probably ask if in this case they could build a big house in the front and leave the existing house as the ADU, so I am happy to chat about that if you want to practice for potential scenarios of questions.

Commented [PVMFCCPP6R5]: Also, FYI, the quick answer is Yes, as long as the existing structure complies with the standards for the ADU building form

Proposed Zoning

The U-SU-C1 is a single unit zone district with a minimum zone lot of 5,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-C1 district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 2 stories or 24 feet. A bulk plane that raises 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 also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. For zone lots less than 7,000 square feet, the ADU Gross Floor Area may be a maximum of 864 square feet.

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

Design Standards	U-SU-C (Existing)	U-SU-C1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30-35 feet	2.5 stories / 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17-19 feet	1 story / 17-19 feet
DADU Maximum Height in Stories/Feet	DADUs not permitted	2 stories / 24 feet
Zone Lot (Min.)	5,500 square feet	5,500 square feet
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 Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	DADUs not permitted	5 feet if garage door / 0 feet if no garage door
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.

Development Services - Fire: Approved – No Comments.

Development Services – Project Coordination: Approve Rezoning Only- Will require additional information at Site Plan Review

- 1) Future development is subject to zoning and building permit review and approval prior to construction beginning. Projects with two units or less will be reviewed by the Residential Team.
- 2) Future development on the site will need to comply with the chosen building form standards for the new zone district.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review.

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible

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contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – City Surveyor: 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:	3/5/2024
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:	4/30/2024
Planning Board Public Hearing	5/15/2024
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 (tentative) :	5/17/2024
Land Use, Transportation and Infrastructure Committee of the City Council (tentative) :	6/4/2024
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 (tentative) :	7/15/2024
City Council Public Hearing (tentative) :	8/5/2024

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

- To date, staff has not received comment letters from Registered Neighborhood Organizations.

- **General Public Comments**

As of the date of this staff report, 1 letter and 1 public comment have been received expressing opposition.

The 1 letter in opposition came in on April 8, 2024, before the Planning Board hearing. The letter cited concerns about impacts the rezoning would have on the character and infrastructure of the community; specifically, the strains it would cause on traffic and parking, overcrowding, and property values.

The 1 comment in opposition came in on April 29, 2024, before the Planning Board hearing. The public comment makes claim that currently there are non-complaint uses at one of the properties.

Commented [PVMFCCPP7]: Be prepare to speak to that. Is that true? Maybe make sure the property owner is aware and can speak of what's going on.

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)

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).

U-SU-C1 allows 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 neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the University neighborhood.

- 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 infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

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

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit home where infrastructure and services such as water, stormwater, and streets 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 future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



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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 sites are shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222).

U-SU-C1 is a zone district within the Urban neighborhood context in the Denver Zoning Code. The Urban residential zone districts are “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 the *Blueprint Denver* future neighborhood context of Urban because it 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



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The subject sites are designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place type is “predominately single- and two-unit uses on smaller 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. 230). U-SU-C1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the Future Place designation.

Blueprint Denver Future 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 South Gilpin Street and South Humboldt Street as Local or Undesignated Future Street Types, which “can vary in their land uses and are found in all neighborhood contexts. *Blueprint Denver* classifies South Franklin Street as Residential Collector Future Street Type, which serve “[p]rimarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160). The proposed U-SU-C1 district is consistent with this description because it allows for primarily residential uses.

Growth Strategy



Commented [PVMFCCPP11]: Reminder to update map

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 properties are all 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 amendment to U-SU-C1 will allow low-intensity growth to the number of households in this area by allowing accessory dwelling units and is therefore consistent with the growth strategy.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

- 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).

This rezoning to an ADU zone district 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 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 official map amendment furthers 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" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of additional housing units that are compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

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."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. 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. The neighborhood context is "primarily characterized by single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building form" (DZC, Section 5.1.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Section 5.1.2). The University neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is "to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated" (DZC, Section 5.2.2). The proposed U-SU-C1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

The specific intent of the U-SU-C1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units. 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, 5.2.2.2.H.) The subject sites are in an area where Urban houses 50-foot wide lots are common. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public and RNO comment letters, as applicable