



TO: Denver City Council
FROM: Libby Kaiser, Senior City Planner
DATE: February 25, 2021
RE: Official Zoning Map Amendment Application #2020I-00037

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00037.

Request for Rezoning

Address: 1570 – 1596 W. Bayaud Avenue
Neighborhood/Council District and CM: Valverde Neighborhood / Council District 7, CM Jolon Clark
RNOs: Valverde Neighborhood Association, Inter-Neighborhood Cooperation (INC)
Area of Property: 21,775 square feet or 0.5 acres
Current Zoning: PUD 275
Proposed Zoning: E-TU-B
Property Owner(s): Bayaud Development I, LLC
Owner Representative: Sam Leger

Summary of Rezoning Request

- The subject property is located within the Valverde Neighborhood on the southeast corner of W. Bayaud Avenue and S. Tejon Street.
- The property, owned by Bayaud Development I, LLC, is vacant.
- The property is currently zoned PUD 275, a Planned Unit District approved in 1990 under the Former Chapter 59 Zoning Code, which allows a mix of office and light industrial uses with a maximum height of 2 stories.
- The applicant is requesting this rezoning to enable the development of the Tandem House building form on each of four lots.
- The proposed zone district, E-TU-B, is summarized as follows:
 - The E-TU-B zone district stands for Urban Edge-Two Unit-B, which allows up to two units on a minimum zone lot area of 4,500 square feet.
 - Allowed primary building forms are the urban house, duplex and tandem house building forms.
- 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



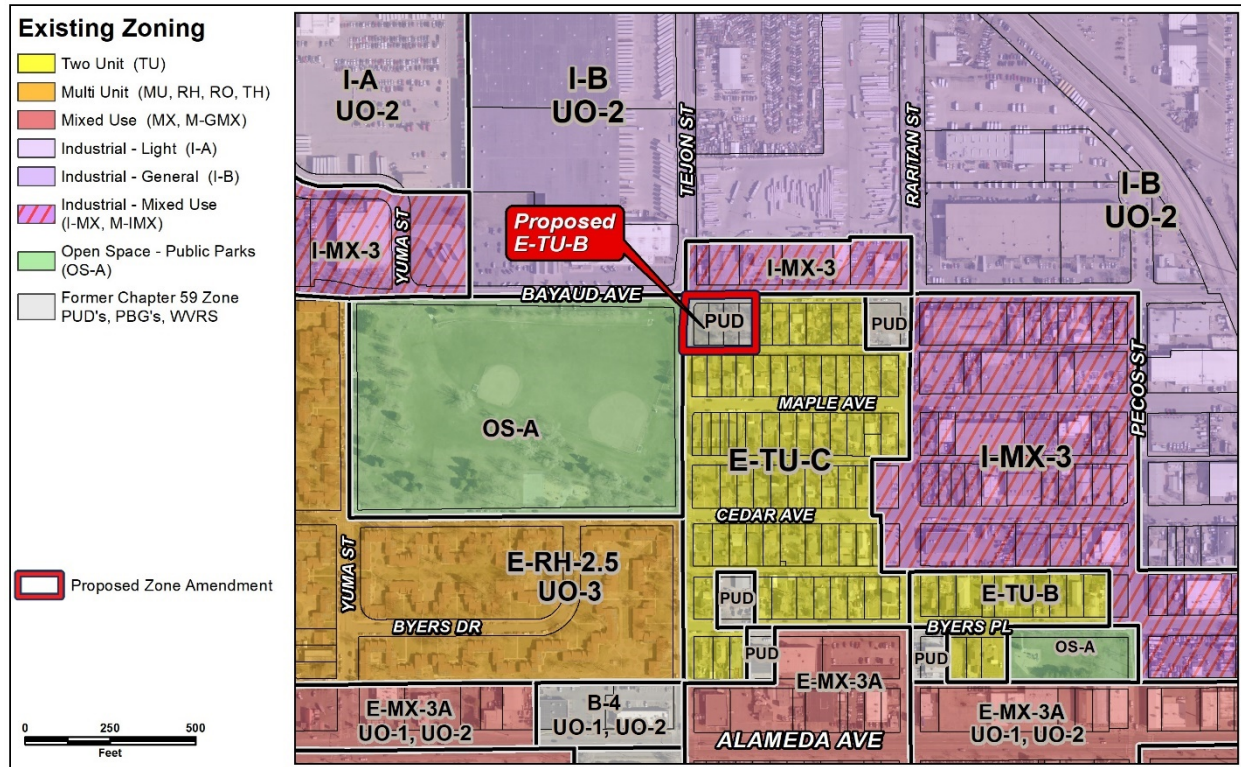
The subject property is located within the Valverde Neighborhood on the southeast corner of W. Bayaud Avenue and S. Tejon Street. The property is on a block of single unit homes south and east of industrial uses that border the South Platte River corridor. Additional single unit homes dominate two blocks to the south and lots interspersed to the east. The West-Bar-Val-Wood Park, containing sports fields and a playground, is across the street to the west with a large row home development abutting the park to the south and west. The Valverde Park and an unnamed park at the corner of Byers Place and Pecos Street are also within one-half mile. The Alameda Avenue commercial and industrial corridor lies approximately one-quarter mile to the south. The Platte Valley / PLFX bus route traverses W. Bayaud Avenue and S. Tejon Street with a bus stop in front of the properties. A bike lane exists on S. Tejon Street to the north and on W. Bayaud Avenue to the east, connecting to an off-street bikeway along the South Platte River, and the property is within the West Community Transportation Network area, where future low-stress bike facilities are planned.

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	PUD 275	Vacant	No structures	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
North	I-MX-3	Industrial: roofing and insulation business	2-story building with controlled access to the rear of the lot	<p>Streets are generally orthogonal, but the pattern is irregular and connectivity is poor due to superblocks to the north and west. Smaller, single unit and two unit lots are prevalent to the south and east and are served by alleys. Blocks and lots to the north and further east are of varying sizes, containing buildings of varying orientations and surface parking.</p>
South	E-TU-C	Single unit and two unit residential	Single-story, single unit houses and two-story, two unit buildings	
East	E-TU-C	Single unit residential	Single-story, single unit houses	
West	OS-A	Park with sports fields and a playground	No structures	

1. Existing Zoning

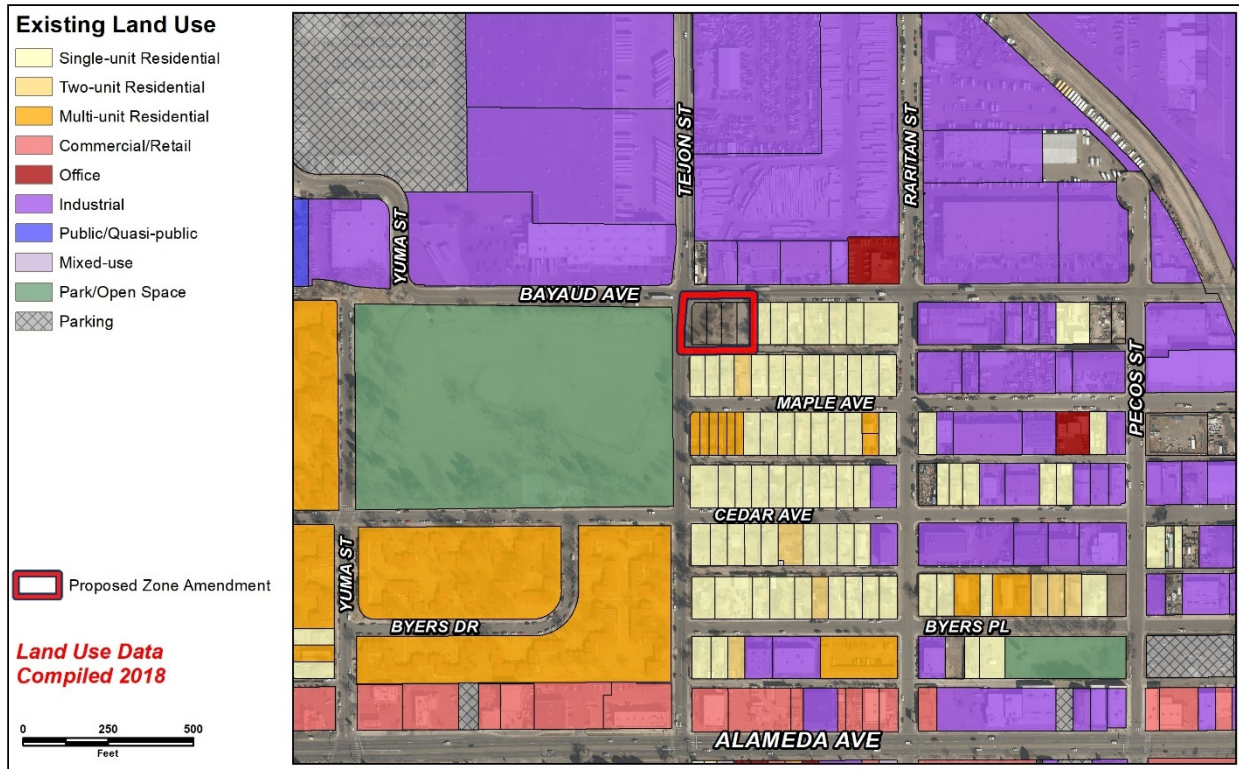


The existing zoning on the subject site is PUD 275, a Planned Unit District approved in 1990 under the Former Chapter 59 Zoning Code that allows office, warehouses, storage, and light industrial uses, such as the manufacturing or assembly of products from cloth, plastic, metal, paper, leather, and stones, as well as the retail sale of such products. The PUD specifies a maximum height of two stories or 35 feet, a maximum development intensity of 0.50 Floor Area Ratio, and a maximum 40% land coverage by building and impervious surfaces, not including drives and parking. At least 5% of the site is to be landscaped and/or permeable. Office uses require one vehicle parking space per 500 square feet and retail uses require one vehicle parking space per 200 square feet.

2. Status of Development Services Review

Concurrent with the rezoning review, the applicant has made two Concept Plan submittals to Development Services. Their most recent Concept Plan is attached to the application. The applicant is also seeking a zone lot amendment to create four zone lots.

3. Existing Land Use Map



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



Site - Looking south from W. Bayaud Avenue



North - Looking northeast from W. Bayaud Avenue



East - Looking east down W. Bayaud Avenue



South - Looking north from W. Maple Avenue



West - Looking west from W. Tejon Street

Proposed Zoning

The proposed zone district is Urban Edge-Two Unit-B. The general purpose of the residential districts in the Urban Edge Neighborhood Context “is to promote and protect residential neighborhoods. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.” (DZC Section 4.2.2.1.). The specific intent of E-TU-B “allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.” (DZC Section 4.2.2.2.).

The height of the Tandem House building form is restricted to 2.5 stories or 30’ in the front 65% of the lot and 24’ in the rear 35% of the lot with an allowance up to 35’ in the front based on lot width. A bulk plane that rises 17’ vertically from the Side Interior and Side Street zone lot line, then slopes 45 degrees, also applies to the front 65% of the lot. The building form requires a minimum lot width of 35’ in the proposed E-TU-B zone district. The Primary Street setback is 20’ where a block sensitive setback doesn’t apply. The minimum Side Street and Side Interior setbacks are 5’ on lots greater than 40’ wide and less than 75’ wide. The maximum Building Coverage per Zone Lot, including all accessory structures, is 37.5% and the maximum Parking and Drive Lot Coverage in the Primary Street Setback is 50%. The Overall Structure Width is limited to 36’ and the Overall Structure Length is limited to 42’. An Upper Story Stepback from a Primary Street, for any portion of a building with a Low-Slope Roof above 25’, is 10’. A two unit dwelling requires one vehicle parking space per unit. For additional details of the requested zone district, see DZC Divisions 4.3 and 4.4.

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

Design Standards	PUD 275 (Current)	E-TU-B (Proposed)
Primary Building Forms Allowed	Not Applicable (created under Former Chapter 59 Zoning Code prior to building forms being defined)	Urban House, Duplex and Tandem House
Height in Stories / Feet, Front 65% of Zone Lot (max.)	2 stories / 35’	2.5 stories / 35’

Design Standards	PUD 275 (Current)	E-TU-B (Proposed)
Height in Stories / Feet, Rear 35% of Zone Lot (max.)	2 stories / 35'	Urban House, Duplex: 1 story / 19' Tandem House: 24'
Minimum Zone Lot Size/Width	Not Applicable	4,500 SF / Width varies by building form
Primary Street Setback (min)	12' to parking/building	20'
Building Coverage (max)	40%	37.5% (Lot Width > 30')

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.

Transportation and Infrastructure - Surveyor: Legal is approved.

Development Services - Transportation: Approved – No response.

Development Services – Wastewater: Approved – No response.

Development Services – Project Coordination:

- Approve Rezoning Only - Will require additional information at Site Plan Review
- New development on the site will be subject to site specific zoning review either through an SDP (if three or more units are located on a single zone lot) or through Residential zoning (if only one or two units are located on a single zone lot).
- The applicant should confirm the existing zone lot configuration with Zoning.
- The allowed building forms in the E-TU-B only permit 1 unit in 1 structure (Urban House); 2 units/1 structure (Duplex); or 1 unit /2 structures (Tandem House) per zone lot. With the current options, it does not appear that a Site Development Plan would be triggered, assuming there are four existing zone lots.
- Future development will need to fully comply with the Denver Zoning Code and the building form standards in place at the time of site specific review.

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:	10/13/20
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:	12/21/20
Planning Board voted unanimously to recommend the rezoning:	1/6/21
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:	12/29/20
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	1/12/21
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 neighborhood organizations:	2/8/21
City Council Public Hearing:	3/1/21

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - The application includes a letter from the Valverde Neighborhood Association Board, in favor of the rezoning to a residential zone district that would be more compatible with existing residential properties than the current PUD that allows industrial development.
 - **General Public Comments**
 - To date, staff has received two comments from the general public, one from an adjacent residential property owner in support of the rezoning to a residential district and one from the owner of a property across the street to the north zoned I-MX-3 in opposition to the rezoning as it could make it more difficult to develop an industrial use onsite. 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)
- *Valverde Neighborhood Plan* (1991)

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).

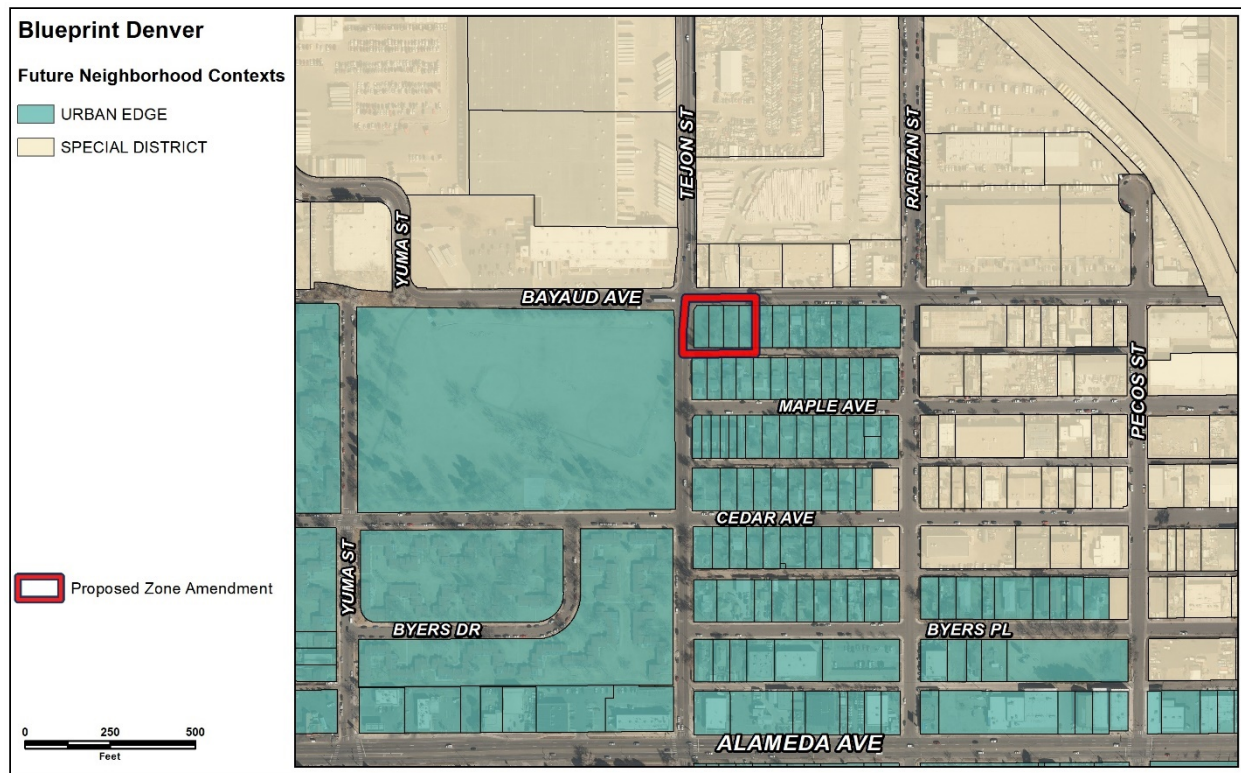
The proposed map amendment would allow for compatible infill development in an established neighborhood near bus transit, consistent with the following strategies from the Environmentally Resilient vision element:

- 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

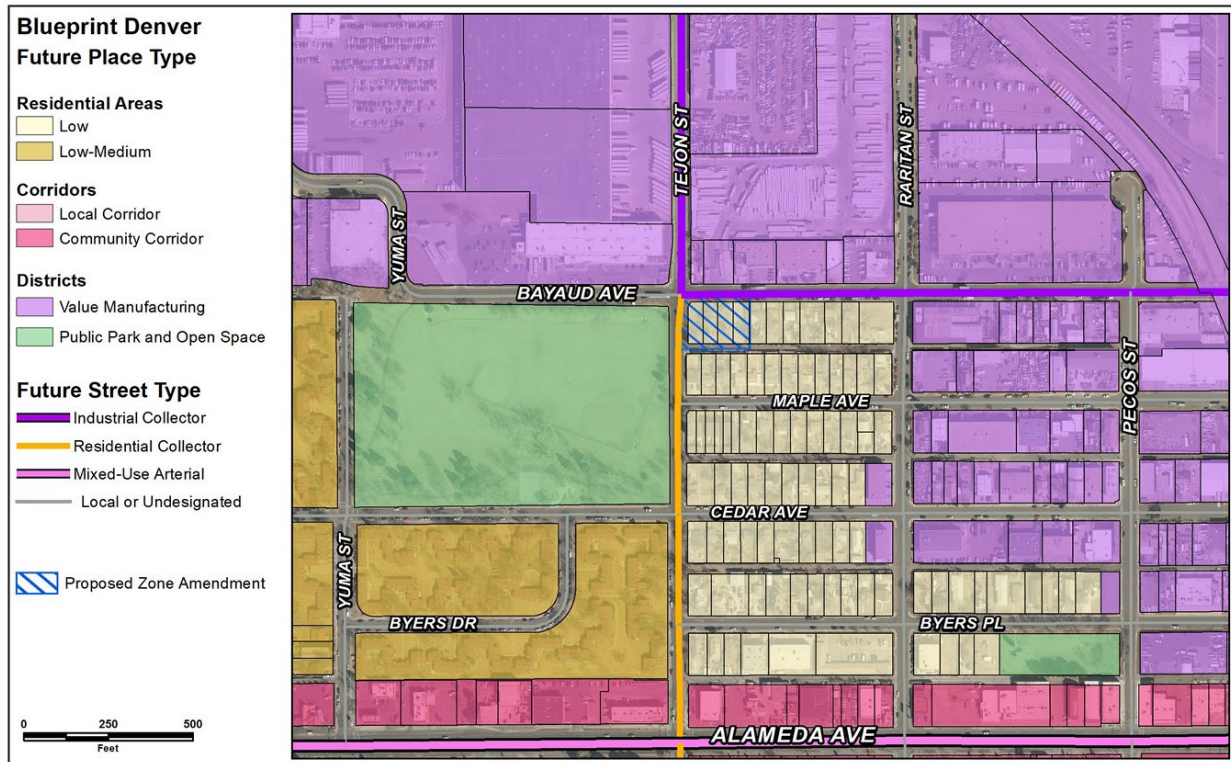
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use, transportation, and quality of life decisions. *Blueprint Denver* defines future neighborhood contexts, future place types, and future street types to understand 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 E-TU-B zone district is appropriate for this site and the surrounding area.

Blueprint Denver Future Neighborhood Context



The subject property is within the Urban Edge Neighborhood Context, which “contains many single- and two-unit residential areas. Commercial and mixed-use development tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (p. 206). The proposed E-TU-B zone district is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context...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 4.2.2.1). As the rezoning would allow a two unit district and the Tandem House building form that would address the street similar to the Urban House building form, the proposed district is appropriate and consistent with *Blueprint Denver*.

Blueprint Denver Future Places



Future Places

The proposed E-TU-B zone district allowing 2.5-story Urban Houses, Duplexes, or Tandem Houses on zone lots of at least 4,500 square feet is compatible with the Residential Low Future Place Type defined by the Urban Edge Neighborhood Context. Within this context, *Blueprint Denver* defines the land use and built form 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... Low to medium building coverage. Buildings are generally up to 2.5 stories in height.” (p. 214).

However, the minimum lot size of E-TU-B is smaller than the minimum 5,500-square-foot lot size required by the adjacent E-TU-C zone district. According to *Blueprint Denver*, “For applicant-driven requests that are individual sites or small assemblages, typically it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request. A departure from the established lot pattern may be appropriate if the request includes a larger area, generally greater than one block, and the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input.” (p. 215).

In this case, the existing zone district is a PUD allowing industrial uses where no minimum lot size is defined. While this rezoning would allow 4,500-square-foot lots in a neighborhood where larger lots are specified, and the site is smaller than one block, the lot pattern and uses allowed under the proposed E-TU-B district are more consistent with E-TU-C than the existing PUD. The current Concept Plan

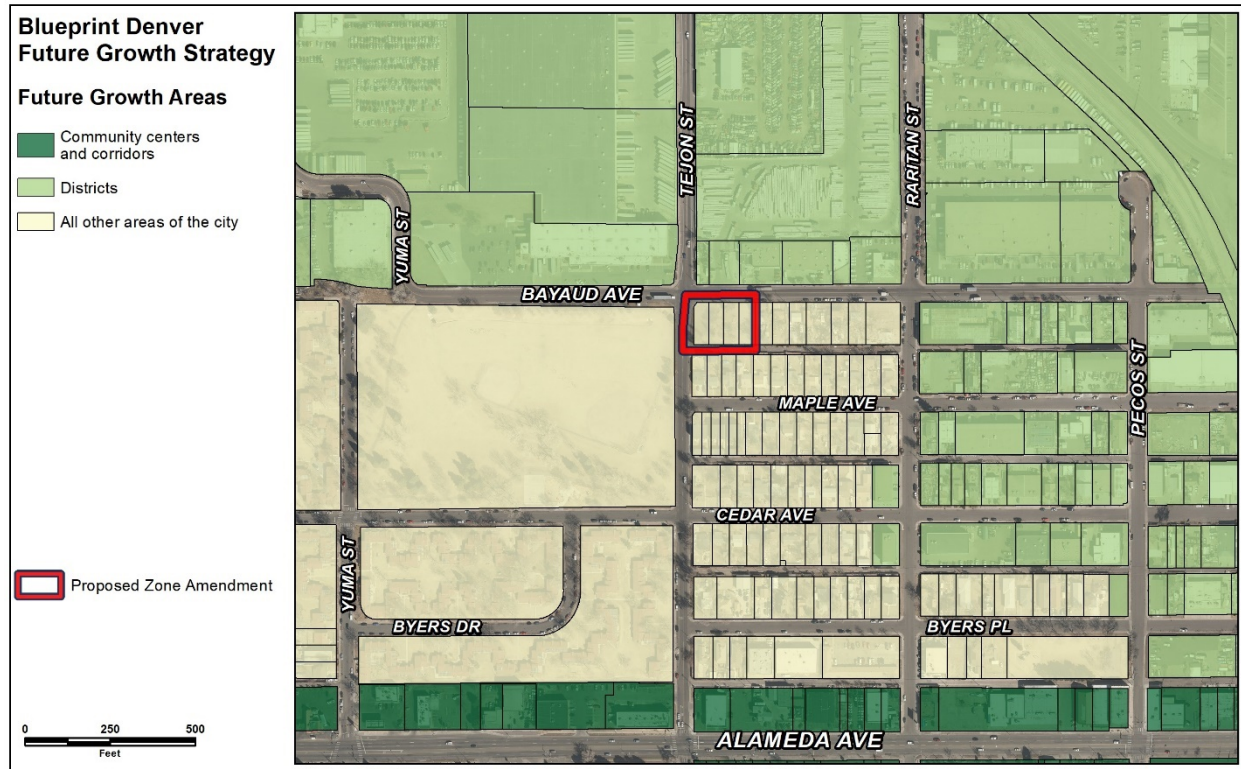
submitted to Development Services shows each lot would be at least 4,900 square feet and almost 44' wide. This width is generally consistent with the prevailing lot widths in the adjacent E-TU-C district where 56% of 63 properties are less than 50' wide and uses are similarly single- or two-unit residential. Therefore, the proposed E-TU-B district is consistent with plan recommendations and the surrounding area's character.

Future Street Types

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 W. Bayaud Avenue as an Industrial Collector. According to the plan, "Industrial streets are characterized by manufacturing but may contain other uses. Buildings are generally low-rise and may be setback to accommodate site specific needs." (p. 160). Further, "Collector streets are in between a local and an arterial street; they collect movement from local streets and convey it to arterial streets" (p. 154). While W. Bayaud Avenue is designated as an industrial street, different uses are located on different sides of the street on this block and the street has more of a mixed use character. The north side is industrial and commercial while the south side, where the subject site is located, is residential. Tejon Street is a Residential Collector, which serves "Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context."

Although W. Bayaud Avenue is designated industrial, because the *Blueprint Denver* street description acknowledges that uses other than manufacturing may be found, and because the character of the south side of the street is residential and is also planned to remain residential, the rezoning to a residential district is consistent with these street type descriptions and is appropriate for this location.

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 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 E-TU-B zone district allowing up to two units on each of four lots 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.

Blueprint Denver Strategies

The proposed official map amendment also helps further the following *Blueprint Denver* strategy of rezoning districts specified in Former Chapter 59, including PUDs created under its tenure, as it will bring the existing PUD into a standard zoning district defined by the current DZC.

- Land Use & Built Form: General Policy 3, Strategy A: Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code. (p. 73).

Small Area Plan: *Valverde Neighborhood Plan (1991)*

The *Valverde Neighborhood Plan*, adopted in 1991, applies to the subject property, which is within the plan's Residential Subarea III, described as "the most complex and challenging residential area in Valverde due to the mixture of residential and non-residential areas. Various threats make this residential subarea the most unstable of the three areas. First, there is a significant amount of industry either abutting or mixed in with residential properties...Third, there are many vacant parcels scattered throughout Subarea III, providing an element of instability and uncertainty to the remaining residential properties." (p. 13). The following plan recommendation is applicable to this rezoning request.

- LUZ-2: Develop the remaining vacant land in a manner that is compatible with the land use character and density for surrounding land uses and achieves city and neighborhood goals.

The proposed rezoning is consistent with this recommendation as it will allow the conversion of a vacant site to a residential use and building form compatible with the residential character south of W. Bayaud Avenue, thus increasing the stability of surrounding residential properties.

The subject property is also within the *West Area Plan* that is currently in progress and will replace the *Valverde Neighborhood Plan* upon its adoption. Because the *West Area Plan* is not adopted, it cannot be considered for review of this application.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-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 official map amendment furthers the public health, safety, and general welfare of the City through implementation of the City's adopted land use plan, particularly as it allows housing diversification in an appropriate location near transit and bicycle facilities, across the street from a park, and within walking distance of the Alameda Avenue mixed-use corridor, thus providing increased access to opportunity. Furthermore, the applicant proposes developing sidewalks where they currently don't exist, which will improve the safety of pedestrians.

4. Justifying Circumstance

The justifying circumstance for the rezoning is "that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." (DZC Section 12.4.10.8.A.4.c). As the existing PUD 275 was approved in 1990 under the requirements of Former Chapter 59, rezoning the subject property to a standard zone district under the Denver Zoning Code of 2010 is justified.

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

The requested E-TU-B zone district is within the Urban Edge Neighborhood Context, defined by the Denver Zoning Code as “primarily single-unit and two-unit residential uses...Single and two-unit residential uses are primarily located along local and residential arterial streets.” (DZC Section 4.1.1). The rezoning is consistent with this description as it will allow a two unit zone district adjacent to a residential collector street where it is compatible with the general character of 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 4.2.2.1). Furthermore, the rezoning is consistent with the specific intent of the E-TU-B zone district, which “allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.” (DZC Section 4.2.2.2.J). This rezoning would allow for the Tandem House building form that would address the street similar to existing single- and two-unit homes in the area.

Attachments

1. Application
2. Public comment letters
3. Existing PUD 275