



TO: Land Use, Transportation, and infrastructure Committee
FROM: Fran Penafiel, Principal City Planner
DATE: January 23, 2025
RE: Official Zoning Map Amendment Proposal #2025I-00007

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for zoning map amendment proposal #2025I-00007.

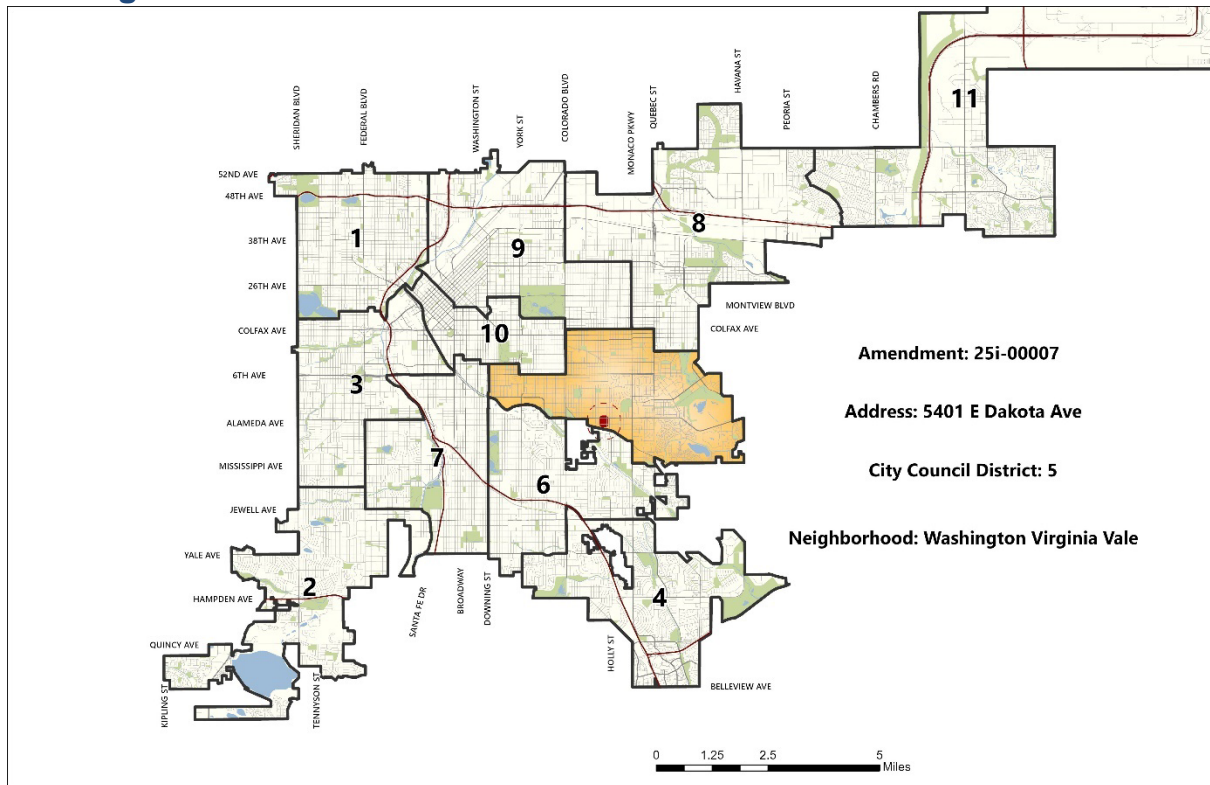
Request for Rezoning

Address: 5401 East Dakota Avenue
Neighborhood/Council District and CM: Washington Virginia Vale/Council Districts 5 (Amanda Sawyer)
RNOs: Hilltop Heritage Association, Preservation of Residential South Hilltop Neighborhood Association, Hilltop Neighborhood Association, Strong Denver, Inter-Neighborhood Cooperation (INC)
Area of Properties: Approximately 5.23 acres
Current Zoning: R-1
Proposed Zoning: E-SU-Dx
Property Owner(s): Multiple Owners
Rezoning Sponsors: City Council Member Amanda Sawyer

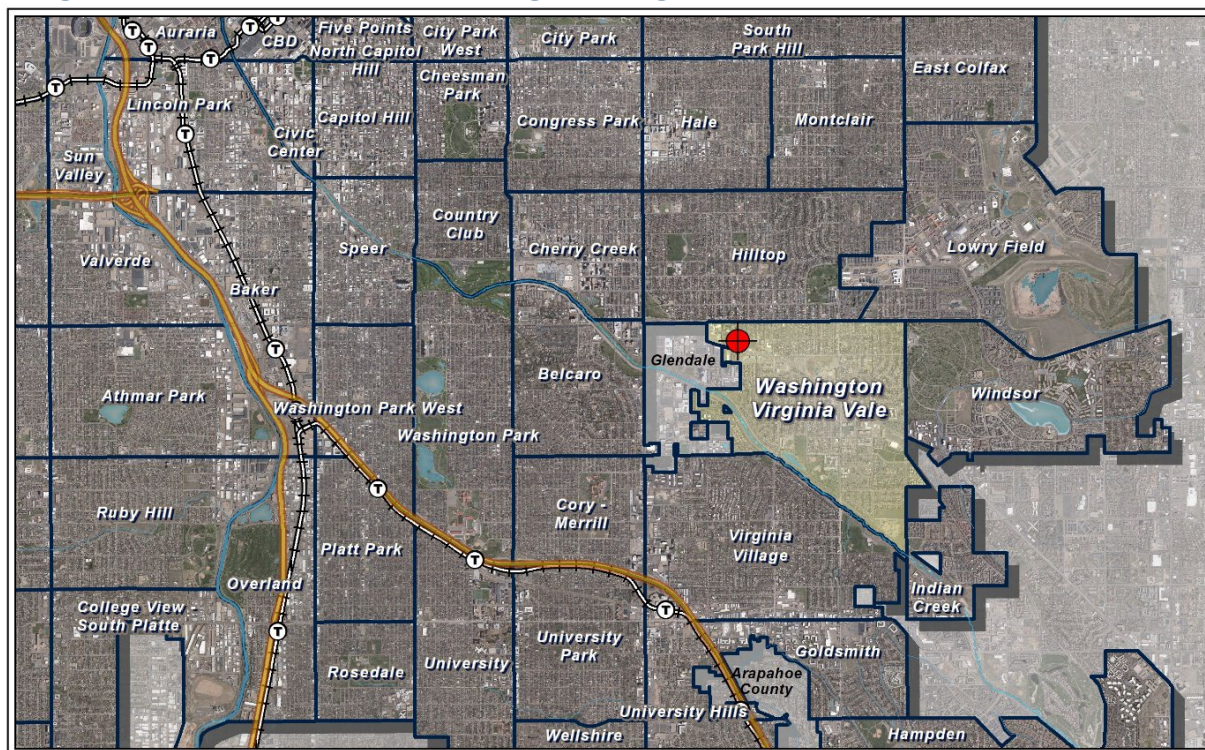
Summary of Rezoning Request

- On January 6, 2025, City Council approved a map amendment to rezone properties in the Near Southeast to implement land use guidance in the Near Southeast Area Plan. After the rezoning was approved, staff identified an error in the proposed district for the properties at 5401 E Dakota Avenue. The area was mistakenly rezoned to S-SU-Dx when it should have been rezoned to E-SU-Dx. S-SU-Dx is not a district in the Denver Zoning Code.
- Pursuant to the Denver Zoning Code section 12.4.10.4.A.2.a.i and the City Charter section 3.2.9, Councilmember Amanda Sawyer is initiating a map amendment to rezone the subject properties from R-1 to E-SU-Dx.
- The request proposes to rezone the properties at 5401 E Dakota Avenue to implement one of the major goals in the Near Southeast Area Plan, by bringing properties with Former Chapter 59 zoning into the current Denver Zoning Code. The Plan calls for these properties to be rezoned into the Denver Zoning Code to improve design standards and increase the predictability of development outcomes.
- Further details of the requested zone districts can be found in the proposed zone district section of the staff report (below) and in Articles 4 of the Denver Zoning Code (DZC).

Existing Context



Neighborhood Location – Washington Virginia Vale



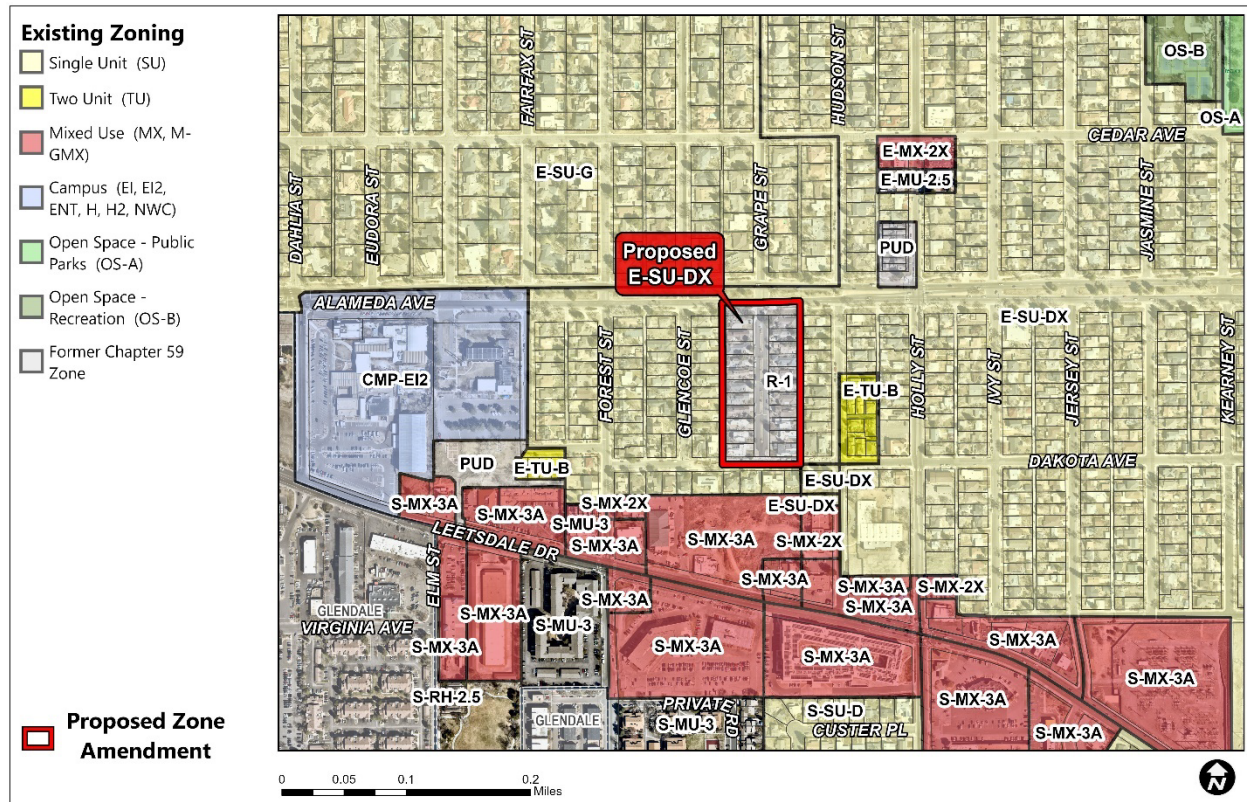


The subject properties are located within the Washington Virginia Vale statistical neighborhood, along South Grape Street, which is a private street, between East Dakota Avenue and East Alameda Avenue. This neighborhood is primarily single-unit residential uses, commercial uses with larger setbacks, and irregular blocks along arterial streets. The area consists of primarily one- to two-story houses with some buildings up to four stories along Leetsdale Drive. The proposed rezoning is .2 miles of the City of Glendale boundary and 5 blocks northeast of Mir Park (Glendale). Four Mile Historic Park is located less than ¼ mile south of the subject site and George Washington High School is located ¼ mile to the east along Leetsdale Drive. The site is served by high-frequency transit along Leetsdale Drive.

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

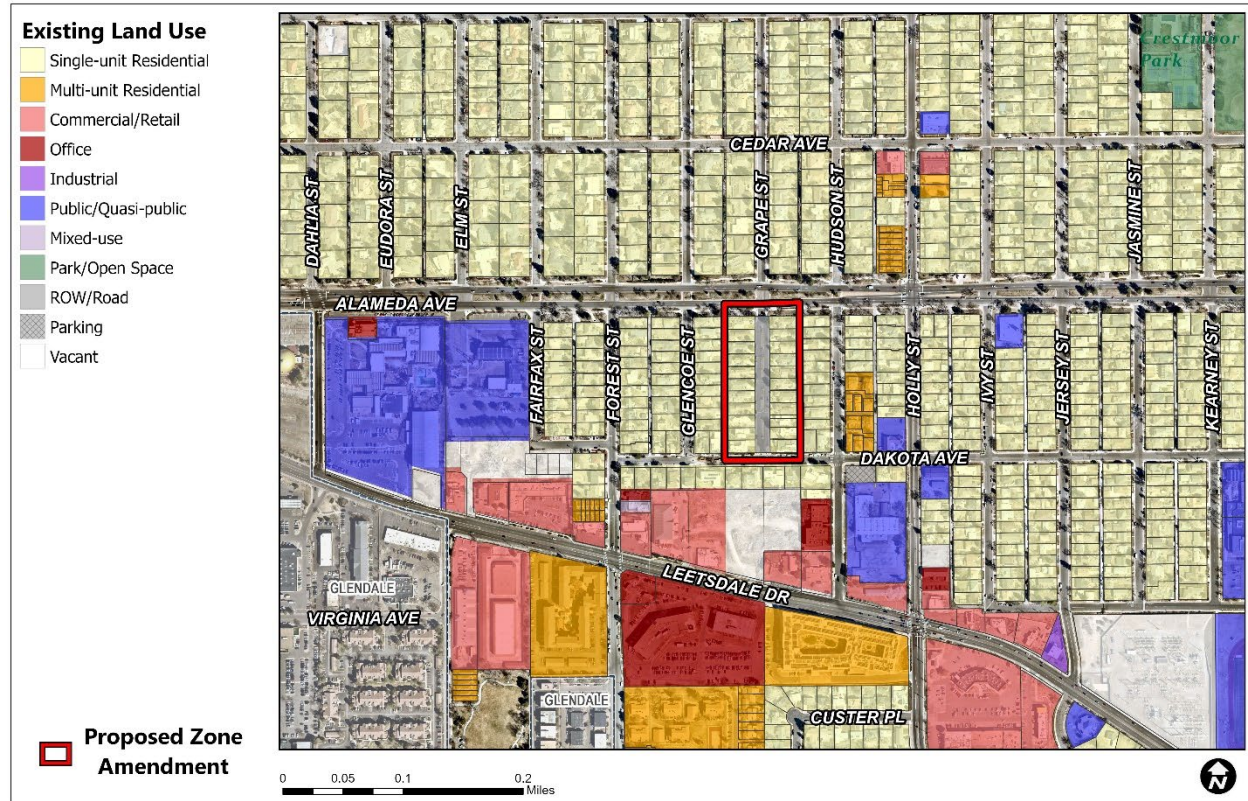
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	R-1	Single-Unit Residential	2 story houses with attached garages and alley access	Modified grid street patterns with attached sidewalks and a mix of alleys to the northeast and no alleys on site. Suburban pattern of irregular shaped blocks and parking between buildings and the street.
North	E-SU-Dx	Single-Unit Residential	1 -2 story houses with attached garages and no alley	
South	E-SU-Dx	Single-Unit Residential	1-2 story houses with attached or detached garages and alley access	
West	E-SU-Dx	Single-Unit Residential	1-2 story houses with attached or detached garages and alley access	
East	E-SU-Dx	Single-Unit Residential	1 -2 story houses with attached garages and no alley	

Existing Zoning



The property is currently zoned R-1, which is a single unit residential former chapter 59 zone district. There is also a Planned Building Group (PBG) that was approved in 1979 and restricts development on the subject properties to what exists on site today. The R-1 zoning with the approved PBG allows for 22, two-story dwelling units, with a maximum building height of 28 feet, maximum gross floor area per unit of 4,800 square feet and distance between houses of 20 feet. The properties are surrounded by other single unit residential homes up to 2 stories.

Existing Land Use Map



Existing Building Form and Scale

All images are from Google Street View.



View of the subject sits, looking northwest from East Dakota Ave.



View of the subject sites, looking northeast from East Dakota Ave.



View of the subject sites, looking southeast from East Alameda Ave.



View of the subject sites, looking southwest from East Alameda Ave.



View of some of the properties to the west of the subject sites, looking southeast on South Glencoe St.



View of some of the properties to the east of the subject sites, looking northwest on South Hudson St.

Proposed Zoning

The E-SU-Dx zone district allows the Suburban House and Urban House building forms on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet.

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

Design Standards	R-1 (Existing)*	Urban House; Suburban House
Primary Building Forms Allowed	N/A	2.5 stories / 30 feet
Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.)	2 stories / 35'	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 feet
Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.)	2 stories / 35'	Urban House; Suburban House
Zone Lot Size (min.)	4,000-6,000 square feet	6,000 square feet
Zone Lot Width (min.)	37-50 feet	50 feet
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	N/A	37.5 %
Total F.A.R	0.52:1	N/A

*Planned Building group has additional requirements.

Public Review Process

Councilmember Amanda Sawyer is moving this proposal forward under the Council Powers provisions outlined in the Denver Revised Municipal Code (DRMC 3.2.9). In terms of notification and process, the Denver Zoning Code states,

“The City Council or individual City Council member may, but is not required to, follow the public notice or procedures in Section 12.4.10.4. However, the City Council or any City Council member shall comply with the public notice and process provisions required by the Charter for an official map amendment (rezoning)” (DZC 12.4.10.4.A.2.a).

The Charter requires written notification to all registered neighborhood organizations (RNOs) within 200 feet of the property upon receipt of the proposed action (DRMC 12-96) and that the City Council public hearing time and date be published in an official publication of the City and County of Denver (Sec. 3.2.9 of the Charter of the City and County of Denver). The process steps are outlined below:

	Date
Ordinance Request Filed with City Council Offices	1/21/25
CPD informational notice of the receipt of proposed action to all registered neighborhood organizations within 200' of the subject property (DRMC 12-96)	1/22/25
Land Use, Transportation and Infrastructure Committee of the City Council:	1/28/25
City Council First Reading (tentative)	2/3/25
Hearing date and time published at least 15 days prior in the Daily Journal, an official publication in the City and County of Denver (DRMC 3.2.9) (tentative)	2/9/25
City Council Public Hearing (tentative)	2/24/25

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Near Southeast Area Plan (2023)*

Denver Comprehensive Plan 2040

The Proposed rezoning follows strategies that apply from the Strong and Authentic Neighborhoods vision element:

- Goal 1, Strategy B: Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Goal 1, Strategy D: Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

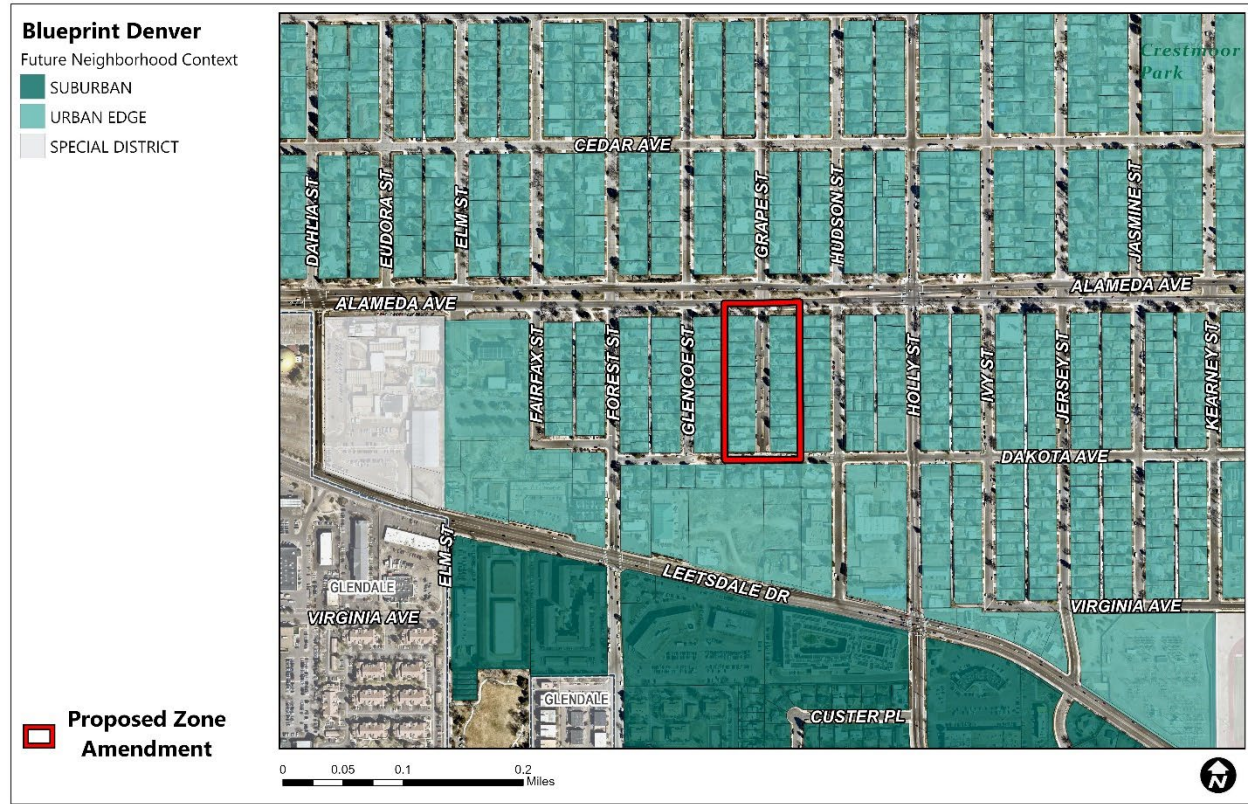
The proposed zone district will also apply current, form-based zoning code standards, ensuring quality infill appropriate for the neighborhood if redevelopment is proposed in the future. The proposed zone district will maintain valuable existing low-density single-unit residential, that then transitions to the south into low medium residential and commercial/retail land use to the south. Furthermore, all allowed primary building forms must comply with block sensitive setbacks which adhere to the existing neighborhood pattern. The request is therefore consistent with the strategies in the Strong and Authentic Neighborhoods vision element.

. Rezoning these properties out of Former Chapter 59 and into the Denver Zoning Code is consistent with the strategies of *Comprehensive Plan 2040*.

Blueprint Denver

Blueprint Denver identifies the subject property as being located within the Urban Edge future neighborhood context, in a residential low future place and on the Growth Strategy map within “All other areas of the city.”

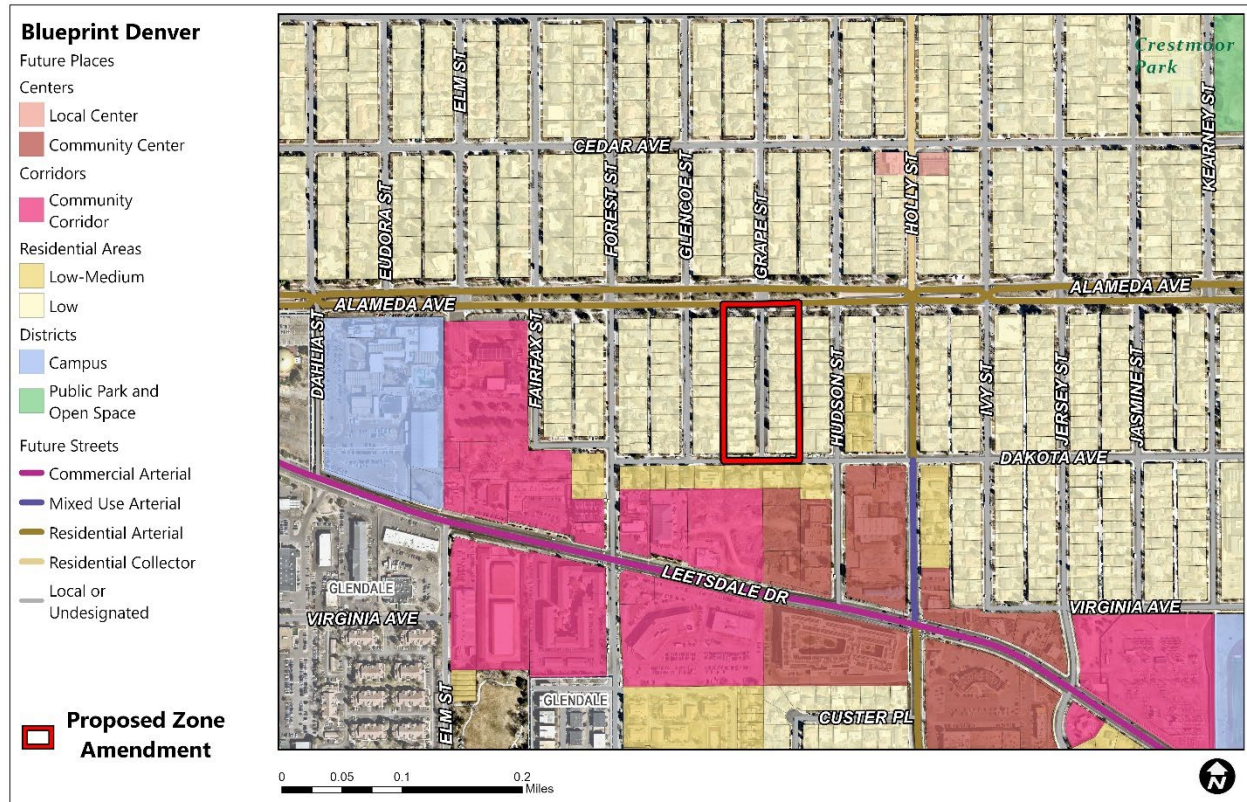
Blueprint Denver Future Neighborhood Context



The subject sites are shown on the context map as an Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present” (p. 206).

The proposed E-SU-Dx is a zone district in the Urban Edge Neighborhood Context in the Denver Zoning Code. The Urban Edge residential zone districts are intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). The proposed rezoning to E-SU-Dx is appropriate and consistent with the Urban Edge neighborhood context plan direction.

Blueprint Denver Future Place



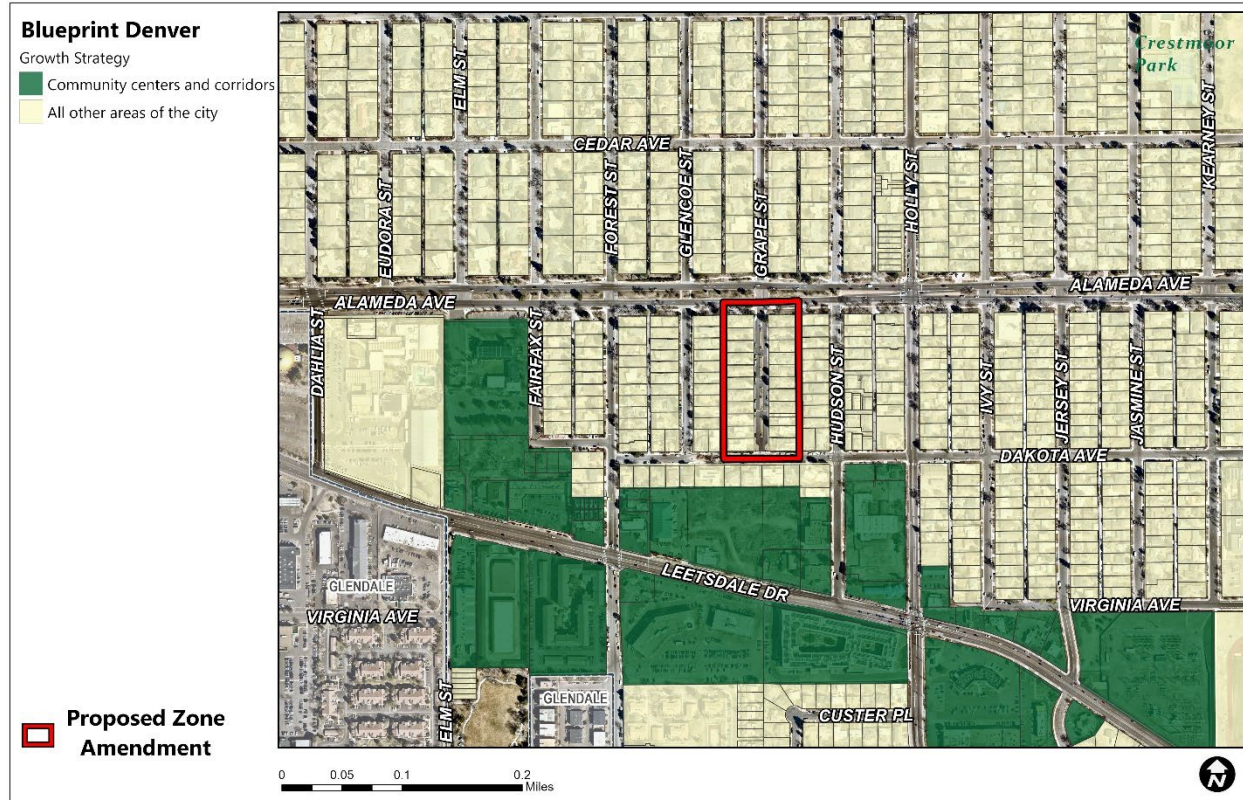
Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units (ADUs) and duplexes are appropriate and can be thoughtfully integrated where compatible. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-Dx zone district, allowing a single primary unit and an ADU, is compatible with this Future Place designation.

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 East Dakota Avenue and South Grape Street as a Local or Undesignated Future Street Type, which are “designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Land uses along local streets vary, but they are most often characterized by residential uses (p. 161). Alameda Avenue is classified as a Residential Arterial street which are designed for “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160).

The proposed E-SU-Dx district is consistent with these street types because it allows for primarily residential uses.

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 properties are 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-SU-Dx zone district is appropriate in this growth area as the districts allows for appropriate development consistent with area's single-unit residential character.

Blueprint Denver Strategies

As these sites currently have Former Chapter 59 zoning, this strategy from the Land Use & Built Form: General section, Policy 3 is relevant for this proposed rezoning:

- Strategy A states, "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).

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

I. Access to Opportunity

The basis for measuring access to opportunity is a composite of the neighborhood equity index developed by Denver's Department of Public Health and Environment, proximity to high-capacity and frequent transit, and access to Centers and Corridors. Access to opportunity helps us to consider if we are making progress towards achieving the vision for complete neighborhoods across the city.

The proposed rezoning to E-SU-Dx is not anticipated to have an impact on the access to opportunity measurement.

II. Vulnerability to Involuntary Displacement

The basis for measuring vulnerability to involuntary displacement is the vulnerability to displacement index developed by Denver's Economic Development and Opportunity office. This combines data from median household income, percentage of people who rent housing, and percent of population with less than a college degree. Blueprint Denver recommends that this concept inform strategies to stabilize "residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents" (p. 30).

The subject property scores slightly more vulnerable to displacement. The proposed zone district, E-SU-Dx, will maintain the current development pattern of single-unit residential dwellings and not exacerbate involuntary displacement.

III. Expanding Housing and Jobs Diversity

The housing diversity map combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental, housing costs and the number of income-restricted units.

The subject property and surrounding area have a high diversity of housing and a higher concentration of innovation jobs compared to city averages. The proposed zone district is not anticipated to have an impact on the housing or jobs diversity scores.

Near Southeast Area Plan

The Near Southeast Area Plan was adopted by City Council in May 2023 and encompasses the neighborhoods of Goldsmith, Indian Creek, and a portion of University Hills (north of Yale Avenue), Virginia Village and Washington Virginia Vale. The *Near Southeast Area Plan* provides recommendations and strategies to achieve the vision identified by residents and stakeholders through the planning process. It provides key guidance for Near Southeast's growth strategy, through detailed goals and strategies, future place and building height recommendations, and special focus areas and neighborhood goals. The Plan provides design guidance for various uses and contexts, focusing on growth that is consistent with neighborhood character. The Plan updated the guidance in *Blueprint Denver* for future places, neighborhood context, and the growth strategy, which was described above in the staff report. The proposed rezoning focuses on transitioning Former Chapter 59 properties into the current Denver Zoning Code.

Rezoning out of Former Chapter 59: The Near Southeast Area contains many properties that have retained Former Chapter 59 zoning. The Plan calls for these to be rezoned into the Denver Zoning Code to improve design standards and increase the predictability of development outcomes.

- **Land Use Policy 10 (LU-10):** “Improve development regulations in Near Southeast to achieve the plan vision by bringing properties into the Denver Zoning Code, improving sustainability, and reducing climate impact.” (p. 64)
 - Strategy A: “Consistent with adopted citywide policies in Blueprint Denver and in coordination with citywide efforts, continue updating and improving zoning regulations” (p. 64)
 - A.1: “Encourage rezoning properties out of Former Chapter 59 and into the Denver Zoning Code to improve design outcomes, equity, and responsiveness to evolution in zoning regulations.” (p. 64)
 - A.1.a: “City-led rezonings may be appropriate in cases such as large residential developments and commercial properties that have retained Former Chapter 59 in areas likely to redevelop.” (p. 64)
 - A.1.b: “Rezonings out of Former Chapter 59 into a comparable Denver Zoning Code zone district do not need additional adequate mobility infrastructure analysis as described in Policy LU-1.B. (p. 40).” (p. 64)

The proposed rezoning meets the guidance of the Near Southeast Area Plan to transition Former Chapter 59-zoned properties to appropriate equivalents in the current Denver Zoning Code..

2. Uniformity of District Regulations and Restrictions

Rezoning to the Denver Zoning Code district proposed will result in the uniform application of zone district building form, use, and design regulations, and will generally improve regulatory uniformity through transition of current Former Chapter 59 properties to the Denver Zoning Code.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the city because it directly implements adopted policy from *Blueprint Denver* and the *Near Southeast Area Plan*, which recommend “rezon[ing] properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC” (p. 73).

4. Justifying Circumstances

The application also identifies a change in zoning as a Justifying Circumstance, “That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The zoning on the subject properties is a Former Chapter 59 district. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance.

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

The requested E-SU-Dx zone district is within the Urban Edge Neighborhood Context, which “is primarily single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House and Suburban House building forms” (DZC, Section 4.1.1). This context “consists of a regular pattern of block shapes” and “a mixed presence of alleys” (DZC, Section 4.1.2). The residential area of

the Washington Virginia Vale neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-SU-Dx 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 Edge Neighborhood Context” (DZC Section 4.2.2.1.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed E-SU-Dx 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.

The specific intent of the E-SU-Dx zone district “is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.” (DZC Section 4.2.2.2.D.). The subject properties at 5401 E Dakota Ave contain single-unit dwellings on existing parcels of approximately 6,750 square feet. Therefore, rezoning this site would be consistent with the specific intent of the requested zone district.