



TO: Land Use, Transportation, and Infrastructure Committee
FROM: Jason Morrison, Senior City Planner
DATE: February 6th, 2020
RE: Official Zoning Map Amendment Application #2019I-00065

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00065.

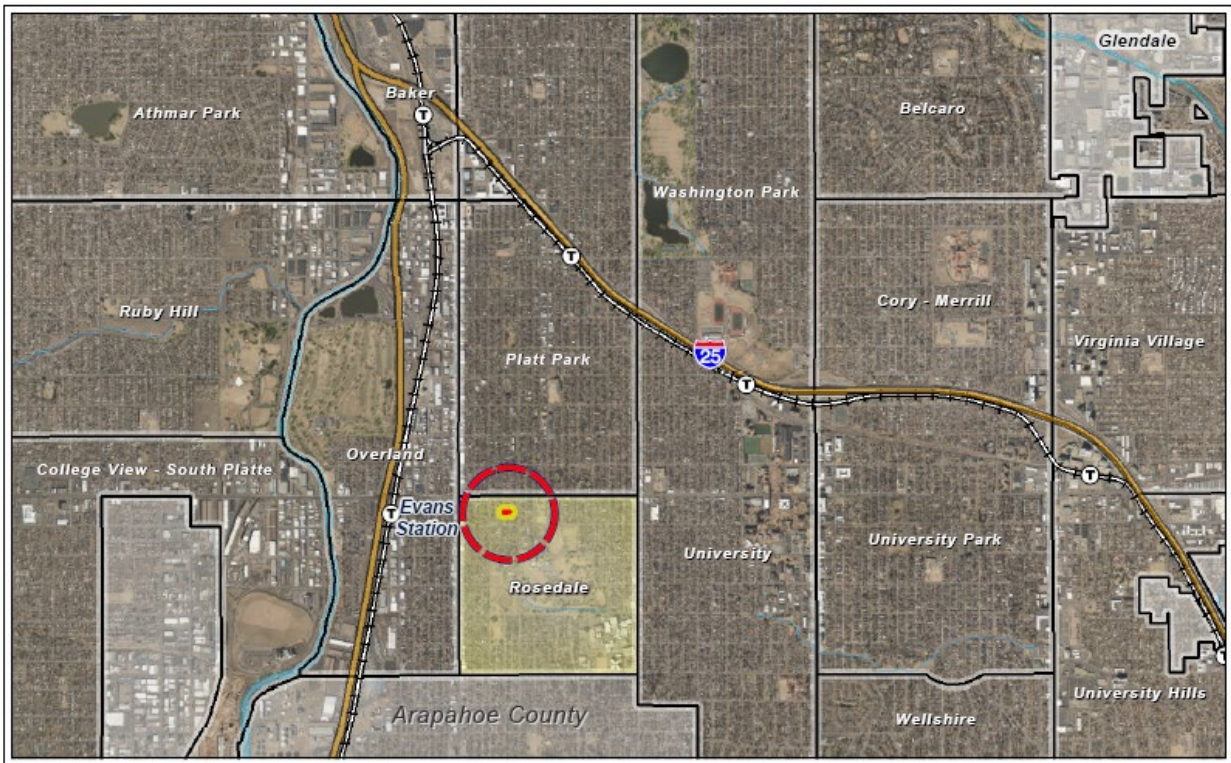
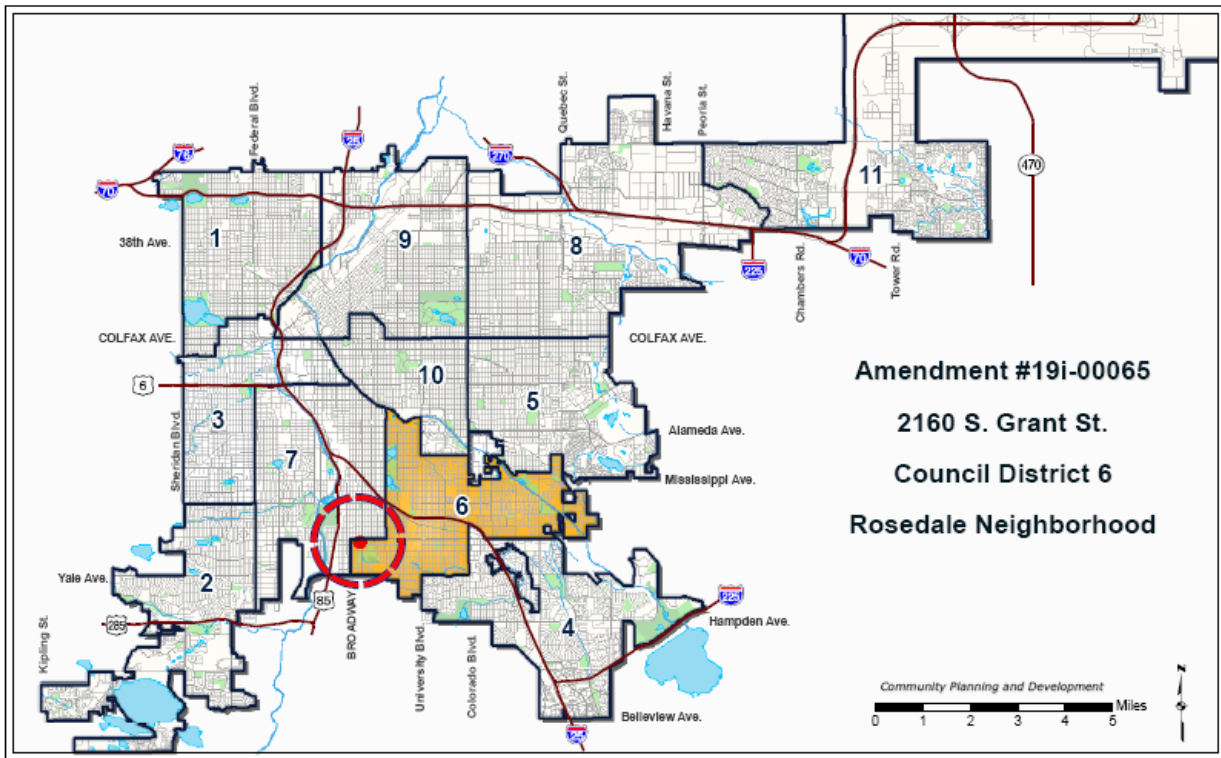
Request for Rezoning

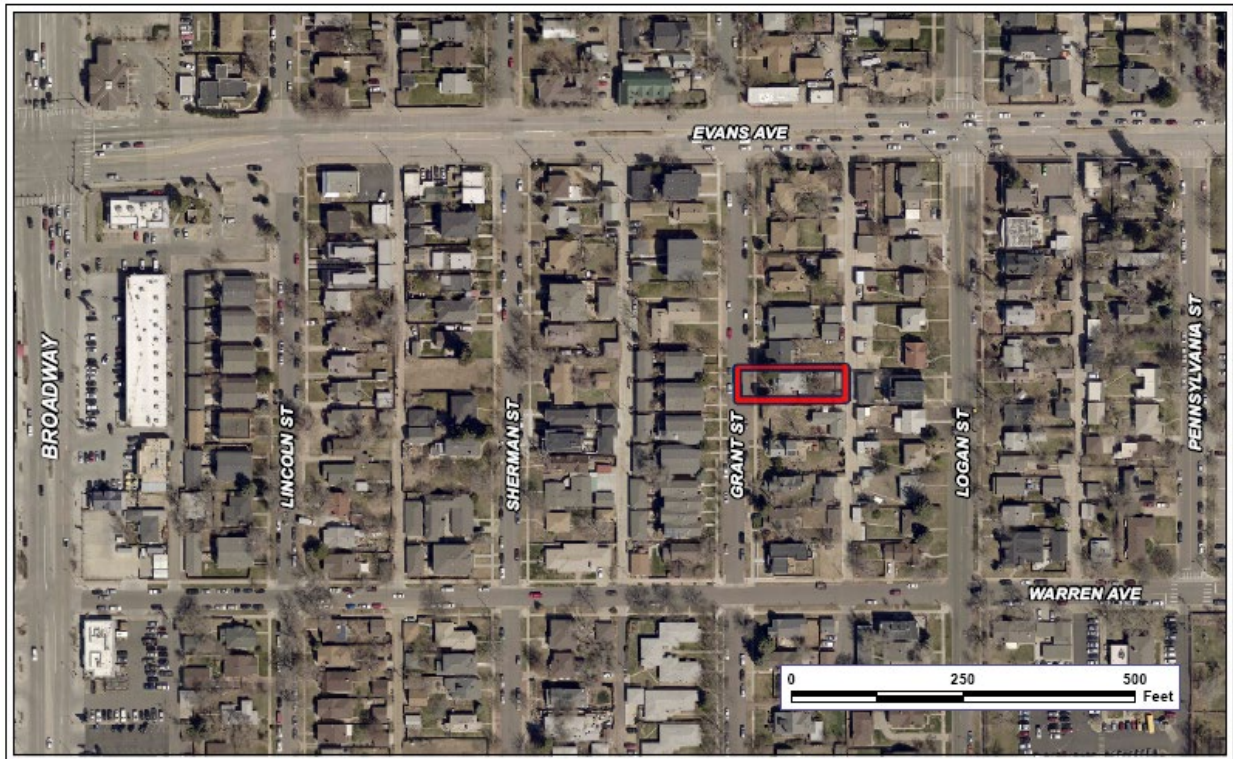
Address:	2160 S. Grant Street
Neighborhood/Council District:	Rosedale Neighborhood / Council District 6
RNOs:	Rosedale Harvard Gulch Neighborhood Association; Inter-Neighborhood Cooperation (INC)
Area of Property:	6,000 square feet or 0.138 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-TU-B
Property Owner(s):	GBJ Holdings, LLC
Owner Representative:	Erik Carlson

Summary of Rezoning Request

- The property is located in the Rosedale neighborhood on the east side of South Grant Street between East Evans Avenue and East Warren Avenue.
- The subject property contains a single story, single-unit house.
- The applicant is requesting this rezoning to have more flexibility to construct a duplex on the property in conformance with the existing pattern and context of the neighborhood.
- The requested U-TU-B (urban context, two unit) zone district 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. Further details of the U-TU-B zone district can be found in Article 5 of the Denver Zoning Code (DZC).
- The site is currently zoned U-SU-C (urban context, single unit) which is a single-unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots.

Existing Context





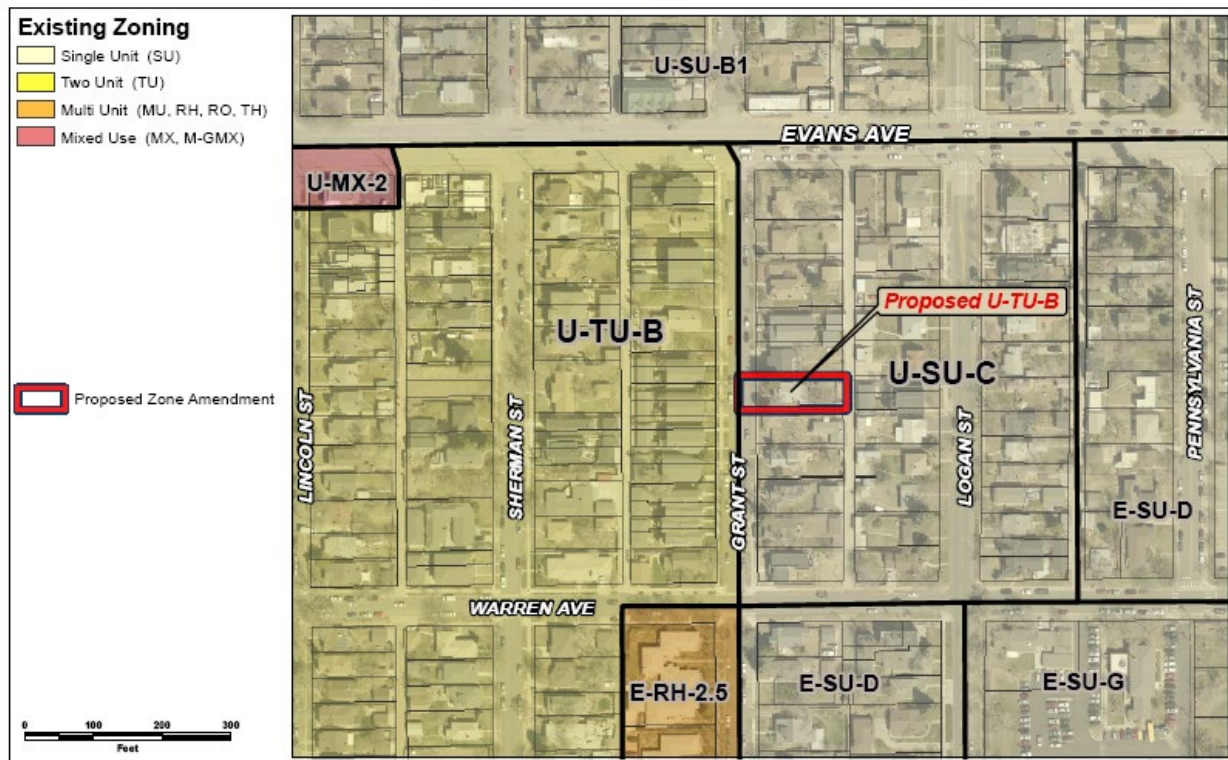
The subject property is located in the Rosedale Neighborhood on South Grant Street between East Warren Avenue to the south and East Evans Avenue to the North. The area is primarily composed of single-unit and two-unit residential buildings and the subject property sits between residential uses along South Grant Street.

Harvard Gulch Park is less than two blocks southeast of the subject property and the Rosedale Community Garden/Rosedale Park is two blocks south. The subject property is located less than ¼ mile from commercial, retail and mixed uses along Broadway to the west and is approximately one mile from the University of Denver campus. Evans Avenue, identified as a high-capacity transit corridor, sits less than a block away to the north. The application is requesting the U-TU-B zone district which is consistent with the surrounding zone districts, specifically, across South Grant Street to the west, and is indicative of the changing character in the area.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Single-Unit Residential	1-story house	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Vehicle parking to the rear of buildings (alley access) and on-street.
North	U-SU-C	Single-Unit Residential	1-story house	
South	U-SU-C	Single-Unit Residential	1-story house	
East	U-SU-C	Two-Unit Residential	2-story house	
West	U-TU-B	Two-Unit Residential	2-story house	

1. Existing Zoning



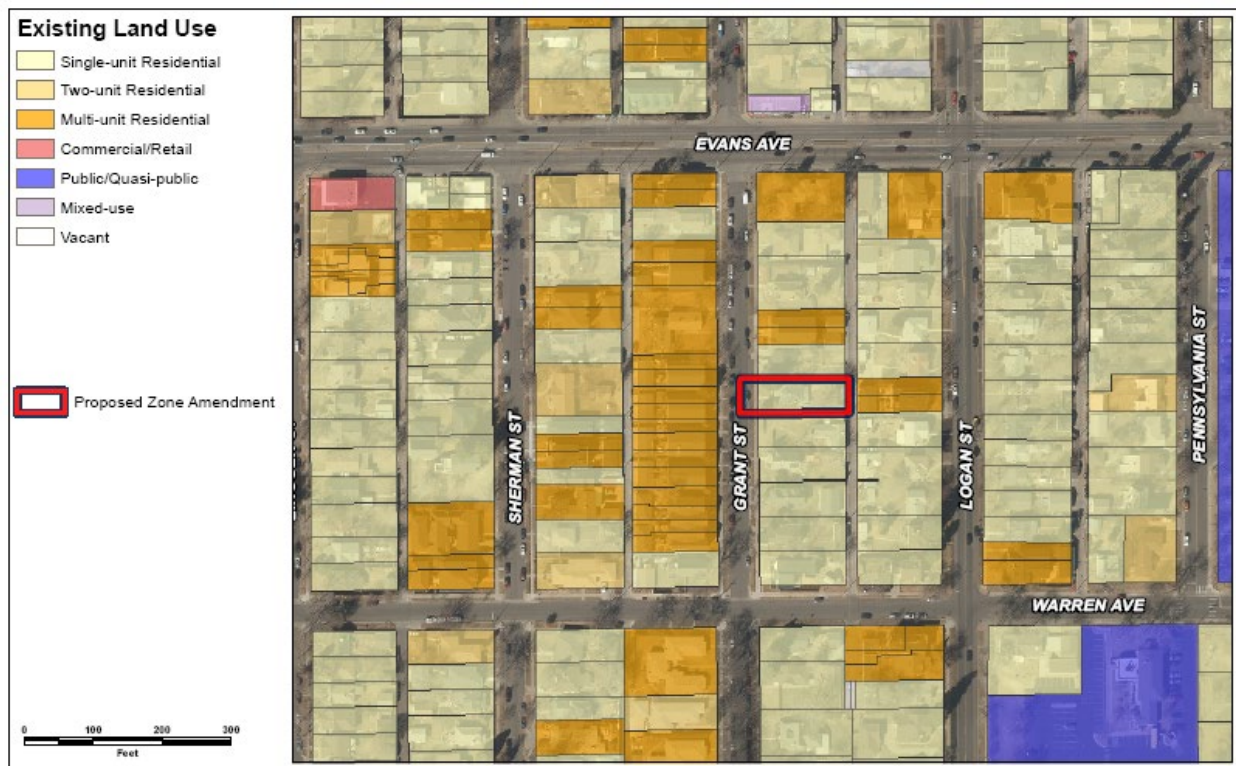
The existing U-SU-C zoning is a residential zone district that allows urban houses with minimum zone lots of 5,500 square feet. The intent of the single unit residential districts is to promote and protect the

character of residential neighborhoods within the Urban Neighborhood Context. The applicant's desire is to rezone the property in alignment with those properties adjacent to the west, and throughout the neighborhood. To the west across Grant Street the U-SU-B zone district allows single-unit and two-unit dwellings along with compatible civic and public uses in urban house, tandem house, and duplex primary building forms.

2. View Plane

The subject property is within the boundaries of the *Washington Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject property) from Washington Park (northeast of the subject property). No part of any structure within the view plane may exceed an elevation of 5,414 feet above mean sea level. Therefore, the site is subject to a maximum height restriction of 95-100 feet. However, the proposed zone district of U-TU-B has a lower maximum height of 30' to 35' for primary structures and would not exceed the existing view plane.

3. Existing Land Use Map

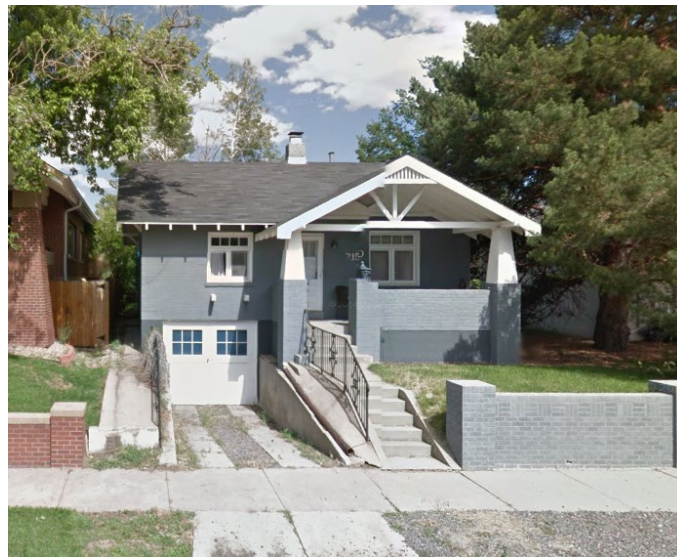


4. Existing Building Form and Scale

All images are from Google Street View.



Subject property facing east from South Grant Street.



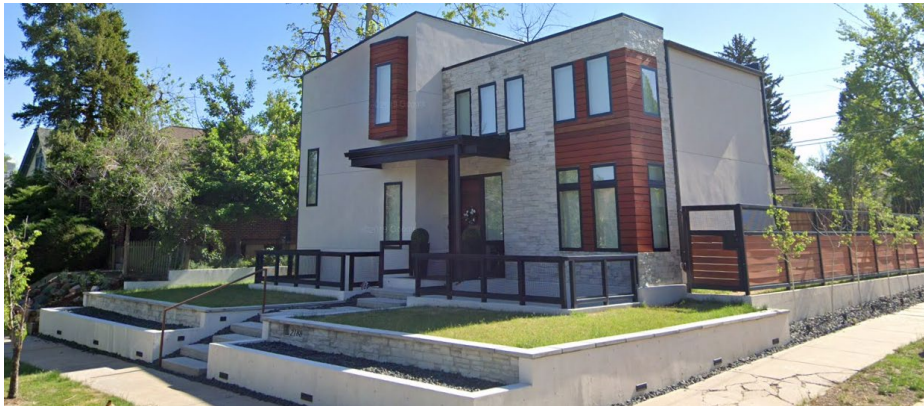
Single-unit residential north of the subject property, facing east from South Grant Street.



Single-unit residential south of the subject property, facing east from South Grant Street.



Two-story duplex west of the subject site, facing west from South Grant Street.



Two-story duplex south of the subject site, facing east from South Grant Street.



Two-story duplex east of the subject site (directly across alley), facing west from South Logan Street.

Proposed Zoning

The requested U-TU-B zone district allows up to two units in either the Duplex or Tandem House building forms on a minimum zone lot area of 4,500 square feet. Urban House building forms are also allowed on certain smaller zone lots. The zone district has a maximum height of 30' to 35' with allowable height exceptions. The minimum primary street setback for all the above building forms is based on a block sensitive setback. Where a block sensitive setback does not exist, this setback is 20'. Minimum vehicle parking requirements in the U-TU-B zone district are the same as the minimum vehicle parking requirements in the existing U-SU-C zone district. For additional details of the requested zone district, see Denver Zoning Code Article 5.

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

Design Standards	Existing U-SU-C	Proposed U-TU-B
Primary Building Forms Allowed	Urban House	Urban House, Duplex, Tandem House
Height in Stories / Feet (max)	2.5 stories / 30' front 65%; 1 story / 17' rear 35%	2.5 stories / 30' front 65%; 1 story / 17' rear 35% for Urban House and Duplex building form, 2.5 stories / 30' front 65% and 24' rear 35% for Tandem House building form
Primary Street Build-To Percentages (min)	N/A	N/A
Primary Street Build-To Ranges	N/A	N/A
Minimum Zone Lot Size/Width	5,500 sf	3,000- 4,500 sf**
Primary Street Setbacks (min)	20'*	20'*
Building Coverages (max)	37.5%	33%-50%***

*where block sensitive setback does not apply

**standard varies between building forms

***standard varies between zone lot width and building forms

Summary of City Agency Referral Comments

As part of the Denver Zoning Code 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 Response

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments Below

- Notes. DDPHE concurs with this proposed rezoning and is unaware of environmental concerns that should be considered for this rezoning.
- General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.
- The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.
- Denver’s Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).
- Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W.- City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – See Comments Below

- DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services- Wastewater: 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:	8/13/19
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:	1/21/20
Planning Board voted unanimously to recommend approval:	2/5/20
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:	1/31/20
Land Use, Transportation and Infrastructure Committee of the City Council:	2/11/20
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):	3/22/19
City Council Public Hearing (tentative):	3/23/20

- **Registered Neighborhood Organizations (RNOs):** To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment:** To date, staff has received three letters of support and one letter of opposition.

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)*
- *Evans Station Area Plan (2009)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies. The following strategies apply from 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 A – *Create a greater mix of housing options in every neighborhood* (p. 28).

The proposed U-TU-B zoning would allow development that would increase the diversity and supply of housing in the area and increase the development of housing units close to transit (Broadway, Evans Avenue and Evans Light Rail Station) and commercial corridors (Broadway and Evans Avenue). It is therefore consistent with the above strategies.

Similarly, the following strategies apply from 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).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).

In addition to adding to the diversity of housing types, the proposed map amendment would allow additional building forms compatible with the existing neighborhood. It is therefore consistent with the above strategies.

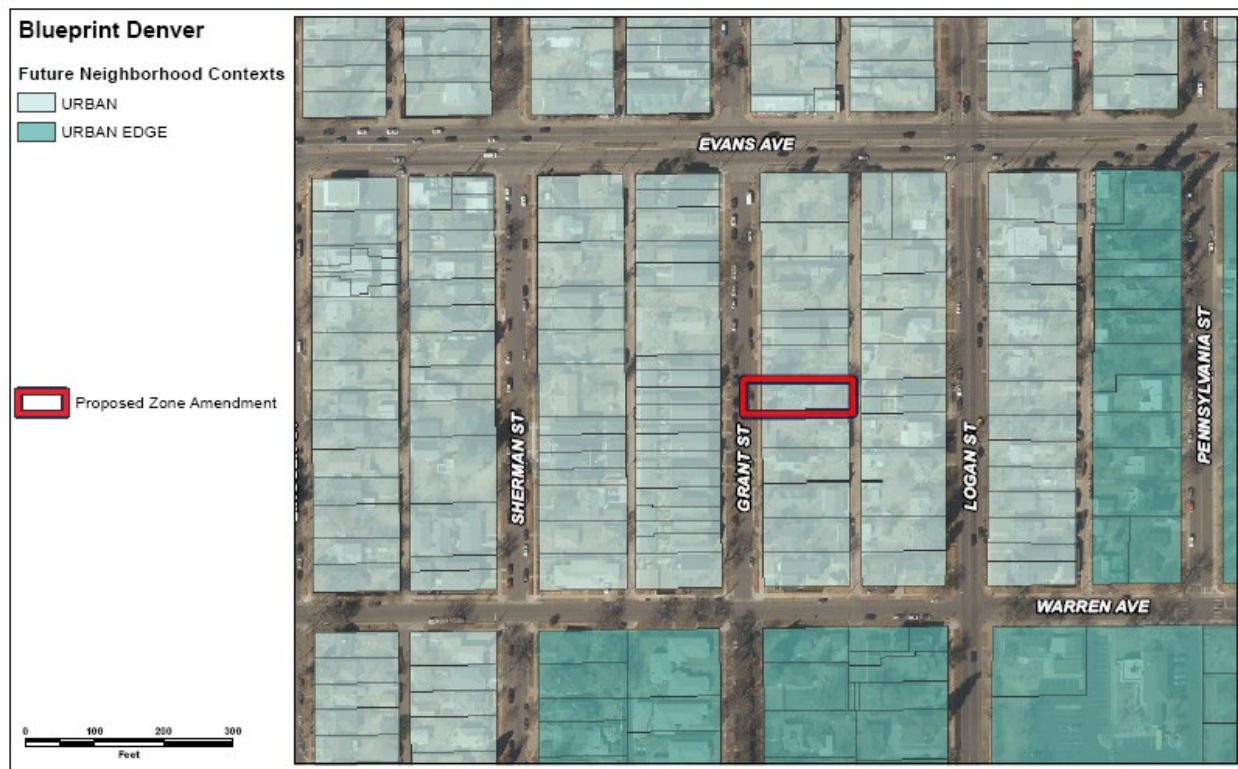
Finally, the following strategies apply from the Environmentally Resilient vision element:

- 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).

The proposed map amendment is in an area where services and infrastructure are already in place. Similarly, the proposal focuses growth close to high-capacity transit (Evans Avenue and Broadway). Therefore, the proposal is consistent with the strategies of the Environmentally Resilient vision element in *Comprehensive Plan 2040*.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a “Low Residential” area within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

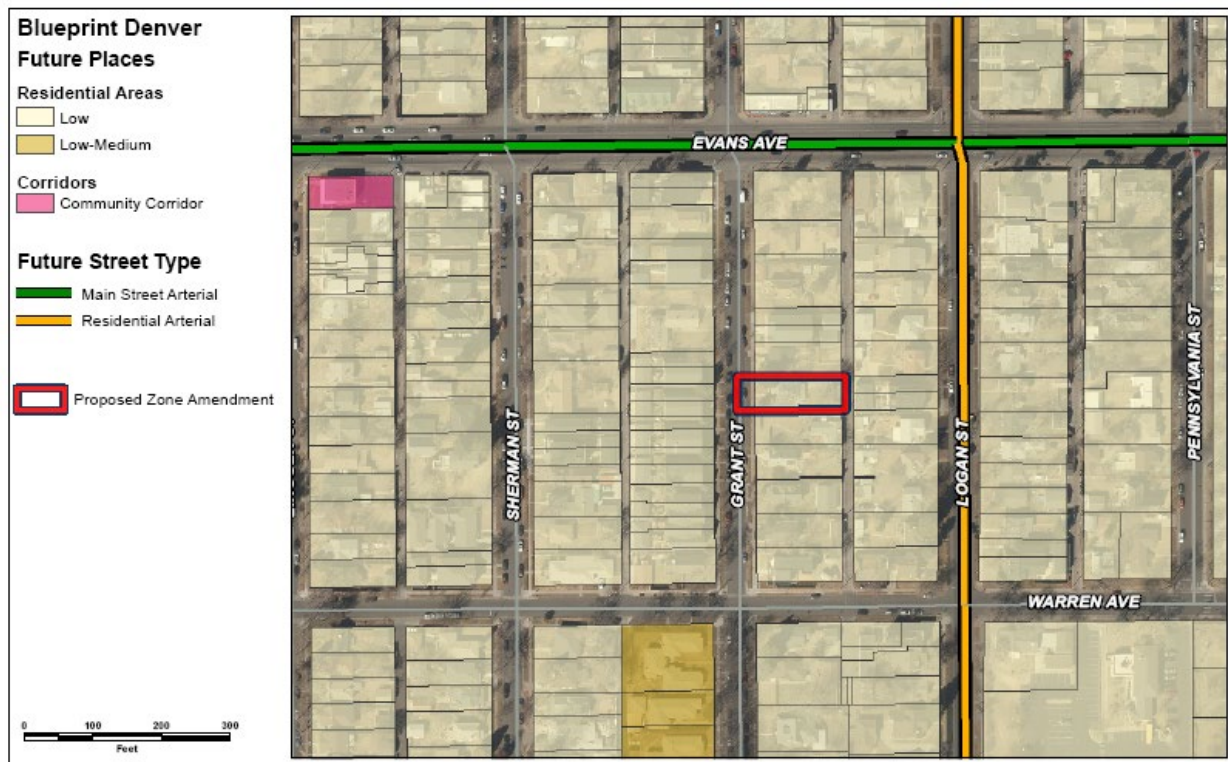


Blueprint Denver Future Neighborhood Context

In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The requested rezoning is shown on the context map above as Urban Neighborhood Context. “The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit

developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity...These areas offer access to neighboring areas and commercial nodes, with some small mixed-use nodes within the neighborhood.” (p. 221). The proposed U-TU-B zone district is a residential zone district within the Urban context in the Denver Zoning Code. The standards of the two-unit districts “promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form” (DZC 5.2.2.1). These standards recognize common residential characteristics within the Urban Neighborhood Context and provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. The proposed U-TU-B zone district is sensitive and compatible to the existing neighborhood character of single and two-unit homes within the urban context and offers residents a diversity of housing options close to transit and commercial corridors, as well as a large educational institution, which is appropriate and consistent with *Blueprint Denver*.

Blueprint Denver Future Places

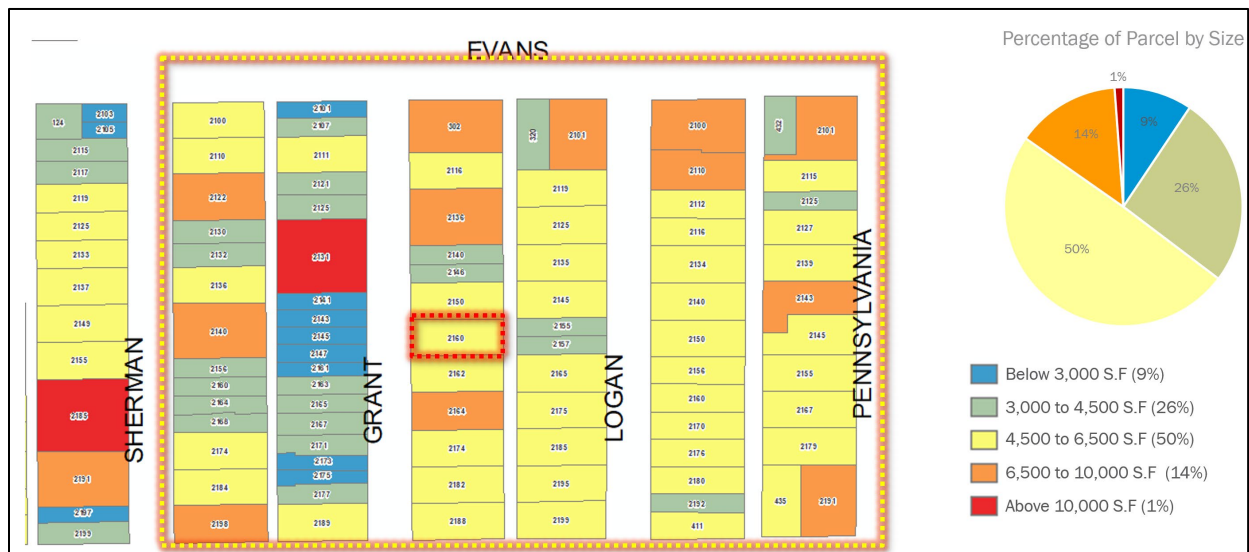


The Future Places Map shows the subject property as part of a “Low Residential” area within the Urban Context. *Blueprint Denver* describes these areas as, “predominately single-and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Buildings are generally up to 2.5 stories in height” (p. 230). The U-TU-B zone district is a two-unit district allowing Urban House, Duplex and Tandem House primary building forms which is

consistent with this future place designation. The residential emphasis and the 2.5-story heights of the proposed U-TU-B zone district is consistent with this plan direction as well.

When a rezoning request is made to change the zoning to allow two-unit uses, *Blueprint Denver* states that, “the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns. 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 set forth in the *Evans Station Area Plan* section below, there is adopted small area plan guidance that supports urban residential uses enabled by this zoning. No neighborhood input has been received on the rezoning application, though significant neighborhood input informed the adoption of the small area plan. There is an existing zoning pattern of U-TU-B across the street to the west of this site but not in other directions. However, on balance, the request for U-TU-B is consistent with these *Blueprint Denver* recommendations.

For applicant-driven requests that are individual sites or small assemblages, such as this request, typically a rezoning 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 (p. 231). As discussed, the subject property is directly across the street from an established pattern of a U-TU-B zone district and, on balance, a consistent pattern of smaller lot sizes can be found in surrounding blocks, within the U-TU-B and the U-SU-C zone districts.



Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies South Grant Street as an undesignated local street. Local streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). The proposed U-TU-B district is consistent with this plan direction for this location as, “single- and two-unit residential uses are primarily located along local and residential arterial streets” (DZC 5.1.1).

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 located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-TU-B will enable compatible growth for this location.

Evans Station Area Plan

In addition, although the subject property is not within the boundaries of some maps in the adopted *Evans Station Area Plan (2009)*, it is within one-half mile from the Evans Station, which includes it within the planning area (p. 4). One of the goals of the Evans Station Area Plan is to "maintain residential character of surrounding communities and encourage development of a full range of housing types and housing price points" (p. 10). It also recommends to "increase the supply of housing including for sale and rental housing of varying types and at a variety of price points" (p. 17). One of the implementation strategies of the plan is to "rezone or support rezoning applications within the Evans Station Area to allow for a future mixed-use neighborhood and residential development aligning with this Plan's Vision and recommendations. New zoning districts should promote diverse housing choice integrated with employment and shopping opportunities" (p. 45).

According to the text of the plan, this site is located within the Urban Residential area. The plan provides the following guidance for the Urban Residential area (p. 15):

“1c. Urban Residential – This land use is consistent with the Urban Residential designation in Blueprint Denver, but 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. Commercial uses to serve daily needs may be supported on arterials, such as Evans. Urban Residential land use applies to the following areas:

- Rosedale Neighborhood - between Evans and Harvard and between the alley east of Broadway and Logan”

Evans Station Area Land Use Plan (2009)



LEGEND					
	Mixed-Use - Main Street		Mixed-Use - Employment		Transit Station
	Mixed-Use Residential		Public / Quasi-Public		Plaza/Pedestrian Bridge
	Urban Residential		Transit Plaza		Station Tower/Vertical Pedestrian Connection
	Single Family-Duplex		Bicycle/Pedestrian Bridge		SW Corridor
	Single Family		Transit Parking		Existing Parks

Evans Station Area (2009)



The proposed map amendment would allow an increase in density that is compatible with the surrounding area and near the Broadway and the Evans commercial corridors, facilitating the creation of the mixed-use neighborhood recommended in the plan. The U-TU-B zone district would allow single-unit and two-unit houses of the scale and on the minimum lot size recommended by the plan, increasing the supply and variety housing in the neighborhood. The proposed rezoning is consistent with the recommendations of the Evans Station Area Plan.

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 official map amendment furthers the public health, safety, and general welfare of the City, primarily through implementation of the city's adopted land use plans as detailed above. In addition, the proposed map amendment would improve public health and welfare by allowing more residents to live within easy walking distance of transit along Evans Avenue, Broadway and the Evans Light Rain Station. The proposal will also maintain compatible scale and intensity in terms of allowed mix of uses and allowed building scale.

4. Justifying Circumstance

The application identifies several changed or changing conditions 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 a degree that the proposed rezoning is in the public interest. Such change may include changes or changing conditions in a particular area, or in the city generally." Specifically, the steady population growth in the City has created a need "in the city generally" for additional density and a variety of housing types. Additionally, the trends of the City and visions in the adopted plans focus on adding additional housing density around transit stations. There has been multi-family redevelopment and reinvestment in the Evans Station Area. Furthermore, there has been ample redevelopment and reinvestment surrounding the subject property including along Evans Avenue and Broadway.

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. The neighborhood context generally consists of single-unit and two-unit residential uses in a regular block pattern with consistent alleys (DZC, Division 5.1). The current zone district, U-SU-C, is also within the Urban Neighborhood Context. This portion of the Rosedale neighborhood fits the description of an Urban neighborhood as described above. The proposed rezoning to U-TU-B would allow development consistent with the neighborhood context description.

The intent of the residential zone districts within the Urban Neighborhood Context is "to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context." More specifically, "the standards of the two unit and rowhouse districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form" (DZC Section 5.2.2.1). The proposed U-TU-B zoning would allow development consistent with the desired character for the surrounding residential neighborhood and with the purpose and intent of the zone district.

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Attachments

1. Application