



TO: Denver City Council
FROM: Abner Ramos Salcedo, Associate City Planner
DATE: April 23, 2025
RE: Official Zoning Map Amendment Application #2025-REZONE-0000016

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of the Application #2025-REZONE-0000016 by the full City Council.

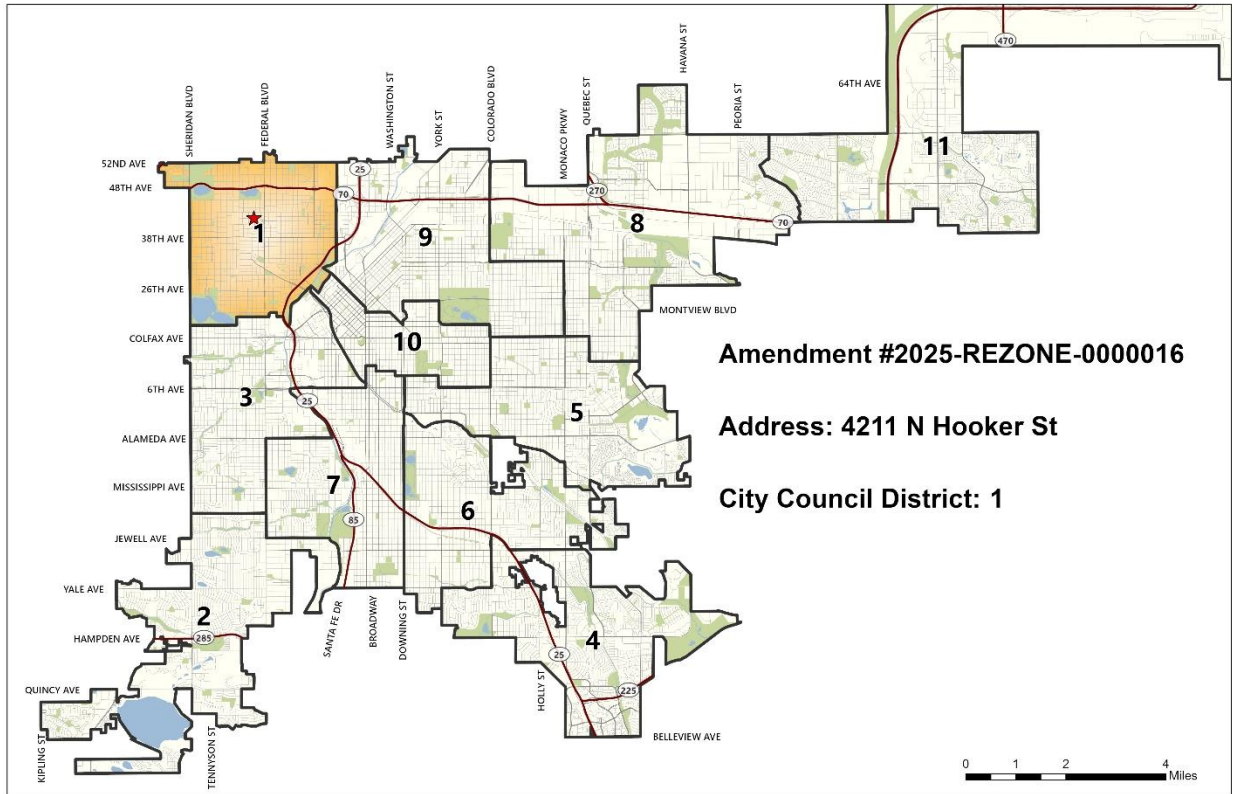
Request for Rezoning

Address: 4211 North Hooker Street
Neighborhood/Council District and CM: Berkeley / Council District 1, CP Sandoval
RNOs: Harkness Heights Neighborhood Association, Berkeley Regis United Neighbors, Inter-Neighborhood Cooperation (INC)
Area of Property: 12,500 square feet or 0.29 acres
Current Zoning: PUD 547
Proposed Zoning: U-SU-C, CO-6
Property Owner(s): Brian and Michelle Lynch
Owner Representative: Robert Armon

Summary of Rezoning Request

- The property is in the Berkeley neighborhood on the corner of West 42nd Avenue and North Hooker Street and is embedded within the conservation overlay district adopted in 2021 for the residential properties in the Harkness Heights area.
- The property currently has a single-unit house and a detached garage. The house was used as a Victorian Playhouse as allowed by PUD 547.
- The property owners, with Robert Armon as their representative, are requesting to rezone the property out of Former Chapter 59 zoning and into the Denver Zoning Code to facilitate possible conversion of garage to an accessory dwelling unit.
- The proposed U-SU-C, Urban, Single Unit, C, zone district allows the urban house primary building form as well as detached accessory dwelling unit with a minimum lot size of 5,500 square feet. The zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. The maximum height of the Urban House building form is 2.5-stories for the front 65% of the zone lot and 1-story in the rear 35% of the zone lot. 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).
- The proposed CO-6, (Conservation Overlay 6, the Bungalow Conservation Overlay) promotes conservation of the mass, scale and other design characteristics of low-scale residential neighborhoods comprised primarily of one and two story “bungalow” structures. Further details of the requested conservation overlay district can be found in the proposed zone district section of the staff report (below) and in Article 9 of the Denver Zoning Code (DZC).

City Location

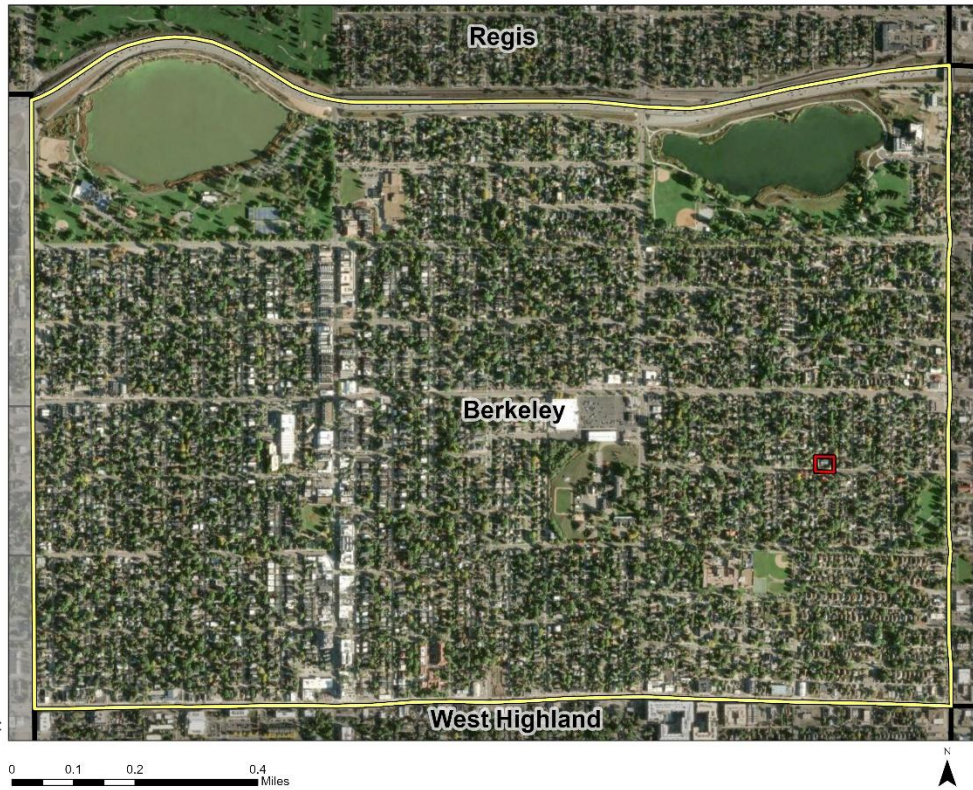


Neighborhood Location

Neighborhoods

 Neighborhood

 Proposed Zone Amendment



1. Existing Context



The subject property is in the Berkeley Neighborhood, which is characterized primarily by single-unit and two-unit residential uses. Generally, there is a pattern of rectangular blocks in a street grid pattern. The subject property is on the northwestern corner of the intersection of West 42nd Avenue and North Hooker Street. The subject property is one block north of Skinner Middle School and two blocks west of McDonough Park. RTD bus route 44 runs east-west along West 44th Avenue which is the northern end of the block. Additionally, RTD bus route 31 runs north-south on Federal Blvd which is 3 blocks east of the property.

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 547	Single-unit residential	1-story brick house with detached garage in the rear	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and alleys. Garages and on-street vehicle parking.
North	U-SU-C, CO-6	Single-unit residential	1-story house with detached garage in the rear	
South	U-SU-C, CO-6	Single-unit residential	1-story brick house with attached garage in the rear	
East	U-SU-C, CO-6	Single-unit residential	2-story house with attached garage in the rear	
West	U-SU-C, CO-6	Single-unit residential	1-story house with detached garage in the rear	

2. Existing Zoning



The current zone district is a Planned Unit Development (PUD) from the Former Chapter 59 zoning code that was adopted in 2003. The intent of the PUD is to allow the continued operation of the Victorian theatre on the property. This property had operated as a theatre since the early 1900's and is an important part of the Harkness Heights area. The permitted uses in the basement will hold the theater/studio, while on the upper floors there is greater flexibility so that they can be used for offices, greeting area, lounge, kitchen, and caretaker residence. The maximum height in PUD 547 is 2 stories and bulk plane restrictions do not apply. As for the two existing accessory structures, PUD 547 allows the continued use of the detached garage for storage and then the metal building for set construction and storage. Furthermore, it specifically states that the two accessory structures may be replaced with a single structure that does not exceed the combined square footage of the existing buildings (621 square feet) and not exceed 15 feet in height. For additional details of the zone district, see PUD 547 attached to this staff report.

3. Existing Land Use Map



4. Existing Building Form and Scale



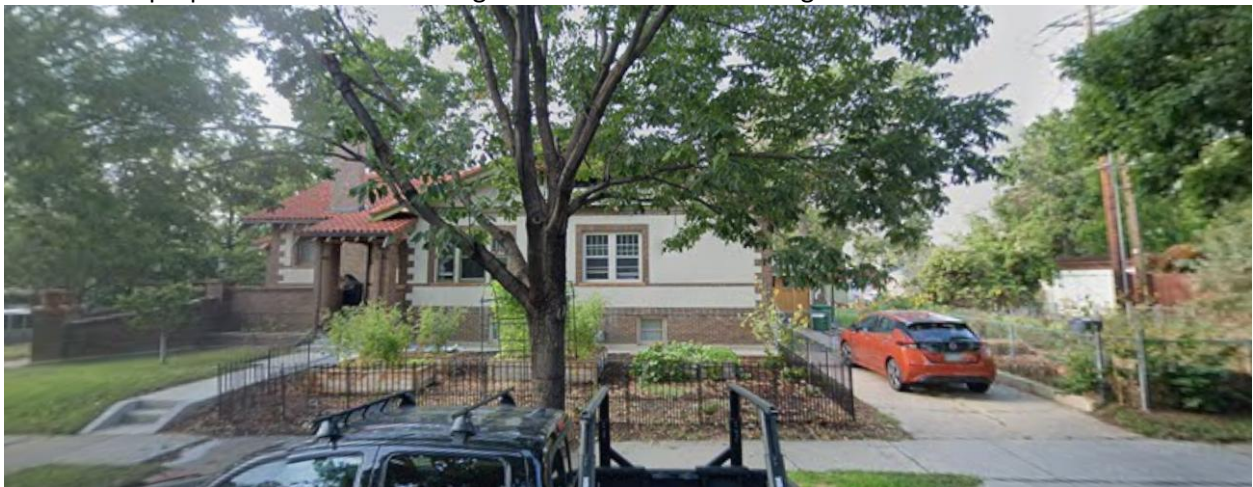
View of subject property along North Hooker Street facing west.



View of properties to the north along North Hooker Street facing west.



View of properties to the west along North Hooker Street facing east.



View of property to the south along West 42nd Avenue facing south.



View of properties to the east along North Irving Street facing east.

Proposed Zoning

U-SU-C is a single-unit zone district with a minimum zone lot size 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-C district. In addition, this zone district allows the detached accessory dwelling unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 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 greater than 6,000 square feet, the ADU building footprint may be a maximum of 1,000 square feet. At 12,500 square feet, the subject property is more than the 5,500 square feet minimum zone lot size of the requested U-SU-C.

The proposed zoning request would retain the existing underlying zone districts and add the Bungalow Conservation Overlay (CO-6). The CO-6 overlay district creates height, siting, and design element standards that result in development compatible with the design characteristics of low-scale residential neighborhoods comprised primarily of one and two story “bungalow” structures. The conservation overlay adds to and modifies the existing standards in the underlying zone districts and does not affect permitted uses. For additional details of the requested zone district, see DZC Sections 5.3.3.3, 5.3.4.4, and 9.4.3.11.

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

Design Standards	PUD 547 (Existing)	U-SU-C, CO-6 (Proposed)
Primary Building Forms Allowed	Single Unit House	Urban House
Stories/Heights (max)	2 / 26 feet	2.5 / 35 feet
Primary Build-To Percentages (min)	N/A	N/A
Primary Build-To Ranges	N/A	N/A
Minimum Zone Lot Size/Width	N/A	5,500 square feet/50 feet
Primary Setbacks (min)	N/A	Calculated per Sec. 13.1.5.9
Building Coverages	19.46%	40%

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 Response.

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – No Response

Denver Parks and Recreation: Approved – No Response.

Department of Transportation and Infrastructure - City Surveyor: Approved – See Comments: I added a period after "Colorado" to match the current deed and removed the statement "also known by...80211," as it is not technically part of the legal land description. Please email me back the attached Word document confirming that it has been acknowledged, and I'll approve it.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below:

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit for any proposed structure. Independent sanitary service lines may be required, historical drainage paths must be maintained. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

Development Services – Project Coordination: Approved – No Response.

Development Services – Fire Prevention: Approved – No Response.

Public Review Process

	Date
Property legally posted for a period of 15 days within 10 days of the submission of a complete application and CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, property owners, and tenants:	12/3/2025
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, property owners, and tenants:	2/3/2026
Planning Board public hearing to recommend moving forward to City Council: Planning Board voted unanimously in a 8 to 0 vote to move forward for consideration by the full City Council	2/18/2026
CPD written notice of the Community Planning and Housing Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	2/28/2026
Community Planning and Housing Committee of the City Council moved the bill forward:	3/10/2026
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:	4/6/2026
City Council Public Hearing:	4/27/2026

- **Public Outreach and Input**

The applicant conducted engagement prior to submitting the application. The engagement is documented as part of the attached application and a quick summary is provided below:

- **Registered Neighborhood Organizations (RNOs)**

Harkness Heights Neighborhood Association, a registered neighborhood organization, sent the applicant a letter in support of the rezoning and wanted to ensure that the rezoning would also include Conservation Overlay 6.

Berkely Regis United Neighbors, a registered neighborhood organization, hosted the applicant team so that the applicant team could give more information, and the BRUN members including Bill Killam were in support.

- **Public Comments**

As of the date of this staff report, no comments have been received from the general public.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Public Interest
3. 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)

Denver Comprehensive Plan 2040

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

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

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

The proposed rezoning would allow for additional housing options near transit within an established 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).

U-SU-C, CO-6 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use which is consistent with what is already allowed in the existing zone districts that surround the subject property. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that are most common in the Berkeley neighborhood.

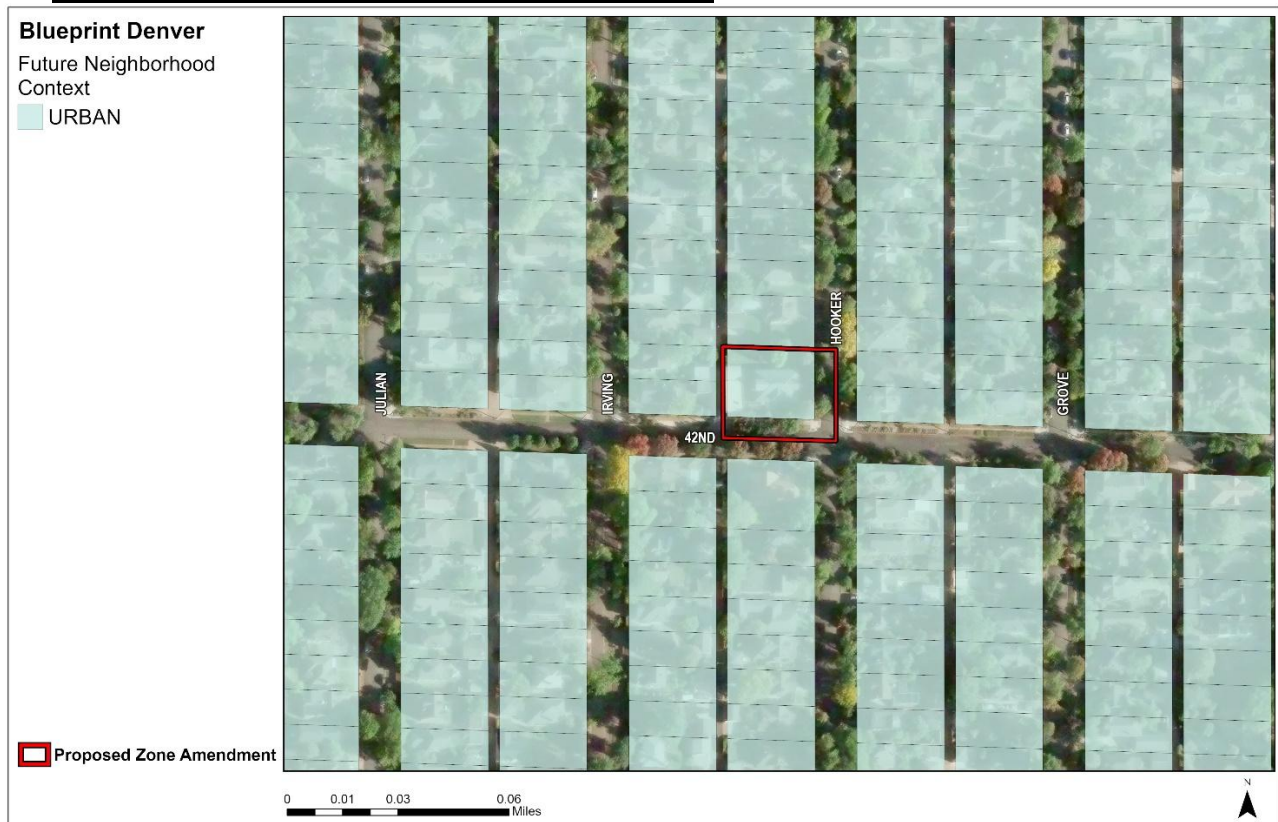
- Strong and Authentic Neighborhoods Goal 1, Strategy B.: "Ensure neighborhoods offer a mix of housing types and services for a diverse population" (p. 34).

As described above, the proposed rezoning to U-SU-C would promote infill development and a diversity of housing types consistent with the recommendations of 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 future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



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 site is shown on the context map as an Urban future 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-C, CO-6 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section

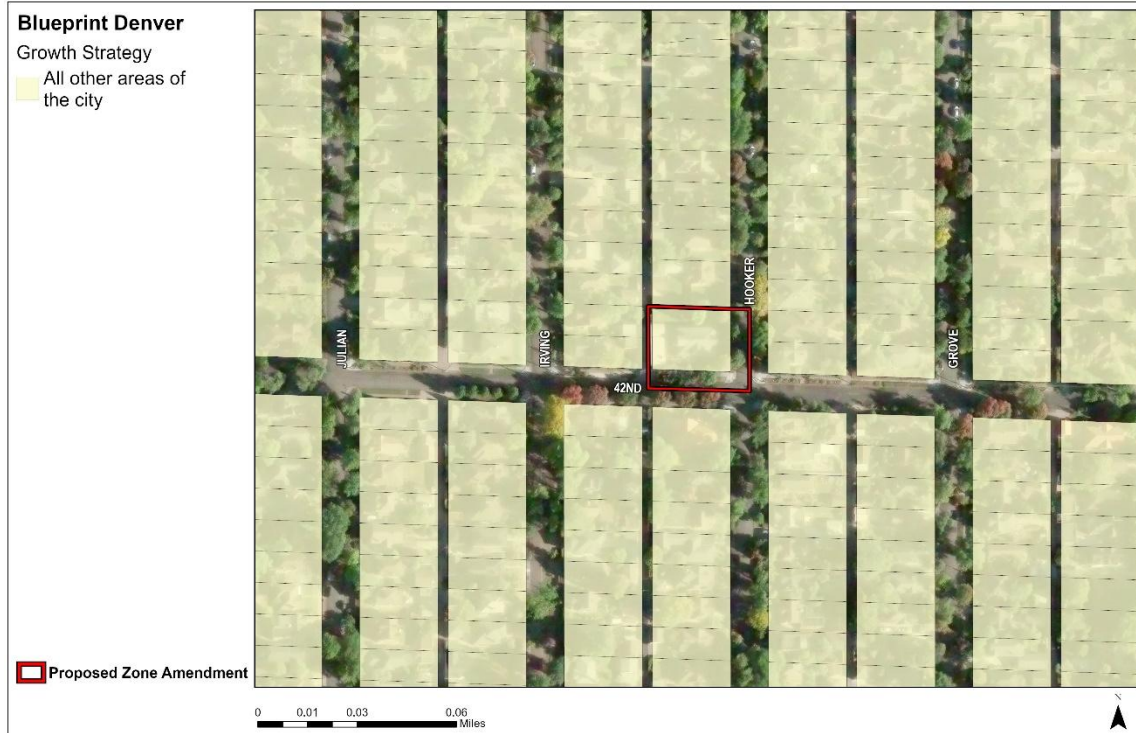
5.2.2.1). U-SU-C, CO-6 is consistent with *Blueprint Denver's* future neighborhood context of Urban because it will promote residential character by conserving the single and two-story height that is typical of the "bungalow" character within the existing residential area.

Blueprint Denver Future Places



The subject site is 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-C is a single-unit residential zone district that allows for an additional dwelling unit accessory to an established 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 Places map.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map shows 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 U-SU-C, CO-6 zone district allowing an Urban House and an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-unit residential character and is therefore consistent with the growth strategy.

Blueprint Denver 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 West 42nd Avenue and North Hooker Street as Local/Undesignated streets. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p.160). The proposed U-SU-C, CO-6 district is consistent with the *Blueprint Denver* street type description.

Other Blueprint Denver Strategies

Most other plan recommendations are intended to inform implementation via text amendments or other legislative tools. However, typically there are a few recommendations that may be used, when applicable, to support a rezoning. Equity and climate strategies, in particular, are often relevant.

Equity

Because the data available to measure the **equity** concepts is not available at the parcel-level scale, and they are intended to show patterns across large areas, they cannot be effectively applied to small-scale rezonings. (p. 67) However, smaller rezonings can still implement policies and strategies related to equity. For example, a small-scale rezoning can implement Land Use & Built Form: Housing Policy 06, “Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities,” and thereby improve access to the supply of housing equitably to all Denver residents.

Climate

This rezoning supports the city's goals to reduce climate impacts by enabling additional housing near transit such as the RTD 44 bus route and the future Federal Bus Rapid Transit corridor. Because many transportation options are available, these areas are less auto-dependent, which can reduce greenhouse gas emissions from transportation. This energy efficiency will advance Denver's goals to reduce greenhouse gas emissions from buildings, which contribute to a warming climate.

2. Public Interest

The proposed official map amendment furthers the Public Interest through implementation of the city's adopted land use plan and its intent to rezone properties out of the Former Chapter 59 zoning code so that the entire city is covered by the Denver Zoning Code.

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

The requested U-SU-C, CO-6 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, Division 5.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The Berkeley neighborhood consists of mostly single and two-unit residential uses in rectangular blocks. The proposed rezoning to U-SU-C, CO-6 is consistent with the neighborhood context description.

According to DZC Section 5.2.2.1, General Purpose, the intent of the residential zone districts is to "promote and protect residential neighborhoods within the character of the Urban neighborhood context." Further, "the regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce the desired development patterns in existing neighborhoods while accommodating reinvestment that is consistent with the Blueprint Denver Future Neighborhood Context guidance.

The specific intent of the U-SU-C zone district is "a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards allowing a detached accessory dwelling unit building form in the rear yard" (DZC Section 5.2.2.2.E.). The adopted plan direction is consistent with the building forms that would be allowed in the requested zone district.

The intent of the Bungalow Conservation Overlay (CO-6) district is to promote conservation of the mass, scale and other design characteristics of low-scale residential neighborhoods comprised primarily of one and two story 'bungalow' structures" (proposed DZC 9.4.3.11.B). This rezoning would ensure this site and its accessory structures remain consistent with the character features and identity of the Harkness Heights area.

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Attachments

1. Application