



TO: City Council
FROM: Edson Ibañez, Senior City Planner
DATE: July 28, 2022
RE: Official Zoning Map Amendment Application #2022I-00017

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00017.

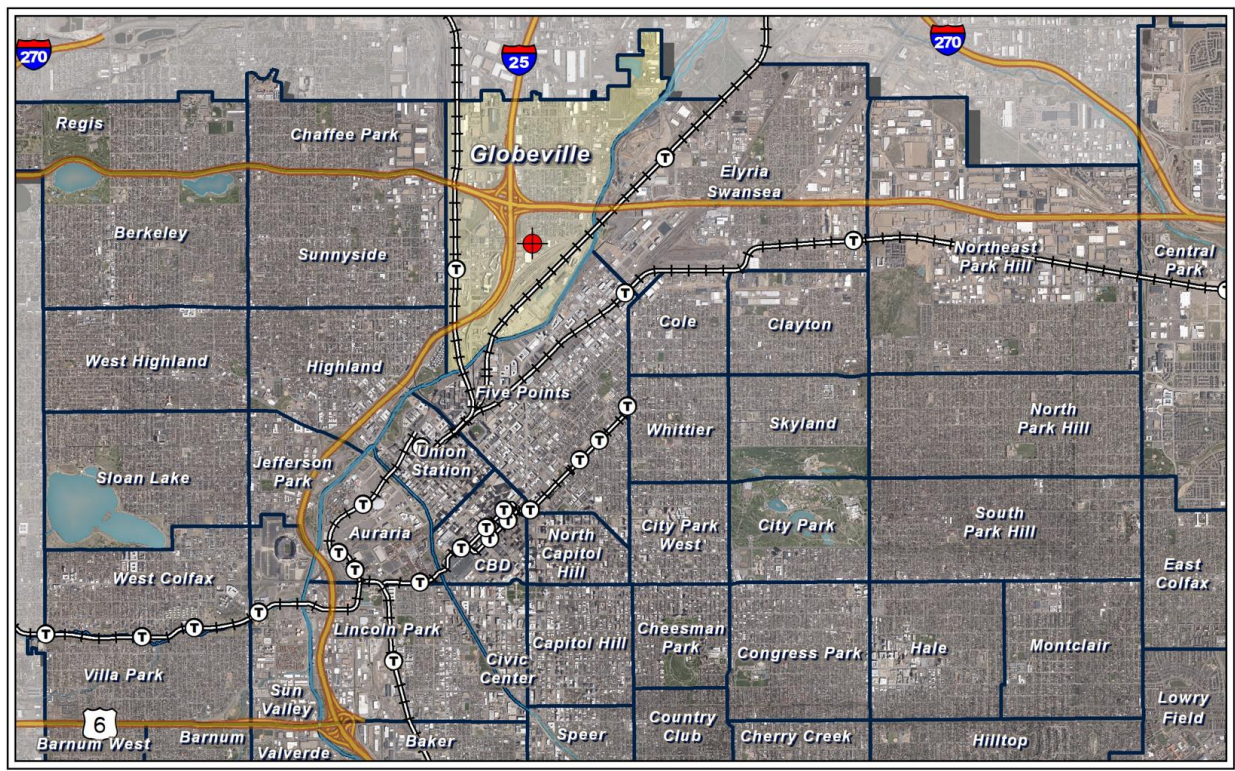
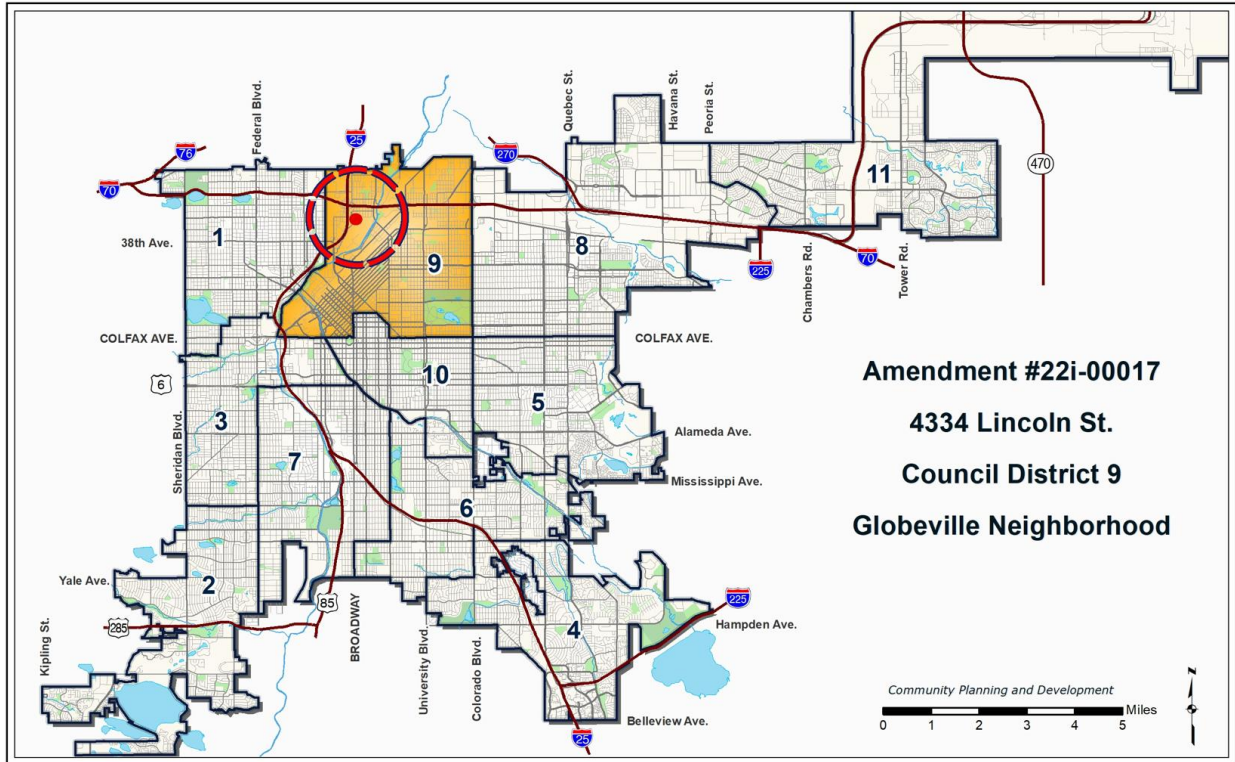
Request for Rezoning

Address: 4334 N Lincoln Street
Neighborhood/Council District: Globeville Neighborhood / Council District 9 – CM Candi CdeBaca
RNOs: United Community Action Network (UCAN), Inter-Neighborhood Cooperation (INC), Denver North Business Association, RiNo Art District, Globeville Civic Partners, Reclaim the Eastside, and Unite North Metro Denver
Area of Property: 6,250 square feet
Current Zoning: E-SU-B
Proposed Zoning: U-SU-B1
Property Owner(s): Armando Payan
Owner Representative: Armando Payan

Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1896 and is located between East 43th Avenue and East 44th Avenue.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-B1, **U**rban, **S**ingle-**U**nit, **B1** (4,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and residential arterial streets and structures are usually in the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).
- The applicant is proposing a zone district from the Urban, rather than the existing Urban Edge Neighborhood Context, consistent with recommendations from the Globeville Neighborhood Plan (see “Small Area Plan” below).

Existing Context





The subject property is in the Globeville neighborhood, which is characterized primarily by single-unit, two-unit, and multi-unit residential uses. The subject site is two blocks south of Interstate 70 and two blocks east of Interstate 25. Industrial uses are prominent along Broadway one blocks to the west. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access for single residential uses. The subject property is located between East 43rd Avenue and East 44th Avenue.

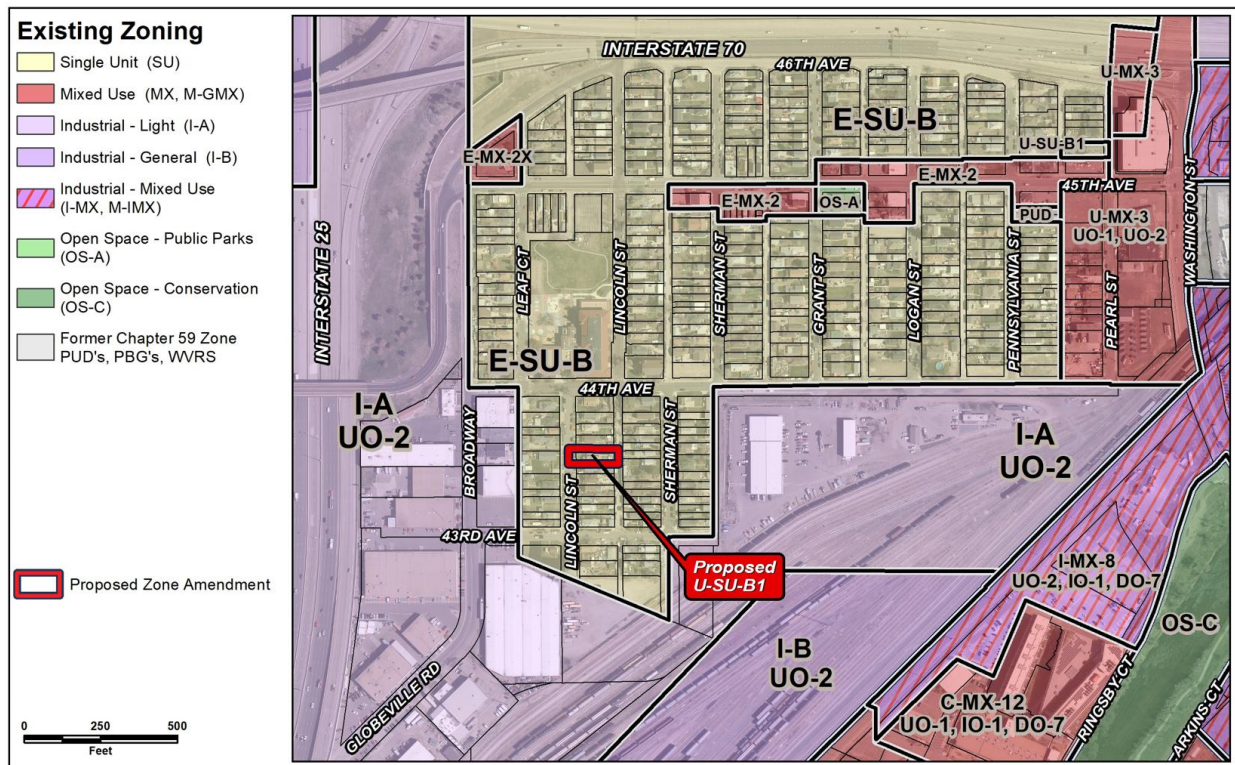
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-B	Single-unit Residential	1-story house with moderate front setback with front curb cuts with driveways and alley access	Generally regular orthogonal street grid with lots served by alleys between local streets.
North	E-SU-B	Single-unit Residential	1-story house with moderate front setback with alley access	Block sizes and shapes are consistent and rectangular.
South	E-SU-B	Single-unit Residential	1-story house with moderate front setback with alley access	Generally, vehicle parking to the rear of buildings (alley

East	E-SU-B	Single-unit Residential	1-story house with moderately front setback with alley access	access); some vehicle parking to the side of residential dwellings interspersed.
West	E-SU-B	Single-unit Residential	1-story house with moderate front setback with front curb cuts with driveways and alley access	

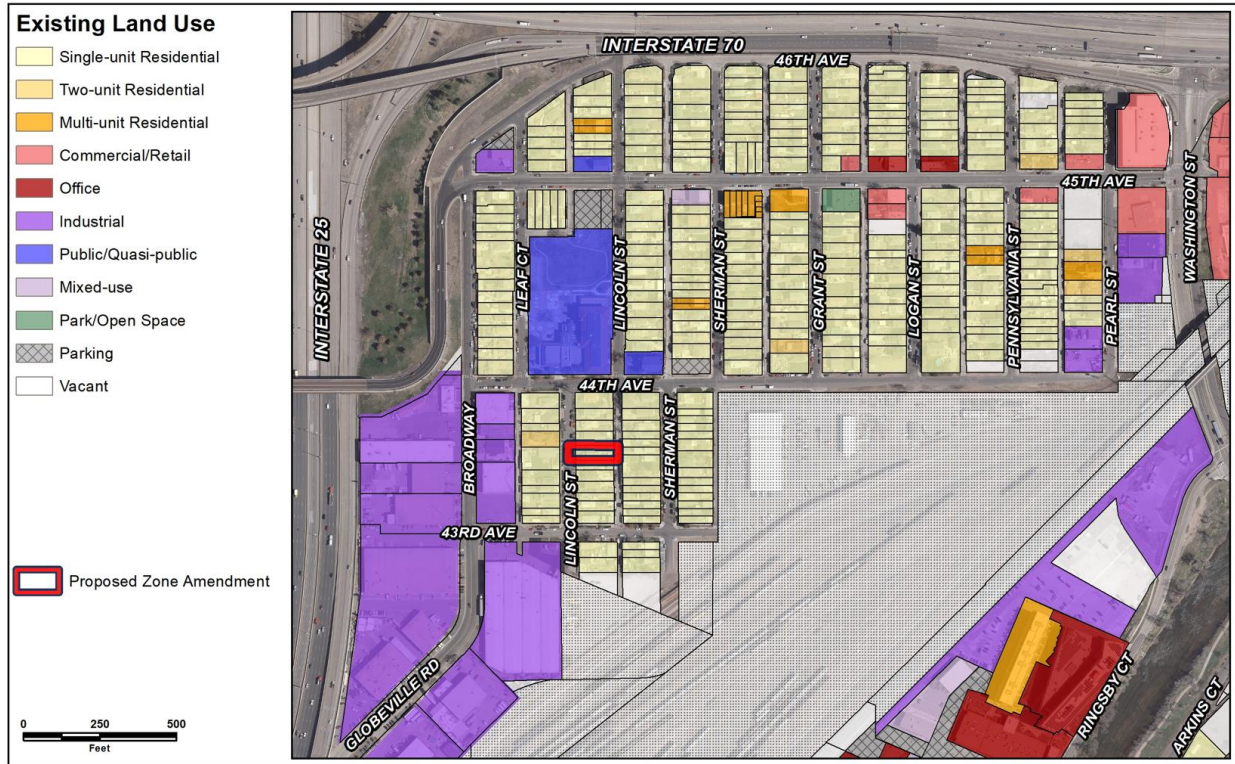
1. Existing Zoning

Map of existing zoning



E-SU-B is a single-unit zone district allowing the Urban House primary building form on a minimum zone lot area of 4,500 square feet and a minimum zone lot width of 35 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot. The maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

2. Existing Land Use Map



3. Existing Building Form and Scale (source: Google Maps)



View of the subject property, looking east.



View of single unit homes north of the subject property, looking east.



View of single unit homes across the street of the subject property, looking west.



View of single unit homes south of the subject property, looking east.

Proposed Zoning

The applicant is requesting to rezone to U-SU-B1, which allows only the Urban House primary building form on a zone lot with a minimum area of 4,500 square feet. The U-SU-C1 district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the U-SU-B district. The DADU 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 allows an exemption from the 37.5 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet if certain provisions are met, including using a portion of the DADU for vehicle storage in a garage. For zone lots above 6,000 square feet but below 7,000 square feet, which is the case for the subject property, the ADU building footprint may be a maximum of 864 square feet per property. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

Design Standards	E-SU-B (Existing)	U-SU-B1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	Urban House: 1 story / 17 feet	Urban House: 1 story / 17 feet
Bulk Plane	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	4,500 square feet	4,500 square feet
Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)	5 feet	5 feet
Side Interior Setback (Min.)	3 feet	3 feet
Rear Setback, Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other

		Detached Accessory Structures
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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 comment.

Denver Public Schools: Approved – no response.

Department of Public Health and Environment: Approved – no comments.

Denver Parks and Recreation: Approved – no response.

Department of Transportation and Infrastructure – Surveyor: Approved – Rezoning only.

Legal Description

All that certain parcel of land situate in the County of Denver, State of Colorado, being known and designated as the South 6 1/4 feet of Lot 7 and all of Lot 8 and the North 18 3/4 feet of Lot 9, Block 10, Tacoma Heights, City and County of Denver, State of Colorado.

Development Services – Project Coordination: Approve Rezoning Only – See comments.

Site development will likely route to Residential Plan Review rather than Commercial Development Services. Applicant is suggested to connect with Residential Plan & Zoning team to discuss redevelopment.

Development Services – Fire Protection: Approved – no response.

Development Services – Transportation: Approved – no response.

Development Services – Wastewater: Approved – No response.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	3/3/2022

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:	5/2/2022
Planning Board public hearing:	5/18/2022
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:	5/27/2022
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	6/7/2022
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:	7/11/2022
City Council Public Hearing:	8/1/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comments.
- **Other Public Comment**
 - To date, staff has received no 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 application:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Globeville Neighborhood Plan* (2016)

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 rezonings would allow for an additional housing option within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive: Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezonings would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, 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 rezonings would allow for compatible infill development in an established neighborhood, consistent with the following strategy from the Environmentally Resilient vision element:

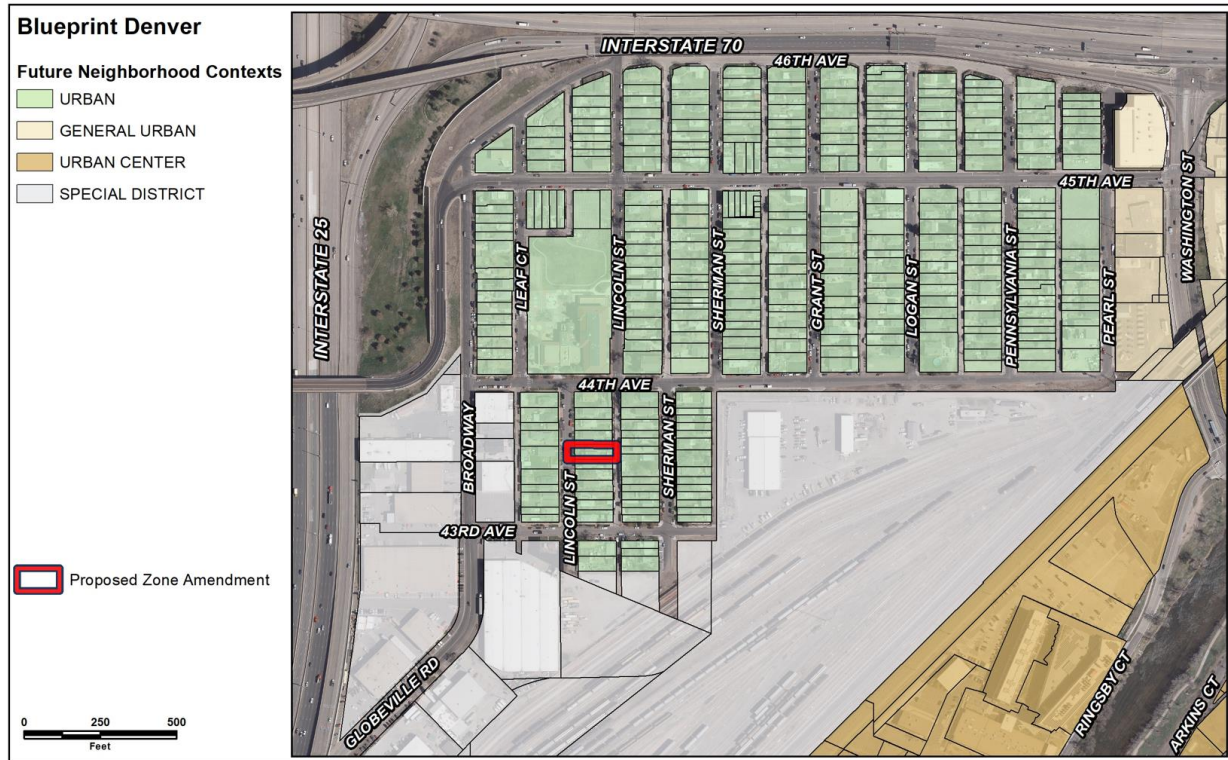
- Environmentally Resilient: Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

In summary, the proposed U-SU-B1 zone district is consistent with the goals 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 place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

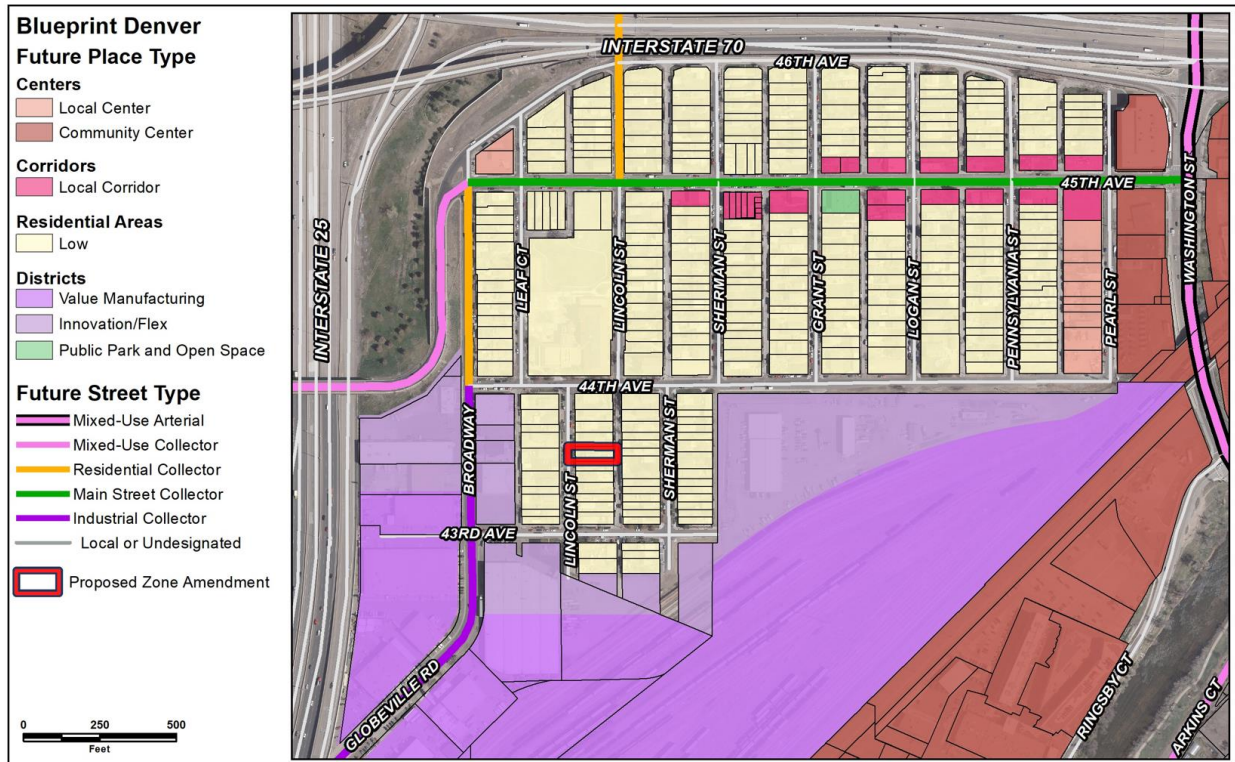
Blueprint Denver Future Neighborhood Context



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 Dahlia Street property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-SU-B1 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 5.2.2.1). U-SU-B1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing single-unit residential units with a low-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places and Streets



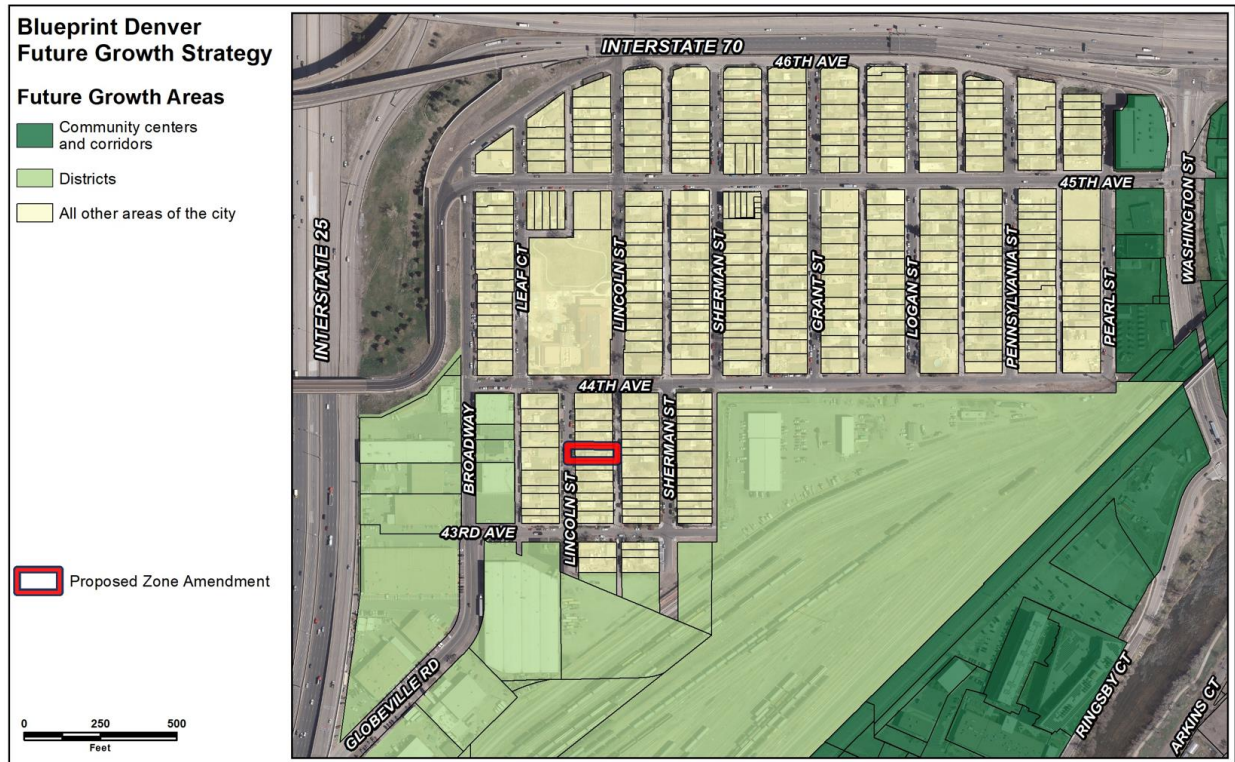
Future Places

Within the Urban Neighborhood Context, the subject are 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 and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed U-SU-B1 zone district would allow a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

Future 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 Lincoln Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The proposed U-SU-B1 district is consistent with this street type because it allows for residential and some civic uses.

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 properties are part of the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent 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-B1 zone district allows an ADU which are 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.

Blueprint Denver Strategies

Blueprint Denver supports rezonings to allow for ADUs via one key policy:

- **Land Use and Built Form, Housing Policy 4, Strategy E:** “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area.” (p. 84).

In this case, the requested rezoning are for five single lots in a residential area within a half mile from one bus route. This rezonings to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

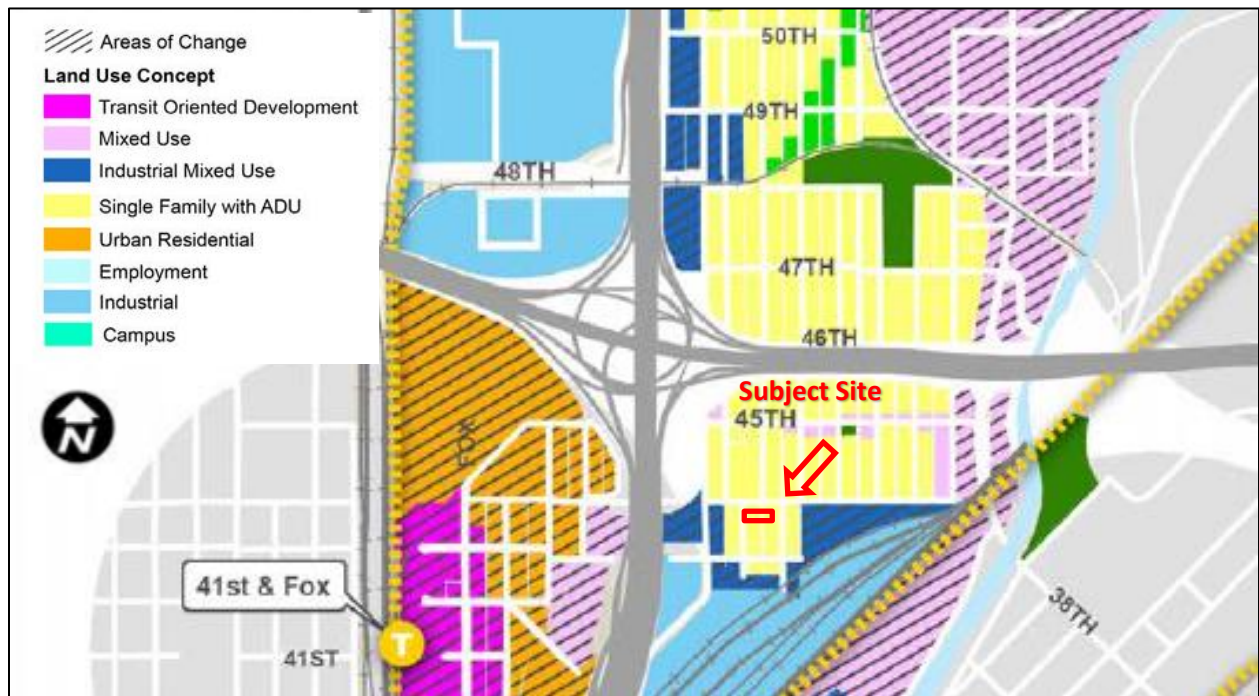
Small Area Plan: *Globeville Neighborhood Plan (2016)*

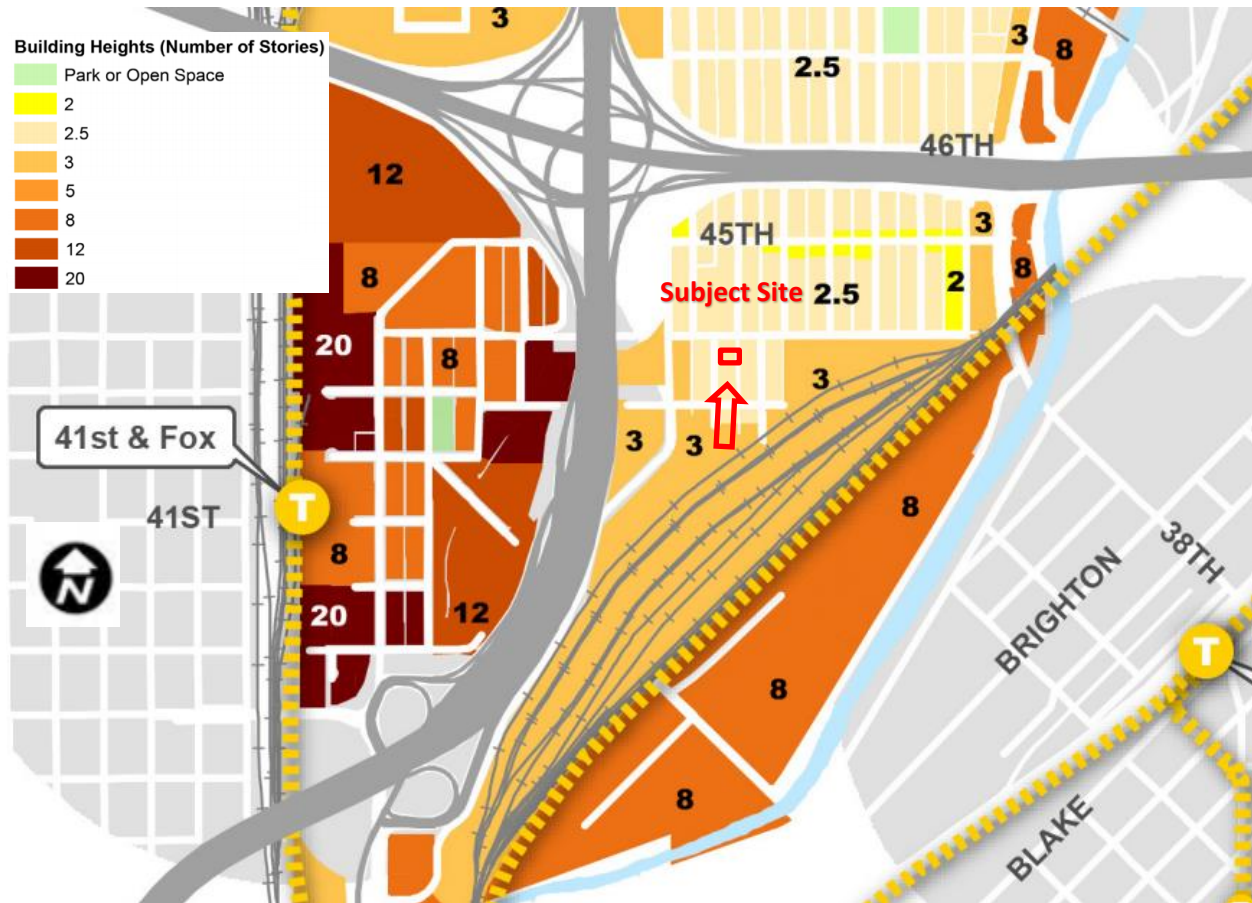
The Globeville Neighborhood Plan identifies the subject property as part of the Residential Neighborhood Core, within an area of stability and with a land use recommendation of single-family with ADUs. Regarding the land use designation, the Plan provides the following policy support for accessory dwelling units in Recommendation B1: “Allow accessory dwelling units to enable aging in place, additional income through rentals, and to increase the population density of the neighborhood without altering its character” (p. 34). In addition, policy E1 and E2 (page 86) of the Globeville Neighborhood Plan state:

STRATEGIES UNIQUE TO THE RESIDENTIAL NEIGHBORHOOD CORE:

E1. Update the Neighborhood Context. *The Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible.*

E2. Tailor Minimum Zone Lot Sizes. *In areas where the existing zoning requires a 4,500 square foot minimum zone lot size, a future zone district should maintain the 4,500 square foot zone lot minimum.*





Overall, the proposal is consistent with the recommendations of the Globeville Neighborhood Plan in that it supports the establishment of ADUs within the Residential Neighborhood Core and building heights are consistent with Blueprint Denver. The neighborhood plan and Blueprint Denver both recommend updating the neighborhood context to Urban. Therefore, U-SU-B1 is consistent with Blueprint Denver and the Globeville Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and recommendations of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near bus lines, which could encourage active transportation. The addition of housing near a park, local commercial corridor also increases access to opportunity.

4. Justifying Circumstance

Per the DZC Section 12.4.10.8, City Council may approve a rezoning if it meets one of several Justifying Circumstances, which include the following circumstance applicable to this particular request: “Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

Since the approval of the existing E-SU-B zone district, the City has adopted the *Comprehensive Plan 2040* and *Blueprint Denver*. *Blueprint Denver* includes new direction encouraging allowances for accessory dwelling units throughout the City. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-B1 zone district is within the Urban Neighborhood Context, which “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). This context “consists of a regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Globevillw neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

The specific intent of the U-SU-B1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E.). The subject property contains a single unit dwelling on a lot of 6,250 square feet. Adopted plans recommend allowing accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application