



TO: Denver City Council
FROM: Bryan Botello, Senior City Planner
DATE: April 26, 2024
RE: Official Zoning Map Amendment Application #2023I-00200

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00200.

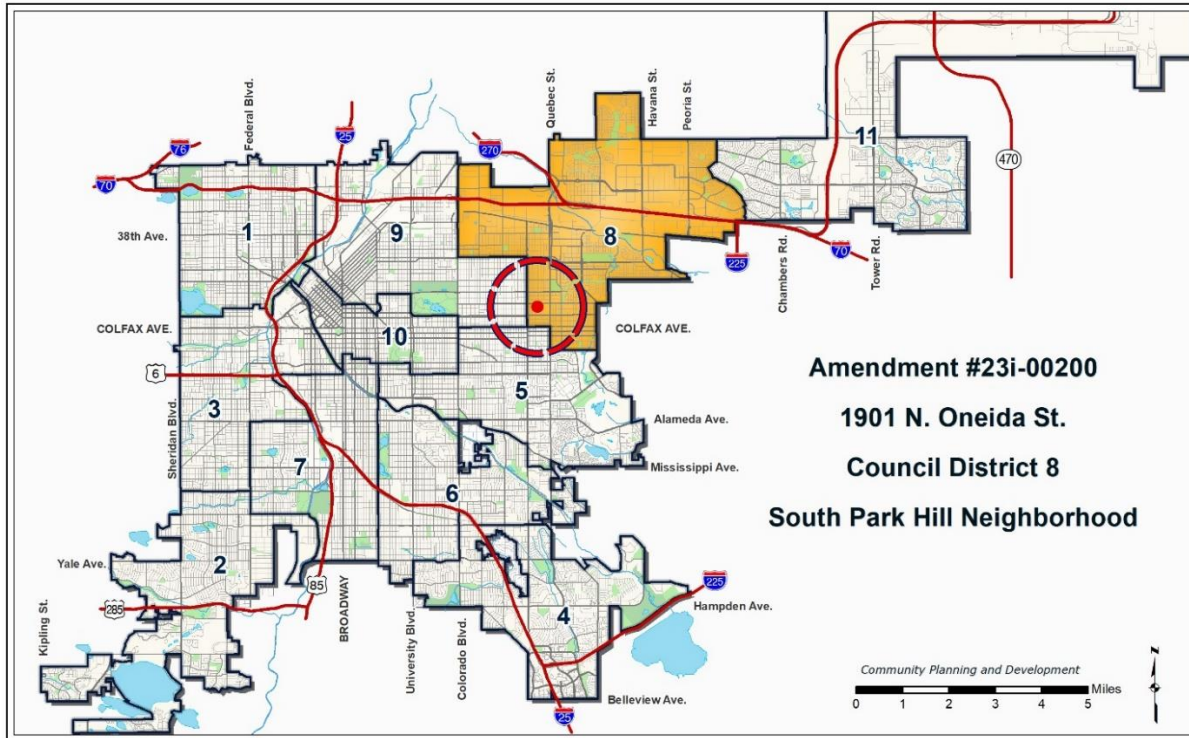
Request for Rezoning

Address: 1901 North Oneida St
Neighborhood/Council District: South Park Hill / Council District 8 – Shontel Lewis
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, Opportunity Corridor Coalition of United Residents, Greater Park Hill Community, Inc., East Denver United Neighbors.
Area of Property: 11,400 square feet
Current Zoning: E-SU-Dx
Proposed Zoning: E-SU-D1x
Property Owner(s): Lindsey and Nathan Kramer

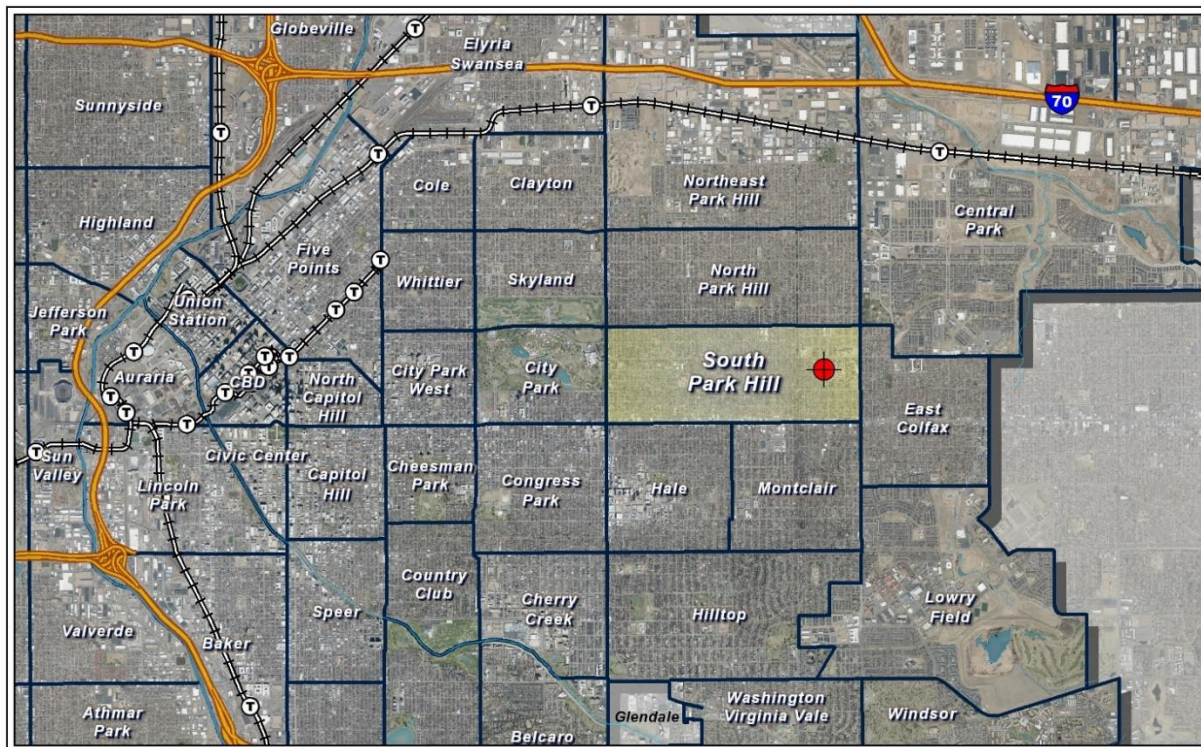
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1948 at the northwest corner of the intersection of North Oneida Street and East 19th Avenue. The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU).
- The proposed E-SU-D1x, Urban **Edge**, **Single-Unit**, **D1x** (6,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Edge Neighborhood Context, which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House and Suburban House building forms. The maximum 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 while the maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – South Park Hill



1. Existing Context

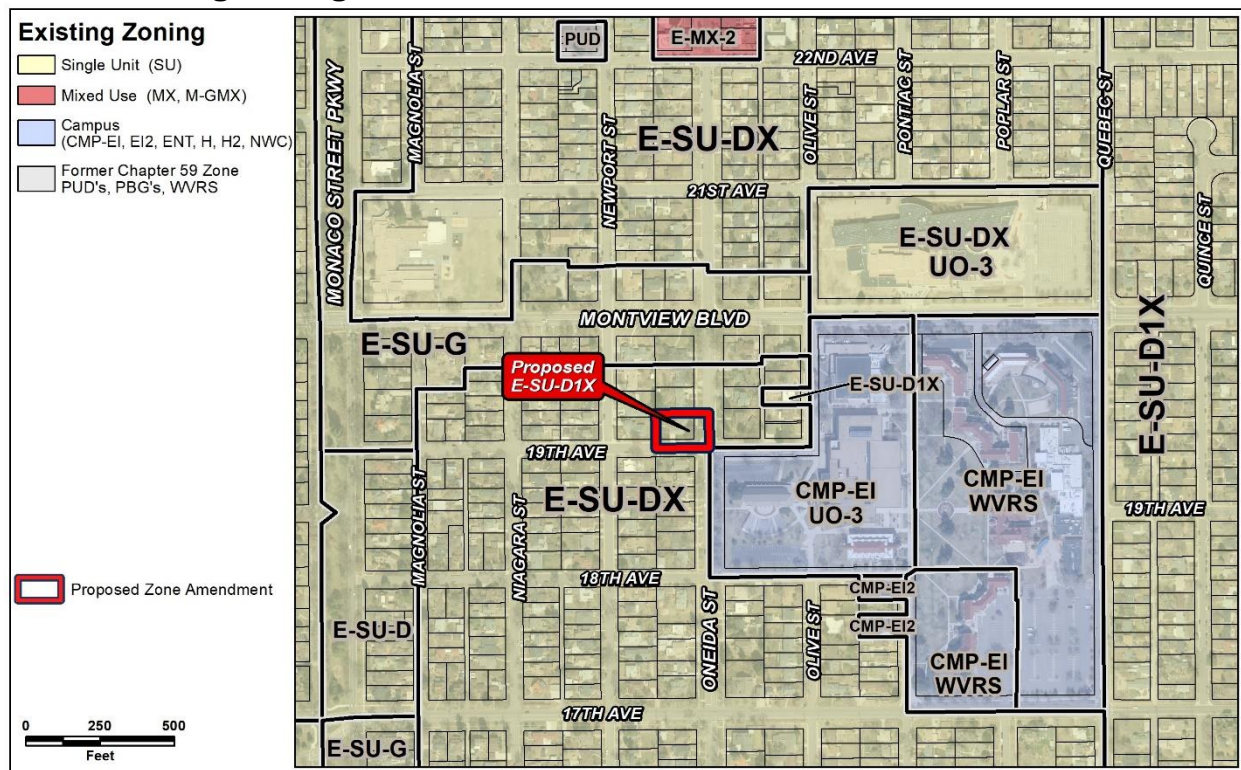


The subject property is in the South Park Hill statistical neighborhood, which is characterized primarily by single-unit residential uses with several public/quasi-public uses in the vicinity, including the Mosaic Community Campus to the east, Denver School of the Arts to the northeast, and Odyssey School of Denver to the northwest. A mixed-use node is focused on Oneida Street between 22nd and 23rd avenues and the Colfax Avenue commercial corridor forms the neighborhood's southern boundary. The property is less than one-half mile from four bus routes, including Route 20 on 23rd Avenue, Route 73 on Quebec Street, Route 65 on Monaco Street Parkway, and routes 15 and 15L on Colfax Avenue. A bike lane traverses Montview Boulevard one block to the north.

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-Dx	Single-unit Residential	1-story house with attached garage, driveway on North Oneida Street and no alley.	Regular grid of streets. Block sizes and shapes are generally consistent and rectangular. Sidewalks are detached, though some streets lack them. Attached garages and on-street vehicle parking.
North	E-SU-Dx	Single-unit Residential	1-story brick house with attached garage, driveway on North Oneida Street and no alley.	
South	E-SU-Dx	Single-unit Residential	1-story brick house with detached garage, driveway on East 19 th Avenue and no alley.	
East	E-SU-Dx	Single-unit Residential	2-story brick house with detached garage, driveway on East 19 th Avenue and no alley.	
West	E-SU-Dx	Single-unit Residential	1 story brick house with attached garage, driveway on Newport Street and no alley.	

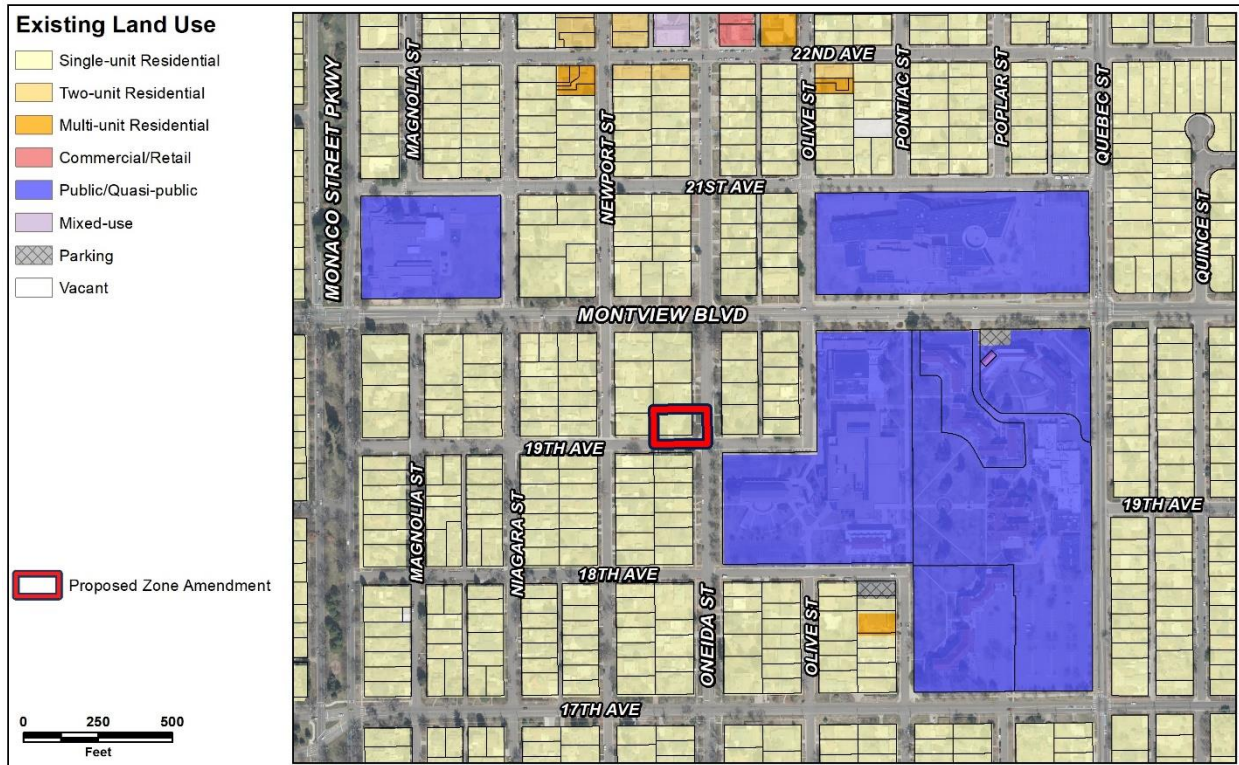
2. Existing Zoning



The E-SU-Dx zone district is a single-unit district allowing both the Urban House and Suburban House primary building forms on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. Additionally, the Urban House form allows for a maximum of 1 story or 17 feet to 19 feet in the rear 35% of the zone lot. E-SU-Dx allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of

the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

3. Existing Land Use Map



4. Existing Building Form and Scale (all images from Google Maps)



Subject Site - View of the subject property, looking west.



North - View of the property to the north, looking west.



South - View of properties to the south, looking southwest.



East - View of properties to the east, looking east.



West - View of the properties to the west (on Newport St), looking northeast.

Proposed Zoning

E-SU-D1x is a single-unit zone district with a minimum zone lot size of 6,000 square feet allowing both the Urban House and Suburban House primary building forms. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1x district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (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 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. The subject site has a lot size of 11,400 square feet, allowing a maximum gross floor area of 1,000 square feet for the ADU.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House, Suburban House	Urban House, Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories/35 feet	2.5 stories/35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	2.5 stories/35 feet Suburban House 1 story/17-19 feet Urban House	2.5 stories/35 feet Suburban House 1 story/17-19 feet Urban House
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	10 feet / 10 feet Suburban House 17 feet / 10 feet Urban House	10 feet / 10 feet Suburban House 17 feet / 10 feet Urban House
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	7.5 feet Suburban House 10 feet Urban House	7.5 feet Suburban House 10 feet Urban House
Rear Setback, No Alley (Min.)	20 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

*Based on subject property width of >75’.

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response.

Asset Management: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services – Fire Protection: Approved – No Response.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review.

- 1) Future development is subject to zoning and building permit review and approval prior to construction beginning. Projects with two units or less will be reviewed by the Residential Team.
- 2) Future development on the site will need to comply with the chosen building form standards for the new zone district.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – City Surveyor: 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:	12/8/2023
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:	2/6/2024
Planning Board Public Hearing: Recommended Approval 10-0	2/21/2024
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:	3/5/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	3/19/2024
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:	4/8/2024
City Council Public Hearing:	4/29/2024

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has not received any comment letters from the public.

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)
- East Area Plan (2020)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- 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).

E-SU-D1x allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the South Park Hill 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).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

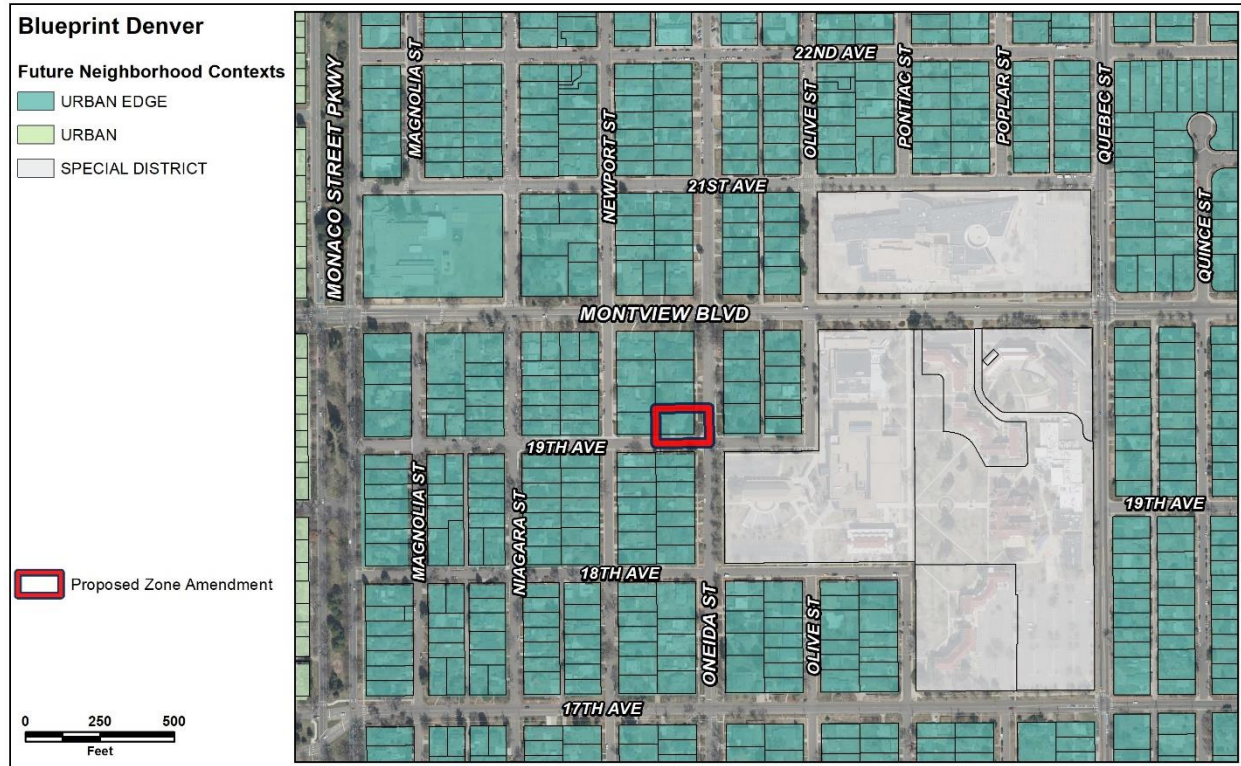
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

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 Residential Low place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

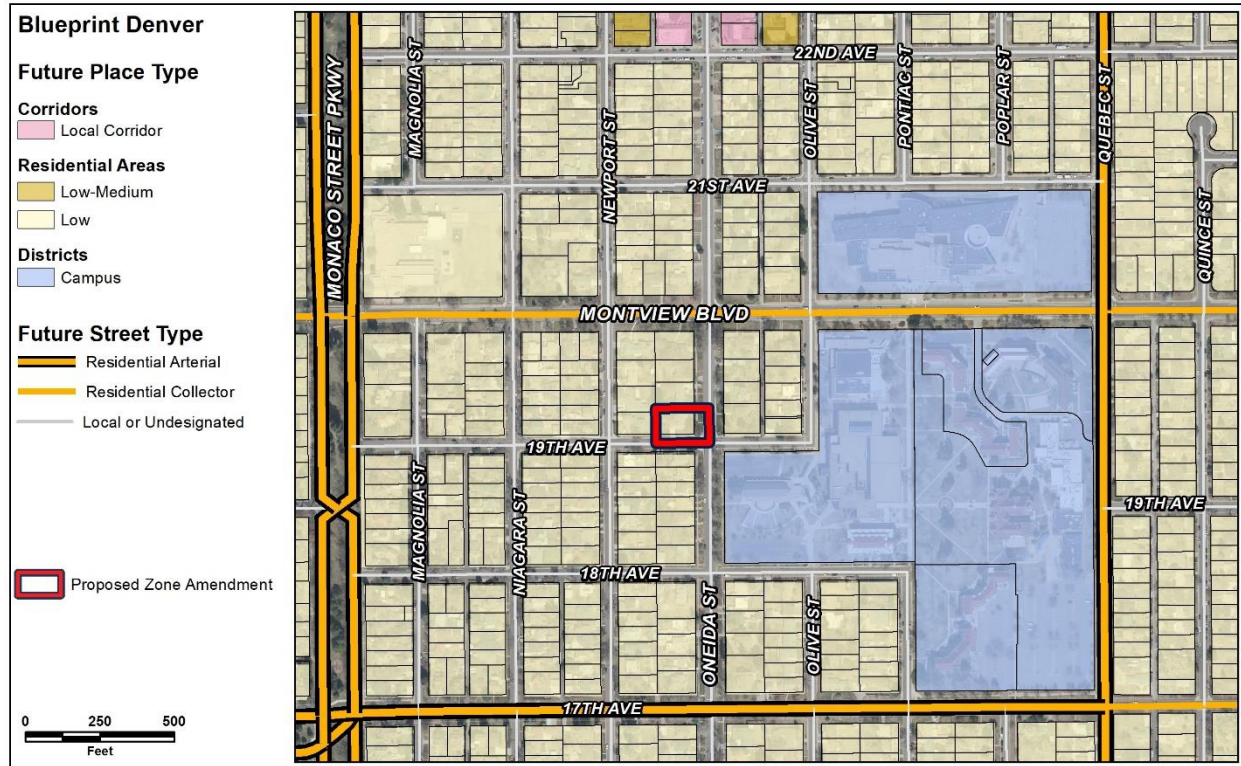
Blueprint Denver Future Neighborhood Contexts



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 the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as “predominately residential and tends to act as a transition between urban and suburban areas” with “good walkability with short, predictable blocks” (p. 205).

E-SU-D1x is a zone district within the Urban Edge neighborhood context and is “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 Section 4.2.2.1). E-SU-D1x is consistent with the *Blueprint Denver* future neighborhood context of Urban Edge because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Place



The subject site is designated within a Residential Low future place on the *Blueprint Denver* Future Places map. This place type is “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,” and “building heights are generally up to 2.5 stories in height” (p. 214). E-SU-D1x is a single-unit residential district that allows for an additional detached dwelling unit accessory to an established single-unit home, consistent with the Residential Low future place description. It allows the Urban House and Suburban House primary building forms, which have a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Oneida Street and East 18th Avenue as Local Future Street Types. Along this street type the land use and built form is described as, “most often characterized by residential uses” (p. 160). The proposed E-SU-D1x district is consistent with these descriptions because it allows for residential 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 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 is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to E-SU-D1x will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

- 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).

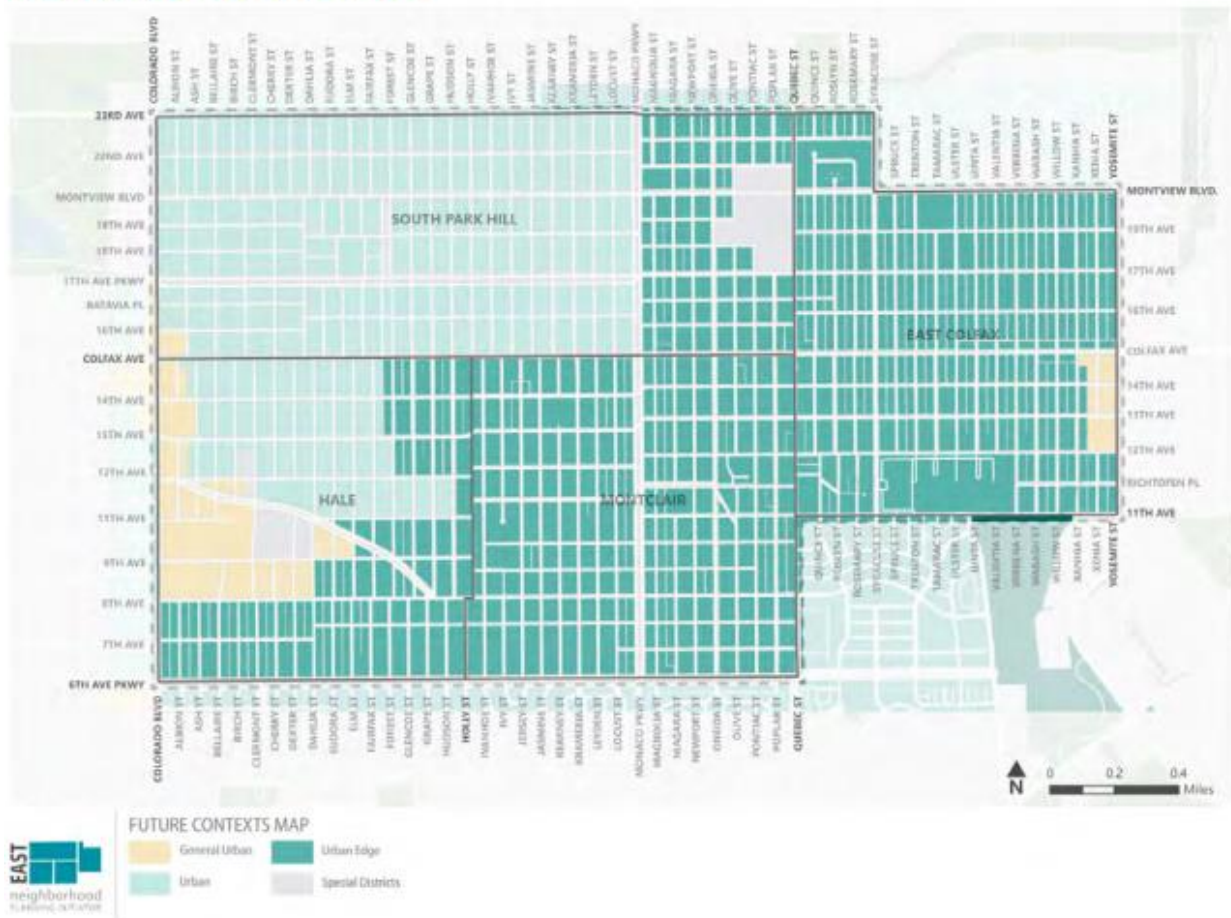
In this case, the requested rezoning is a single lot in a residential area within walking distance of a bus route. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

East Area Plan

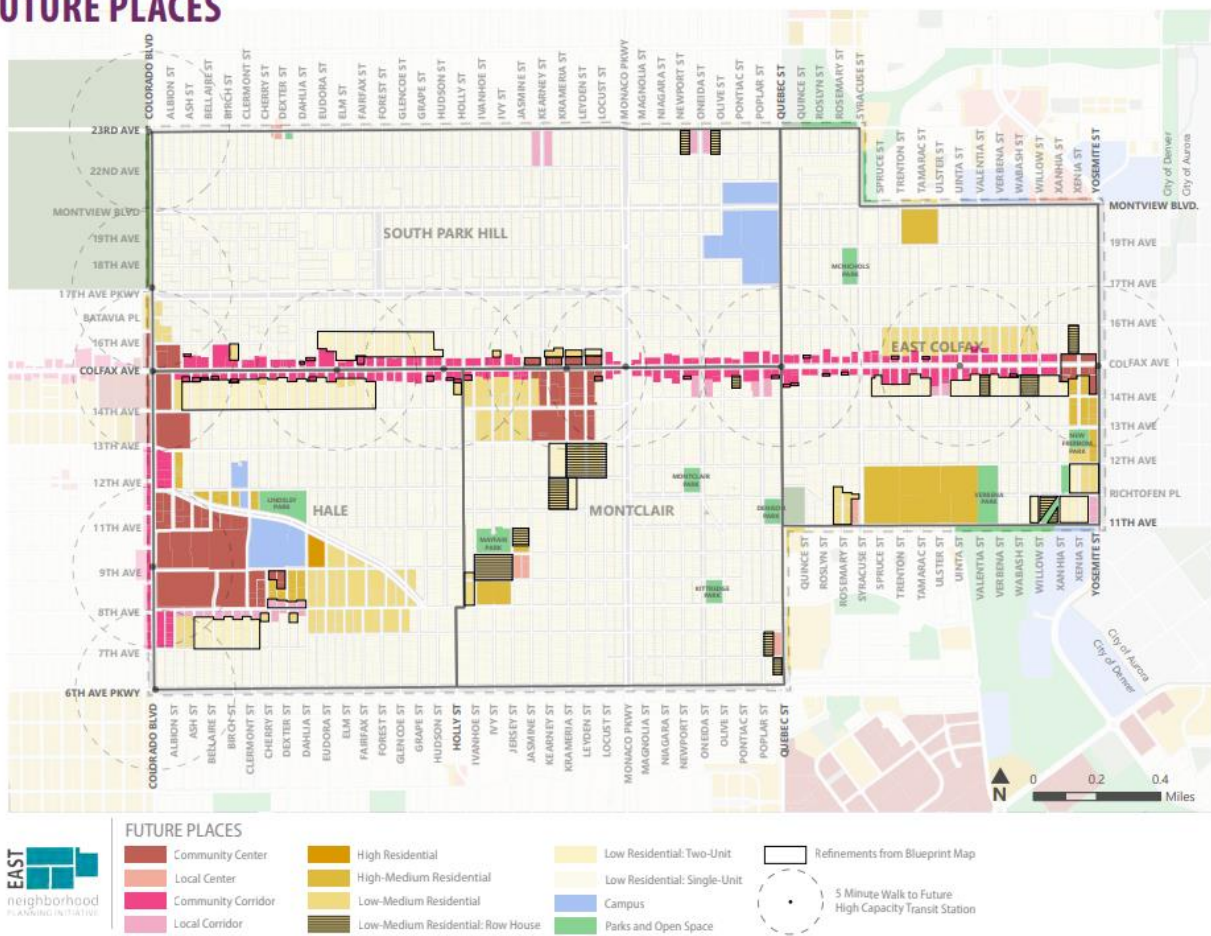
The East Area Plan was adopted in November 2020 as part of Community Planning and Development’s Neighborhood Planning Initiative. In the East Area Plan, the subject property is within the Urban Neighborhood Context and in the Future Place Map is classified as Low Residential: Single Unit which is defined as: “Predominately single-unit uses, with 2-4 unit missing middle housing integrated in appropriate locations” and “accessory dwelling units are appropriate on all lots” (p. 28).

East Area Plan Future Contexts

FUTURE CONTEXTS



East Area Plan Future Places
FUTURE PLACES



The plan also includes several relevant recommendations, including Policy L6: “Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations.” (p. 39). In addition, Strategy L6.D says to “implement adopted citywide policies in Blueprint Denver to diversify housing choice through expansion of ADUs throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction” (p. 39). The strategy further states, “ADUs should be allowed on all lots.” Within the South Park Hill Neighborhood section of the plan, Strategy PH-L1.B says to “integrate accessory dwelling units and missing middle housing in appropriate locations” (p. 215). The proposed U-SU-D1x zone district allows for single-unit residential building forms and accessory dwelling units. Therefore, the proposed U-SU-D1x zone district would contribute to the preservation of the neighborhood’s existing character while allowing compatible ADU construction, consistent with the recommendations of the East Area Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint* 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 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."

As discussed above, *Blueprint Denver and the East Area Plan* specifically recommend the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plans were adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning. The proposed rezoning would also facilitate minimally increased housing density near transit. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

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

The requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context. The neighborhood context 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, Division 4.1). These areas consist of a "regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid" (DZC, Division 4.1). The South Park Hill neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." It accommodates one and two and a half story urban and suburban house

forms oriented towards the street in the single unit districts. This is consistent with the E-SU-D1x district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context

The specific intent of the E-SU-D1x 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 4.2.2.2.G). The subject site is in an area where Urban and Suburban Houses and lots over 6,000 square feet are common. The site at 1901 North Oneida St is 11,400 square feet with a width of approximately 88 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application