



TO: City Council Land Use, Transportation and Infrastructure Committee
FROM: Theresa Lucero, Senior City Planner
DATE: April 18, 2019
RE: Official Zoning Map Amendment Application #2017I-00163

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2017I-00163.

Request for Rezoning

Address: 4891 Lincoln Street
 Neighborhood/Council District: Globeville Neighborhood / Council District 9
 RNOs: Elyria Swansea/Globeville Business Association; Globeville Civic Association #2; Globeville Civic Partners; Globeville K.A.R.E.S.; UCAN; United North Metro Denver; Inter-Neighborhood Cooperation (INC)
 Area of Property: 9,370 square feet or 0.21 acres
 Current Zoning: E-SU-D
 Proposed Zoning: U-SU-C1
 Property Owner(s): Mary Valdez
 Owner Representative: Alexander Bender

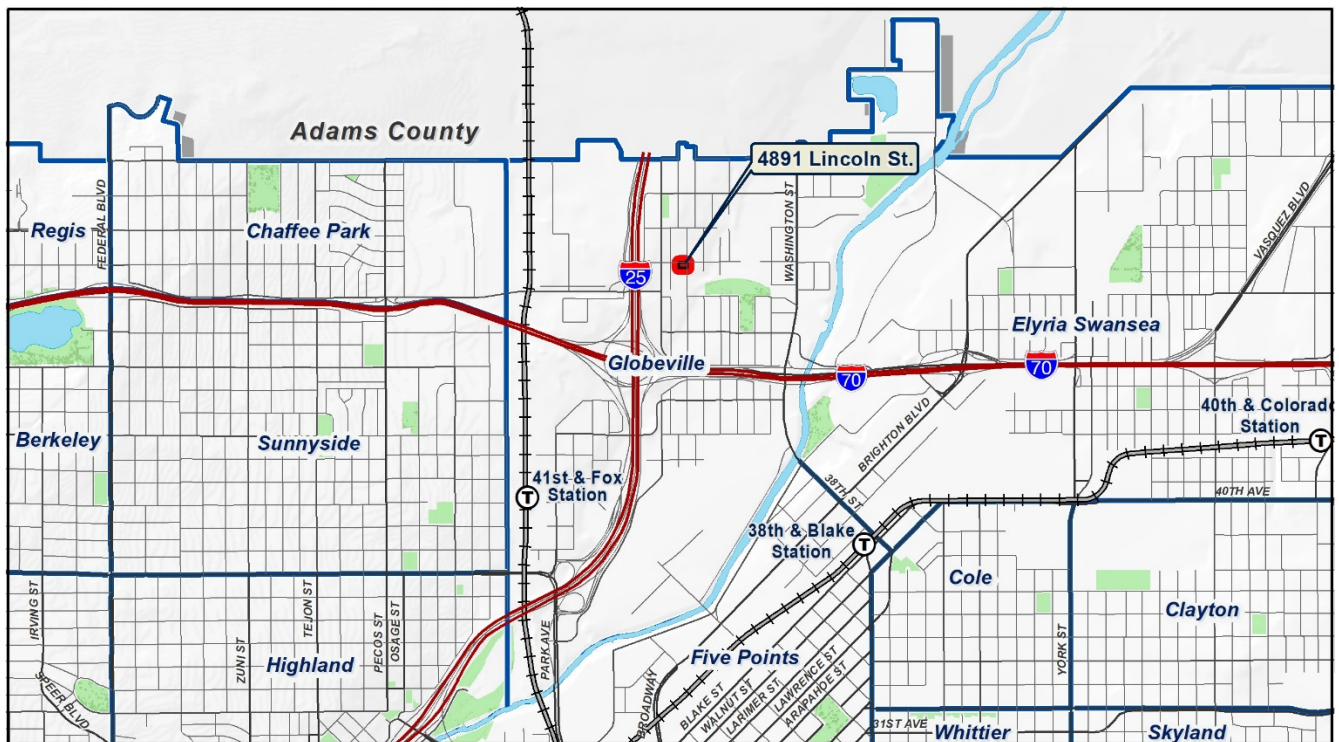
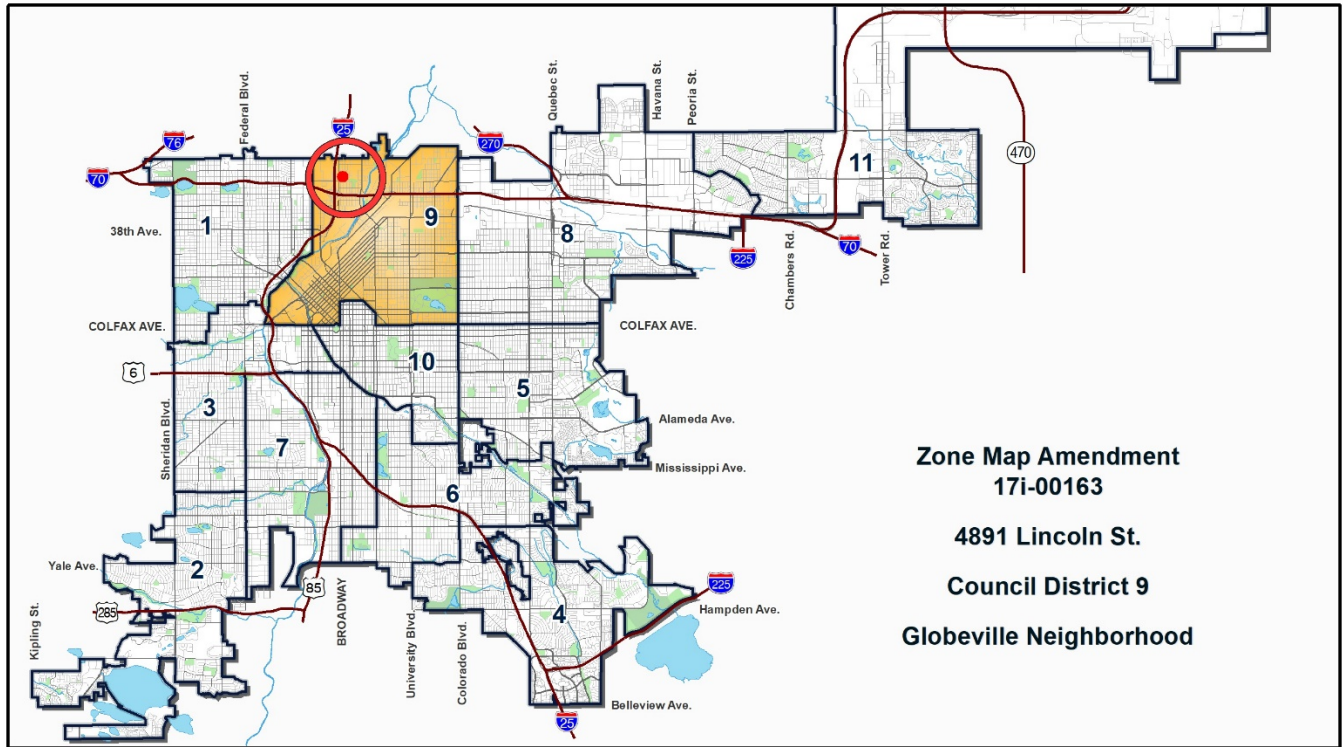
Summary of Rezoning Request

- The subject property contains a single family home built in 1923 and is located at the southwest corner of East 49th Avenue and Lincoln Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The **U-SU-C1**, Urban, **Single-Unit, C1** (5,500 square feet minimum zone lot size allowing a detached accessory dwelling unit (ADU)), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. In the Urban context small-scale multi-unit and commercial areas are embedded in residential areas. Single-unit structures in the zone district are the Urban House form, and multi-unit building forms typically include the row house form embedded with other residential form types (See the table below). The Urban House form maximum height is 30 – 35 feet in the front 65% of the zone lot, and 24 feet for an ADU. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

Urban (U) Neighborhood Context Zone District	Building Forms											
	Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot	1*	1*	1*	2	No Maximum							
Single Unit (SU)	U-SU-C1	■										

Planning Services
 Community Planning and Development
 201 W. Colfax Ave., Dept. 205 | Denver, CO 80202
www.denvergov.org/CPD
 p. 720.865.2983

■=Allowed *See Section 1.2.3.5 for exceptions



1. Existing Context



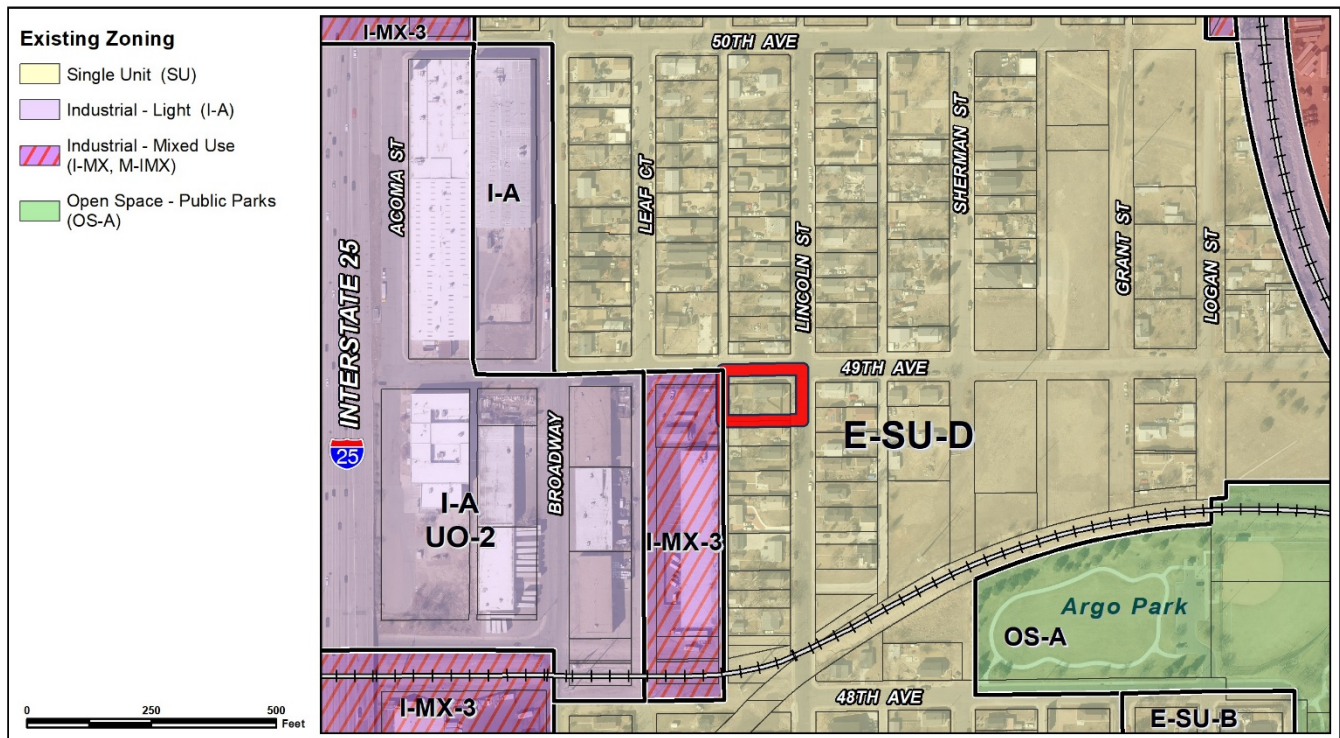
The subject property is on the southwest corner of East 49th Avenue and North Lincoln Street. In the general vicinity are:

- The north city boundary – 3 blocks north;
- Garden Place Elementary School – 4 blocks south,
- Intersection of Interstate 25 and Interstate 70 – 3 blocks southwest;
- Argo Park – 2 blocks east;
- South Platte River – 13 blocks east;
- North Broadway Street – 3 blocks west.

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-D	Single-unit Residential	1-story Residence	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. A mixture of attached and no sidewalks and existing alleys. Garage and on-street vehicle parking.
North	E-SU-D	Single-unit Residential	1-story Residence	
South	E-SU-D	Single-unit Residential	1-story Residence	
East	E-SU-D	Single-unit Residential	1-story Residence	
West	I-MX-3	Single-Residential	1-story Residence	

2. Existing Zoning

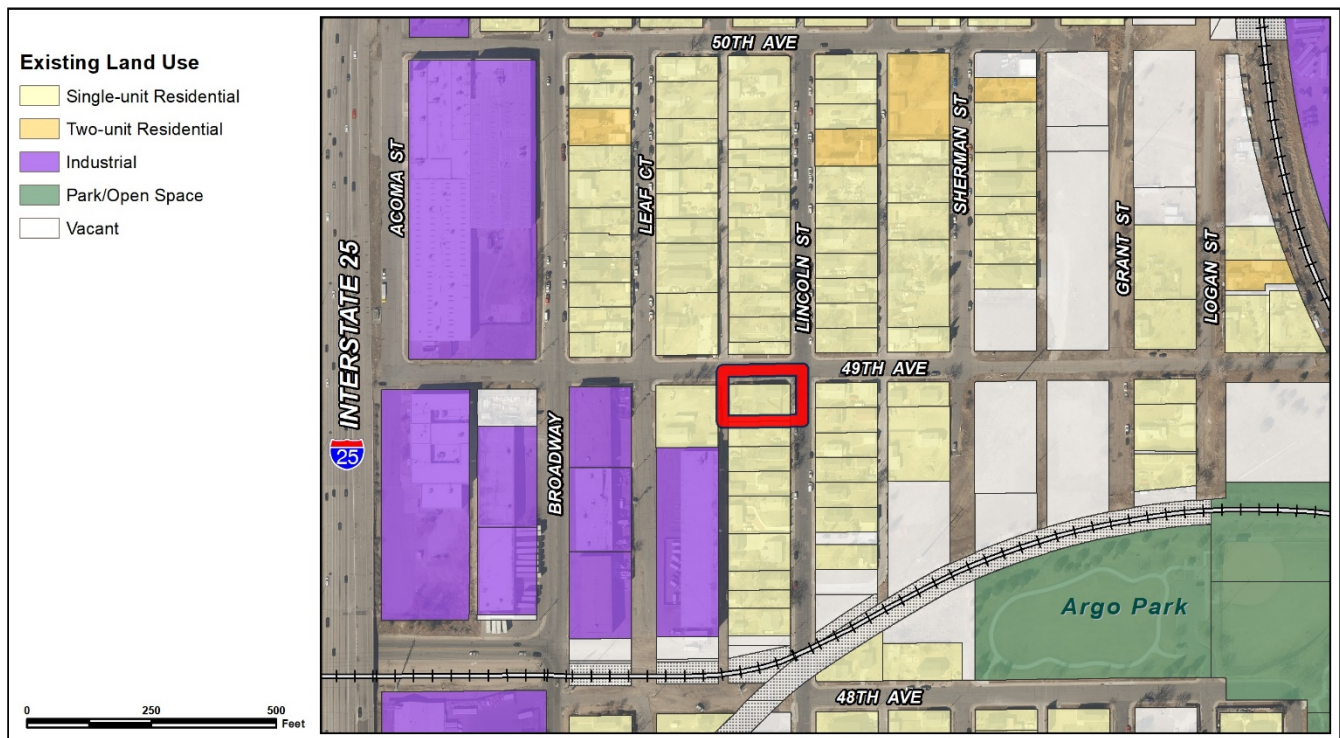


Urban Edge (E) Neighborhood Context Zone District		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum							
Single Unit (SU)	E-SU-D		■										

■ = Allowed *See Section 1.2.3.5 for exceptions

The E-SU-D zone district is a single-unit district allowing only the Urban House building form on a minimum 6,000 square feet zone lot. The maximum allowed height is 2.5 stories or 30-35 feet in the front 65% of the zone lot, and 1 story and 17-19 feet in the rear 35% of the zone lot. The intent of the district is *to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.*

2. Existing Land Use Map



Existing Land Use

3. Existing Building Form and Scale



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.

Department of Public Health and Environment: Approved - See Comments Below. Notes. Denver Department of Public Health and Environment (DDPHE) concurs with the 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, DEH 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: DEH performed a limited search for information known to DEH 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.

Development Services – Fire Prevention: Approved – No Response.

Development Services – Project Coordination: Approved – No Response.

Development Services – Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Works – City Surveyor: Attached legal description for the above-mentioned MAA (2017I-00163) is acceptable.

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:	12/17/18
CPD informational notice of receipt of a REVISED rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	02/22/19
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:	03/18/19
Planning Board public hearing and unanimous vote (8-0) to recommend approval:	04/03/19
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:	04/09/19
Land Use, Transportation and Infrastructure Committee of the City Council:	04/23/19
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:	05/12/19 (Tentative)
City Council Public Hearing:	06/03/19 (Tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Associations.
- **Other Public Comment**
 - To date, staff has received no other public comment letters.

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 public hearing schedule for the subject property is such that the Planning Board public hearing will occur prior to the adoption of the Denverright Plans, Comprehensive Plan 2040 and Blueprint Denver 2019, which is anticipated to be April 22, 2019. On this schedule the City Council public hearing for the rezoning of the property will be after the adoption of the Denverright Plans. The following adopted plans currently apply to this property if the rezoning is approved prior to the anticipated adoption of the Denverright plans (April 22, 2019):

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

If the proposed map amendment is approved by City Council after the adoption of the Denverright plans (anticipated April 22, 2019), the following plans would apply instead:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

The following plans will apply to this property both before and after April 22, 2019:

- *Housing an Inclusive Denver (2018)*
- *The Globeville Neighborhood Plan (2014)*

Denver Comprehensive Plan 2000

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability Strategy 2-F – “*Conserve land by promoting infill development within Denver at sites where services and infrastructure are already in place*” (p. 39).
- Land Use Strategy 3-B – “*Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses*” (p. 60).

- Legacies Strategy 3-A – *“Identify areas in which increased density and new uses are desirable and can be accommodated”* (p. 99).
- Housing Objective 2 – *“Encourage preservation and modernization of Denver’s existing housing stock and established neighborhoods. Support addition of housing in expansion and infill development”* (p. 114).

The proposed map amendment will enable the addition of an Accessory Dwelling Unit where services and infrastructure are already in place, where the new unit will be in character with the area and where a discreet increase in density is desired. The proposed zone district matches the same 30 to 35 feet maximum allowed building height in the existing zoning and the adjacent neighborhood. The proposal offers an opportunity to add moderate density in a location that serves as a transition between industrial land uses to the west and the single- family neighborhood to the east.

Denver Comprehensive Plan 2040

Although Comprehensive Plan 2040 is not yet adopted, it is anticipated to be considered by City Council by the time this map amendment would be scheduled at City Council for a public hearing and would be relevant to this request. As such, this staff report provides an analysis of the most current Planning Board draft of the plan, March 13, 2019, and the proposed rezoning is consistent with many of the draft *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).
- 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).
- Environmentally Resilient Goal 8, Strategy A - *“Promote infill development where infrastructure and services are already in place”* (p.54).

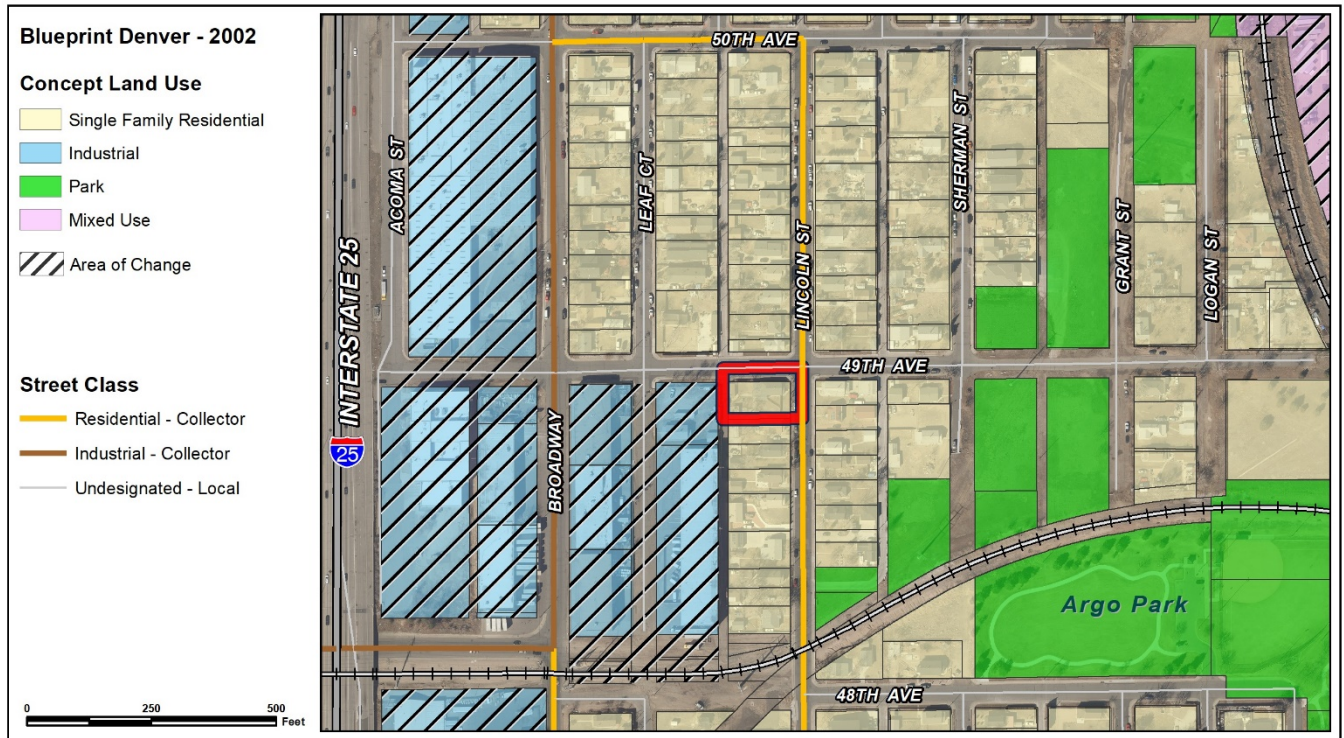
The proposed map amendment will enable increased development at an infill location where infrastructure is already in place. The requested U-SU-C1 zone district broadens the mix of housing options allowing residents a diversity of housing choice that is in character with the existing neighborhood. Therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2002)

According to the Plan Map adopted in Blueprint Denver (which was revised by the Globeville Neighborhood Plan as discussed below), the subject property has a concept land use of Single Family Residential and is in an Area of Stability.

Future Land Use

“Single Family Residential areas are primarily single family residential but with some complementary, small commercial uses” (p. 42). The U-SU-C1 zone district standards allow a moderate step up in density on the subject property by allowing an accessory dwelling unit.



Area of Change / Area of Stability

As noted, the subject property is in an Area of Stability. Blueprint Denver cites a “central goal of the plan is to reduce development capacity in Areas of Stability...Limiting overall development in Areas of Stability helps achieve many growth management goals, while preserving the valued quality of life that is characteristic of Denver’s neighborhoods” (p. 24-25).

Blueprint Denver provides additional specific strategies for Areas of Stability. Applicable strategies include:

- *Compatibility between existing and new development*
- *Address edges between Areas of Stability and Areas of Change*
- *Diversity of housing type, size and cost*

And Blueprint Denver also provides guiding principles for Areas of Stability (p. 141):

- Respect valued development patterns
- Respect valued attributes of area
- Respect adjoining property

The rezoning application is consistent with these Blueprint Denver Area of Stability strategies and principles of compatibility with existing development, addressing the transition between Areas of Stability and Areas of Change and creating a diversity of housing types. The U-SU-C1 zoning standards will allow an accessory dwelling unit in an area that transitions to adjacent industrial mixed use land uses and the zoning standards will require the proposed unit be built to scale with the existing residential neighborhood.

Street Classifications

Blueprint Denver classifies Lincoln Street as a Residential Collector and East 49th Avenue as an Undesignated Local Street. Residential Collectors provide “a greater balance between mobility and land access” (p. 51) and “as a residential street are designed to emphasize walking, bicycling and land access over mobility” (p. 55). Local Streets “are tailored more to providing local access” (p. 51). The proposed map amendment to U-SU-C1 zoning will enable a moderate increase in density in an area that Blueprint Denver identifies as appropriate for modest change. The addition of an accessory dwelling unit will add to the diversity of housing types in the area and the ADUs will be at a scale similar to adjacent residential uses.

Blueprint Denver (2019)

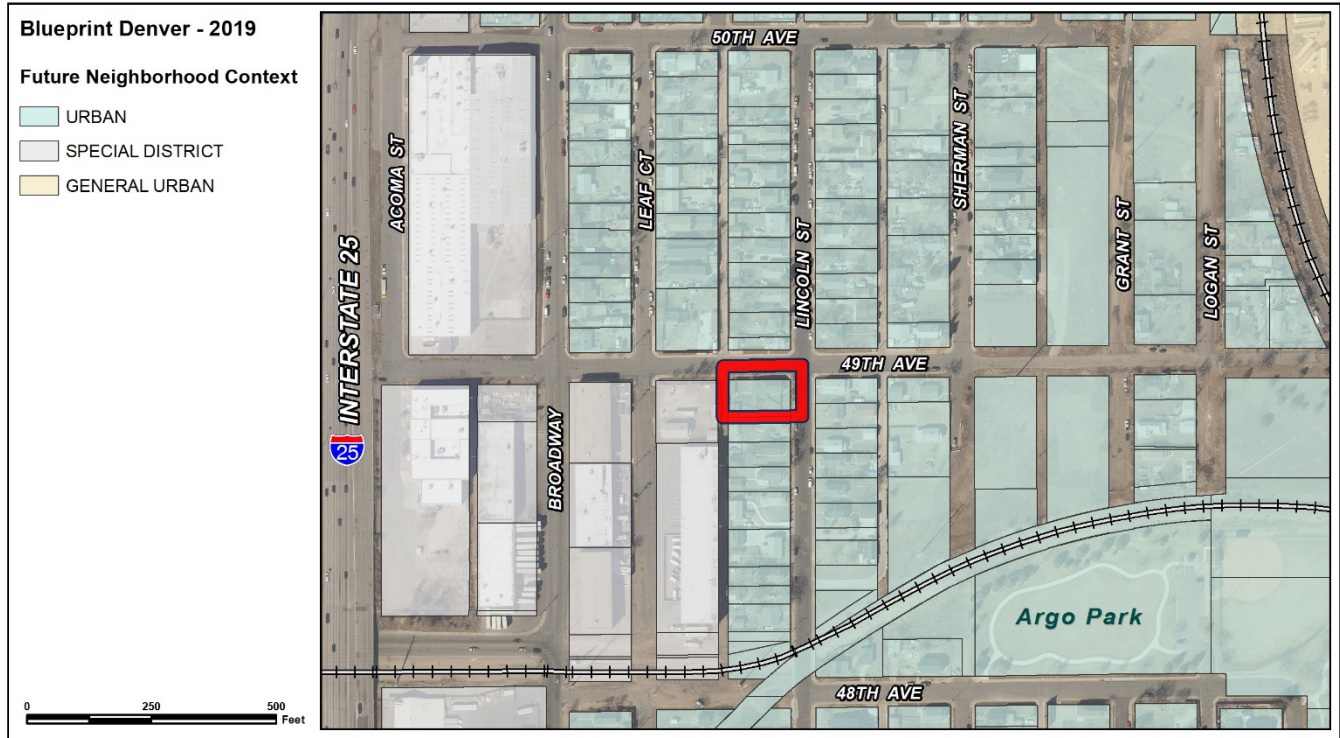
Although not yet adopted by City Council, *Blueprint Denver 2019* is anticipated to be adopted by City Council by the time this map amendment is scheduled for a public hearing by City Council, therefore it is relevant to this request. The proposed rezoning was reviewed for consistency with the *Blueprint Denver (2019)* March 13, 2019, Planning Board draft. The draft *Blueprint Denver* identifies the subject property as within the Urban Neighborhood Context, part of a Low Residential place type and on the Growth Strategy map within “All other areas of the city.”

Blueprint Denver 2019 also recommends specific actions on rezoning requests to enable accessory dwelling units. Specifically a policy and goal that we:

- “Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas”, and the goal:
- “Accessory dwelling units (ADUs) can add variety to the housing stock in low density residential neighborhoods without significantly changing the existing character.” And finally, the strategy:
- 04. A. “Study and implement allowances for ADUs – including those attached and detached from the primary home- in all neighborhood contexts and residential zone districts”; and
- 04.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, especially where adjacent to transit, are appropriate” (p. 84).

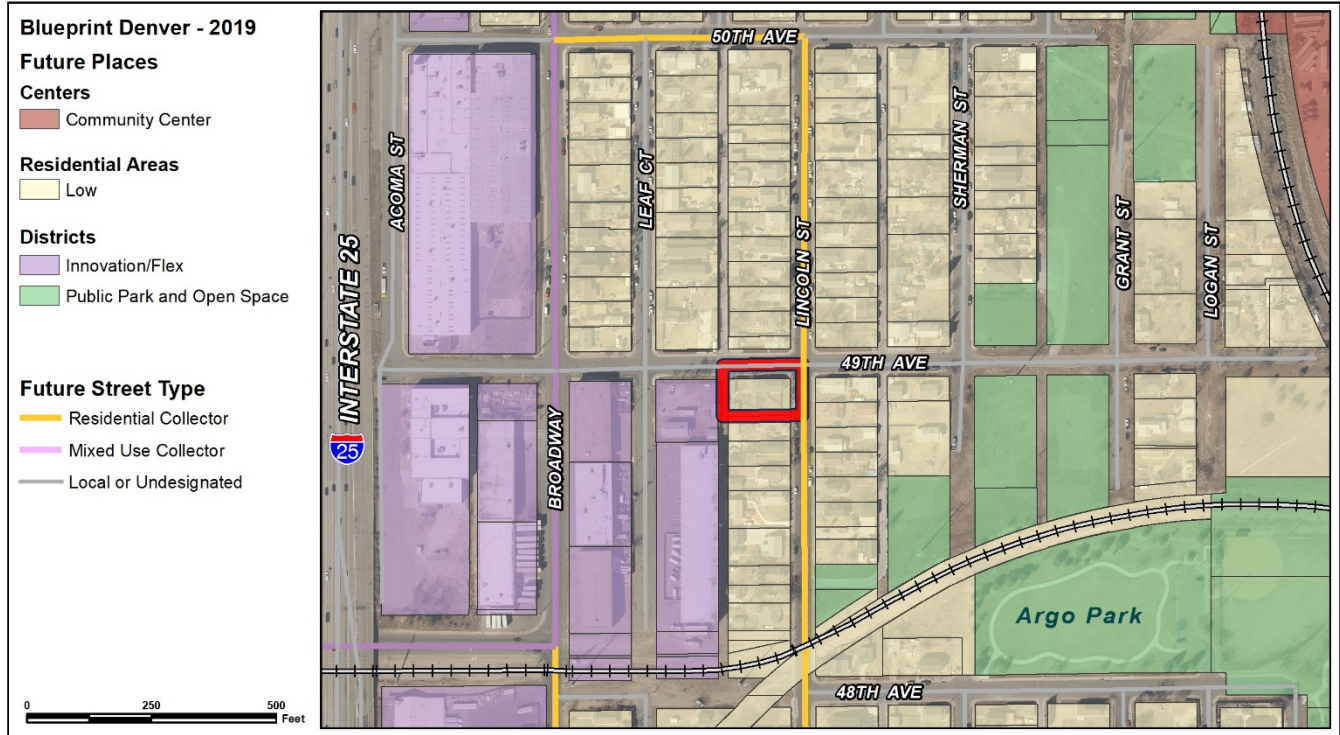
Future Neighborhood Context

Blueprint Denver 2019, as well as the Denver Zoning Code, are organized by neighborhood contexts. A context-based approach sets guidelines for character-compatible development. On the *Blueprint Denver* context map the subject property is within an Urban Neighborhood Context. These areas contain small multi-unit and mixed-use areas typically embedded in 1-unit and 2-unit residential areas, with regular block patterns (p. 136). The Urban context has a high degree of walkability with good access to transit.



The proposed U-SU-C1 zone district is an Urban zone district and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single-unit districts that allow accessory dwelling units in the rear yard, maintaining the single unit character at the street. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (p. 5.2-1 & 2). The zoning standards within the U-SU-C1 zone district that allow a low-scale accessory dwelling unit structure that will be compatible with the existing residential area, and consistent with the Blueprint Denver urban context.

Future Places



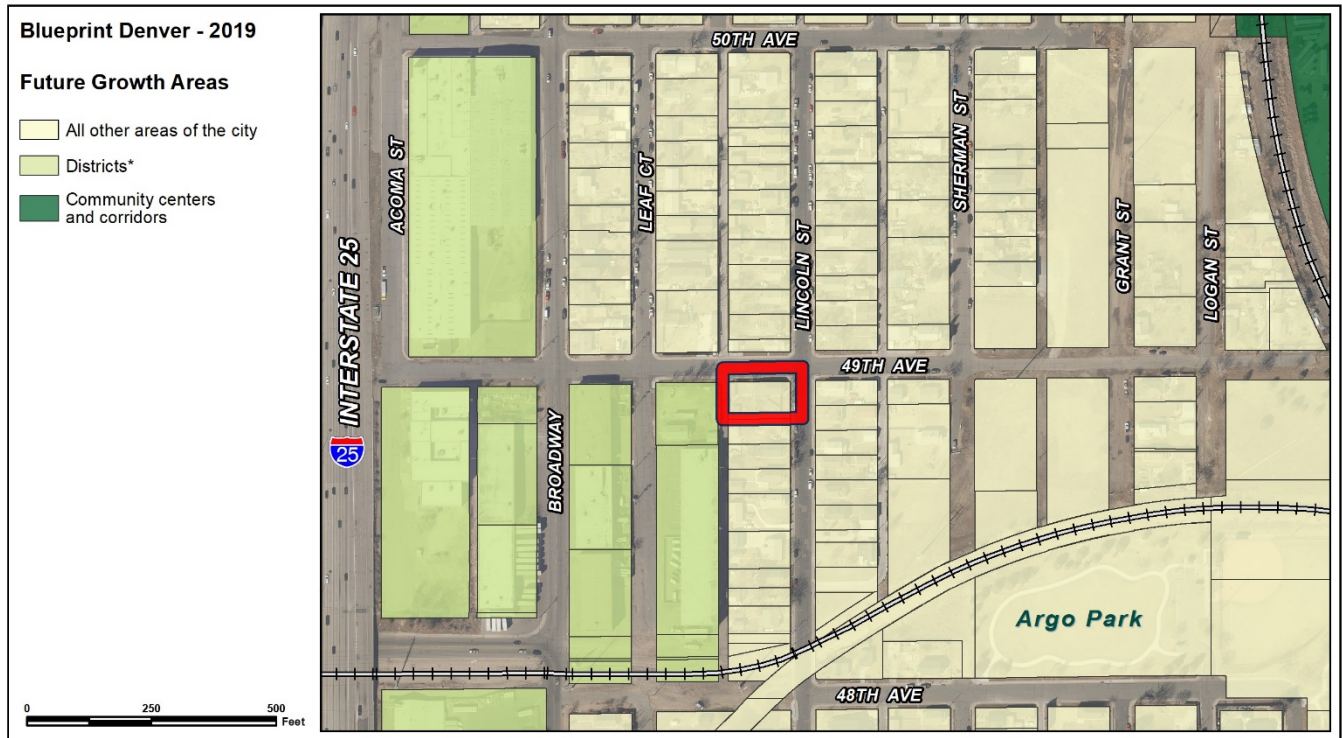
On the Blueprint Denver Future Places map the subject property is within a Residential Low future place. Per Blueprint Denver “Future places are an organizational system that describes the desired character of an area. Future places work together to promote complete neighborhoods for the residents living within or near each of them. Each place expresses itself differently depending on which neighborhood context it is located within.” Residential areas have a predominantly residential land use but “are supported by a variety of embedded uses needed for a complete neighborhood including schools, recreation and nodes of commercial/retail uses” (p. 141). Per Blueprint Denver Residential Low areas in the Urban Context are “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. Vehicle access is typically from alleys” (p. 230). The U-SU-C1 zone district allows the Urban House building form with an accessory dwelling unit and a maximum height of 2.5 stories, or up to 35 feet, in the front 65% of the zone lot and 1 to 1.5 stories, or 17 to 24 feet in the rear 35% of the zone lot. These standards are in conformance with the residential low Urban place type.

Street Types

Blueprint Denver 2019 classifies Lincoln Street as a Residential Collector street and 49th Avenue as a Local or Undesignated street. Residential streets have “Primarily residential uses, but may include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback” (p. 160). Collector streets collect movement from local streets and convey it to arterial streets. Regarding 49th Avenue, Blueprint Denver states, “Local streets are designed for the highest degree of property access and the lowest amount of through movement” (p.

154). Within the Urban Context the predominate street types are main street, mixed use, commercial and residential. The proposed U-SU-C1 district allows primarily residential and civic uses and includes modest primary street setbacks. Therefore, it is consistent with the Urban residential collector and local street types at this site.

Growth Strategy



The subject property is on the Growth Strategy map within “*All other areas of the city.*” These types of places are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). “*The remaining growth areas are smaller but still play a key role in meeting the diversity of new jobs and housing needed for our dynamic city. Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock. The remaining parts of Denver, 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). This site is located within the “remaining parts of Denver”. The proposed map amendment to U-SU-C1 will allow low-intensity growth in a residential low place where it is in character with the existing area.

Housing an Inclusive Denver (2018)

Adopted in 2018, the *Housing an Inclusive Denver* plan was not adopted as a supplement to the Comprehensive Plan but can be considered an “adopted plan” for this map amendment review criterion when relevant. *The Plan* includes citywide guidance for using Blueprint Denver to reduce regulatory barriers to development of accessory dwelling units; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. In this case, the following plan goals are applicable:

Legislative and Regulatory Priorities, Recommendation 2: *“Expand and strengthen land-use regulations for affordable and mixed-income housing. Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units.”*

Attainable Homeownership, Recommendation 1: *“Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners.”*

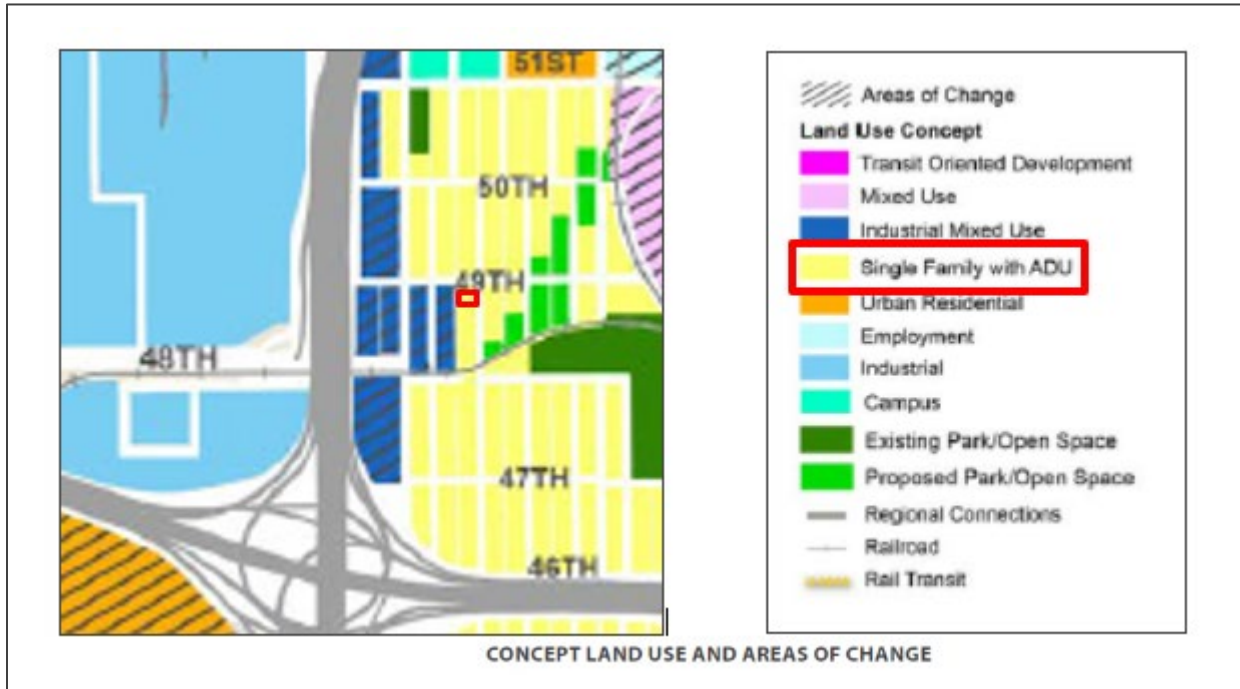
The proposed map amendment to U-SU-C1 is consistent with these *Housing an Inclusive Denver* recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this location.

Globeville Neighborhood Plan (2014)

The Globeville Neighborhood Plan outlines guiding principles for the entire neighborhood, character area recommendations for subareas within the neighborhood and implementation strategies. The Plan’s most pertinent guiding principle to this application is:

- *“A strong Globeville where diverse land uses are present and are located such that the needs of residents, businesses and industry are met equitably.”*

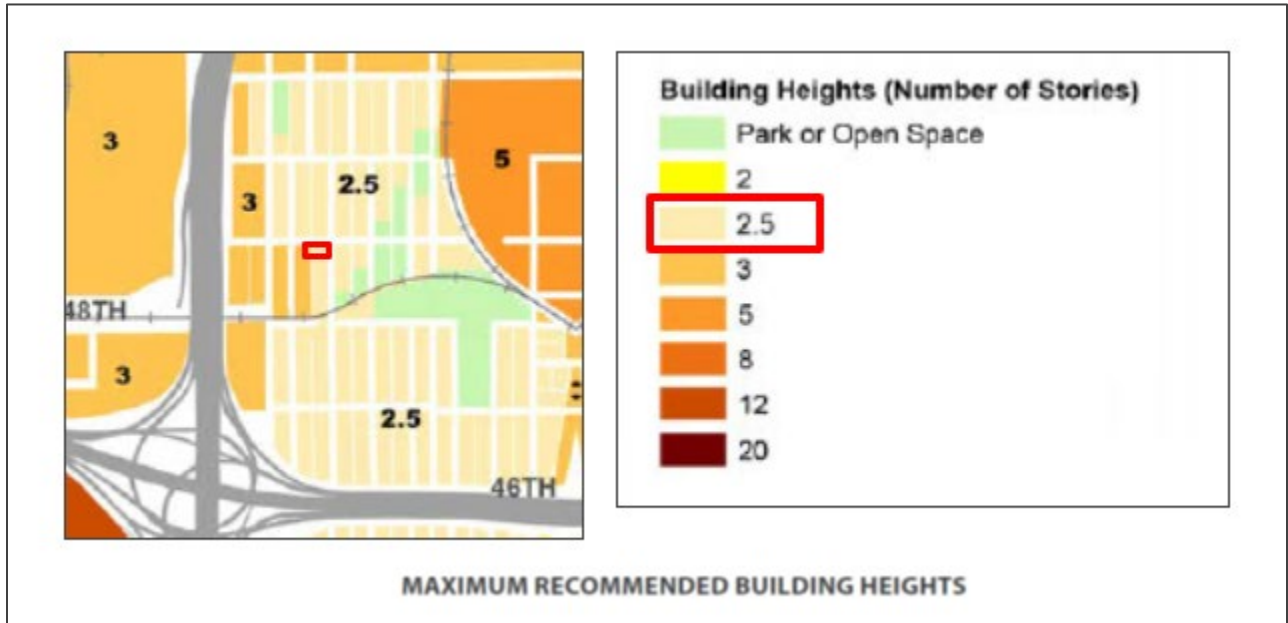
Within the Strong Globeville guiding principles Recommendation 1 is *“A land use plan that balances the needs of residents, commerce and industry”* (p. 30). Under this recommendation the Plan designates concept land uses and areas of change and stability. The Plan introduces two new land use concepts designations, Industrial Mixed Use and Single Family with Accessory Dwelling Unit (ADU). The Single Family with Accessory Dwelling Unit concept land use is described as areas with single family homes as the predominate land use and an accessory dwelling unit, or additional residential unit, located on the same lot. With these new land use concepts the Globeville Plan amended the Blueprint Denver land use plan map. The subject property is within an area designated as an area of stability with a land use concept of Single Family with ADU. See the Concept Land Use and Areas of Change Map below.



For Single Family with ADU sites the Plan further recommends: *“B1: Maintain stability in the residential neighborhood core character area.”* In areas identified with Single Family with ADUs Concept Land Use:

- *“Maintain the current mix of low-scale residential building forms consisting predominantly of single unit dwellings with occasional duplexes or multi-unit structures.*
- *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).*

Within the Strong Globeville guiding principles Recommendation 4 is *“Improve access to Jobs, Housing, Neighborhood Services and Education”* and recommendation B14 is *“Improve Access to Housing: “Provide a Broad Range of Housing Types and Price Levels. Incorporating this Plan’s proposed concept land use recommendations will allow for a more diverse range of housing types within the neighborhood, including: Accessory Dwelling Units within the single family areas” (p. 45).*



The Globeville Neighborhood Plan also recommends maximum building heights. For the subject property the recommended maximum building height is 2.5 stories. See the maximum building height plan map above.

And Finally, the Globeville Neighborhood Plan suggests strategies for implementing the plan in the “character areas” described in the plan. The subject property is within Globeville’s Residential Neighborhood Core area where “Strategies Unique to the Residential Neighborhood Core” include the following strategies:

- “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 cut 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 minimum. In areas where the existing zoning requires a 6,000 square foot minimum zone lot size, a future zone district should have a 5,500 square foot zone lot minimum” (p. 86).

The proposed rezoning to U-SU-C1 of the subject property complies with these recommendations because the proposed addition of an accessory dwelling unit will add to the mix of residential housing types in the area, will add a low-scale development that is in character with the adjacent neighborhood and will conform with the neighborhood context, maximum building height and minimum zone lot size recommendations in the Globeville Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-C1 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 by allowing a moderate level of reinvestment in the area consistent with the desired character and by implementing the city's adopted land use plans.

4. Justifying Circumstance

The application identifies citywide changed or changing conditions and adoption of the 2014 Globeville Neighborhood Plan 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: 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.*"

While citywide change is occurring in Denver, the adoption of the Globeville Neighborhood Plan, which specifically recommends the change in neighborhood context, ADU allowance, and minimum zone lot size of the proposed zone district, is a sufficient changed condition to justify rezoning the property. Changed conditions is an appropriate justifying circumstance for the proposed rezoning.

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

The zoning standards in the proposed zone district are based upon the Urban Neighborhood context. This context is characterized by single-unit and two-unit uses. Small-scale multi-unit and commercial areas are embedded in residential areas. Single-unit structures in the zone district are the Urban House form, and multi-unit building forms in the context typically include the row house form embedded with other residential form types. The character of surrounding area and the recommended neighborhood context both make the proposed rezoning to U-SU-C1 consistent with the neighborhood context description.

The Urban residential zone districts are "*intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are generally consistent within the area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are districts that allow accessory dwelling units in the rear yard, maintaining the single unit character at the street. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.*" The application to rezone to U-SU-C1 in this location is consistent with the above purpose and intent statement because the rezoning allows lower scale single-unit and accessory dwelling units and building form standards consistent with the desired development pattern of the area.

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Attachments

1. Application
2. Legal Description

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Mary Valdez	Representative Name	Alexander Bender
Address	4891 Lincoln St.	Address	3222 Tejon St. studio C
City, State, Zip	Denver, CO 80216	City, State, Zip	Denver, CO 80211
Telephone	(303) 955-0562	Telephone	(303) 955-0562
Email	ooptiee@yahoo.com	Email	Alexander@tomecekstudio.com
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	4891 Lincoln St. Denver, CO, 80216		
Assessor's Parcel Numbers:	0215418018000		
Area in Acres or Square Feet:	9377 square feet		
Current Zone District(s):	E-SU-D		
PROPOSAL			
Proposed Zone District:	U-SU-C1		



REZONING GUIDE

Rezoning Application Page 2 of 3

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need. <input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. <input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input checked="" type="checkbox"/> 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: <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance. <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input checked="" type="checkbox"/> Proof of Ownership Document(s) <input checked="" type="checkbox"/> Review Criteria, as identified above 	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity 	
Please list any additional attachments:	
<p>Rezoning pre-application packet. A list of local accessory dwelling units. A written narrative demonstrating compliance with the review criteria.</p>	

REZONING GUIDE



PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	YES
Mary M Valdez	4891 Lincoln St. Denver, CO 80216	100%	<i>Mary M Valdez</i>			

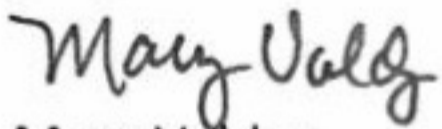
6 October 2018

To whom it may concern,

I am in the process of wanting to build an Accessory Dwelling Unit in the Globeville subdivision. I work in Baghdad, Iraq and I have requested the assistance from Tomecek Studio Architecture to help me request the zoning changes from the City of Denver since I cannot be there in person at this time.

I authorize Tomecek Studio to act on my behalf to assist me in doing the above mentioned.

Thank you,



Mary Valdez
4891 Lincoln St.
Denver, CO 80216
ooptiee@yahoo.com

Valdez Rezoning.

RNO's

Message:

Hello Mr. Mayl,

My name is Alexander and, I work with Tomecek Studio Architecture. I am working on the design of what could hopefully become a small accessory dwelling unit at [4981 N. Lincoln St.](#) I am contacting you on behalf of our client and property owner Mary Valdez. We are just begging the process of re-zoning her lot to allow for the construction of her adu. I would love to set up a time to start a conversation and share our vision with you and the members of the INC.

Please feel free to either give me a call at 303.955.0562 or send me an email at

Alexander@tomecekstudio.com

Sincerely,

Alexander Bender

Joe Henry

<https://www.denverinc.org/>

Reached out to via website contact 10/01

<https://www.esgba.org/>

Reached out to via website contact 10/01

Contact - Robbi Farschman - manager@esgba.org

Typically don't deal with this level of re zoning

<http://www.ucancap.org/>

Not applicable?

<http://www.globevillecivicpartners.org/>

Reached out to via website contact 10/01

Joe Henry - See email thread -

https://www.facebook.com/GlobevilleNeighborhoodDenverColorado/?hc_ref=ARTSvXnoStz7BQ1AjV9bqnXE4vgmtxgSvnOkiMWS00-NiBbp7V92XALZaiZVOpk7Y8&__tn__=kC-R

Reached out to via Facebook 10/01

-No response as of 10/5

Joe Henry

Denver Property Taxation and Assessment System

Owner	Schedule Number	Legal Description	Property Type	Tax District
VALDEZ,MARY MARGARET 4891 LINCOLN ST DENVER , CO 80216-6326	02154-18-018-000	PLATTE FARM 02154 B7 L46 47 & 48	RESIDENTIAL	DENV

Summary	Property Map	Assessed Values	Assessment Protest	Taxes	Comparables	Neighborhood Sales	Chain of Title
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[Print Summary](#)

Property Description

Style:	ONE-STORY	Building Sqr. Foot:	1104
Bedrooms:	3	Baths Full/Half:	1/0
Effective Year Built:	1923	Basement/Finish:	167/0
Lot Size:	9,370	Zoned As:	E-SU-D
Mill Levy:	77.134	Document Type:	WD

The following is supplemental criteria for the proposed rezoning of 4891 Lincoln St. Lots 46,47,48, Block 7, Platte Farm, City and County of Denver, State of Colorado which are currently zoned E-SU-D. This proposal requests the zoning be changed to U-SU-C1 per the following review criteria.

1. Consistency with Adopted Plans:

The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Comprehensive Plan 2040.

Pertinent City Adopted Plans:

Blueprint Denver 2019
Denver Comprehensive Plan 2040
Globeville Neighborhood Plan (2014)

(Note: This application was submitted before the official adoption of the Denver Comprehensive Plan 2040 and the update to Blueprint Denver. This narrative reflects the anticipated adoption of those plans by the public hearing dates.

Consistency with Blueprint Denver's Definitions of 4891 Lincoln St:

Because the previous version of Blueprint Denver 2002 was adopted before significant growth and change in Denver, this application seeks to follow guidelines set out by the 2019 update to Blueprint Denver.

On Future Contexts:

This update will define 4891 Lincoln St as Urban Context. The proposed update states the Urban Context is:

...small multi-unit residential and mixed use areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower-scale and closer to the street.

- Page 136, Blueprint Denver 2019.

The proposed changes to Blueprint Denver also align with the proposed zoning change to a U-SU-C1, a single family residence with an accessory dwelling unit. The proposed zoning change has no effect on alley access nor building setbacks in accordance with Denver Zoning Code 4.3-9.

The changes to Blueprint Denver in 2019 redefine the local neighborhood context of Globeville to Urban. As such, this proposal seeks the zoning classification U-SU-C1 as a departure from its current Urban Edge E-SU-D condition so that the proposed rezoning can remain consistent with the updated version of Blueprint Denver. This change can be seen in the Neighborhood Context Map in Blueprint Denver 2019

On Place types:

The proposed additions to Blueprint Denver 2019 identifies 4891 Lincoln St as a Low Residential Placetype which is currently defined as:

Predominantly one-and two-unit. Includes Accessory Dwelling Units. In some contexts, some higher density residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations. Buildings are predominantly low-scale houses and duplexes. Setbacks and lot coverages vary across neighborhood contexts.

- Page 148 Blueprint Denver 2019.

The proposed U-SU-C1 zoning change will remain consistent with the proposed place type of a Low Residential Area as the U-SU-C1 building form would only alter the zoning to allow for the addition of an accessory dwelling unit, which is encouraged by Blueprint Denver.

On Street Types:

4891 Lincoln St. sits at the corner of W. 49th Ave. and Lincoln St. Blueprint Denver lists Lincoln St. as a Residential Collector street which are:

Streets that have primarily residential uses, but may also include schools, civic uses, parks, small retail nodes, and other similar uses. Buildings on residential

streets usually have a modest setback. The depth of the setback varies by neighborhood context.

Slower speeds are encouraged to promote the safety for all users of the roadway. - Page 160, Blueprint Denver 2019.

An amenity zone, comprised of trees and plantings, is used to separate people walking from auto traffic.

The proposed zoning change to U-SU-C1 conforms to future Blueprint Denver 2019 standards defining Street Types. The zoning change will not affect any encroachment into the right-of-way. The change will also maintain the current primary front, side, and rear setbacks as well as bulk plane requirements; therefore no inappropriate massing would be introduced to affect the local streets.

On Growth Area Strategies:

The update to Blueprint Denver introduces growth areas into Denver. These areas:

...provide a more nuanced way to handle growth, directing growth to key centers, corridors and high density residential areas that align with transportation options.

Most growth is guided to regional centers, community centers and corridors, set districts and higher intensity residential areas.

*Other areas of the city are still expected to see some, more limited, growth.
- Page 24, Pre Application Presentation*

The lot at 4891 Lincoln St. is classified as *all other areas of the city* - which is to account for 10% of new jobs and 20% of new households. The proposed change to U-SU-C1 aligns with the Blueprint Denver growth areas strategy, because the addition of an accessory dwelling unit would provide for some additional limited growth.

- Page 50, Growth Strategy Map, Blueprint Denver 2019

On Adopted Neighborhood Plans:

The proposed zoning change at 4891 Lincoln St. is consistent with the officially adopted Globeville Neighborhood Plan (2014) Part B1. Recommendation 1: Part B1 found on page 34 states:

Maintain Stability in the residential neighborhood core character area.

In areas identified with single family with ADU's Concept Land Use:

- ***Maintain the current mix of low-scale residential building forms consisting predominantly of single unit dwellings with occasional duplexes or multi-unit structures.***
- ***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***
- *Promote existing development patterns, including relatively small lots, shallow setbacks, and moderate building coverage, with parking and vehicle access in the rear and serviced by alleys.*
- *Encourage the use of streetscape elements that promote residential character, walking, and bicycle use, including detached sidewalks, pedestrian scale lighting, limited curb cuts, and tree lawns*

As identified on the Concept Land Use And Areas Of Change map on page 33 of the Globeville Neighborhood Plan, the lot at 4891 Lincoln St. is considered a Single Family with ADU. Accordingly, the second point of Part B1 is consistent with the proposed zoning change to U-SU-C1 to allow for an accessory dwelling unit.

Part B14 - B14A in the Globeville Neighborhood Plan page 45 regarding Improved Access to Housing states:

Provide a Broad Range of Housing Types and Price Levels.

Incorporating this Plans proposed concept use recommendations will allow for a more diverse range of housing types within the neighborhood, including:

- ***-Accessory Dwelling Units within the single family areas.***

- *-Multifamily and attached residential building types in Mixed Use, TOD, and Urban Residential Concept Land Use areas.*
- *-Live/work and a variety of other residential types in Mixed use areas,*

Regulatory and Policy Strategies. Regulatory and policy strategies change City code or regulations to affect desired outcomes. Typical examples include Denver Zoning Code text and map amendments, Public Works requirements for infrastructure improvements associated with development projects, and Parks and Recreation requirements regarding open space and plantings.

- Page 119, Globeville Neighborhood Plan

Regulatory and Policy Implementation Priorities for Globeville:

- *-Implement recommendations aimed at improving residential and industrial compatibility.*
- *-Ensure that zoning regulations align with the Plan vision including:*
- ***-Implementing recommendations to allow Accessory Dwelling Units in Single Family residential areas.***
- *-Creating a mixed-use destination area on Washington Street and eastward to the South Platte riverfront.*

The proposed U-SU-C1 zoning change is consistent with the Globeville Neighborhood Plan concerning its support of regulatory changes in the Denver Zoning Code to allow for the use of an accessory dwelling unit on the lot in question.

Denver Comprehensive Plan 2040 Vision Elements:

On Equatable, Affordable, and Inclusive

Goal 1.2 of the vision states:

Build Housing as a continuum to serve residents across a range of incomes, ages and needs.

- Page 18, Denver Comprehensive Plan 2040

Specifically, strategies A, B C, state:

- Create a greater mix of housing options in every neighborhood for all individuals and families.*
- Ensure city policies and regulations encourage every neighborhood to provide a complete range off housing options*

C. *Foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services*

-Page 28, Denver Comprehensive Plan 2040

The proposed zoning change would allow for the addition of an accessory dwelling unit which would allow for a mix of housing options within the neighborhood while simultaneously investing in the neighborhood and maintaining existing character.

Goal 1.5 of the vision states:

Reduce the involuntary displacement of residents and business.

Specifically, strategy A states:

A. *Advance a comprehensive approach to mitigating involuntary displacement that includes expanding economic mobility creating new affordable housing and preserving existing affordability.'*

- Page 29, Denver Comprehensive Plan 2040

The proposed zoning change allows for the creation of new housing in an area already at risk of involuntary displacement, while maintaining affordability.

2. Uniformity of District Regulations and Restrictions:

The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

The proposed rezoning to U-SU-C1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare:

All map amendments shall further the public health safety and general welfare of the city.

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 and

transportation plans, including Comprehensive Plan 2040, Blueprint Denver, and the Globeville Neighborhood Plan.

4. Justifying Circumstances:

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:

***a. Changed or changing conditions in a particular area, or in the city generally; or
b. A City adopted plan; or***

c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning

The rapid development in Denver is resulting in changing conditions in the Globeville area. This can be seen with the official adoption of the Globeville Neighborhood Plan in 2014. The residents and representatives of Globeville felt the contextual changes happening in the neighborhood were distinct enough to support additional criteria that were then outlined in the official Plan. The proposed change would allow for reinvestment in the lot while maintaining the existing character. Additionally, the proposed zoning change is consistent with 12.4.10.8 Part A.5.b of the Globeville Neighborhood Plan which recommends single family residencies with detached accessory dwelling units to preserve the existing character of the neighborhood.

5. Consistency with the description of the applicable neighborhood.

Note: the proposed change from the Urban Edge context to Urban context is to align with the changes outlined in the Denver Comprehensive Plan 2040.

On General Character

The Denver Zoning Code Section 5.1.1 defines the general character of the Urban Neighborhood Context as;

...primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form. Multi-unit building forms typically include the Row House building form embedded with other residential form types. Commercial buildings are typically the Shop front and General building forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential

arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.

-Page 231, DZC

The proposed change aligns with the current zone district classification, as the primary building form will remain unchanged. All building right-of-way requirements, parking requirements, setback, and bulk plane limits will remain unchanged.

On Street, Block and Access Patterns:

The Denver Zoning Code Section 5.1.2 defines the street, block and access patterns of the Urban Neighborhood Context as:

The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

-Page 231, DZC

The proposed change aligns with the current zone district classification, as the primary building form will remain unchanged. All building right-of-way requirements, parking requirements, setback, and bulk plane limits will remain unchanged.

On Building Placement and Location:

The Denver Zoning Code Section 5.1.3 defines building placement and location in the Urban Neighborhood Context as:

...Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

-Page 231, DZC

The proposed change aligns with the current zone district classification, as the primary building form will remain unchanged. All building right-of-way requirements, parking requirements, setback, and bulk plane limits will remain unchanged.

On Building Height:

The Denver Zoning Code Section 5.1.4 defines building height in the Urban neighborhood Context as:

...characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

The proposed change aligns with the current zone district classification, as the primary building form will remain unchanged. All building right-of-way requirements, parking requirements, setback, and bulk plane limits will remain unchanged.

On Mobility

The Denver Zoning Code Section 5.1.5 defines mobility in the Urban neighborhood Context as:

...a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

-Page 231, DZC

The proposed change aligns with the current zone district classification, as the primary building form will remain unchanged. All building right-of-way requirements, parking requirements, setback, and bulk plane limits will remain unchanged.

Legal Description for 4891 Lincoln St. Denver CO, 80216:

Lots 46, 47, 48, Block 7, Platte Farm, City and County of Denver, State of Colorado.