



TO: Denver City Council
FROM: William Prince, Associate City Planner
DATE: November 2, 2023
RE: Official Zoning Map Amendment Application #2023I-00102

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00102 by the full City Council.

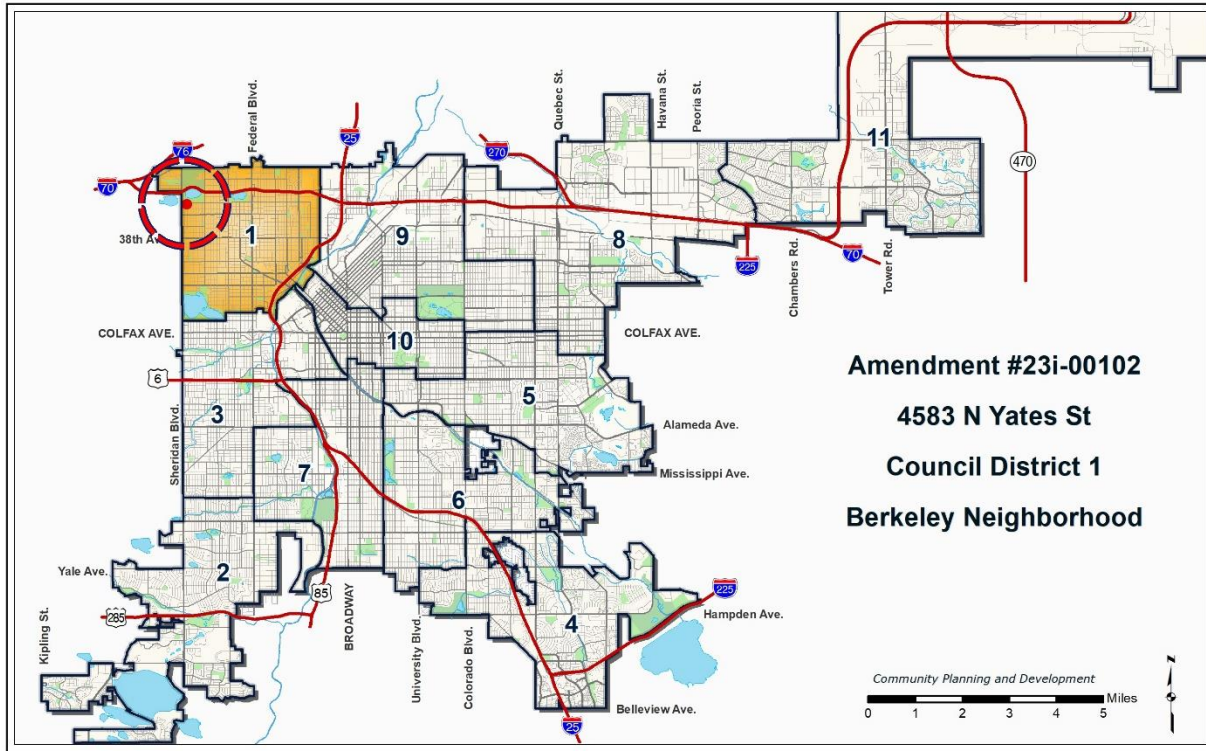
Request for Rezoning

Address: 4583 North Yates Street
Neighborhood/Council District: Berkeley / Council District 1 – Councilmember Amanda Sandoval
RNOs: Berkeley Regis United Neighbors, Unite North Metro Denver, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Properties: 8,770 square feet or .21 acres
Current Zoning: U-SU-C1
Proposed Zoning: U-SU-A1
Property Owner(s): Sell Now Colorado, LLC
Owner Representative: Cathy Loftus, LoftHouse Design

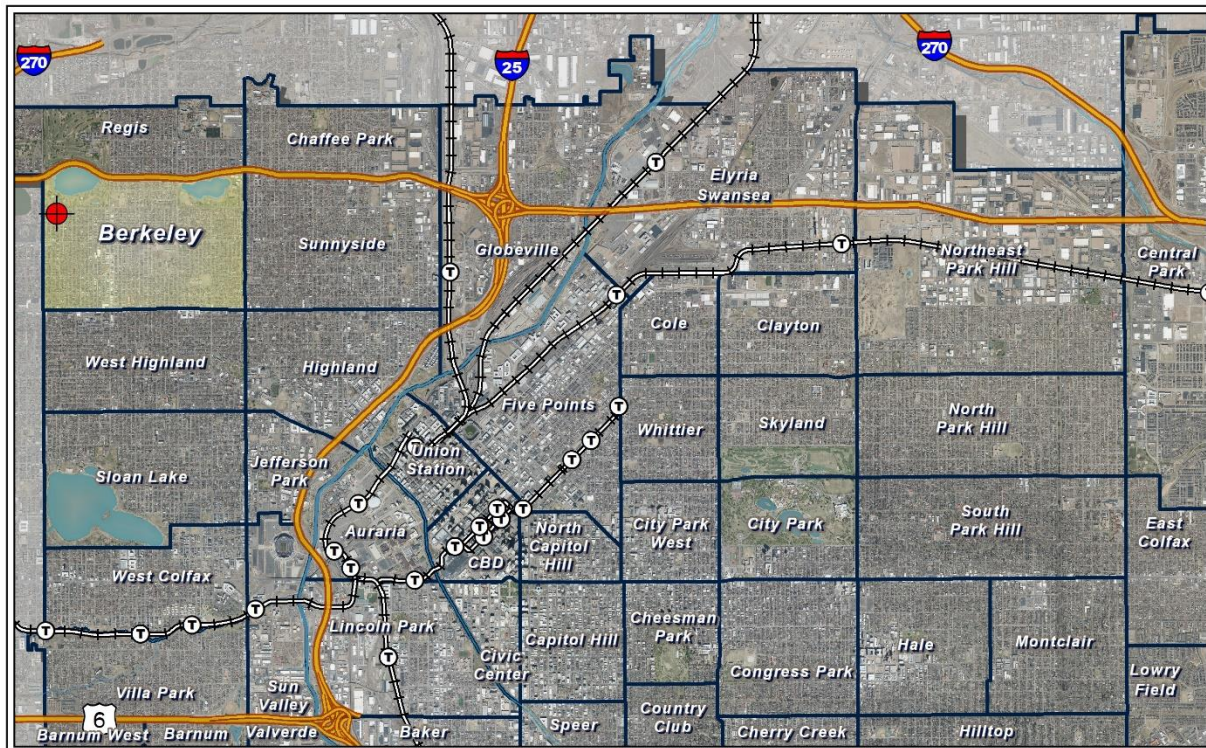
Summary of Rezoning Request

- The property at 4583 North Yates Street was built circa 1903. The property owners are proposing to rezone their property to a district with a smaller minimum zone lot size to split the current 8,770 square foot lot to two equal 4,385 square foot lots to build two single unit residential buildings.
- By splitting the lot, the new two lots will be more consistent with surrounding lot sizes in nearby blocks, where nearly 43% of the surrounding lots are smaller than 4,500 square feet.
- The proposed U-SU-A1, **U**rbane, **S**ingle-**U**nits, **A1** (3,000 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 arterial streets and structures with 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 and 17 to 19 feet in the rear 35% of the zone lot.

City Location



Neighborhood Location – Berkeley Neighborhood



Existing Context



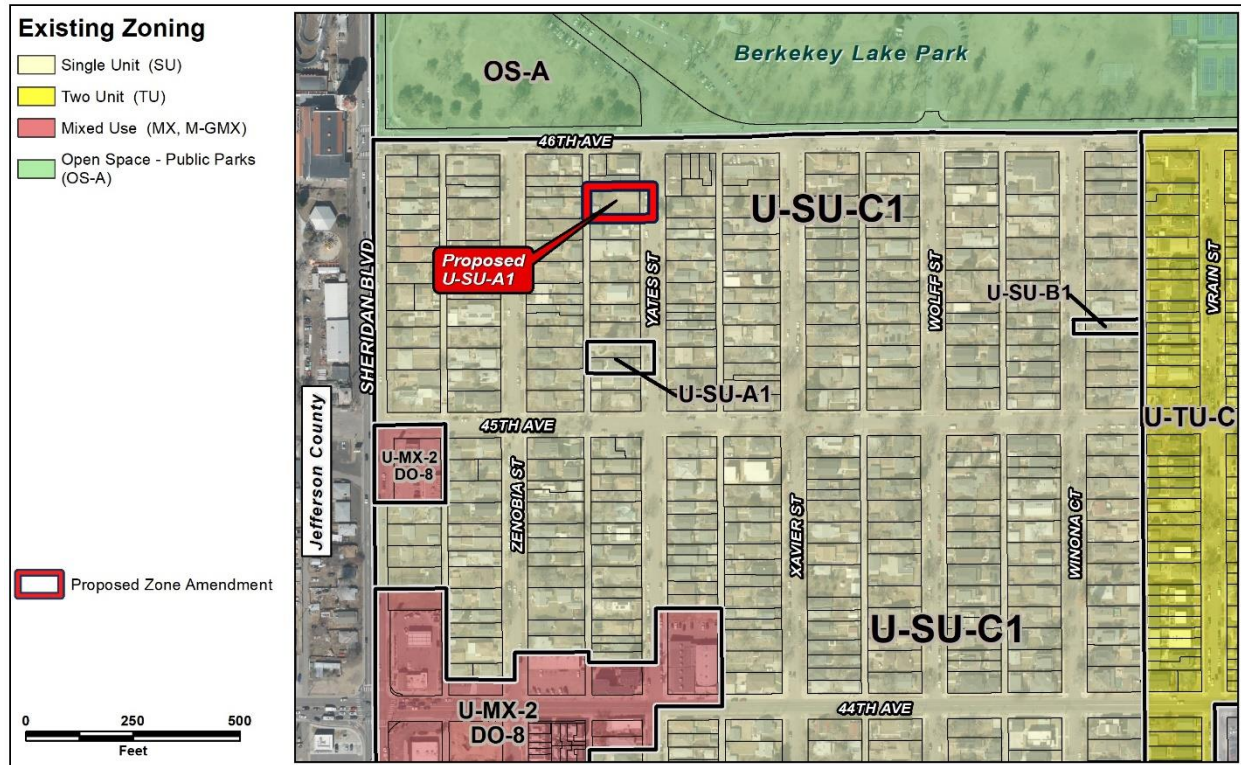
The subject property is in the Berkeley neighborhood, which is characterized primarily by single-unit and two-unit residential uses with a corridor of mixed-use and commercial uses along North Sheridan Boulevard, West 44th Avenue and North Tennyson Street. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between West 46th and 45th avenues and is less than 0.5 miles south from I-70. It is also less than two blocks north from West 44th Avenue where RTD bus route 44 travels east/west. A buffered bike lane traverses West 46th Avenue, to the north of the property.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
4583 N Yates St	U-SU-C1	Single-unit Residential	1-story house with detached accessory structure and alley access	Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C1	Single-unit Residential	1-story brick house with a 2nd story addition and a detached garage on the alley	
South	U-SU-C1	Single-unit Residential	2-story house with detached garage/accessory structure and alley access	
East	U-SU-C1	Single-unit Residential	1-story house with alley access	

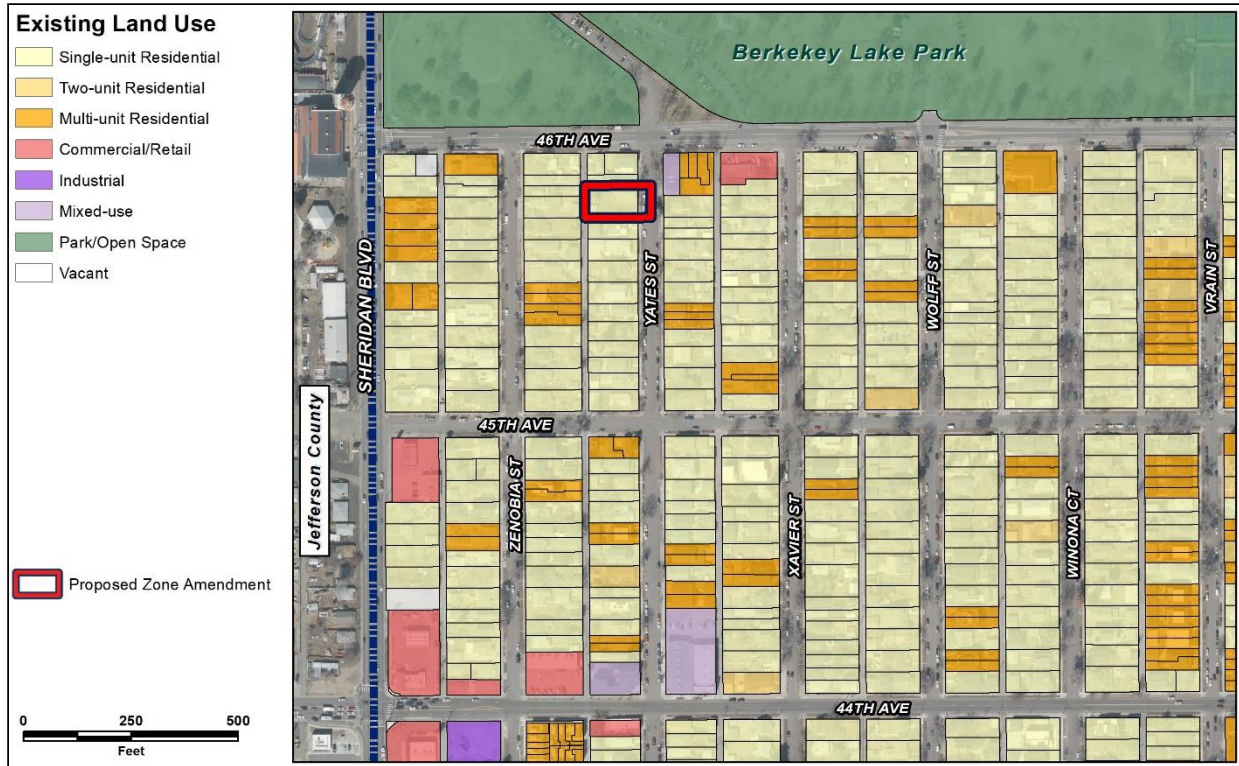
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-SU-C1	Single-unit Residential	1 and 1.5story bungalows with detached garage and alley access	

1. Existing Zoning



The U-SU-C1 zone district is a single-unit residential district with a minimum zone lot size of 5,500 square feet and allows the Urban House primary building form and the Accessory Dwelling Unit use and building form. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structure. The maximum height for a Detached Accessory Dwelling Unit is 24 feet. For all other permitted accessory structures, the maximum height is 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

2. Existing Land Use Map



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



Subject Property - View of 4583 North Yates Street, looking west.



North - View of the property to the north of 4583 North Yates Street, looking west.



South – View of the property to the south of 4583 North Yates Street, looking west.



East - View of the property to the east across North Yates Street, looking east.



West – View of the properties to the west across the alley on North Zenobia Street, looking east.

Proposed Zoning

U-SU-A1 is a single-unit zone district with a minimum zone lot size of 3,000 square feet, allowing only the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-A1 district. The district allows the Detached Accessory Dwelling Unit (DADU), Detached Garage, and Other Detached Accessory Structured as detached accessory building forms. The Detached Accessory Dwelling Unit building form has a maximum height of 2 stories or 24 feet. A bulk plane that raises 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 currently has a lot size of 8,770 square feet. When the lot is split to two 4,385 square feet lots with approximately 37.5 feet wide zone lot, it will allow a maximum building footprint of 864 square feet for the DADU.

The primary building forms and relevant standards of the detached accessory dwelling unit accessory building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	U-SU-C1 (Existing)	U-SU-A1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30-35 feet	2.5 stories / 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17 feet	1 story / 17 feet
DADU Maximum Heights in Stories / Feet	2 stories / 24 feet	2 stories / 24 feet
Zone Lot Size (Min.) for Urban House	5,500 square feet	3,000 square feet
Minimum Zone Lot Width (Min.)	50 feet	25 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Alley / No Alley	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 Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

Based on approximately 37.5 ft frontage

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: Approved – No Response.

Development Services – Project Coordination: Approved – No Comments.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below.

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

Parks and Recreation: Approved – No Comments.

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

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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 – See Comments Below.

Corrected Legal Description:

LOTS 43 TO 45, BLOCK 39, BLOCKS 1 TO 40 BOTH INCLUSIVE "BERKELEY", CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO

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:	07/14/2023
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:	08/23/2023
Planning Board Public Hearing: (Recommended for approval on consent agenda)	09/06/2023
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:	09/12/2023
Land Use, Transportation, and Infrastructure Committee of the City Council:	09/26/2023
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	10/16/2023
City Council Public Hearing:	11/6/2023

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - Five public comments in opposition, stating concerns of quality of life, close proximity, or privacy.

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)*

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 1 – Ensure all Denver residents have a safe, convenient, and affordable access to basic services and a variety of amenities.
 - Strategy A – Increase development of housing units close to transit and mixed-use developments. (p. 28)
- Equitable, Affordable and Inclusive Goal 2 – Build housing as a continuum to serve residents across a range of incomes, ages, and needs.
 - Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning from U-SU-C1 to U-SU-A1 will allow for a lot split, what will then allow for an additional housing unit and accessory dwelling unit on the site that can provide housing for individuals or families with different incomes, ages and needs than the single unit homes that currently dominate the Berkeley neighborhood.

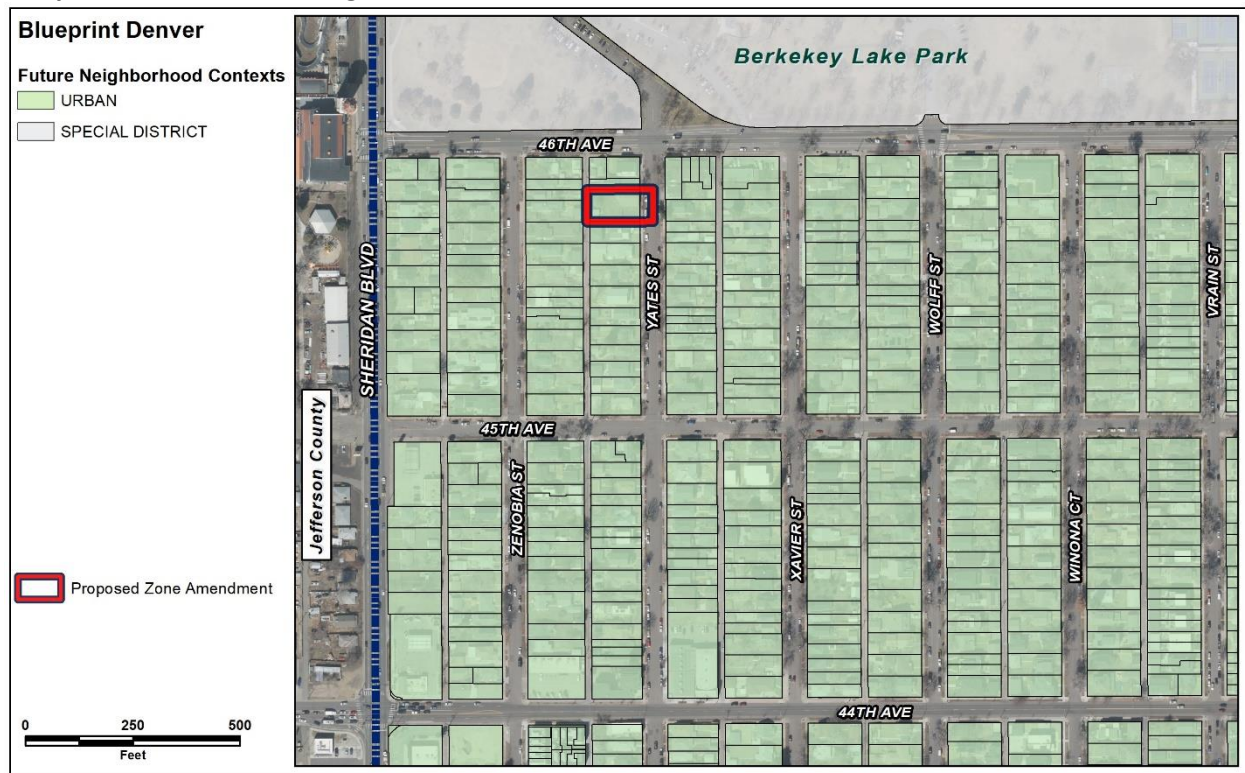
- Environmentally Resilient Goal 8 – Clean our soils, conserve land and grow responsibly.
 - Strategy A – Promote infill development where infrastructure and services are already in place (p.54).

The proposed map amendment will allow an additional primary housing unit with the opportunity for additional detached housing unit on each lot where infrastructure and services such as water, stormwater, and transit 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 properties as part of a Low Residential place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

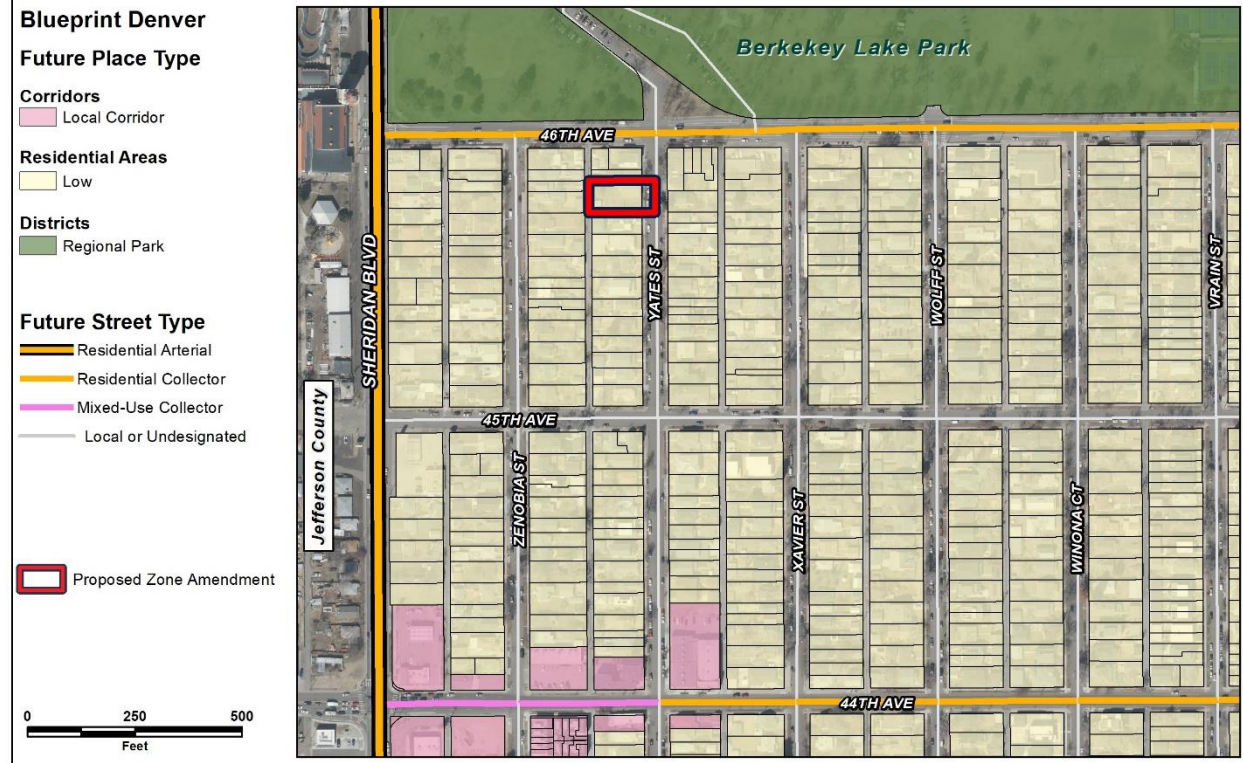
Blueprint Denver Future Neighborhood Context



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 subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-SU-A1 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-A1 is consistent with the *Blueprint Denver* future Urban neighborhood context 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 Type



The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-A1 is a single-unit residential district that allows for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver 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 Yates Street as Local or Undesignated Future Street Type, which are designated as “Local streets 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-A1 zone district is consistent with this description because it allows for residential and some civic uses.

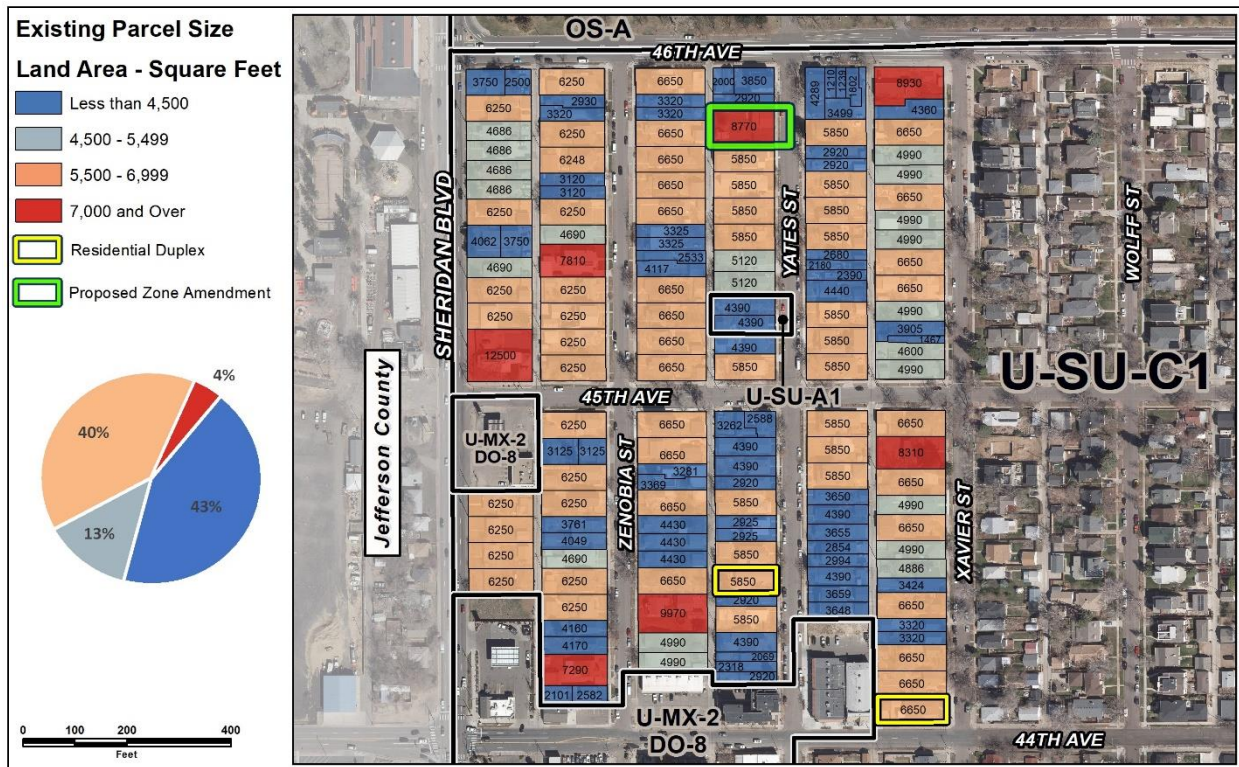
Blueprint Denver Lot Size Guidance for Rezoning in Low Residential Future Place Types

Additionally, the applicants are proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet and minimum zone lot width of 50 feet to a district with a smaller lot size, U-SU-A1, with a

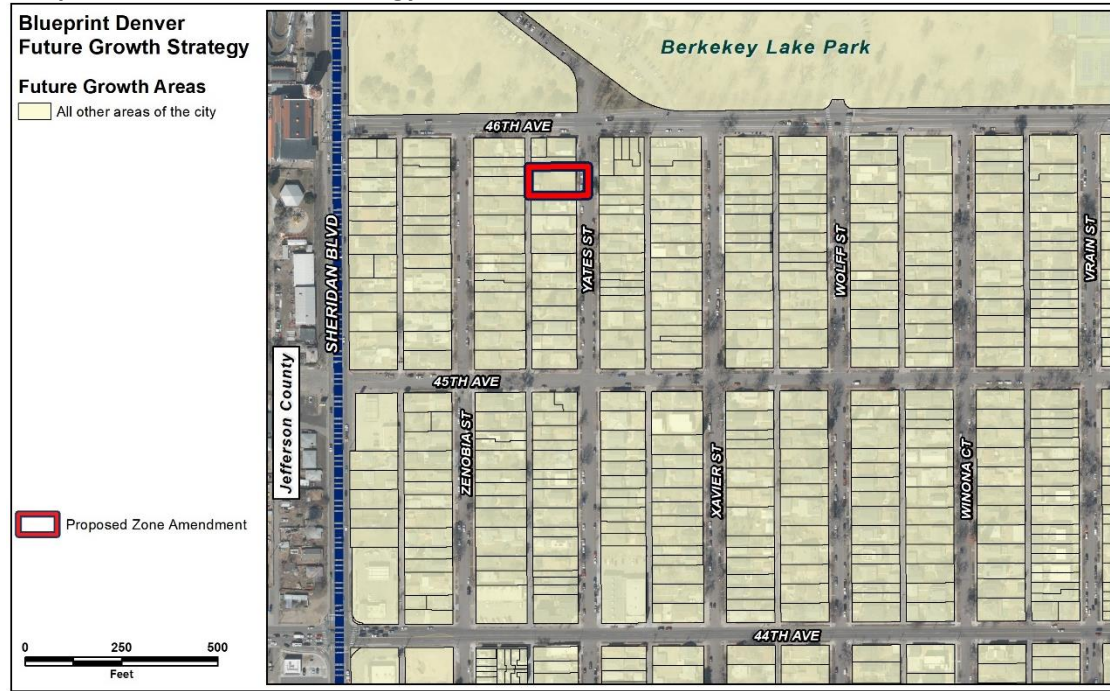
minimum zone lot size of 3,000 square feet and minimum zone lot width of 25 feet. Blueprint Denver provides guidance for these situations stating, "it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request" (p. 231).

The subject property lot is 8,770 square feet which makes it much larger than most in the surrounding blocks. While most of the lots to the immediate south and surrounding blocks of the subject property are consistent with the U-SU-C1 district (40%), the lots to the north and across the street/alley are less than 4,500 square feet as well as others throughout the surrounding blocks (43%) including two lots that are zoned U-SU-A1 further south on the same side of the block as the subject property.

Therefore, the applicants' proposal to rezone to a district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.



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 included as "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). These growth areas are "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 U-SU-A1 will strengthen the existing character of the residential neighborhood by allowing a zone district that is more consistent with the size of the zone lot and the average lot size of the area. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each site and is therefore consistent with the growth strategy.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1 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 "smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses" (p. 231). The proposed rezoning would also provide an additional lot for a new housing unit and the option of two additional housing units that are detached from the single-unit homes and compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* 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, according to *Blueprint Denver* it is appropriate to rezone to a district with a smaller lot size than the current district if a pattern of smaller lots with similar uses exists in the surrounding blocks. This plan was adopted after the date of approval of the existing zoning district. 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-A1 zone district is within the Urban Neighborhood Context. The neighborhood context is “primarily characterized by single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Division 5.1). These areas consist of “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Berkeley neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-A1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-A1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

The specific intent of the U-SU-A1 zone district is “a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet and detached accessory dwelling units. Blocks typically have a pattern of 25-foot-wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.” (DZC 5.2.2.2.B.) The subject property at 4583 North Yates Street is currently 8,770 square feet with a width of 75 feet. Rezoning to U-SU-A1 will allow for a lot split resulting in two lots of approximately 4,385 square feet each and approximately 37.5 feet wide. Therefore, rezoning this site to U-SU-A1 is consistent with the specific intent of the zone district.

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Attachments

1. Application
2. Public Comments