



TO: Denver City Council
FROM: Rob Haigh, Associate City Planner
DATE: November 21, 2022
RE: Official Zoning Map Amendment Application #2021I-00265

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that Denver City Council approve Application #2021I-00265.

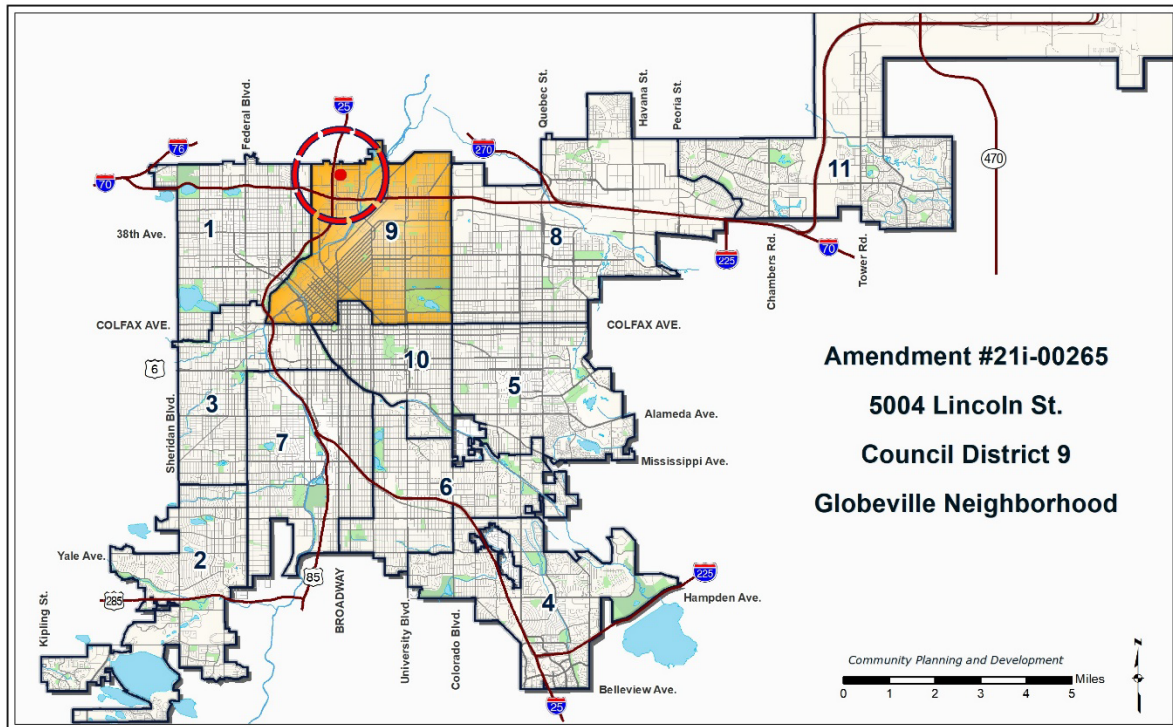
Request for Rezoning

Address:	5004 North Lincoln Street
Neighborhood/Council District:	Globeville / Council District 9 – Candi CdeBaca
RNOs:	Inter-Neighborhood Cooperation (INC), Globeville Civic Partners, Reclaim the Eastside, Unite North Metro Denver, Globeville First Neighborhood Organization, United Community Action Network (UCAN), Denver North Business Association, Council District 9, Council District at Large
Area of Property:	6,350 square feet or ~0.15 acres
Current Zoning:	E-SU-D
Proposed Zoning:	U-SU-C1
Property Owner(s):	Felicitas Gandarilla

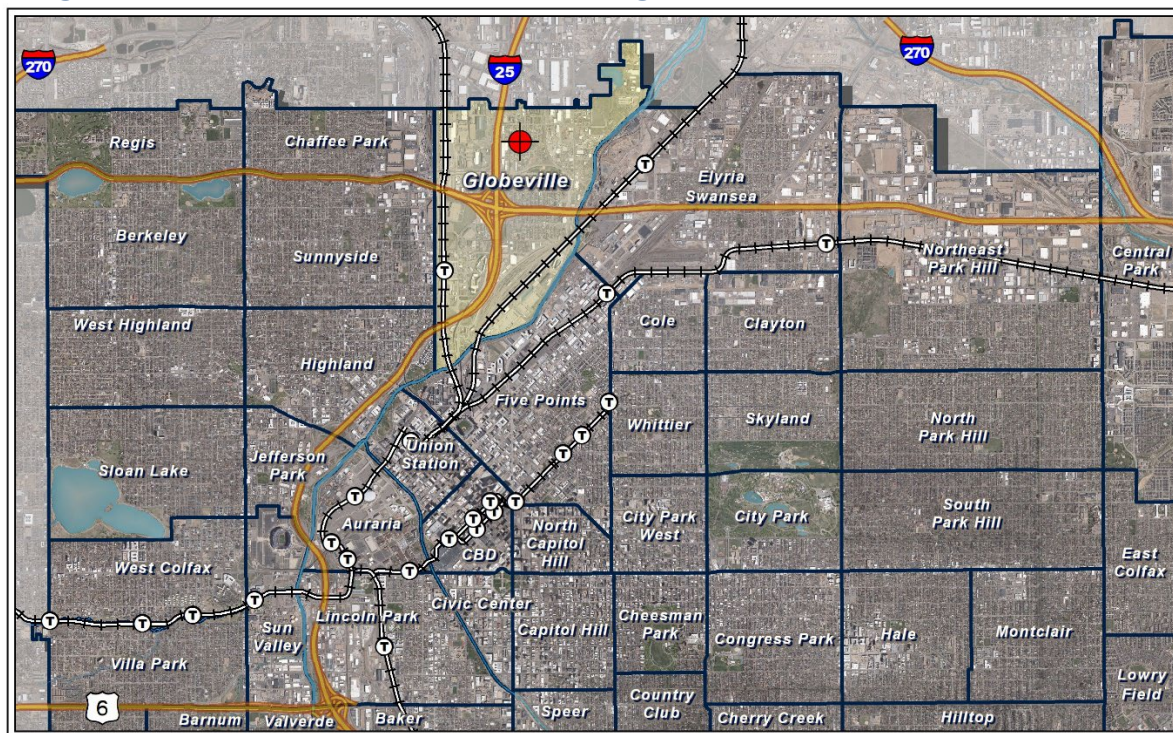
Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling built in 1922. The property is located at the northeast corner of the intersection of East 50th Avenue and North Lincoln Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU) on the corner lot
- The proposed U-SU-C1, Urbane, Single-Unit, C1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 5,500 square feet. The district is intended for use in the Urban Neighborhood Context, which is predominately single-unit and two-unit residential uses with embedded low-intensity mixed-use and small multi-unit residential uses. The proposed district is consistent with adopted plan guidance to update the Future Place designation of this area from Urban Edge to Urban, as further detailed in the Consistency with Adopted Plans section of this staff report (below).
- 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 and must be located in the rear 35% of the zone lot. 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 – Council District 9



Neighborhood Location – Globeville Neighborhood



Existing Context

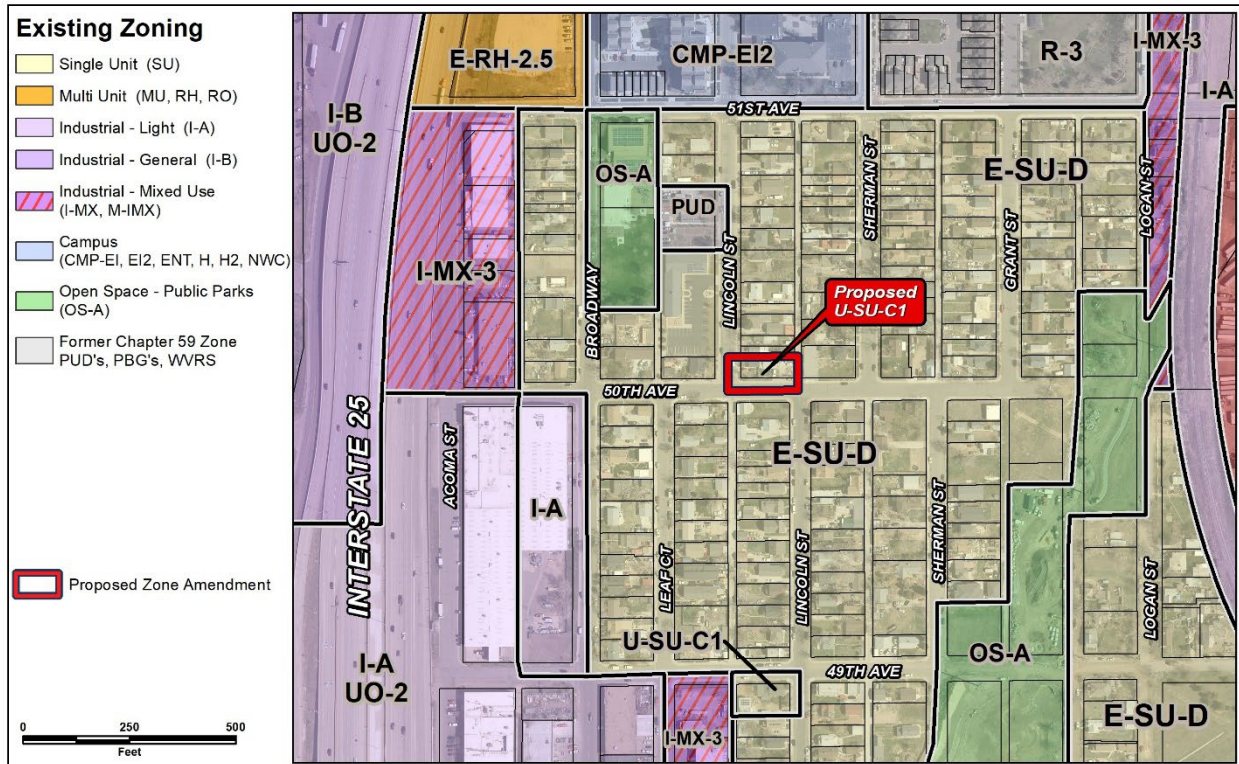


The subject property is in the Globeville neighborhood, which is characterized by a mix of single-unit residential and industrial uses with embedded mixed-use, public and quasi-public uses, multi-unit residential, and commercial/retail uses. This area of Globeville is predominately single-unit residential and bordered to the west by industrial uses. Bus Route 8 runs along Lincoln St and there is a bus stop on 50th Ave adjacent to the subject property, with one-hour headways.

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 house with driveway access on Lincoln St. and 50 th Ave.	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with and without alleys. Garages are rear, side and front loaded with On-Street vehicle parking. Sidewalks are generally attached.
North	E-SU-D	Single-unit Residential	1-story house with driveway access Lincoln St.	
South	E-SU-D	Single-unit Residential	Two 1-story houses and detached garage with driveway access on Lincoln St.	
East	E-SU-D	Single-unit Residential	1-story house	
West	E-SU-D	Single-unit Residential	1-story house with a detached garage with alley access.	

Existing Zoning



The E-SU-D is a single unit district allowing the Urban House primary building form on a minimum zone lot area of 6,000 square feet and a minimum zone lot width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot. The maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No off-street vehicular parking is required for single-unit dwelling uses.

Urban Edge (E) Neighborhood Context Zone District		Primary 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 ● = Tandem House building form allowed subject to exception stated in Section 1.2.3.5.B *See Section 1.2.3.5 for exceptions

Existing Land Use Map



Existing Building Form and Scale (source: Google Maps)



View of the subject property looking northeast.



View of the property to the north, looking east.



View of the property to the west, looking northwest.



View of the property to the south, looking south.



View of the property to the east, looking northeast

Proposed Zoning

The applicant is requesting to rezone to U-SU-C1, which allows the Urban House and Detached Accessory Dwelling Unit building forms on a zone lot with a minimum area of 5,500 square feet. The general purpose of the residential districts in the Urban Neighborhood Context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The U-SU-C1 district allows for the same uses and building forms as the current E-SU-D district, with the addition of the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35% of the Zone Lot. The DADU building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet if certain standards are met. For zone lots greater than 6,000 square feet and up to 7,000 square feet, the ADU building footprint may be a maximum of 864 square feet. The district does not require off-street vehicular parking for single-unit dwellings or accessory dwelling units.

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

Design Standards	E-SU-D (Existing)	U-SU-C1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 to 35 feet Urban House Form	2.5 stories / 30 to 35 feet Urban House Form
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 17 to 19 feet	Urban House: 1 story / 17 to 19 feet
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	5,500 square feet
Zone Lot Width (Min.)	50 feet	50 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
Primary Structure Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	DADUs not permitted	5 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 zone lot width of 50 feet

Summary of City Agency Referral Comments

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 – Will require addition information at Site Plan Review

Development Services Project Coordinator does not take exception with proposed rezoning. Scope of any proposed redevelopment of this site will likely not require a complete Site Development Plan Review with Development Services; and will instead require a Residential Planning Dept. Review for Construction and compliance with SU Zone District.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below.

DES Wastewater approves the subject Map Amendment. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approved – 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 – No Comments.

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	8/2/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	9/6/2022
Planning Board Public Hearing: Forwarded recommendation of approval (on consent)	9/21/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	9/27/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	10/4/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	10/3/2022
City Council Public Hearing:	11/21/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received a response from any applicable RNO.
- **Other Public Comment**
 - To date, staff has not received any public comment related to this rezoning request

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

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

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).

The proposed U-SU-C1 zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a predominately single-unit residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs, and can be built in a manner compatible with the single-unit homes that characterize most of the Globeville 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 and provide for a greater mix of housing types appropriate with 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).

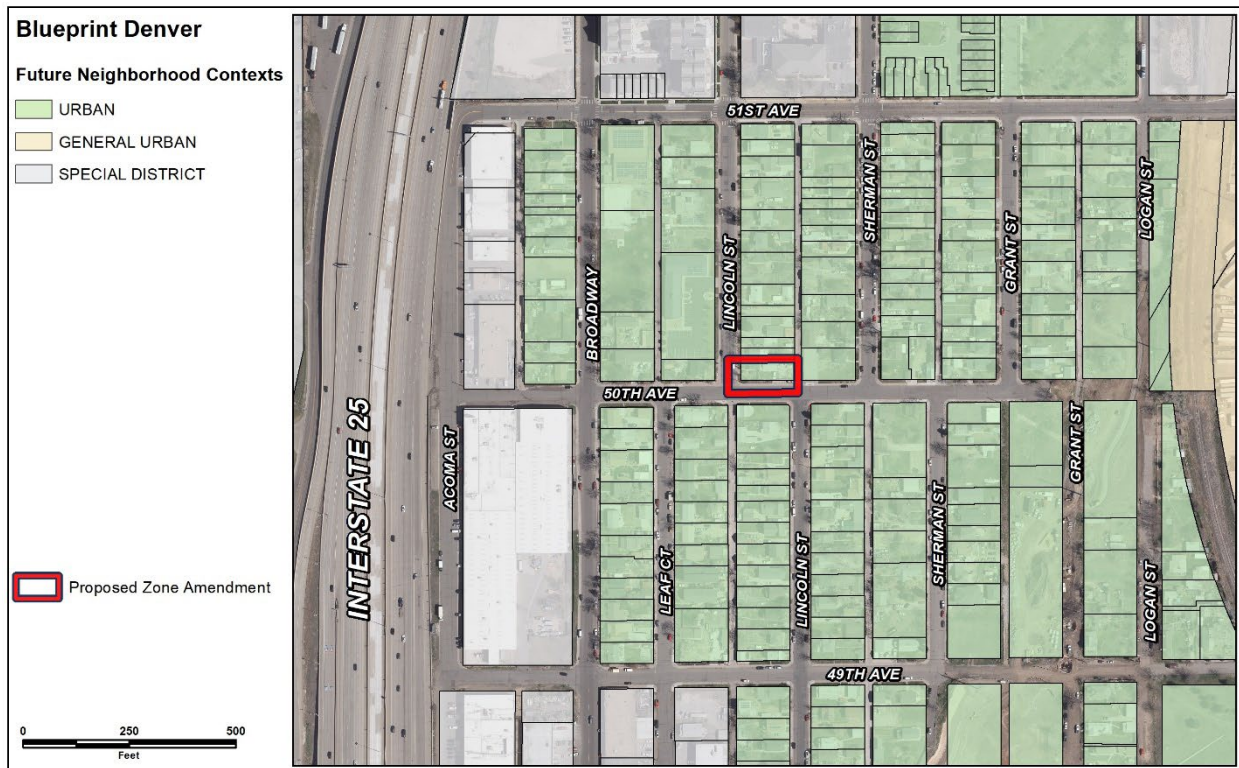
The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as electricity, water, stormwater, and street access already exist.

This allows Denver to grow responsibly and promotes land conservation through a minor increase in residential density.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential Future Place within the Urban Future Neighborhood Context and is located in All Other Areas of the City as described in the Future Growth Strategy for the city.

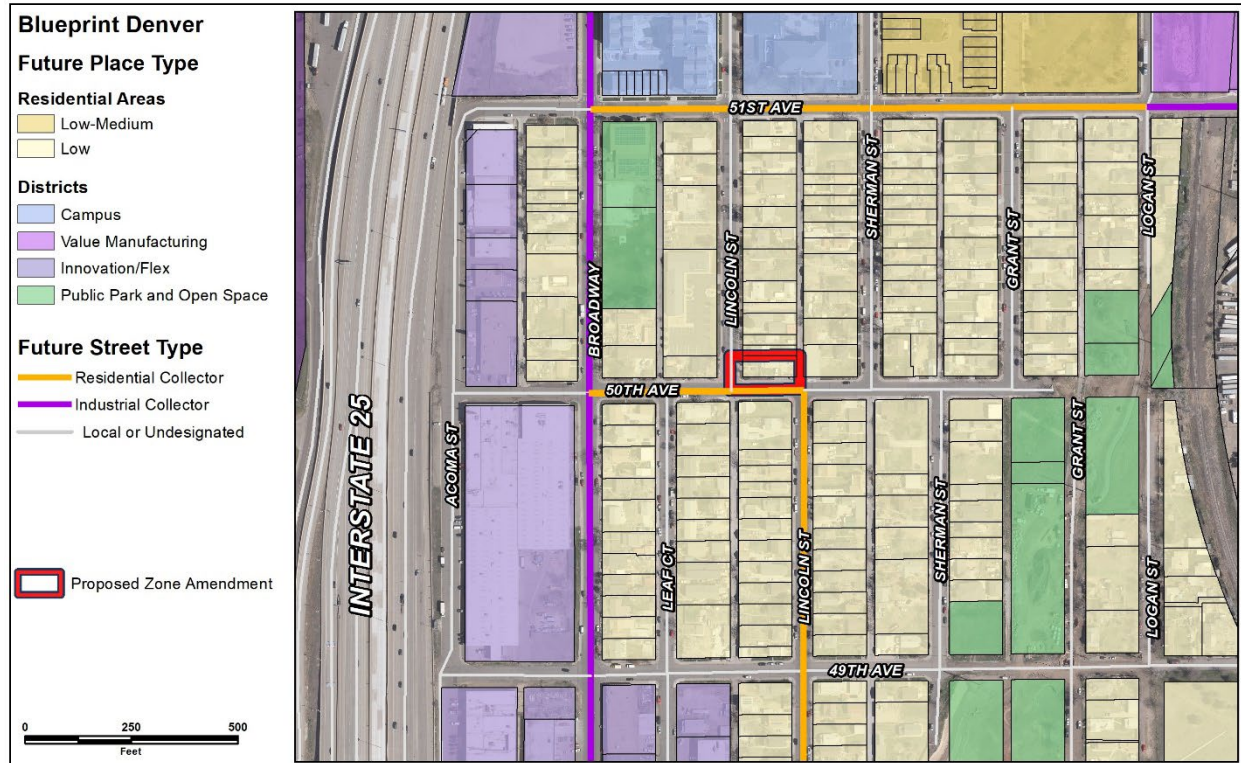
Blueprint Denver Future Neighborhood Context



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 property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban neighborhood context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street.” (p. 222). U-SU-C1 is a zone district within the Urban Neighborhood Context in the Denver Zoning Code 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).

The U-SU-C1 zone district is consistent with *Blueprint Denver's* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing single-unit residential uses and a small-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places

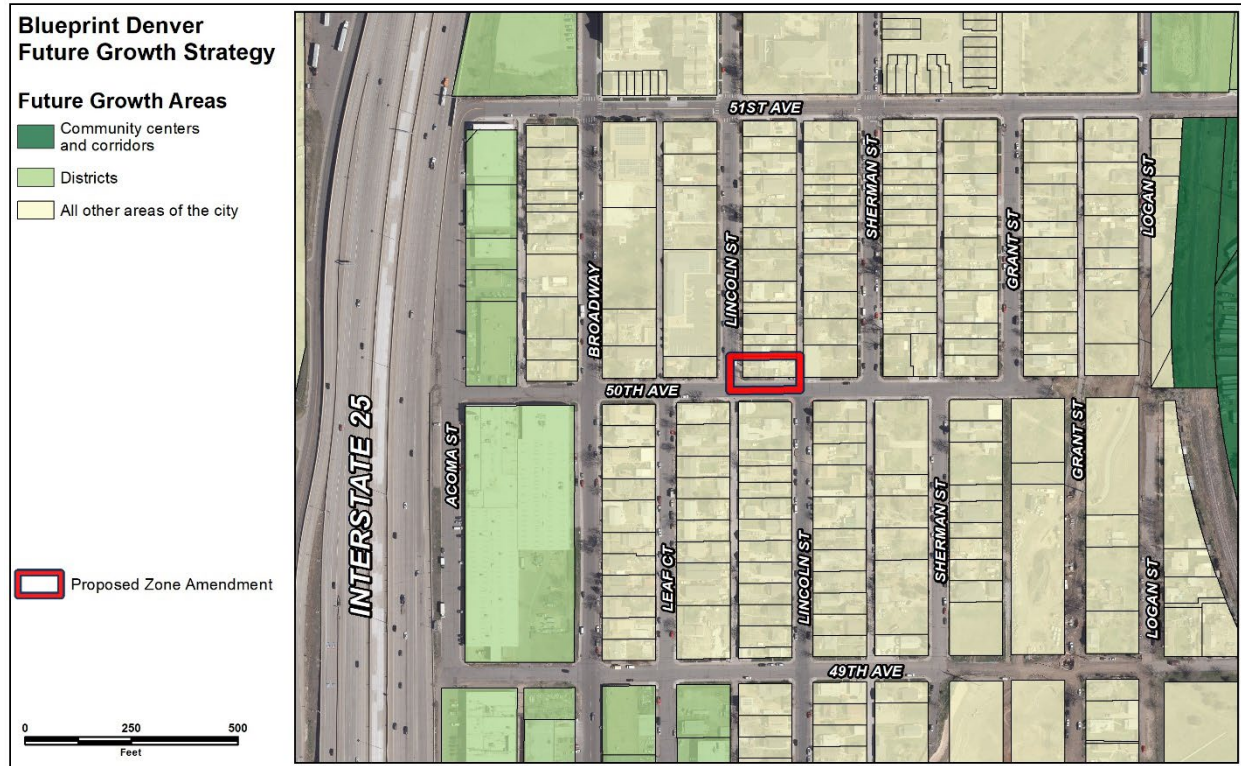


Within the Urban Future Neighborhood Context, the subject property is categorized as a Low Residential Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.” and “Medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 230). The proposed U-SU-C1 zone district, allowing single-unit uses and a 1.5-story detached ADU on the rear of a small lot, is compatible with this Future Place designation.

Blueprint Denver Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies North Lincoln Street as Local or Undesignated Future Street Type which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). East 49th Avenue is designated as a Residential Collector and is intended to collect movement from local streets and convey it to arterial streets. The proposed U-SU-C1 district is consistent with these street types because it allows for primarily 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 contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed U-SU-C1 zone district which would allow an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's low residential character.

Blueprint Denver Strategies

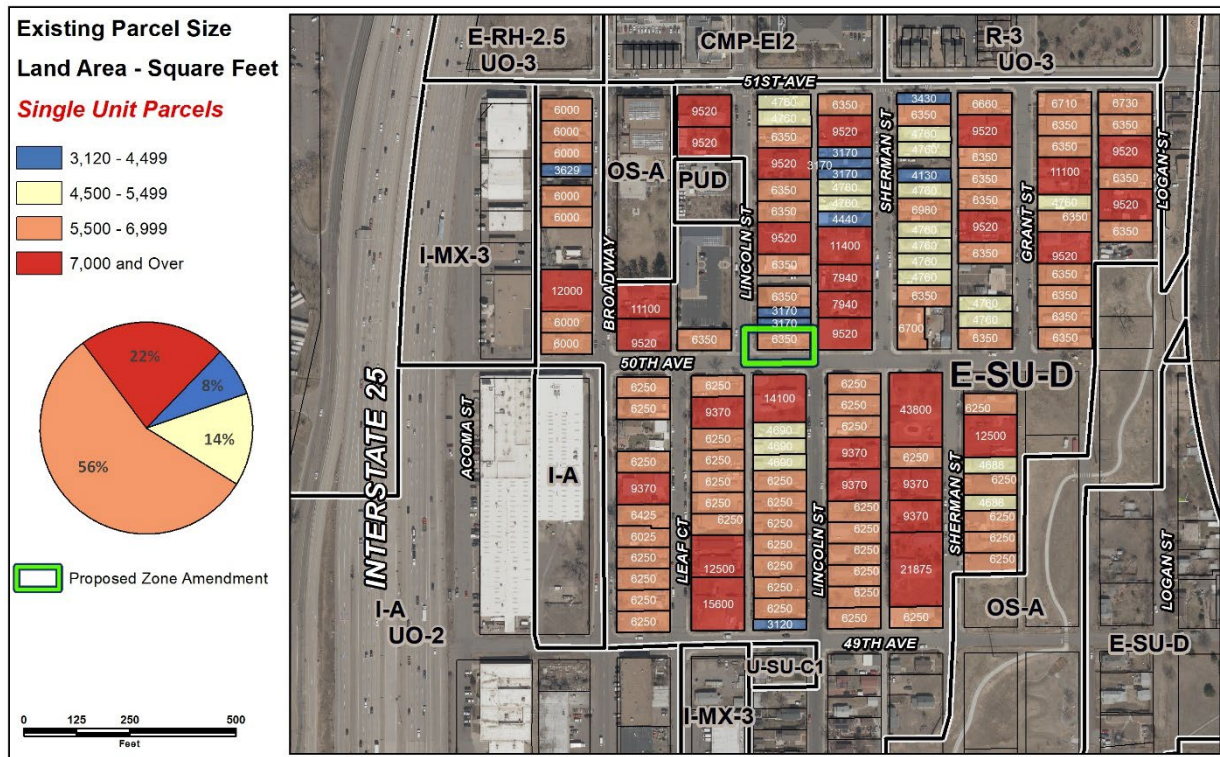
Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

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

In this case, the requested rezoning would enable ADU construction on an individual zone lot in a residential area. There is a bus stop immediately adjacent to the subject property providing access to transit. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

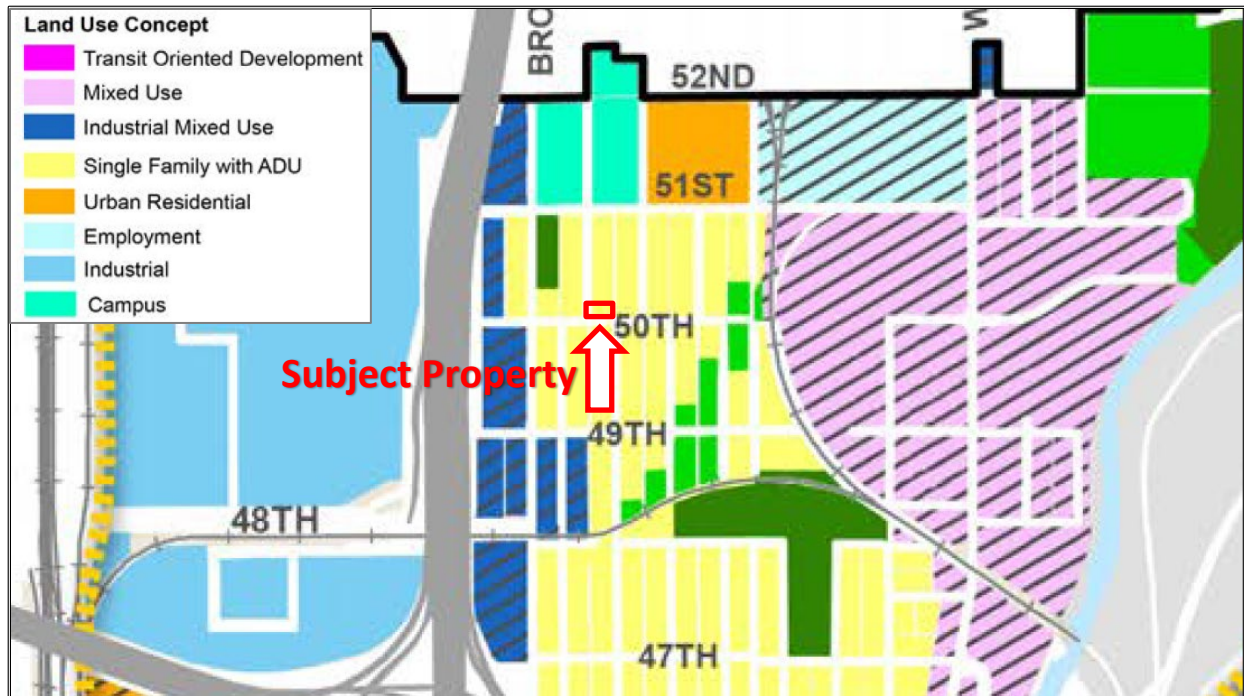
Additionally, *Blueprint Denver* gives further guidance when a request is made to change the minimum lot size. *Blueprint Denver* states that, “the appropriateness of the request depends upon the existing character and applicable adopted neighborhood plan guidance” (p. 231). As set forth in the *Globeville Neighborhood Plan* section below, there is specific adopted small area plan guidance that supports a rezoning to allow for a 5,500 square foot minimum lot size. Significant neighborhood input also informed the adoption of the small area plan. The request for U-SU-C1 is consistent with these *Blueprint Denver* recommendations.

For applicant-driven requests that are individual sites or small assemblages, such as this request, typically a rezoning 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). Based on the map below, a consistent pattern of smaller lots can be found in the surrounding blocks.



Globeville Neighborhood Plan

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



- **Strategies Unique to the Residential Neighborhood Core:**
 - **E1. Update the Neighborhood Context.** The Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible.
 - **E2. Tailor Minimum Zone Lot Sizes.** In areas where the existing zoning requires a 6,000 square foot minimum zone lot size, a future zone district should have a 5,500 square foot zone lot minimum.

Overall, the proposal is consistent with the recommendations of the Globeville Neighborhood Plan in that it supports the establishment of ADUs within the Residential Neighborhood Core and building heights are consistent with Blueprint Denver. The neighborhood plan and Blueprint Denver both recommend updating the neighborhood context to Urban. The neighborhood plan recommends a minimum zone lot of 5,500 square feet for the subject site. Therefore, U-SU-C1 is consistent with Blueprint Denver and the Globeville Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-C1 zone district will result in the uniform application of zone district building form, use and design regulations for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map.

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 (*Blueprint Denver* p.84) which recommends "the expansion of accessory dwelling units throughout all residential areas", and the Globeville Neighborhood Plan which supports the allowance of ADUs in the Neighborhood Core Character Area (p, 34). The proposed rezoning would provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. Additionally, the rezoning would bring a new type of housing unit to a largely single-unit residential area, which will increase housing diversity in the Globeville neighborhood. The proposed rezoning also enables the creation of additional dwelling unit in an area with good access to 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.

4. Justifying Circumstances

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, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. *Blueprint Denver* was adopted after the date of approval of the existing zone district. Therefore, the adoption of *Blueprint Denver* 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-C1 zone district is within the Urban Neighborhood Context, which "is primarily characterized by single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building forms" (DZC, Section 5.1.1). This context "consists of a regular pattern of block shapes" and "Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys." (DZC, Section 5.1.2). The residential area of the Globeville neighborhood consists largely of single-unit residential uses in rectangular blocks with consistent alley access. The proposed rezoning to U-SU-C1 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.A). "The building form standards, design standards, and uses work together to promote desirable residential areas" (DZC Section 5.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-C1 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-C1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard.” (DZC Section 5.2.2.2.H.). The subject property at 5004 North Lincoln Street contains a single-unit dwelling on a zone lot of 6,350 square feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the requested zone district.

Attachments

1. Application