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TO: City Council
FROM: Edson Ibañez, Senior City Planner
DATE: July 28, 2022
RE: Official Zoning Map Amendment Application #2021I-00182

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00182.

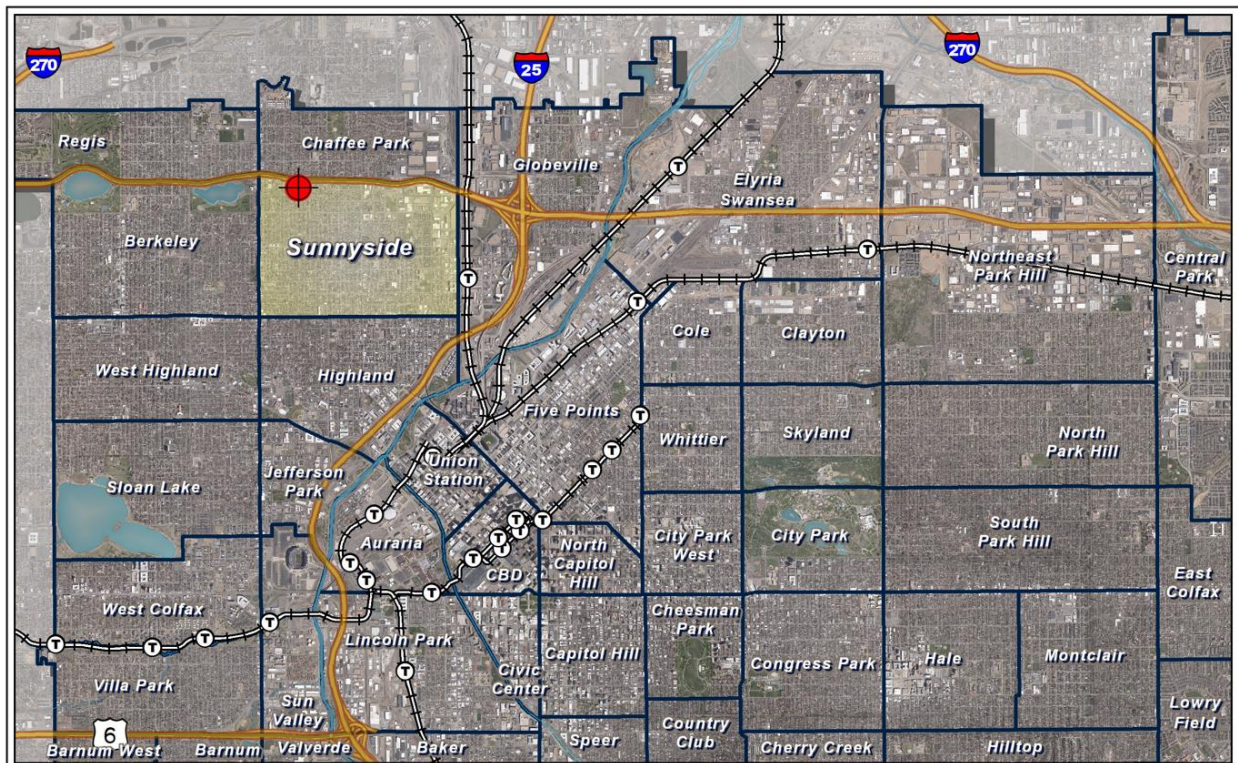
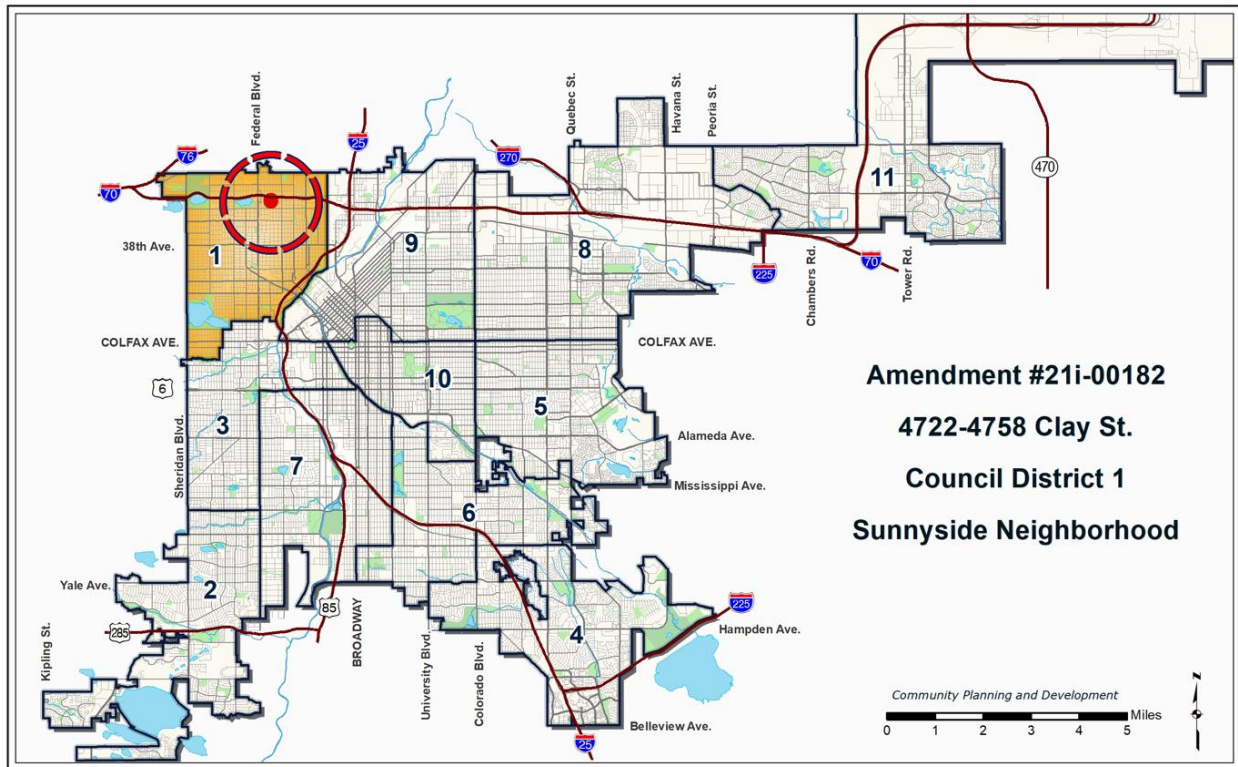
Request for Rezoning

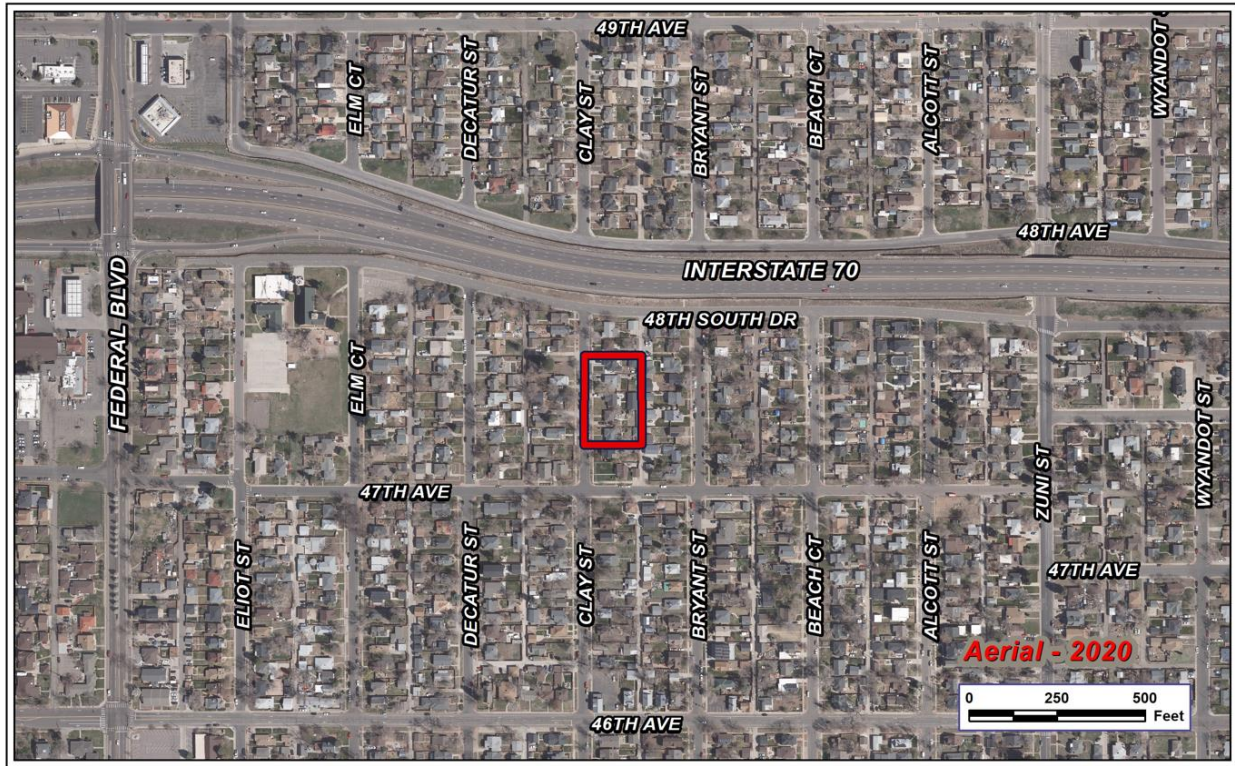
Address: 4722-4758 N Clay Street
Neighborhood/Council District: Sunnyside Neighborhood / Council District 1– CM Amanda Sandoval
RNOs: Inter-Neighborhood Cooperation (INC), Sunnyside United Neighbors Inc, and Unite North Metro Denver
Area of Property: 6,250 square feet each property
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Property Owner(s) 4722 N Clay: Jay Retzko
Property Owner(s) 4730 N Clay: Jaime and Ruth Quinones
Property Owner(s) 4740 N Clay: Michael and Carly Martinez
Property Owner(s) 4750 N Clay: Chelsea Strutz
Property Owner(s) 4758 N Clay: Fedrick C. Lewis II and Crystal Lewis
Owner Representative: Michael Martinez

Summary of Rezoning Request

- The proposal includes five properties. The property owners are all proposing to rezone to build an accessory dwelling unit.
- The subject properties each contain a single-story, single-unit dwelling. The properties are located between 47th Avenue and 48th Avenue along Clay Street.
- The properties are proposed to be rezoned from U-SU-C to U-SU-C1. The proposed U-SU-C1, Urban, 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 characterized by single-unit and two-unit uses with small-scale multi-unit residential uses and commercial development is typically embedded in residential areas. The maximum height of the Urban House building form is 30 to 35 feet for the front 65 percent of the zone lot and 17 to 19 feet in the rear 35 percent of the zone lot. The Detached Accessory Dwelling Unit (DADU) building form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context





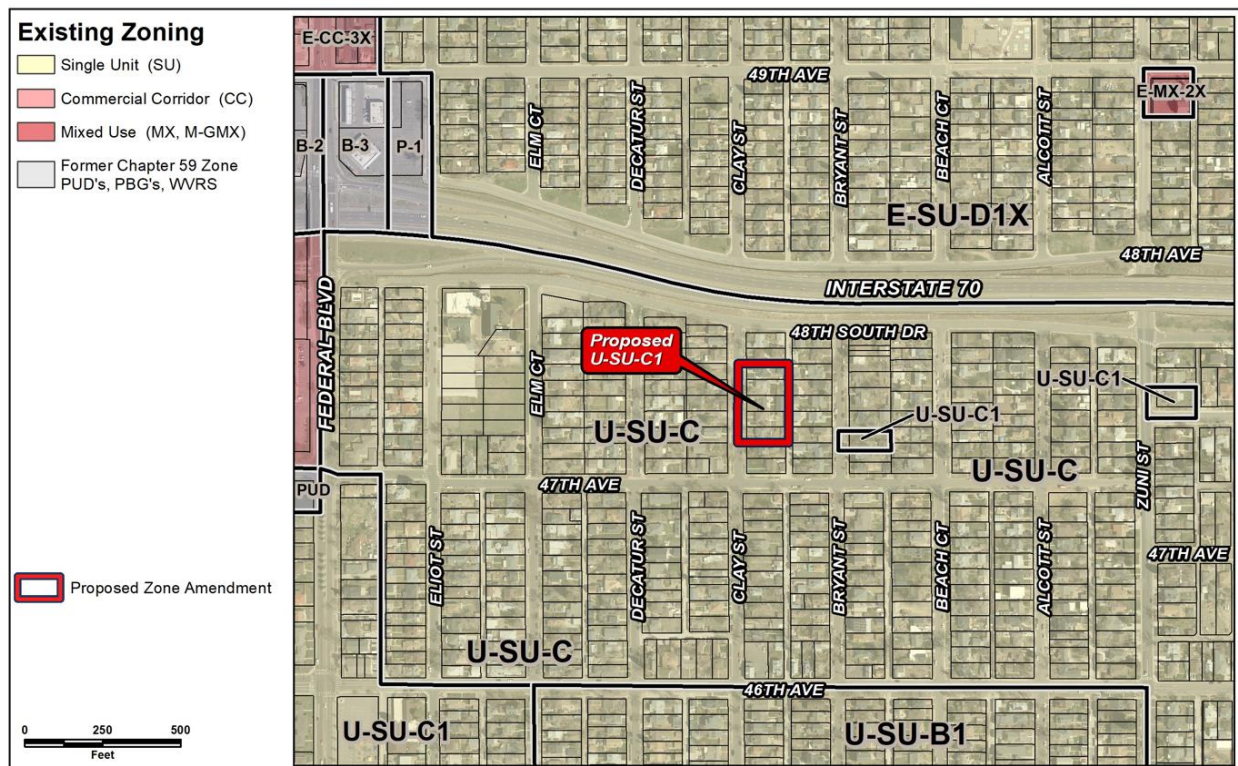
The subject properties are located in the Sunnyside statistical neighborhood, which is primarily characterized by single-unit dwellings. The properties are located between 46th and 47th avenue along Clay Street. Bus Route 31 traverses Federal Blvd, and the properties are approximately four blocks from bus stops on 47th avenue and Federal Blvd.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site for all five properties	U-SU-C	Single-unit Residential	1-story Residence with moderate front setbacks with access from Clay Street and the Alley	In general, a regular grid of streets. Residential block sizes and shapes are orthogonally oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks in the immediate area are detached.
North	U-SU-C	Single-unit Residential	1-story Residence with moderate front setbacks and detached Garage Accessed from Alley	
South	U-SU-C	Single-unit Residential	1-story Residence with moderate front setbacks and	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			Attached Garage Accessed from Alley	
East	U-SU-C	Single-unit Residential	1-story Residences with moderate front setbacks and detached Garage accessed from Alley	
West	U-SU-C	Single-unit Residential	1-story Residences with deep and moderate setbacks and Detached Garage accessed from the alley and Clay Street	

1. Existing Zoning



The U-SU-C zone is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65 percent of the zone lot and 1 story / 17 to 19 feet in the rear 35 percent of the zone lot. The

maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed exceptions. For a lot with a width of 30' or greater, a narrow lot can have up to 50 percent lot coverage. The district allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings. 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 (source: Google Maps)



View of the 4722 and 4730 Clay properties, looking east.



View of the 4740, 4750 and 4758 Clay properties, looking east.



View of single unit homes across the street of the Clay properties, looking west.



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



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

Proposed Zoning

The applicant is requesting to rezone to U-SU-C1, which allows only the Urban House primary building form on a zone lot with a minimum area of 5,500 square feet. The U-SU-C1 district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the U-SU-C district. The DADU building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. This form allows an exemption from the 37.5 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet if certain provisions are met, including using a portion of the DADU for vehicle storage in a garage. For zone above 6,000 square feet but below 7,000 square feet, which is the case for all the subject properties, the ADU building footprint may be a maximum of 864 square feet per property. The district does not require any off-street vehicle parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley, Street access is only allowed when no alley is present.

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

U-SU-C and U-SU-C1

Design Standards	U-SU-C (Existing)	U-SU-C1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot Depth*	2.5 stories / 35 feet	2.5 stories / 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot Depth*	1 story / 19 feet	1 story /19 feet

Design Standards	U-SU-C (Existing)	U-SU-C1 (Proposed)
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 SF	5,500 SF
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
Rear Setback, 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 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

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

Assessor: Approved – no response.

Asset Management: Approved – no comment.

Denver Public Schools: Approved – no response.

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

Denver Parks and Recreation: Approved – no comment.

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

A) 4758 N CLAY ST - Lots 11 and 12, Block 3, North Boulevard Heights, except the rear 8 feet thereof. City and County of Denver, State of Colorado

B) 4750 N CLAY ST - Lots 13 and 14, Block 3, North Boulevard Heights, except the rear 8 feet thereof. City and County of Denver, State of Colorado

C) 4740 N CLAY ST - Lots 15 and 16, Block 3, North Boulevard Heights, except the rear 8 feet thereof. City and County of Denver, State of Colorado

D) 4730 N CLAY ST - Lots 17 and 18, Block 3, North Boulevard Heights, except the rear 8 feet thereof. City and County of Denver, State of Colorado

E) 4722 N CLAY ST - Lots 19 and 20, Block 3, North Boulevard Heights, except the rear 8 feet thereof. City and County of Denver, State of Colorado

Development Services – Project Coordination: Approve Rezoning Only – No Comments.

Development Services – Fire Protection: Approved – no response.

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.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	3/8/2022
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	5/2/2022
Planning Board public hearing:	5/18/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	5/27/2022
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	6/7/2022
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	7/11/2022
City Council Public Hearing:	8/1/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comments.

- **Other Public Comment**
 - To date, staff has received no comments.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Sunnyside Neighborhood Plan* (1992/2002)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

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

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

The proposed rezonings would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B.: "Ensure neighborhoods offer a mix of housing types and services for a diverse population" (p. 34).

The proposed rezonings would allow for compatible infill development in an established neighborhood, consistent with the following strategy from the Environmentally Resilient vision element:

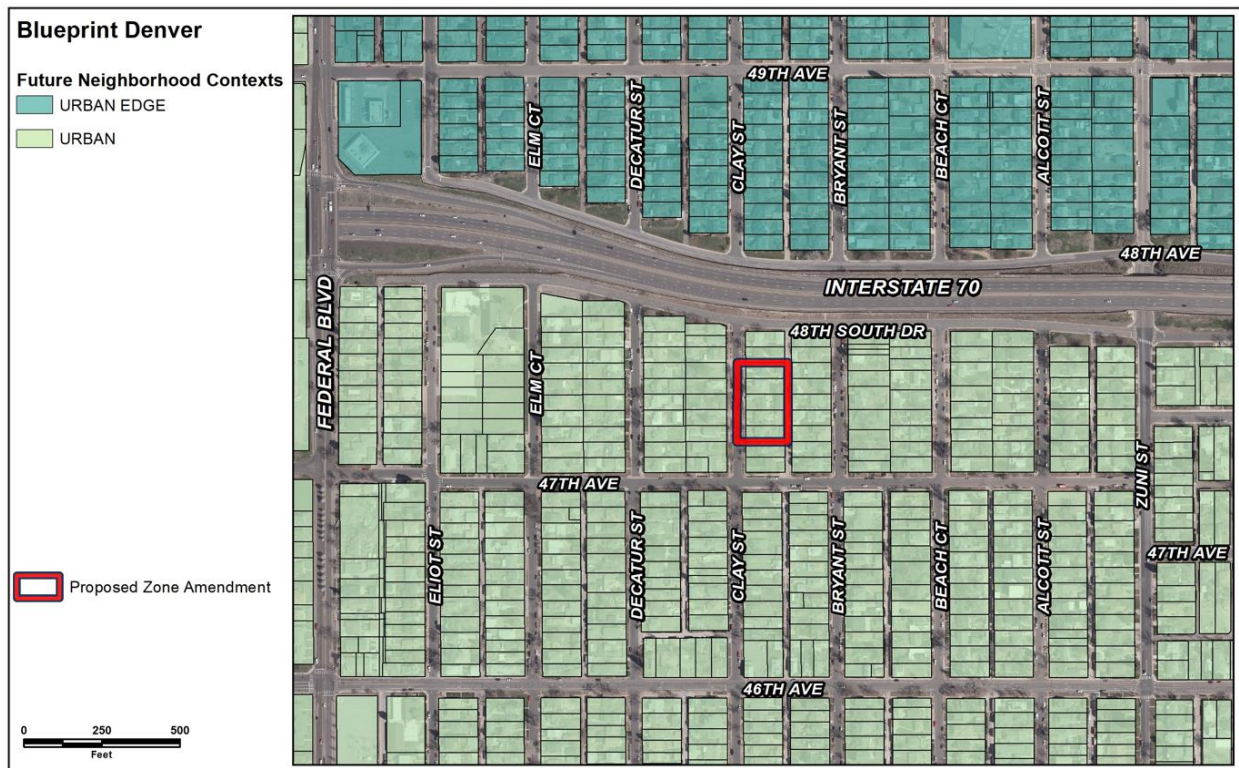
- Environmentally Resilient: Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

In summary, the proposed U-SU-C1 zone district is consistent with the goals of *Comprehensive Plan 2040*.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

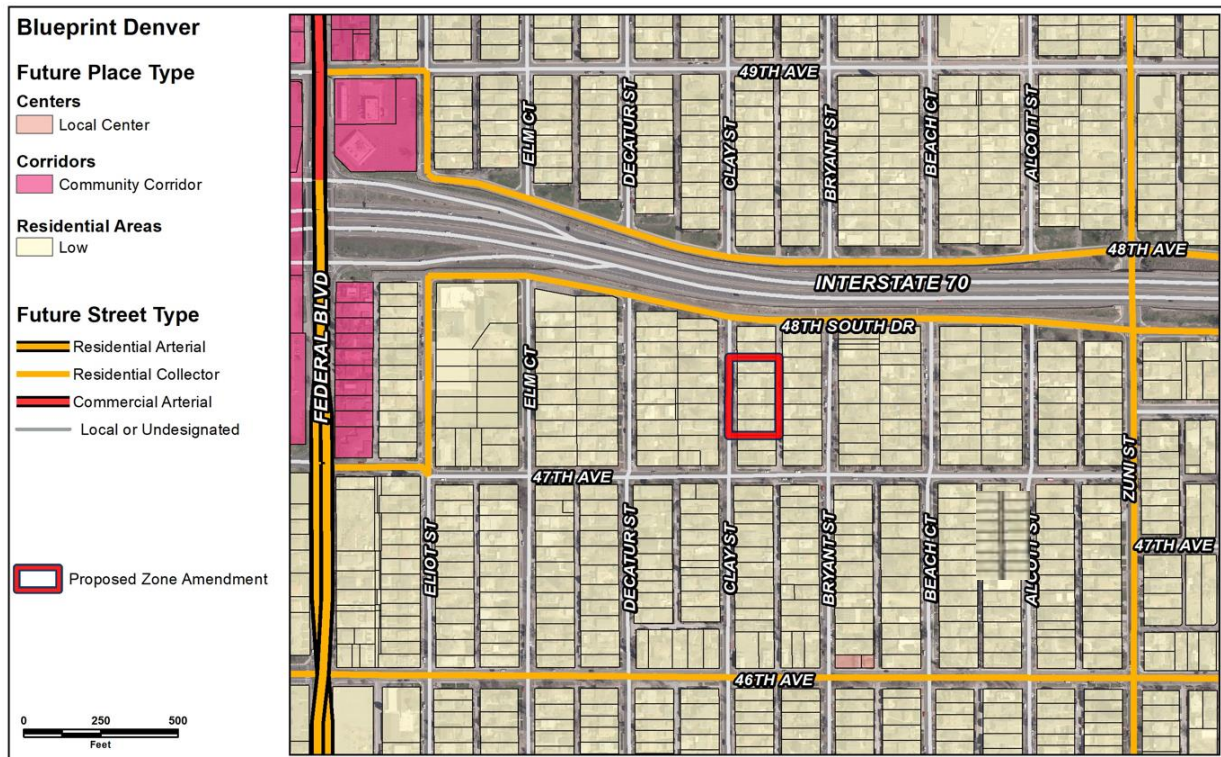
Blueprint Denver Future Neighborhood Context



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

U-SU-C1 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-C1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing single-unit residential units with a low-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places and Streets



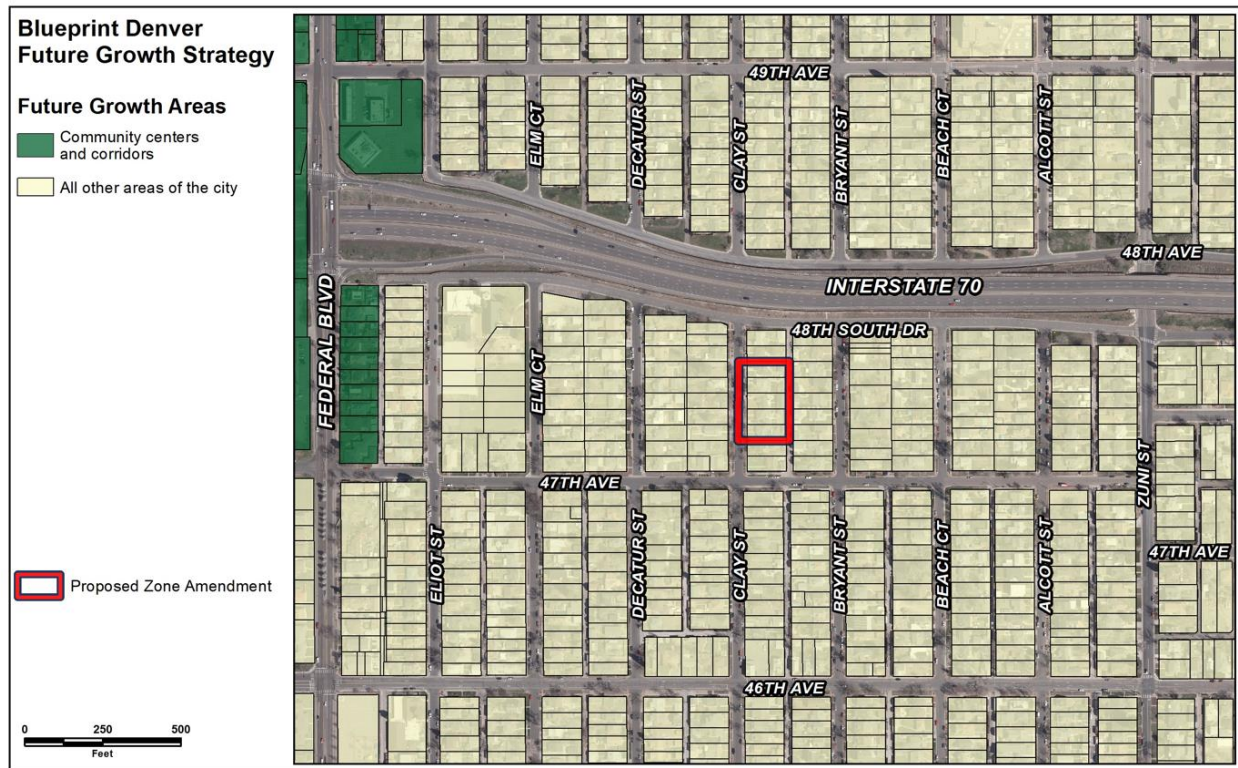
Future Places

Within the Urban Neighborhood Context, the subject are categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed U-SU-C1 zone district would allow a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Clay Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). The proposed U-SU-C1 district is consistent with this street type because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are part of the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed U-SU-C1 zone district allows an ADU which are appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-unit residential character.

Blueprint Denver Strategies

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

- **Land Use and Built Form, Housing Policy 4, Strategy E:** “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all

residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area.” (p. 84).

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

Sunnyside Neighborhood Plan (1992/2002)

The Sunnyside Neighborhood Plan was initially adopted in 1992, re-adopted in 2000, and re-published in 2002. The plan is silent on Accessory Dwelling Units and contains only a single Housing-related goal: “Stabilize and upgrade the housing stock by encouraging long term residency and increasing home-ownership.” The proposed map amendment is consistent with this plan goal, as construction of an ADU will provide the opportunity for additional long-term residency in the neighborhood.

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

4. Justifying Circumstance

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

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

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

The requested U-SU-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 form” (DZC, Division 5.1). This context “consists of a regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Sunnyside neighborhood

consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

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 properties contain a single unit dwelling on lots of 6,250 square feet. Adopted plans recommend allowing accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application