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TO: Denver Planning Board
FROM: Andrew Webb, Senior City Planner
DATE: August 25, 2021
RE: Official Zoning Map Amendment Application #2021I-00008

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00008.

Request for Rezoning

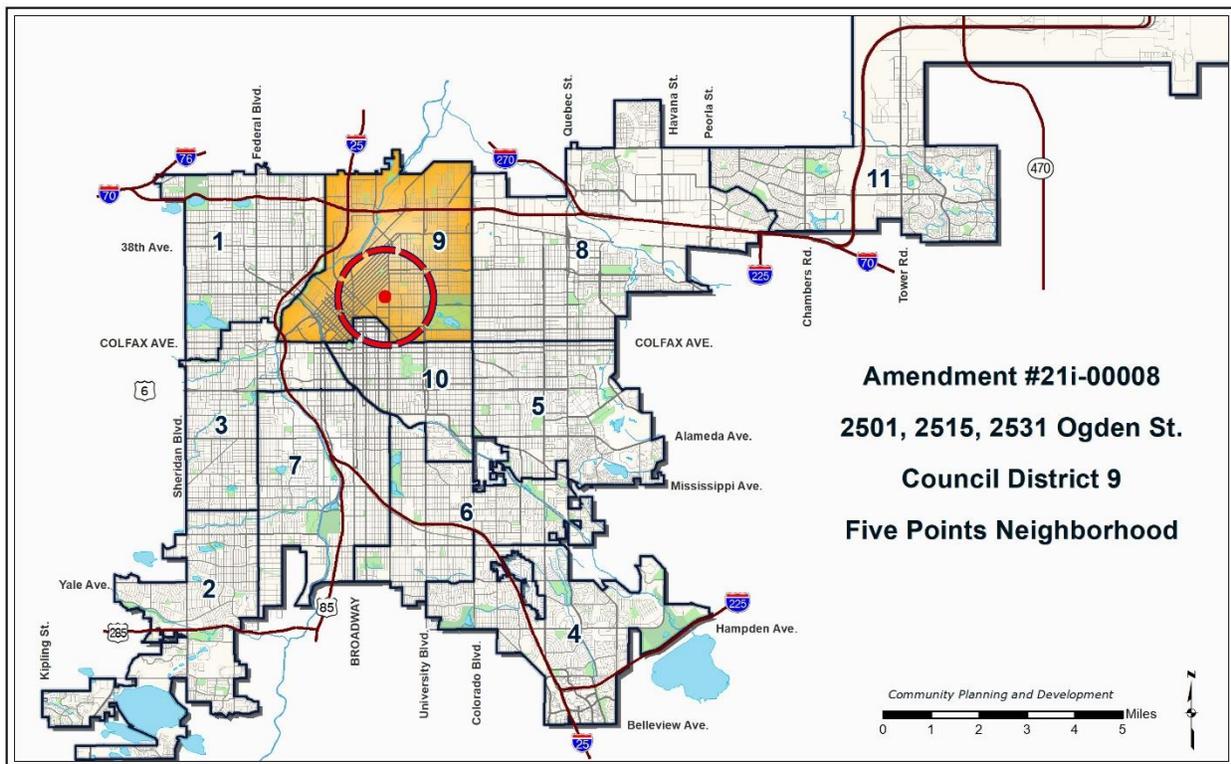
Address: 2501, 2515, 2531 N Ogden Street
Neighborhood/Council District and CM: Five Points / Council District 9, CM CdeBaca
RNOs: Inter-Neighborhood Cooperation (INC), Welton Corridor Property Owners, Opportunity Corridor Coalition of United Residents, Five Points Neighbors, The Points Historical Redevelopment Corp., Northeast Denver Friends and Neighbors, Center City Denver Residents Organization, Rio Norte, Denver Arts and Culture Initiative, Old San Rafael Neighborhood Association.
Area of Property: 25,000 square feet or .57 acres
Current Zoning: PUD 25
Proposed Zoning: U-SU-A1, UO-3
Property Owner(s): Avalanche Funding LLC
Owner Representative: Bruce O'Donnell

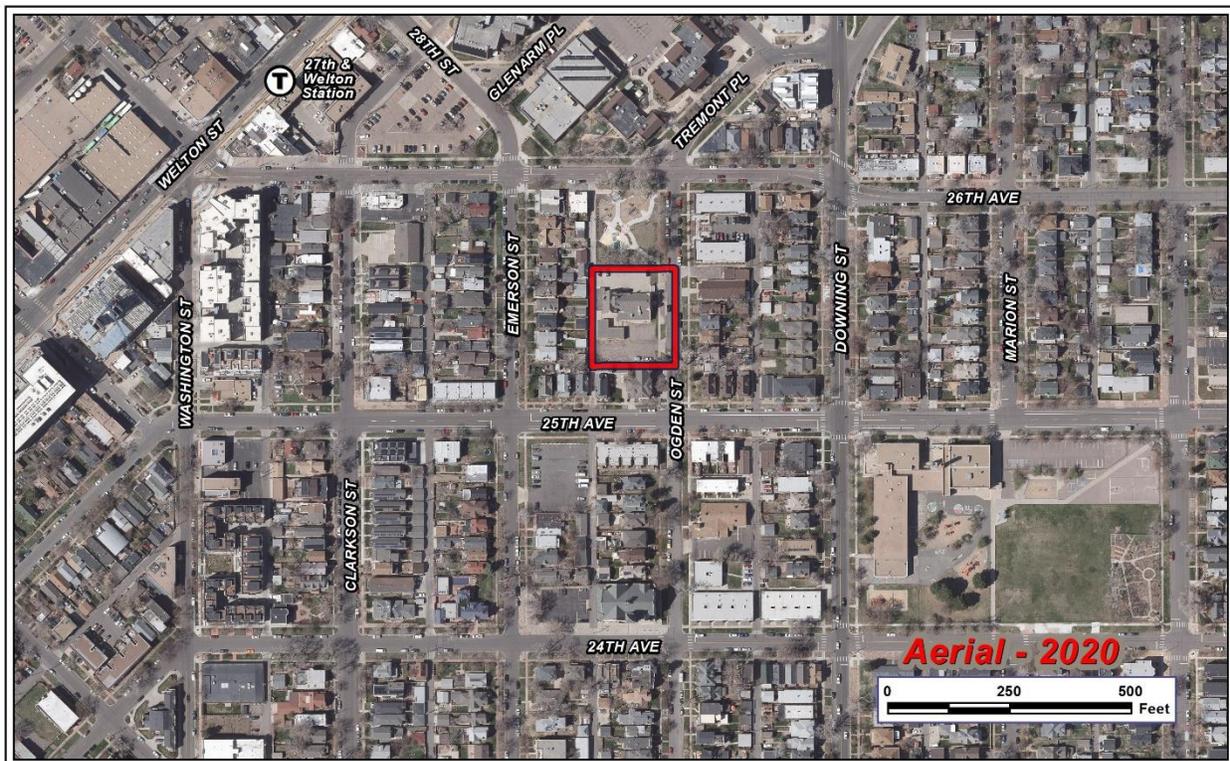
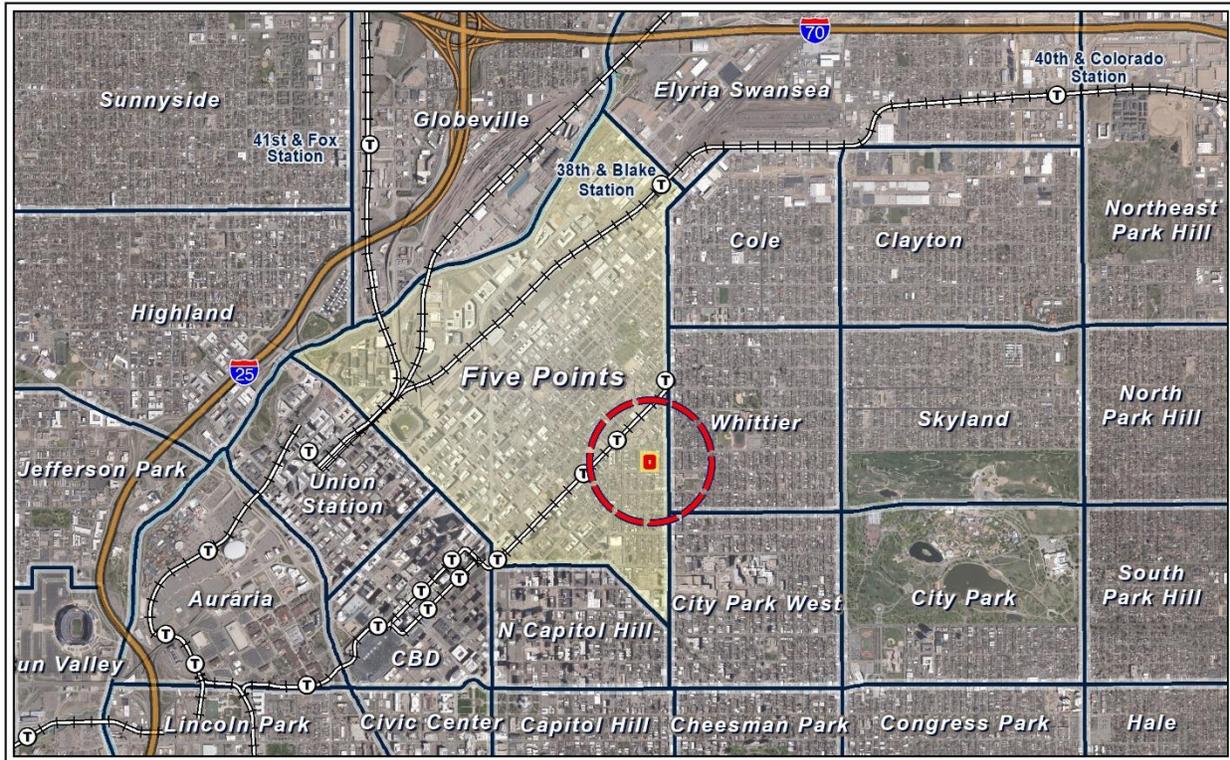
Summary of Rezoning Request

- The subject site is located in the Five Points neighborhood on the west side of N. Ogden Street, between East 25th and 26th avenues.
- The property is owned by Avalanche Funding LLC, and is currently the location of Taylor Funeral and Cremation Services, a mortuary. According to the application, the mortuary business intends to move to a new location.
- The proposed zoning is intended to allow demolition of the mortuary structures and redevelopment of the property with 8 single-unit homes, with the option of detached accessory dwelling units. It aims to implement plan guidance for this location that calls for future development of low-intensity residential uses.
- The proposed U-SU-A1 and UO-3 zone districts would align with zoning of surrounding properties.
- The requested U-SU-A1 (Urban, Single-Unit) zone district is a single-unit zone district in the Urban Neighborhood Context allowing urban houses and detached accessory dwelling units with a minimum zone lot size of 3,000 square feet. It is typically applied where a pattern of 25-foot-wide lots exist in a residential area, as is the case at this location. This district requires the

shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details about the U-SU-A1 zone district can be found in the Proposed Zone District section of this staff report (below) and in Article 5 of the Denver Zoning Code.

- The proposed UO-3, (Use Overlay 3, the Historic Structure Use Overlay) allows limited office, lodging and artist studio uses in Historic Structures (structures designated as Landmarks) located in residential zone districts. There are no designated Historic Structures on the subject site – the UO-3 district is proposed here to align with the zoning of surrounding residential properties.





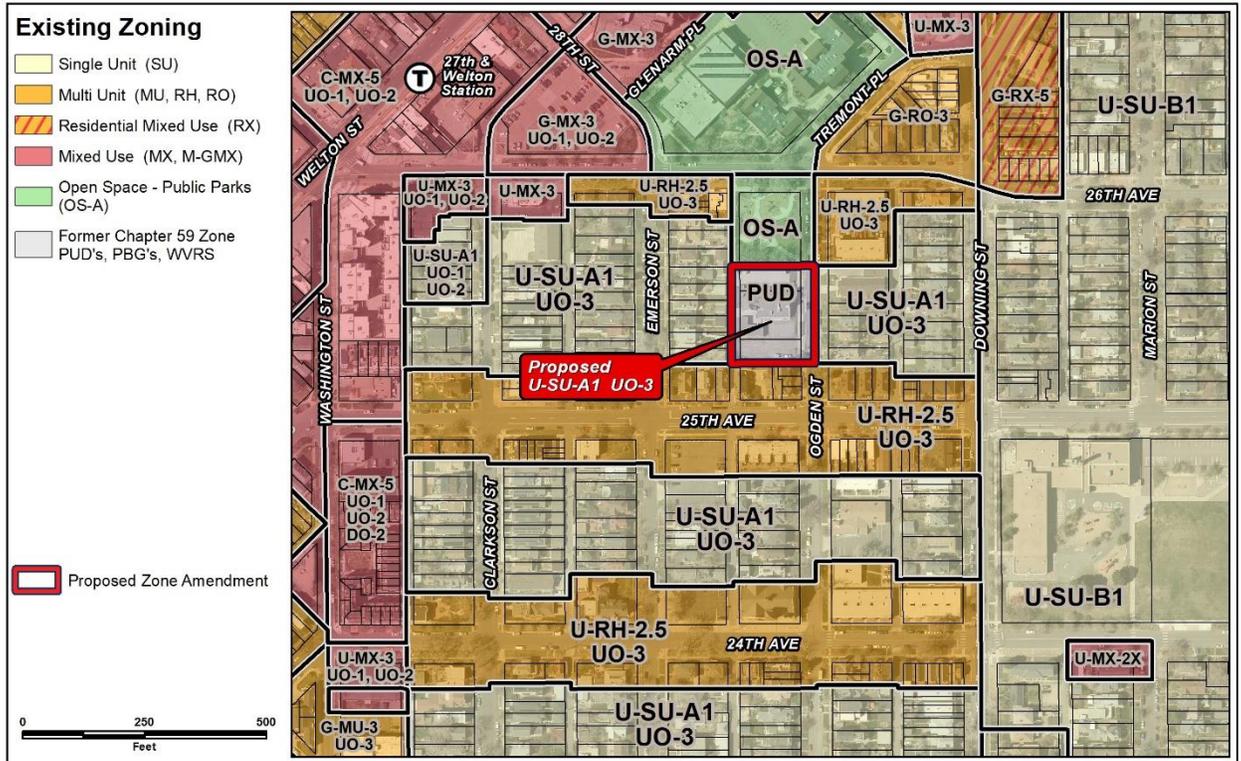
Existing Context

The subject site is in the San Rafael National Historic District, a sub-area of the larger Five Points neighborhood, and one of the city’s earliest residential neighborhoods. It is located southeast of the intersection of 27th St., Welton St., N. Washington St. and E. 26th Ave., which gives the Five Points neighborhood its name. The surrounding blocks are characterized primarily by single-unit residential uses, with some two- and multi-unit uses, and a handful of public/institutional uses, such as a church directly across the street from the subject site. A small park with a playground, Lenore B. Quick Park, adjoins the subject property to the north. RTD bus transit service is provided a block to the east on N. Downing St., and rail transit can be accessed approximately 4 blocks, or about a quarter mile, to the west along Welton St., and about ½ mile to the north at 30th and Downing.

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

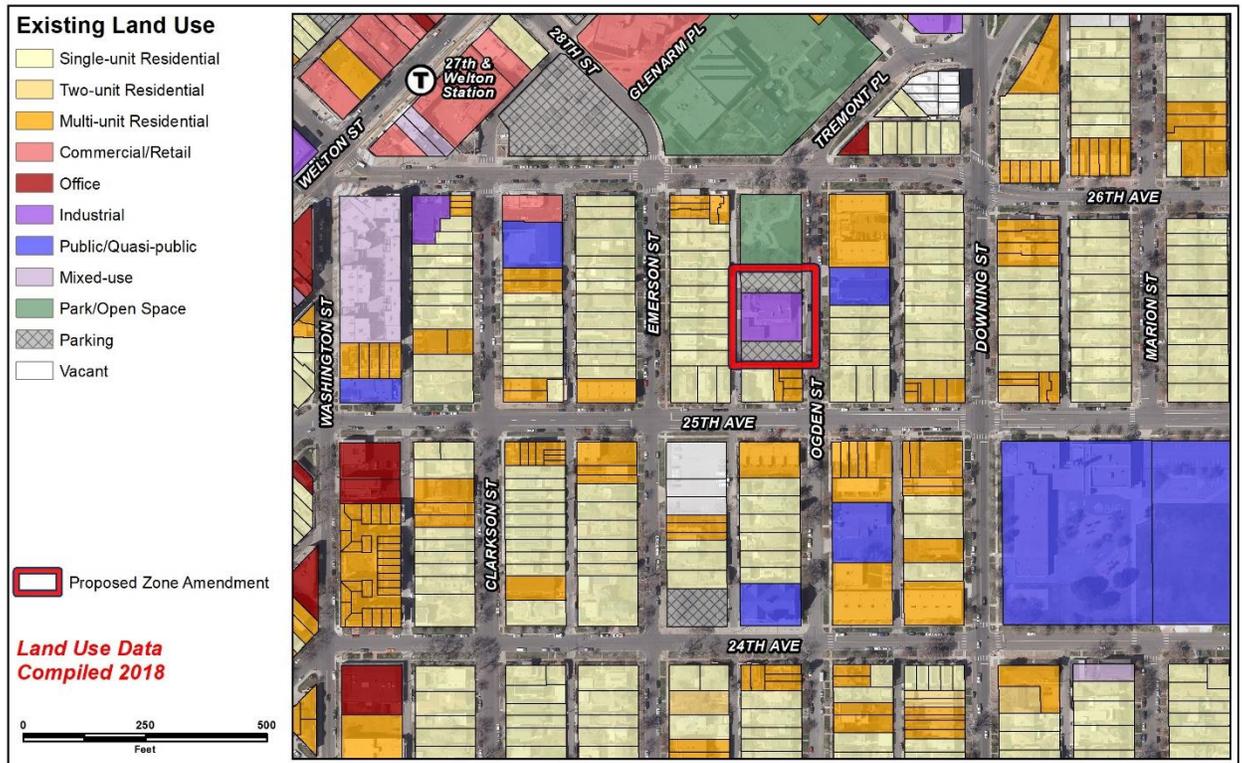
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 25	Industrial and Vacant (per GIS data); mortuary, viewing room and surface parking	1 and 2-story commercial structures with shallow setbacks	Regular orthogonal grid of streets with consistent block sizes and shapes. Detached sidewalks and existing alleys. Garages generally face alleys. Downtown street grid joins neighborhood grid just to the north and west of subject site.
North	OS-A, UO-3	Park and playground	Outdoor playground equipment (swings, climbing structure)	
South	U-RH-2.5, UO-3	Multi-unit residential	3-story townhome structure with ground-level parking facing the street	
East	U-SU-A1, UO-3	Single-unit residential, church, limited multi-unit residential	1- and 2-story single-unit homes, 2-story church, limited number of 1- and 2-story townhome structures. Garages and some accessory dwelling units face alleys.	
West	U-SU-A1, UO-3	Single-unit residential, limited multi-unit residential	1- and 2-story single-unit homes. Garages and some accessory dwelling units face alleys.	

1. Existing Zoning



The existing zoning on the subject property is PUD 25 (Planned Unit Development). PUD 25 is based on the R-4 district from Former Ch. 59, which was Denver's zoning code prior to adoption of the Denver Zoning Code in 2010. The PUD specifically allows a mortuary, viewing room and surface parking.

2. Existing Land Use Map



3. Existing Building Form and Scale

All images are from Google Streetview.



View of the subject property looking northwest from N. Ogden St.



View of townhouse development to the south of the subject property, looking northwest from N. Ogden St.



View of development directly across the street to the east of the subject site, looking directly east from N. Ogden St.



View of Lenore B. Quick park, directly north of subject site, looking east from N. Ogden St.



View of development to the west of the subject site (across the alley) looking east from N. Emerson St.

Proposed Zoning

U-SU-A1 Zone District

The applicant is requesting to rezone to a new base zone district of U-SU-A1, a single-unit zone district with a minimum zone lot of 3,000 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-A1 district. Compared to the existing PUD 25 district, U-SU-A1 introduces residential uses, the Urban House building form, the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 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 also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. For zone lots smaller than 6,000 square feet the ADU building footprint may be a maximum of 650 square feet.

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

Design Standards	PUD 25	U-SU-A1 (Proposed)
Primary Building Forms Allowed	Existing Development Only (mortuary and associated structures)	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	N/A	2.5 stories / 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	N/A	1 story / 17 feet
DADU Maximum Height in Stories/Feet	N/A	1.5 stories / 24 feet
Zone Lot (Min.)	N/A	3,000 square feet
Minimum Zone Lot Width	N/A	25 feet

Primary Street Block Sensitive Setback Required / If not	N/A / 10 feet	Yes / 20 feet
Side Street Setback (Min.)*	N/A	5 feet
Side Interior Setback (Min.)*	40 feet (existing)	5 feet
Rear Alley / No Alley	0 feet (existing)	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	N/A	37.5%
Detached Accessory Building Forms Allowed	N/A	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 35 feet

UO-3 Historic Structure Use Overlay

The applicant also proposes to establish the UO-3 Historic Structure Use Overlay District on this site, which would be consistent with the zoning of surrounding properties. There is not currently a Landmarked Historic Structure on the subject site. The UO-3 district is intended to encourage preservation, protection, adaptive reuse and enhancement of structures designated as City Landmarks, and may only be established in conjunction with an underlying Residential Zone District, such as the proposed U-SU-A1. The overlay allows three commercial uses (with use limitations) in qualifying Historic Structures:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

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:

Community Planning and Development: The application number for this rezoning proposal is 2021I-00008.

Denver Parks and Recreation: Approved, No comment

Public Works – R.O.W.- City Surveyor: Approved, with comments. The descriptions are correct but the address for 2501 N Ogden St does not fit the addresses in the block and most likely was made up by the Assessor. Client will need to apply for a new address for this site.

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

Development Services- Wastewater: DES Wastewater approves the subject zoning change. 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.

Development Services – Project Coordination: Approved – No response.

Development Services – Fire Prevention: Approved – No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	7/13/21
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:	8/17/21
Planning Board public hearing:	9/1/21
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 (10) working days before the meeting (tentative):	9/2/21
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward (tentative):	9/14/21
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):	10/11/21

City Council Public Hearing (tentative):	11/1/21
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- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - Staff has received one letter from a neighbor of the property in support of the proposed rezoning. That letter is attached with this staff report.

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 property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Northeast Downtown Neighborhood Plan* (2011)

Denver Comprehensive Plan 2040

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

The proposed rezoning to U-SU-A1, UO-3 would allow for housing options near high-frequency transit and mixed-use development along Welton St., which is consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments* (p. 28).

The proposed U-SU-A1, UO-3 zone district will allow the construction of new housing in an area that is well-served by transit and multi-modal infrastructure, near employment, shopping and other amenities in Five Points and the greater Downtown area. U-SU-A1 allows for an additional dwelling unit that is

accessory to the primary single-unit dwelling use, consistent with zoning for neighboring properties and with existing development patterns in this area. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes (many with ADUs) that currently characterize the San Rafael neighborhood. This is consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).
- 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).

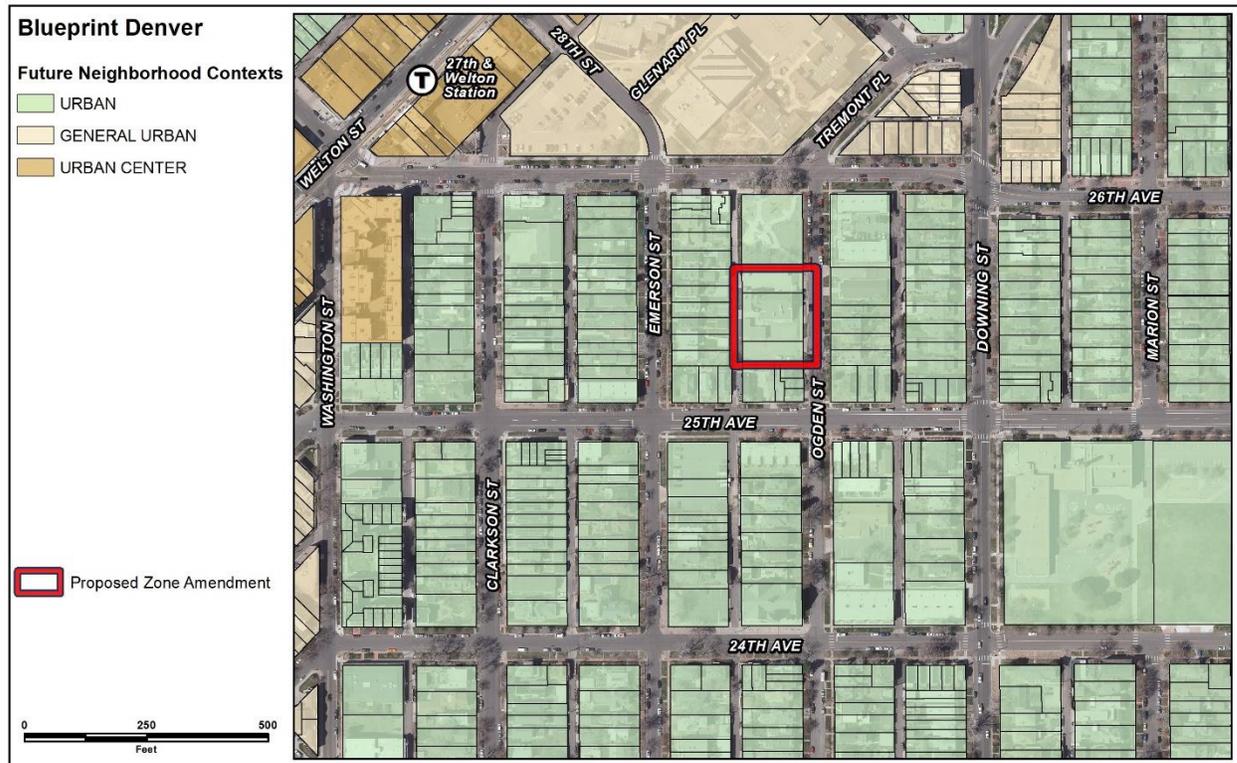
The proposed rezoning to U-SU-A1, UO-3 would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available in a location where services, such as water, stormwater and streets already exist. This allows Denver to grow responsibly and promotes land conservation, consistent with the following strategy in the Environmentally Resilient vision element:

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

Blueprint Denver

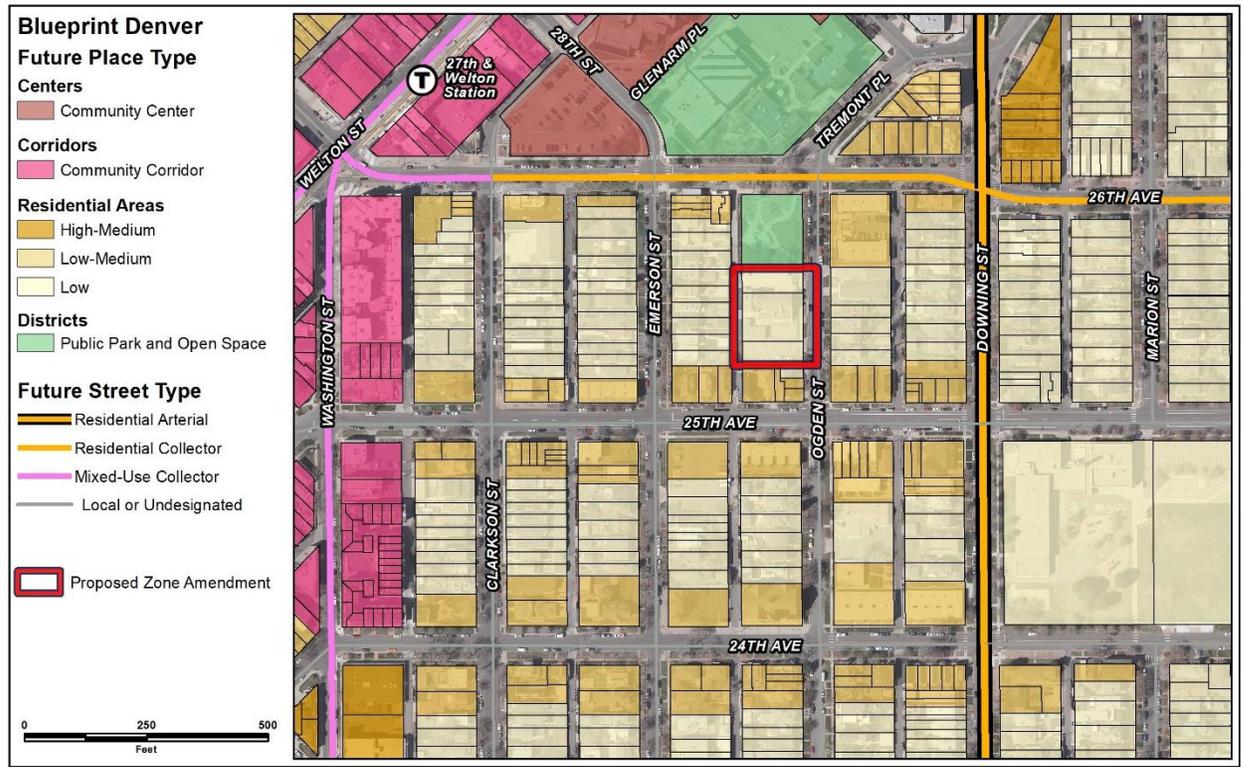
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential area within the Urban Center Neighborhood Context and provides guidance from 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 being within the 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 that 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 proposed U-SU-A1 zone district is consistent with the Urban future neighborhood context Blueprint identifies for this location, as it will allow single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

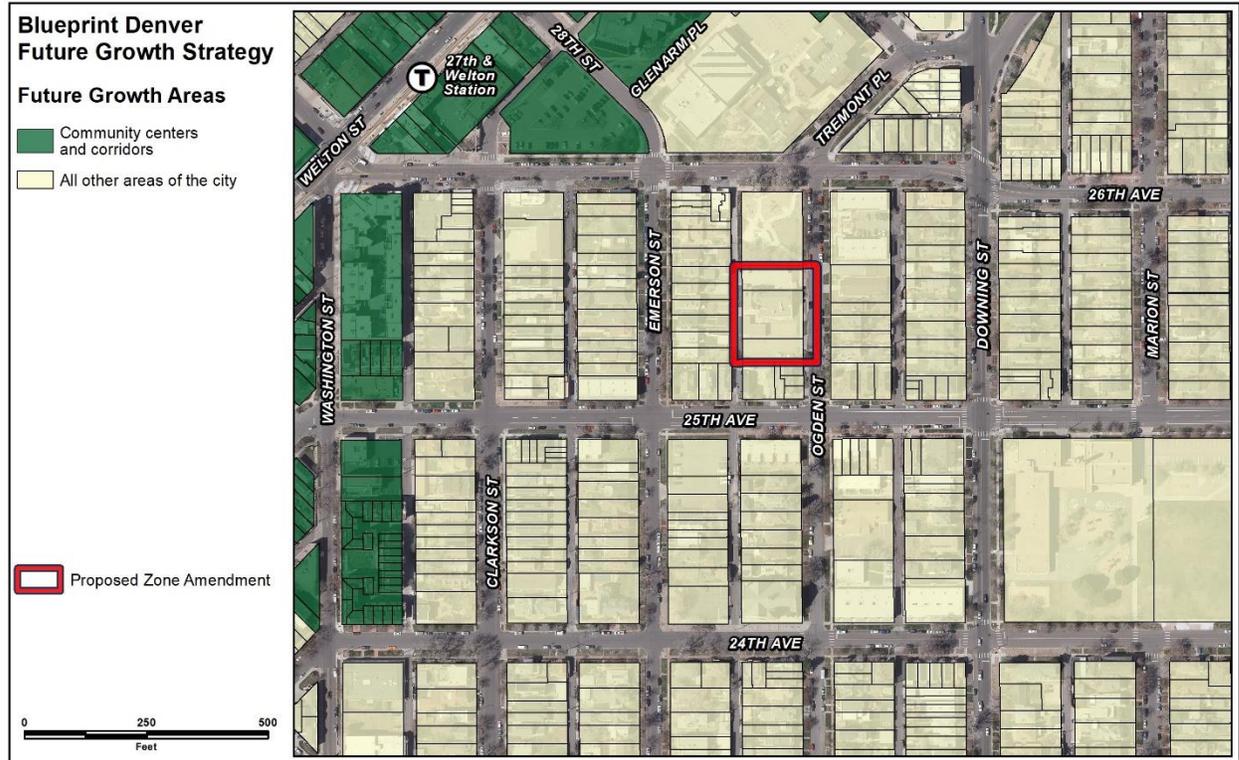


Blueprint Denver’s Future Places map identifies the area containing the subject site as a Low Residential future place. This place type is characterized by “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-A1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place type 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*, Future Street Types are considered alongside Future Place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Ogden 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-A1 district is consistent with this description because it allows for residential uses.

Growth Strategy



Blueprint Denver’s Growth Strategy map illustrates the plan’s aspirations for distributing future growth in Denver (p. 51). The subject property is located in 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). The proposed map amendment to U-SU-A1 will allow low-intensity growth to the number of households in this area by allowing the development of single-unit houses with an accessory dwelling unit.

Small Area Plan: *Northeast Downtown Neighborhoods Plan*

The Northeast Downtown Neighborhoods Plan was adopted by City Council in 2011 and applies to the subject property. The plan focuses on the long-term development of neighborhoods in Five Points, such as Arapahoe Square, Ballpark, Curtis Park and San Rafael, with a focus on preserving and improving neighborhood character, mobility, economic development and livability.

The plan’s recommended land use map designates this property as “single-family residential” (p. 89). San Rafael is unique within the Northeast Downtown Area Plan study area as the only neighborhood with an east/west street grid – all other neighborhoods in the NEDP plan area were constructed on the angled Downtown grid. The neighborhood’s design led to a unique built environment where single-unit houses (some with accessory dwelling units) were constructed mid-block on the neighborhood’s north/south named streets (such as Ogden) and attached housing types were built at the ends of the blocks along numbered east/west streets (such as 25th Ave.). This pattern results in the striped pattern

of “single-family residential” and “single family/row house” shown in the area on the NEDP’s recommended land use map, below.



Northeast Downtown Area Plan Concept Land Use Map

The plan recommends new residential development should be consistent with existing, historic development patterns, with similar setbacks, street access and “garages and accessory dwelling units at the rear of the lot” (p. 88). The proposed U-SU-A1, UO-3 zone district is consistent with these recommendations. It will allow the Urban House building form, which is modeled after development patterns from this area and requires that primary street setbacks for new development be “block sensitive” – consistent with front setbacks of existing development.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1, UO-3 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 primarily through the implementation of the City’s adopted plans. Specifically, it implements recommendations in Blueprint and the Northeast Downtown Area Plans, which recommend new housing units which are compatible with existing low-intensity development, and expanding allowances for accessory dwelling units.

4. Justifying Circumstance

The applicant’s Justifying Circumstance for this proposed rezoning is defined under DZC Section 12.4.10.8.A.4 as, “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: “(c.) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” The adoption of the Denver Zoning Code in 2010 and the retention of a Former Chapter 59 zone district on the subject property, including custom zoning adhering the property to a 1980 site plan, is an appropriate justifying circumstance for the proposed rezoning.

Such change may also include: “a. Changed or changing conditions in a particular area...”. In recent years, nearby Welton St. has seen recent investment and adaptive reuse adding new retail, restaurants and residential uses. This is an additional appropriate justifying circumstance.

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

The requested zone district is within the Urban Neighborhood Context, which is primarily characterized by single- and two-unit residential uses, with smaller areas of multi-unit and commercial uses, all of which are typically found on an orthogonal street grid served by alleys. Residential structures typically have a consistent, moderate setback, and sidewalks are typically detached (DZC 5.1). Given the surrounding context and adopted plan guidance, Urban is an appropriate Neighborhood Context for this site.

The purpose of the Residential zone districts in the Urban Neighborhood Context is to promote and protect residential neighborhoods through building forms, lot sizes and site design requirements that “reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC 5.2.2.1). This rezoning aligns with this purpose statement, as it will allow development of new houses with accessory dwelling units that have similar building forms, heights and setbacks to existing development in the San Rafael neighborhood of Five Points.

The specific intent specifies that the U-SU-A1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. 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” and provides for the accessory dwelling unit building form in the rear yard (DZC 5.2.2.2.B). This site is surrounded on three sides by similar residential development (with a park to the north), in an area where adopted plan guidance calls for single-unit residential uses with accessory dwelling units. Therefore, this proposed rezoning is consistent with the specific intent of the U-SU-A1 zone district.

The applicant has also requested establishment of the UO-3 Historic Structure Use Overlay District to be consistent with the surrounding neighborhood. The intent of the UO-3 is “to encourage preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1” (DZC 9.4.4.8.B). The UO-3 may only be established in conjunction with an underlying zone district, as is the case with the surrounding neighborhood containing homes and structures that date to the early 1900s. A residential zone district is proposed for this site, making this proposal consistent with the intent of the UO-3 Historic Structure Use Overlay District.

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Attachments

1. Application
2. Existing PUD affecting the property
3. Neighbor letter