



TO: Denver City Council
FROM: Rob Haigh, Associate City Planner
DATE: October 24, 2022
RE: Official Zoning Map Amendment Application #2022I-00076

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of application #2022I-00076.

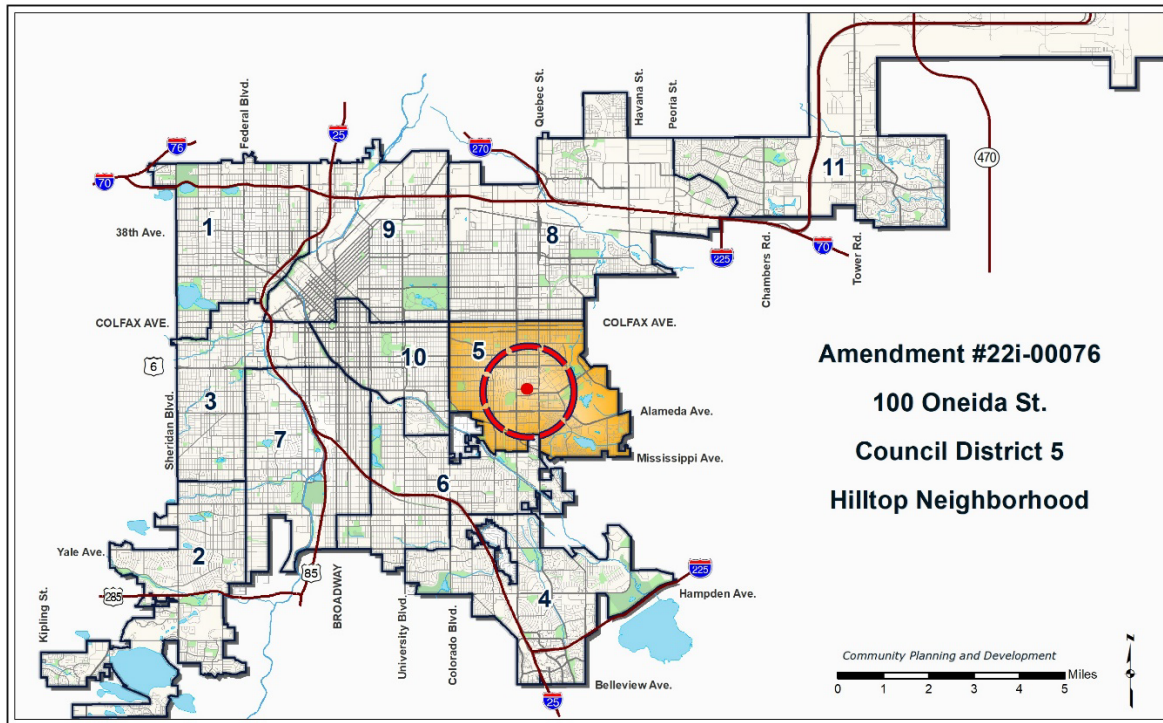
Request for Rezoning

Address:	100 North Oneida Street
Neighborhood/Council District:	Hilltop / Council District 5 – Amanda Sawyer
RNOs:	Inter-Neighborhood Cooperation (INC), Lowry Community Master Association, Mayfair Park RNO, Council District 5, Council District at Large
Area of Property:	8,520 square feet or ~0.2 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Becky Martinez, Pete Martinez

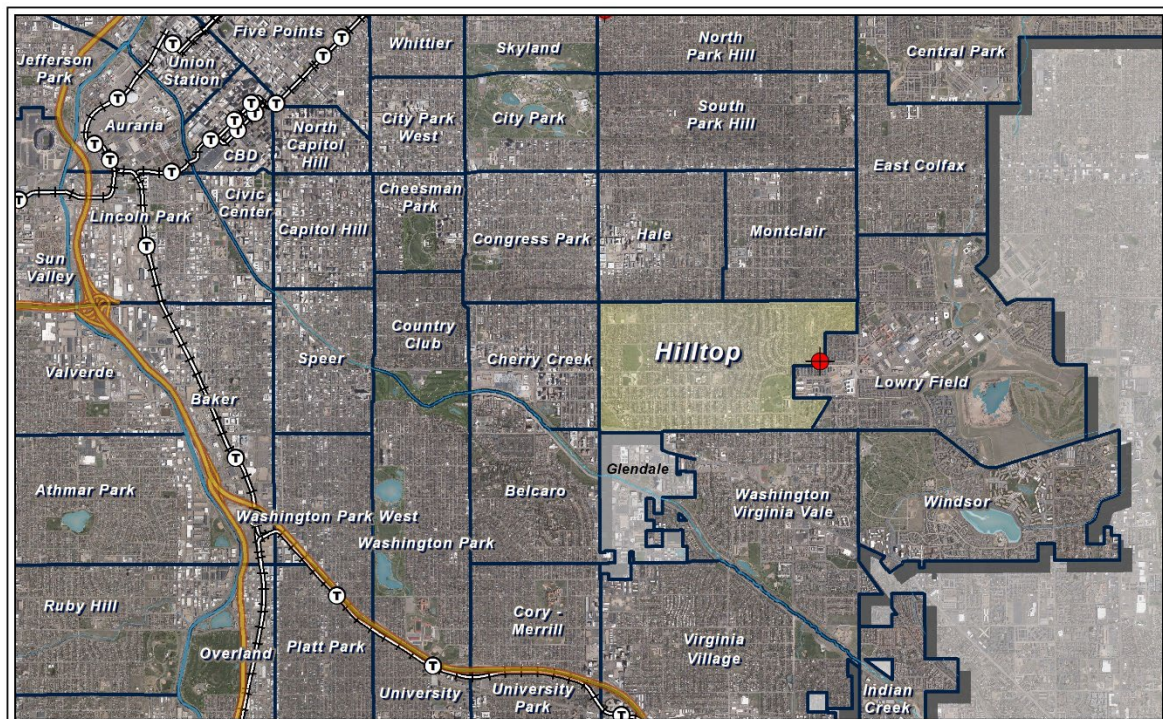
Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling built in 1948. The property is located at the northeast corner of the intersection of East 1st Avenue and North Oneida Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU) on their large corner lot.
- The proposed E-SU-D1x, Urban Edge, Single-Unit, D1x district allows suburban houses, urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 6,000 square feet. The district is intended for use in the Urban Edge Neighborhood Context, which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House and Suburban House building forms. 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. 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



Neighborhood Location – Hilltop Neighborhood



Existing Context

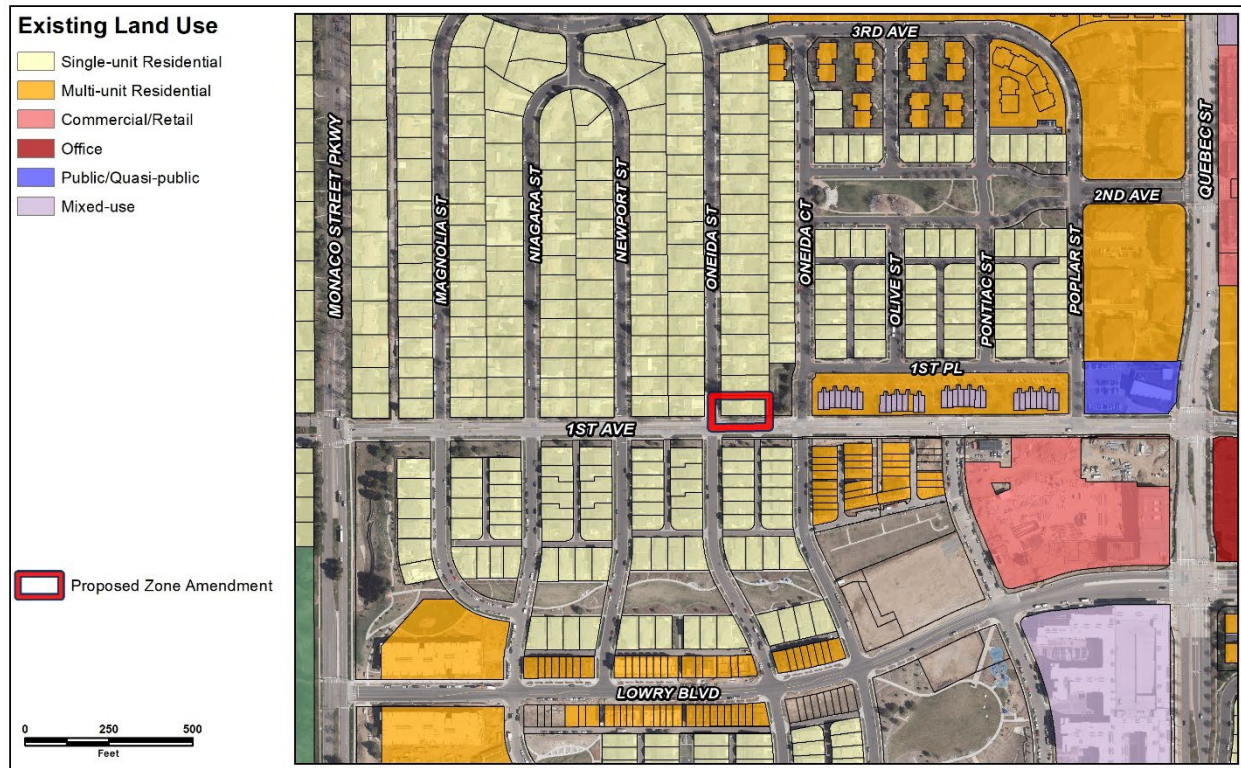


The subject property is in the Hilltop neighborhood, which is characterized by predominately single-unit residential uses with embedded public and quasi-public uses, infrequent multi-unit residential, and commercial/retail uses at certain nodes and corridors. The subject property is located less than a half-mile from the commercial, retail and mixed-use development and open spaces at Lowry Field. Bus Routes 6 and 73 run along Quebec Street, east of the site with 30-minute headways.

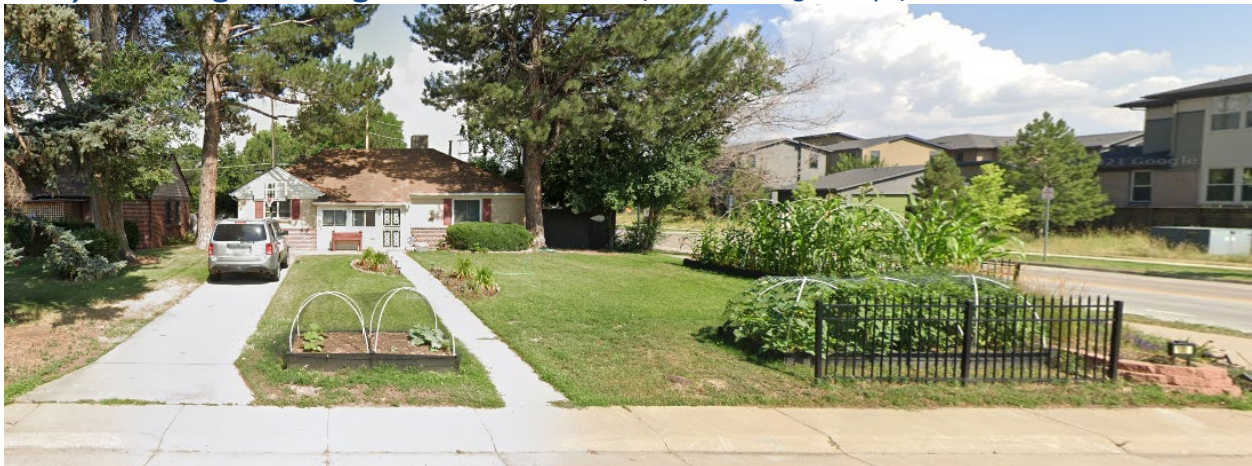
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Single-unit Residential	1-story house with driveway access Oneida St.	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-Dx	Single-unit Residential	1-story house with driveway access Oneida St.	
South	E-SU-Dx	Single-unit Residential	2-story house with attached garage access on the alley.	
East	E-SU-Dx	Single-unit Residential	No existing structures, stormwater detention feature	
West	E-SU-Dx	Single-unit Residential	2-story house with attached garage with access on Oneida St.	

2) Existing Land Use Map



3) Existing Building Form and Scale (source: Google Maps)



View of the subject property looking east.



View of the property to the north, looking east.



View of the property to the west, looking west.



View of the property to the south, looking south.



View of the property to the east, looking north

Proposed Zoning

The applicant is requesting to rezone to E-SU-D1x, which allows the Suburban House, Urban House, and Detached Accessory Dwelling Unit building forms on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The E-SU-D1x district allows for the same uses and building forms as the current E-SU-Dx 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 percent of the lot. The Detached Accessory Dwelling Unit 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 7,000 square feet the ADU building footprint may be a maximum of 1,000 square feet. The district does not require off-street vehicular parking for single-unit dwellings or accessory dwelling units, but if provided, street access is allowed when no alley is present.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House; Suburban House	Urban House; Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 to 35 feet Urban and Suburban House Form	2.5 stories / 30 to 35 feet Urban and Suburban House Form
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 17 to 19 feet Suburban House: 2.5 stories / 30 to 35 feet	Urban House: 1 story / 17 to 19 feet Suburban House: 2.5 stories / 30 to 35 feet
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 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 – No Comments

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

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:	6/24/2022
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:	08/2/2022
Planning Board Public Hearing:	08/17/2022
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:	08/20/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	08/30/2022
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:	10/24/2022

- **Registered Neighborhood Organizations (RNOs)**
 - Staff received a position statement from the Mayfair Park RNO in opposition of the rezoning request 2022I-00076 at 100 North Oneida Street. The RNO conducted an online poll resulting in 16 responses in favor and 20 responses in opposition to the rezoning.
- **Other Public Comment**
 - To date, staff has received 8 letters of support and 7 letters of opposition. The concerns in the letters of opposition surround parking, privacy, short-term rentals, and neighborhood character if ADU development becomes more common throughout the area.

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

The proposed E-SU-D1x 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 largely single-unit 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 Hilltop 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.

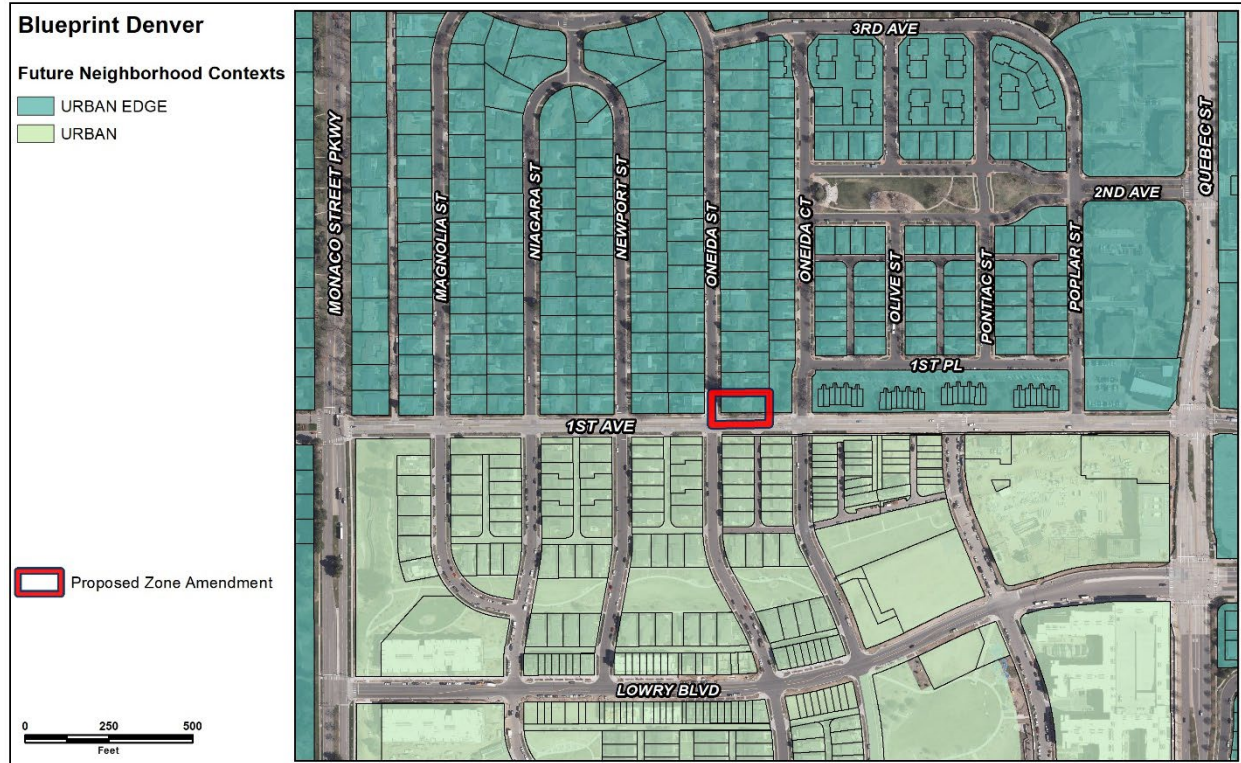
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation through a minor increase in residential density.

Blueprint Denver

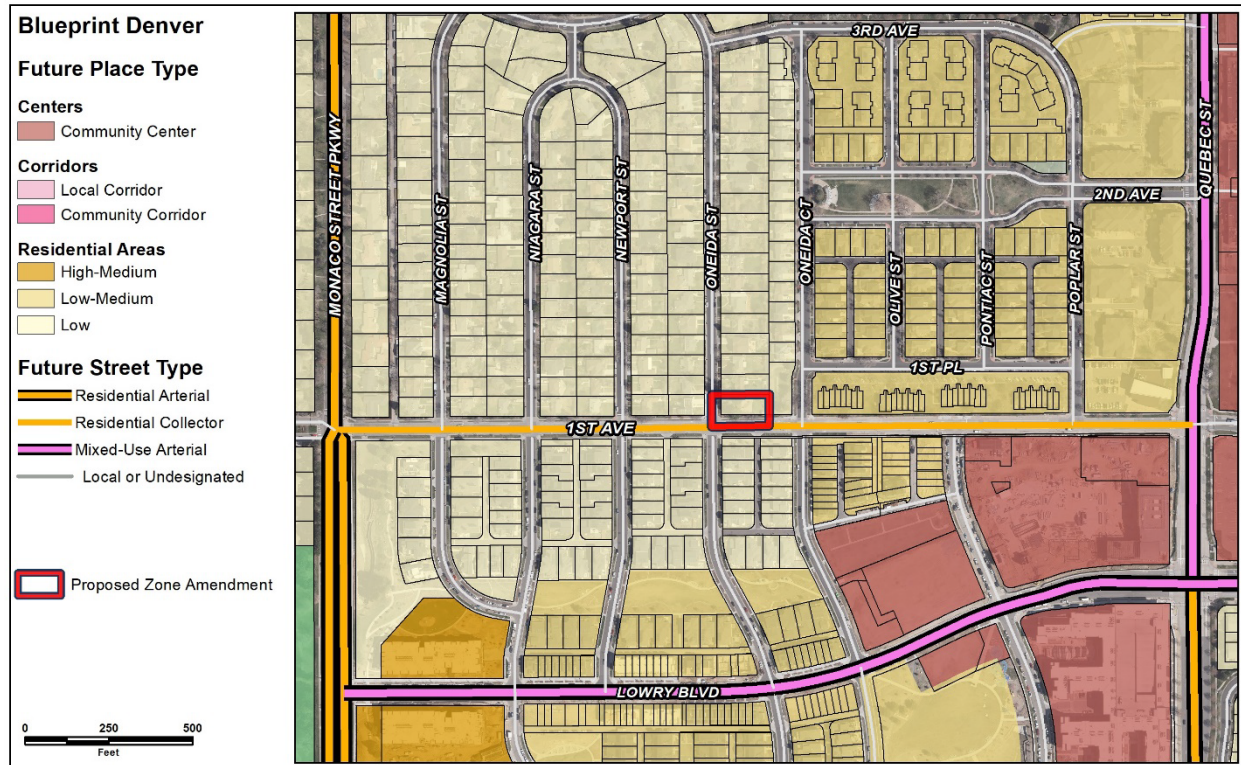
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential Future Place within the Urban Edge Future Neighborhood 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 Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206). E-SU-D1x is a zone district within the Urban Edge Neighborhood Context in the Denver Zoning Code. The Urban Edge residential zone districts are intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-D1x is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge 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

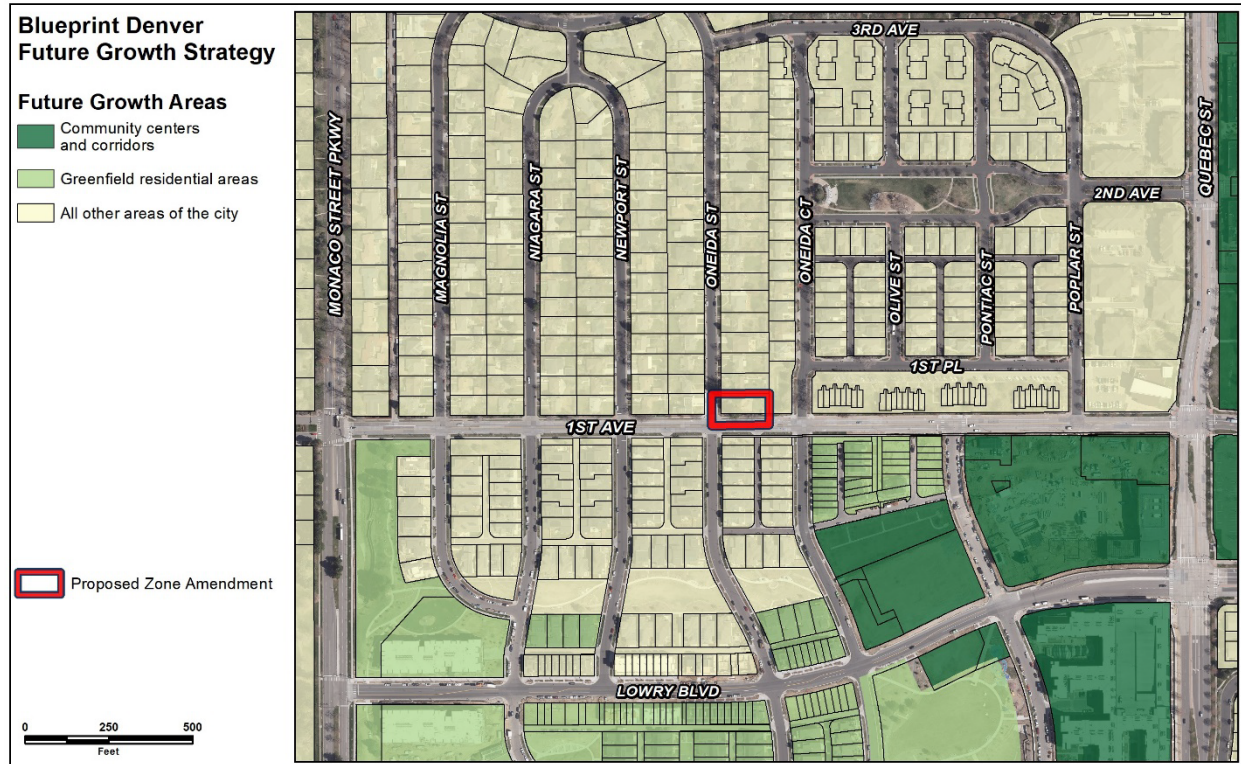


Within the Urban Edge Future Neighborhood Context, the subject property is categorized as a Low Residential Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-D1x 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 Oneida 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 1st Avenue is designated as a Residential Collector street type and is intended to collect movement from local streets and convey it to arterial streets. The proposed E-SU-D1x 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 E-SU-D1x 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 is a single zone lot in a residential area. The subject property is located the equivalent of five blocks of an RTD bus route along Quebec Street, and is equally proximate to commercial, retail, and mixed-use areas surrounding and including Lowry Field and the Boulevard One development. 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.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x 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". 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 Hilltop neighborhood. The proposed rezoning also enables the creation of additional dwelling unit in an area with good access to nearby mixed-use development. 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 E-SU-D1x zone district is within the Urban Edge Neighborhood Context, which "is primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Section 4.1.1). This context "consists of a regular pattern of block shapes" and "a mixed presence of alleys" (DZC, Section 4.1.2). The residential area of the Hilltop neighborhood consists almost entirely of single-unit residential uses in a mix of rectangular blocks and curvilinear streets with occasional alley access. The proposed rezoning to E-SU-D1x 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 Edge Neighborhood Context” (DZC Section 4.2.2.1.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed E-SU-D1x 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 E-SU-D1x zone district “is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard” (DZC Section 4.2.2.2.F.). The subject property at 100 North Oneida Street contains a single-unit dwelling on a zone lot of 8,520 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
2. Public Comment