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TO: Land Use, Transportation, and Infrastructure Committee
FROM: Fritz Clauson, AICP, Associate City Planner
DATE: March 14, 2024
RE: Official Zoning Map Amendment Application #2023I-00214

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2023I-00214 forward for consideration by the full City Council.

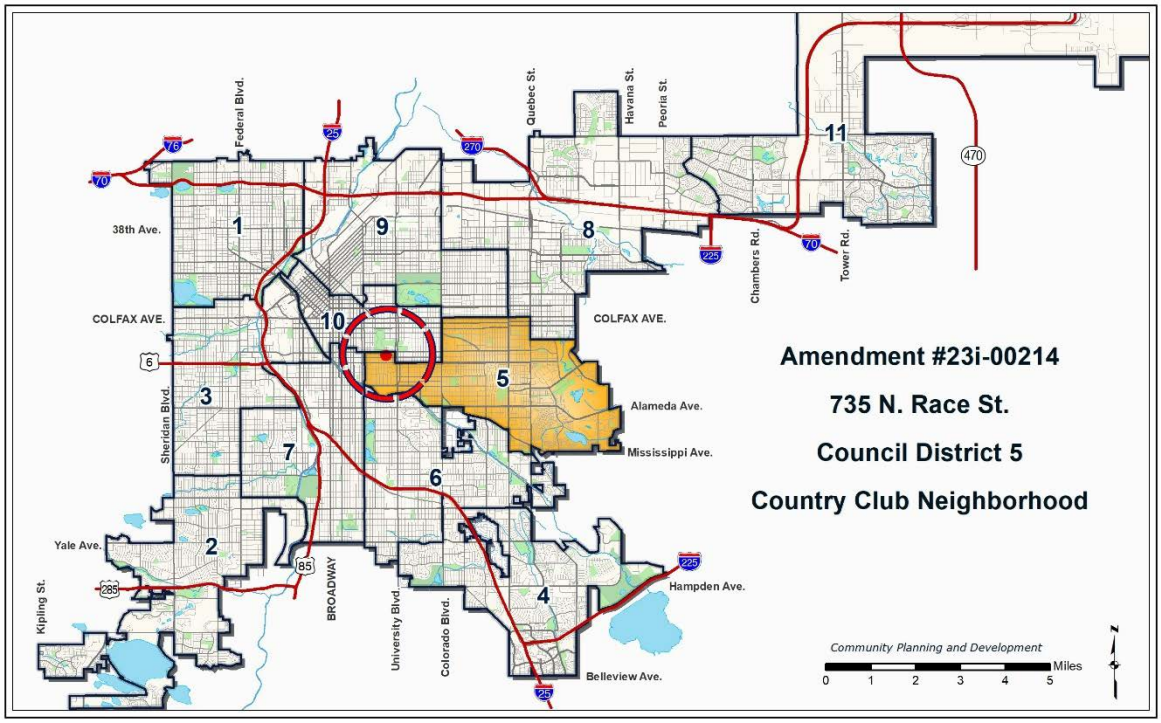
Request for Rezoning

Address:	735 North Race Street
Neighborhood/Council District:	Country Club / Council District 5 – Amanda Sawyer
RNOs:	Inter-Neighborhood Cooperation (INC), Capitol Hill United Neighborhoods, 7th Avenue Neighborhood Association, Neighbors for Greater Capitol Hill, Strong Denver
Area of Property:	6,240 square feet or 0.14 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-C1
Property Owner(s):	Peter Hill Cleworth

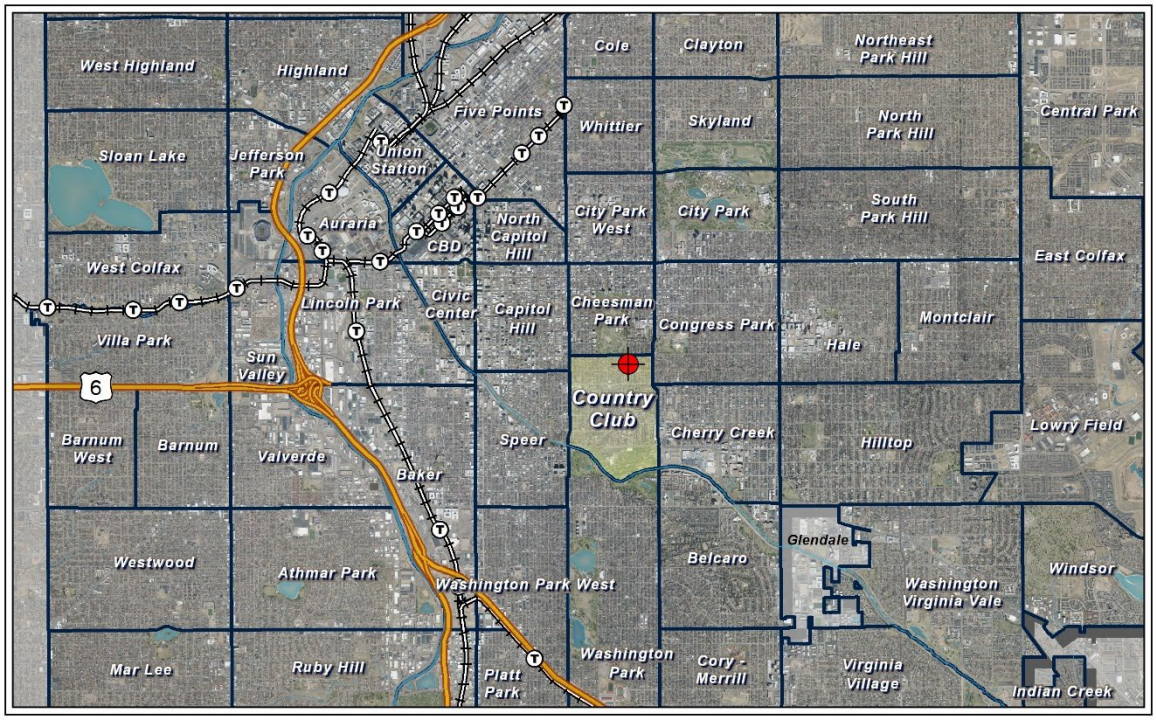
Summary of Rezoning Request

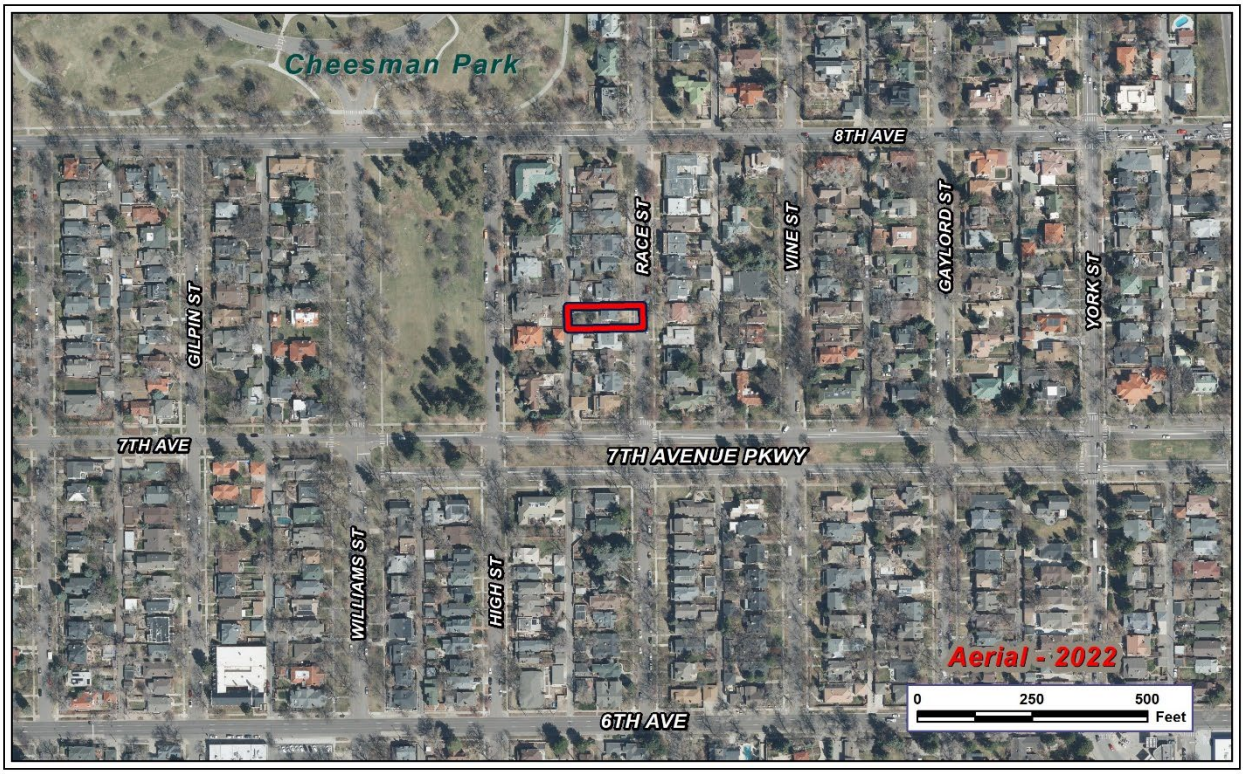
- The subject property contains a single-unit home built in 1937, located five parcels north of the intersection of East Seventh Avenue Parkway and North Race Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU).
  - The proposed U-SU-C1, **U**rban, **S**ingle-**U**nit, **C1** (5,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Neighborhood Context, which is characterized by single-unit and two-unit residential uses. Single and two-unit residential uses are primarily located along local and residential arterial streets and use the Urban House building form. The Urban House building form allows up to 30 to 35 feet in height and a 17-foot side bulk plane vertical height for the first 65% of the zone lot depth (10' in rear 35%). The Detached Accessory Dwelling Unit form can be a maximum height of 2 stories or 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – Country Club





1. Existing Context

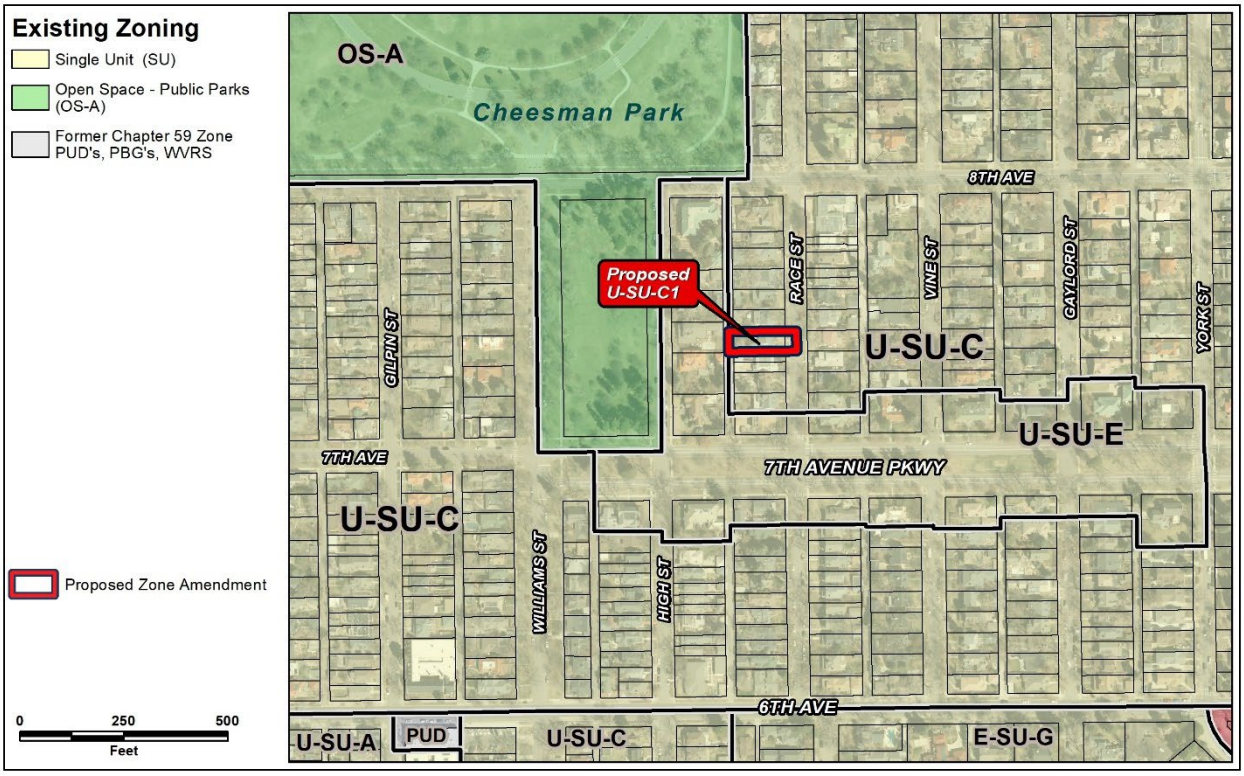
The subject property is in the Country Club statistical neighborhood, which is characterized by a single-unit, two-unit, and smaller-scale multi-unit residential uses. There is a pattern of regular rectangular blocks, with vehicle access provided by alleys. The subject property is one half block southeast from Cheesman Park. There are RTD stops at Race Street and East 8th Avenue (eastbound) and Gaylord Street and East 6th Avenue (westbound) for bus route 6, which has half-hourly headways, and at East 8th Avenue and York Street (southbound) and Josephine Street (northbound) for bus route 24, which has hourly 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	U-SU-C	Single-unit Residential	1 story house with detached structure on the alley	Street grid with regular block sizes and shapes. Detached sidewalks with moderate setbacks. Detached garages with alley access and on-street vehicle parking.
North	U-SU-C	Single-unit Residential	1.5 story house with detached garage on alley	
South	U-SU-C	Duplex Residential	1 story brick duplex with detached garages on alley	
East	U-SU-C	Single-unit Residential	2 story house with detached garage on alley	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	U-SU-E	Single-unit Residential	2.5 story house with attached garage on alley	

2. Existing Zoning



The U-SU-C zone district is a single-unit district allowing 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. U-SU-C allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

3. Historic District or Structures

The subject property is within the East Seventh Avenue Historic District, which is a large district that represents the areas surrounding 7th Avenue Parkway, from Logan Street to Colorado Boulevard. All properties within a historic district are subject to design review, focusing on any exterior work, demolition, or development on the site within the boundaries of a historic district. Design review ensures that a proposed project preserves key historic features and is compatible with the character of the designated historic buildings, sites, and districts. Once a project is approved in design review, Landmark Preservation staff issues a Certificate of Appropriateness, which may be presented as part of the zoning and building reviews that follow.

4. Existing Land Use Map

5. Existing Building Form and Scale (all images from Google Earth)

Subject Site - View of the subject property, looking west.

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

South – View of the property to the south, looking west.

East - View of properties to the east, looking east.

West - View of the properties to the west, looking east.

Proposed Zoning

The U-SU-C1 zone district is a single-unit district allowing 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. U-SU-C1 allows three accessory structure forms: Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 2 stories or 24 feet for a DADU, which can be combined with a detached garage. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. The subject site has a lot size of 6,240 square feet, allowing a maximum gross floor area of 864 square feet for the ADU.

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

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*	2.5 stories/30 feet	2.5 stories/30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	2.5 stories/30 feet	2.5 stories/30 feet
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	17 feet / 10 feet	17 feet / 10 feet
DADU Maximum Heights in Stories / Feet	DADUs not permitted	2 stories/24 feet
Zone Lot Size (Min.)	5,500 square feet	5,500 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	5’	5’
Rear Alley / No Alley (Min.)	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 subject property 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 Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Response.

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

1) Future development is subject to zoning and building permit review and approval prior to construction beginning. Projects with two units or less will be reviewed by the Residential Team.

2) Future development on the site will need to comply with the chosen building form standards for the new zone district.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved - See Comments Below:

Parkway regulations and setbacks still apply to the property.

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

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site,

undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD 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. EQD 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. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – City Surveyor: Approved – See Comments Below. Recommend adding the quarter section, township, and range to the description.

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:	**11/22/2023**
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	**1/23/2024**
Planning Board Public Hearing:	**2/21/2024**
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**:**	**3/5/2024**
Land Use, Transportation and Infrastructure Committee of the City Council**:**	**3/19/2024**
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):**	**4/8/2024**
City Council Public Hearing **(tentative):**	**4/29/2024**

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received any comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, staff has not received any comment letters from the public.

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).

U-SU-C1 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 compatible with the single-unit homes that characterize most of the Country Club 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 appropriate for the surrounding neighborhood that broadens the range of housing types available.

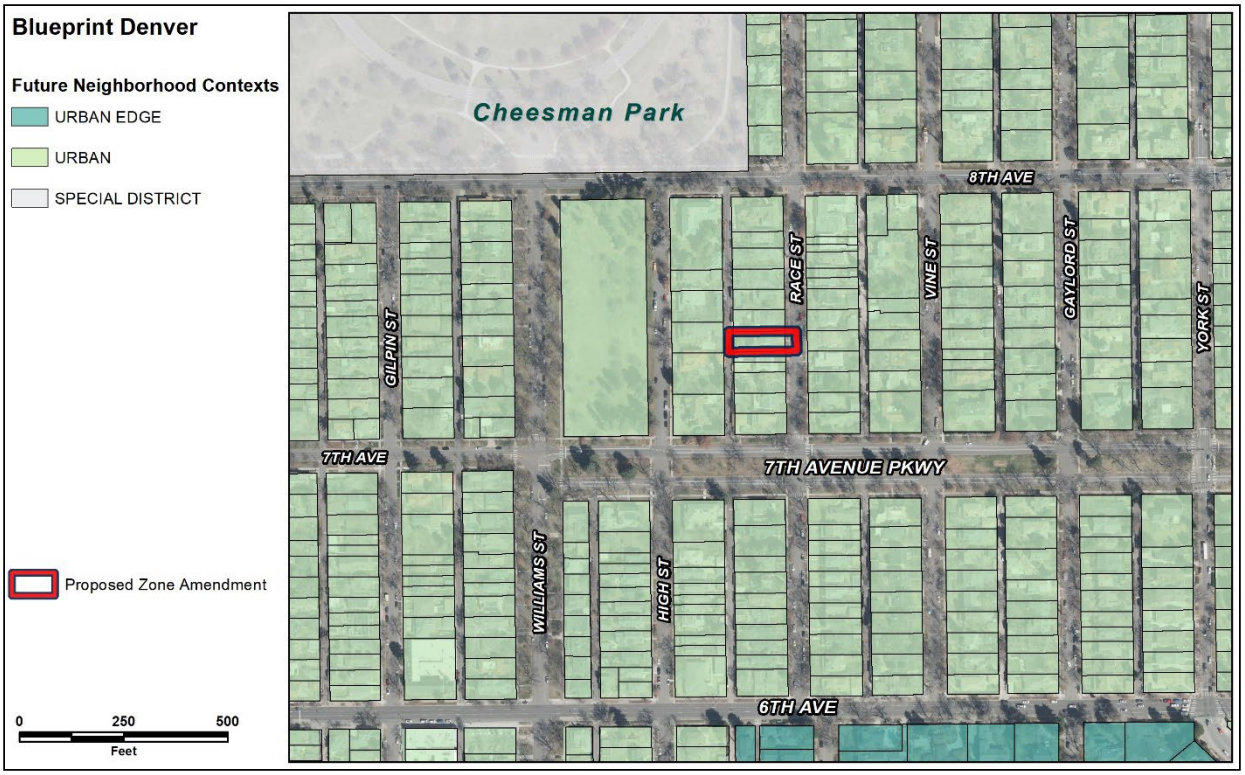
- Environmentally Resilient Goal 8, Strategy A – "Promote infill development where infrastructure and services are already in place" (p. 54).

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

Blueprint Denver

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

***Blueprint Denver* Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is "widely distributed throughout the city," and "Homes vary from multi-unit developments to compact single-unit homes." (p. 221).

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 Section 5.2.2.1). U-SU-C1 is consistent with the *Blueprint Denver* future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with an accessory dwelling unit compatible with the existing residential area.

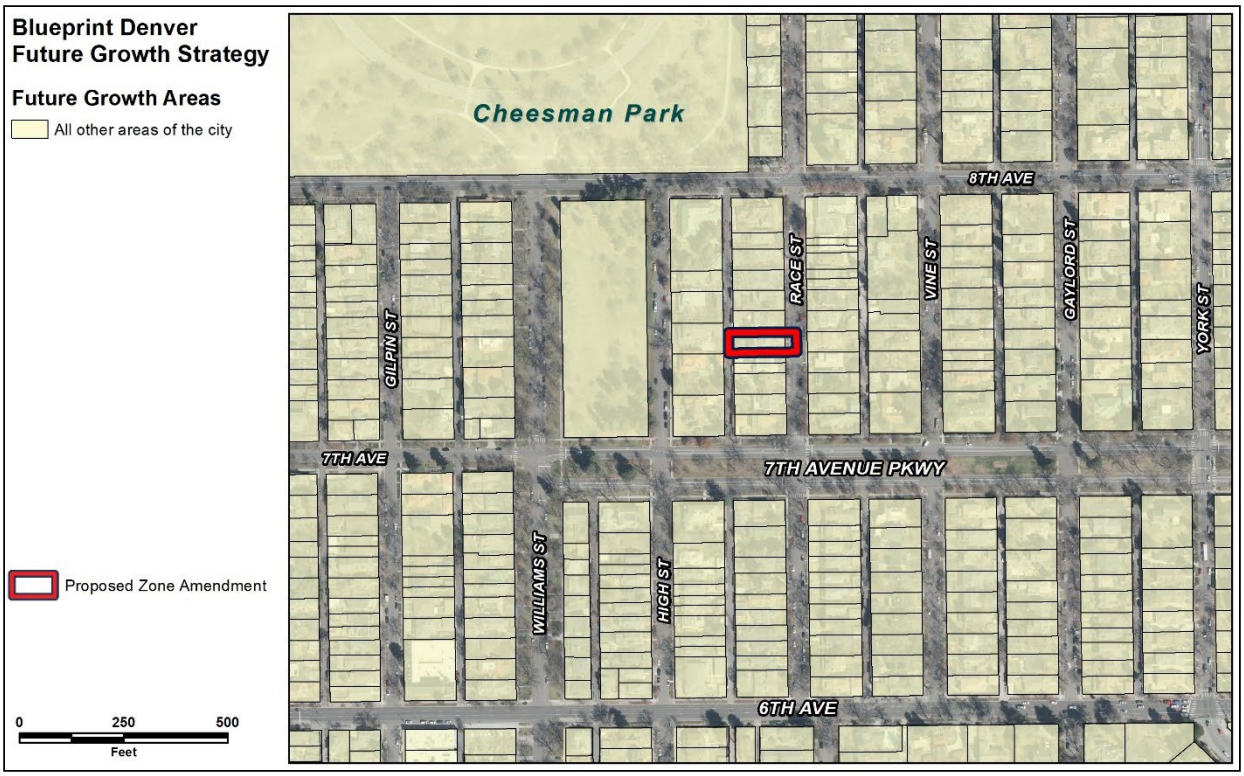
***Blueprint Denver* Future Place**

The subject site is designated within a Residential Low future place on the *Blueprint Denver* Future Places map. This place type is a "Predominately single- and two-unit uses on smaller lots.," where "Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible," with buildings "generally up to 2.5 stories in height." (p. 230). U-SU-C1 is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, consistent with the Residential Low future place description. It allows the Urban House primary building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

***Blueprint Denver* Future Street Types**

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Race Street as Local Future Street Type, along which the land use and built form is described as, "Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses" (p. 160). The proposed U-SU-C1 district is consistent with this description as 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 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 is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to U-SU-C1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver **Strategies**

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

- 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).

This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

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 official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan, which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-C1 zone district is within the Urban Neighborhood Context. The neighborhood context is "primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building form" (DZC, Division 5.1). These areas consist of a "regular pattern of block shapes surrounded by an orthogonal street grid. (DZC, Division 5.1). The Country Club neighborhood consists of mostly single-unit residential uses in rectangular blocks. 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. […] The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages." (DZC, Section 5.2.2.1). It accommodates two and a half story buildings in the Urban House form, oriented towards the street in the single unit districts. This is consistent with the U-SU-C1 district

as it allows for a two and a half story house and will protect the character of the residential areas in the Urban neighborhood context.

The specific intent of the U-SU-C1 zone district is “a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet and detached accessory dwelling units. 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 5.2.2.2.H). The subject site is in an area where urban houses and lots over 5,500 square feet are common. The site at 735 North Race Street is 6,240 square feet with a width of approximately 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, the proposed rezoning is consistent with the specific intent of the zone district.

Attachments

1. Application