



TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: April 22, 2021
RE: Official Zoning Map Amendment Application #2020I-000179

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00179.

Request for Rezoning

Address: 4530 Winona Court and 4345 Bryant Street
Neighborhood/Council District: Berkeley and Sunnyside Neighborhoods / Council District 1 – Amanda Sandoval
RNOs: Inter-Neighborhood cooperation (INC), Berkeley Regis United Neighbors, West Tennyson Founders, Northeast Denver Friends and Neighbors (NEDFANS), Federal Boulevard Corridor Improvement Partnership, Sunnyside United Neighbors, Inc. (SUNI)
Area of Property: 4,690 + 4,710 = 9,400 square feet or 0.2 acres
Current Zoning: U-SU-C1
Proposed Zoning: U-SU-B1
Property Owner(s): Melissa Rick and Erin Harker
Owner Representative: Melissa Rick

Summary of Rezoning Request

- These two properties came together for rezoning given the similarities of the sites. While they are in different neighborhoods, they are in the same Council District and the research shows they have very similar contexts and conditions. The applicants were made aware of the benefits and risks of bundling the sites into one application. While it will save them time and money, if one of the subject properties requesting to be rezoned was to be denied, the other property rezoning would also be denied.
- The property owners are proposing to rezone their properties to a district with a smaller minimum zone lot size to build a detached accessory dwelling unit. While an attached accessory dwelling unit is allowed under the existing zoning, a detached accessory dwelling unit is not allowed in the existing zoning because the lots are smaller than the minimum 5,500 square feet required in the U-SU-C1 zone district.

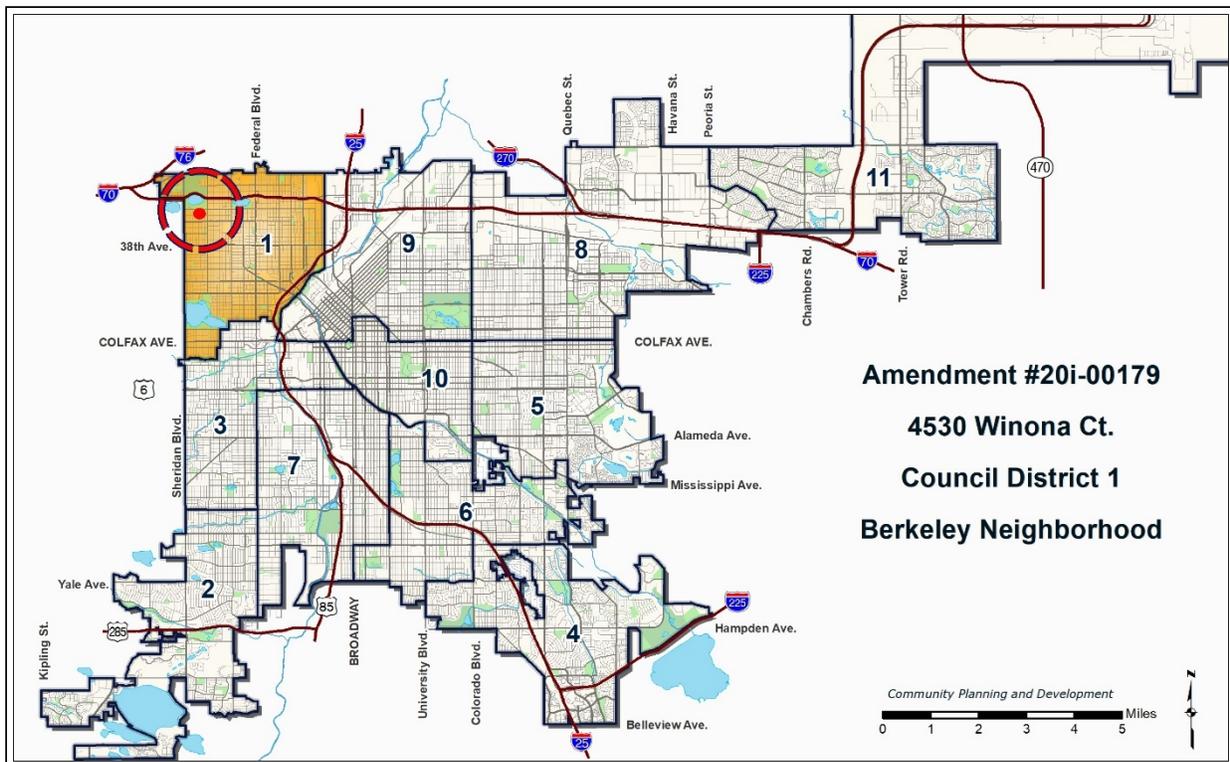
The proposed U-SU-B1, Urban, Single-Unit, B1 (4,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House 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 can be a maximum height of 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).

The existing context for 4530 Winona Ct. is presented first, followed by the existing context of 4345 Bryant Street. The rest of the staff report bundles both properties given that the process, conclusions and recommendations are the same for both sites in this application.

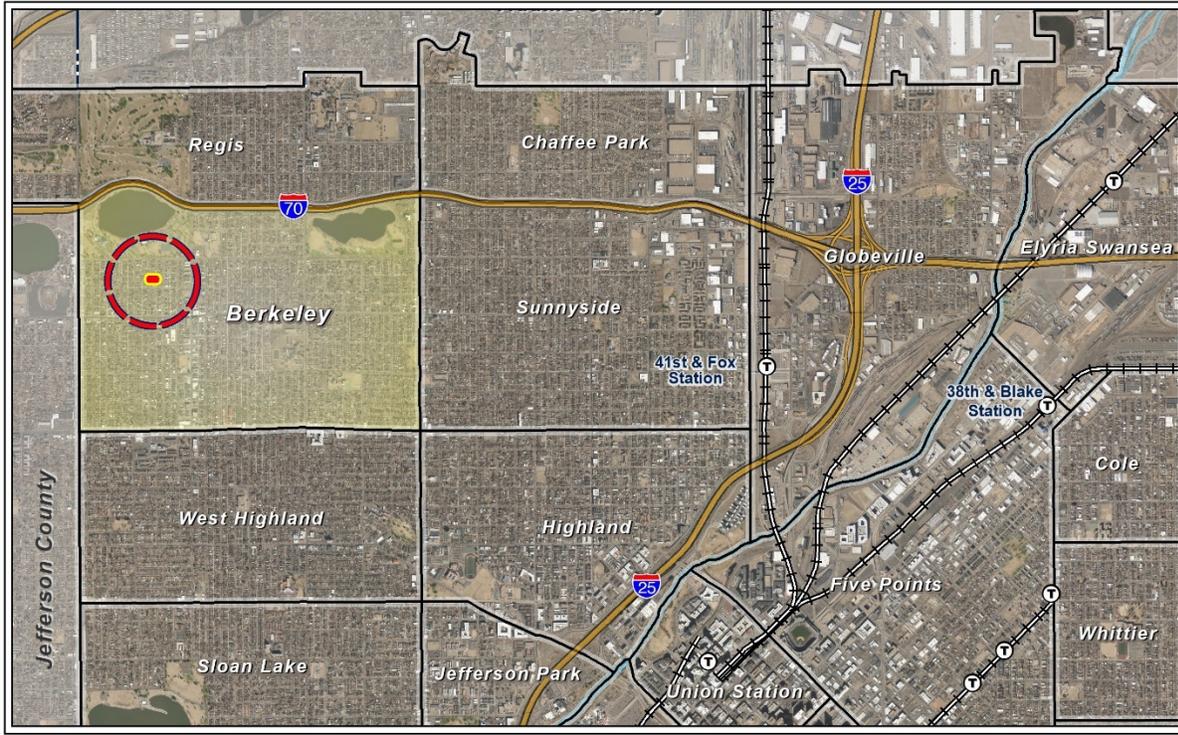
4530 Winona Ct.

- The subject property contains a single-unit dwelling built in 1925 and is located between W. 46th Ave. and W. 45th Ave., along Winona Ct., only half a block south from Berkeley Lake Park and 0.5 miles south from I-70.

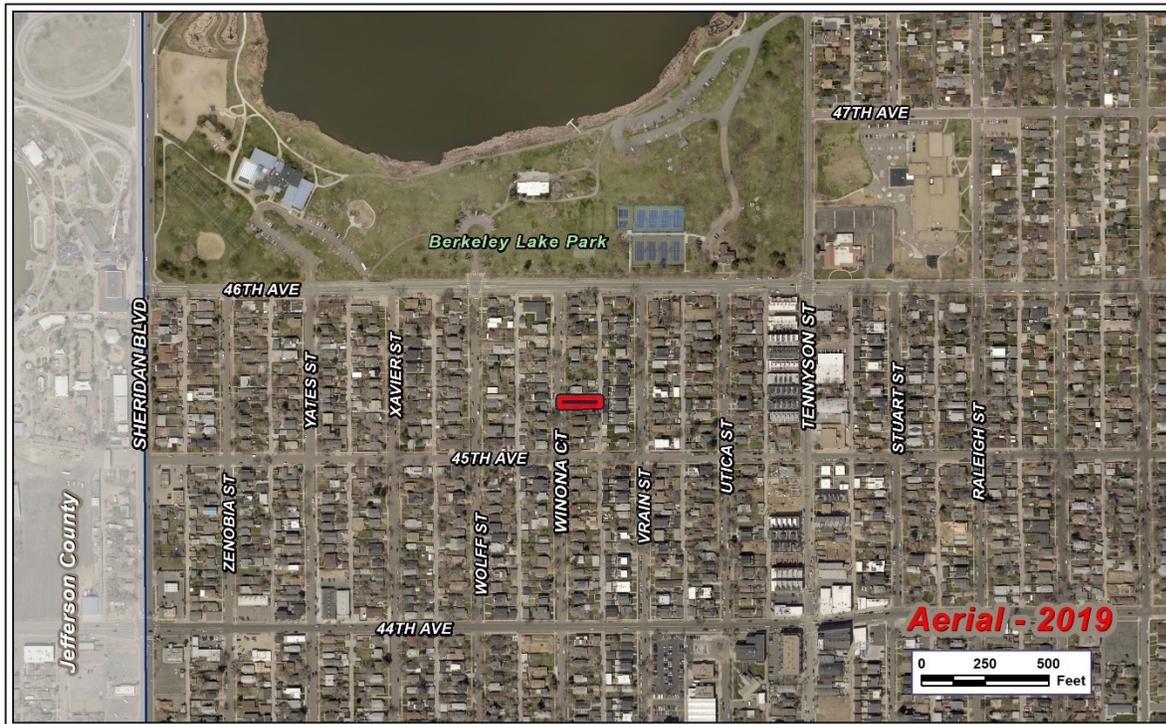
City Location



Neighborhood Location – Berkeley Neighborhood



Existing Context

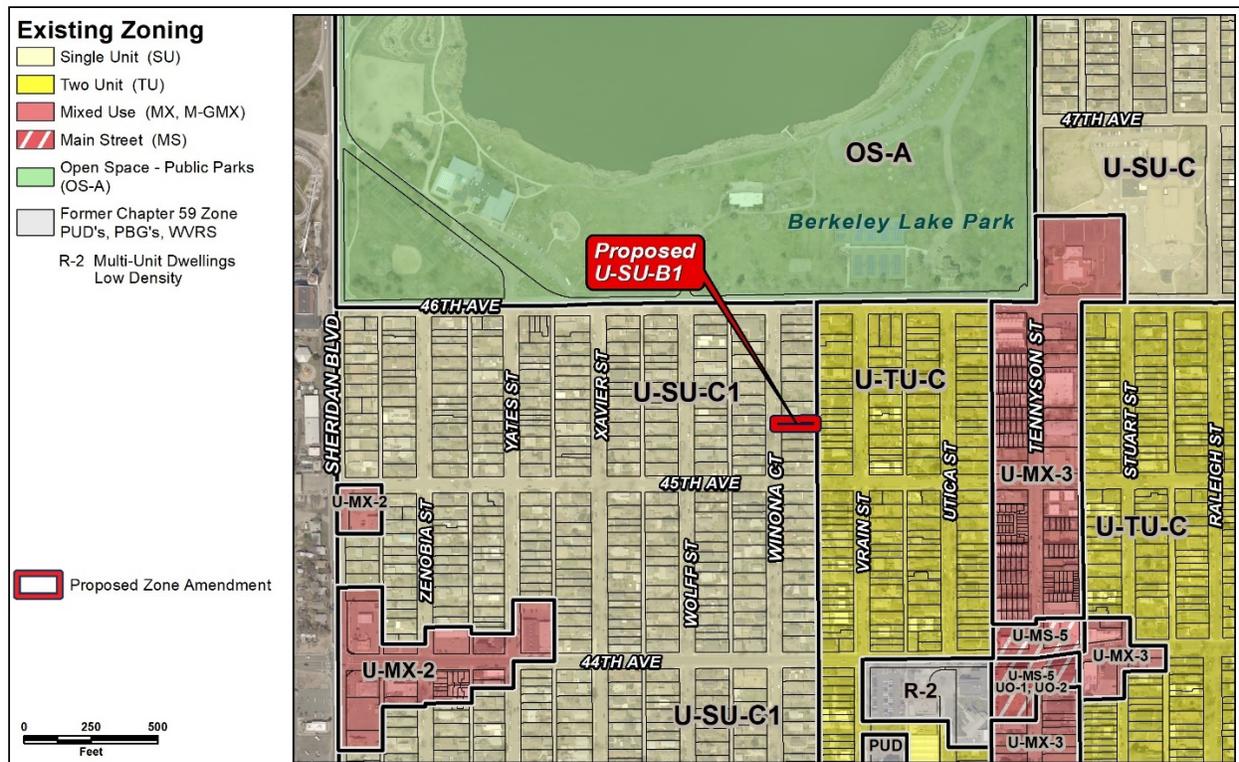


The subject property is in the Berkeley neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses along Tennyson St. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between 46th Ave. and 45th Ave. and is 0.5 miles south from I-70. It is also a block and a half north from 44th Ave. where the 44 bus route runs. A bike lane traverses 46th Ave., 1/2 block to the north of the property.

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-C1	Single-unit Residential	1-story House	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C1	Single-unit Residential	1-story House	
South	U-SU-C1	Single-unit Residential	1-story House	
East	U-TU-C1	Single-unit Residential	2 ½ -story House	
West	U-SU-C1	Single-unit Residential	1 ½ story House	

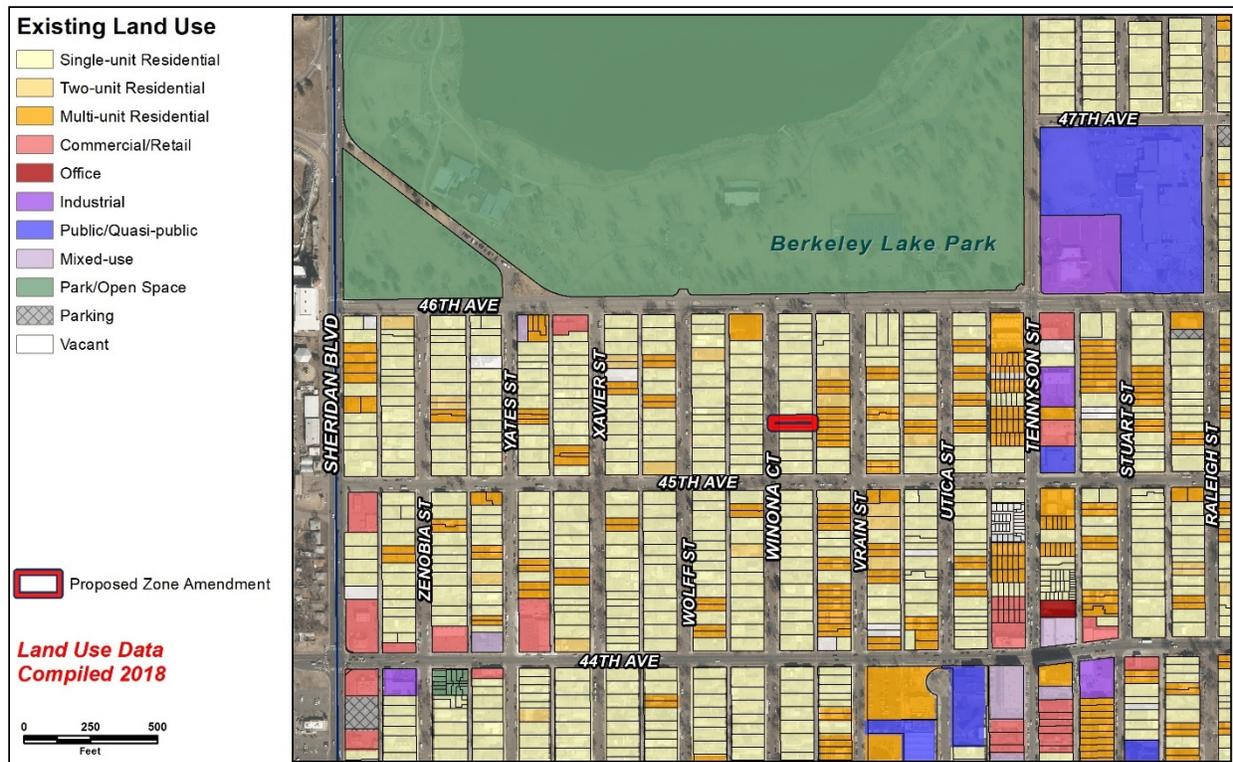
Existing Zoning



The U-SU-C1 zone district is a single-unit district allowing urban houses and detached accessory dwelling units 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% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Units, 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.

Urban (U) Neighborhood Context Zone District		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum							
Single Unit (SU)	U-SU-C1		■										

Existing Land Use Map



Existing Building Form and Scale (source: Google Maps)



Aerial view of the site looking northwest.



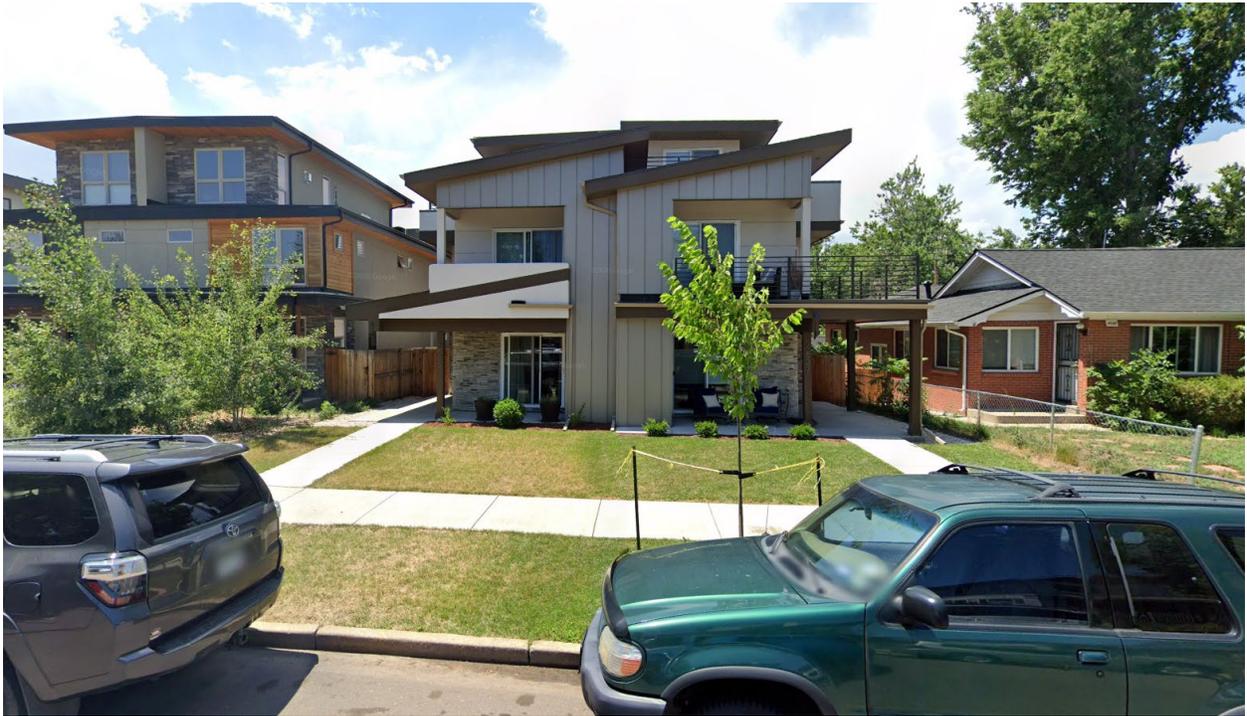
View of the subject property looking east.



View of the property to the north, looking east.



View of the property to the south, looking east

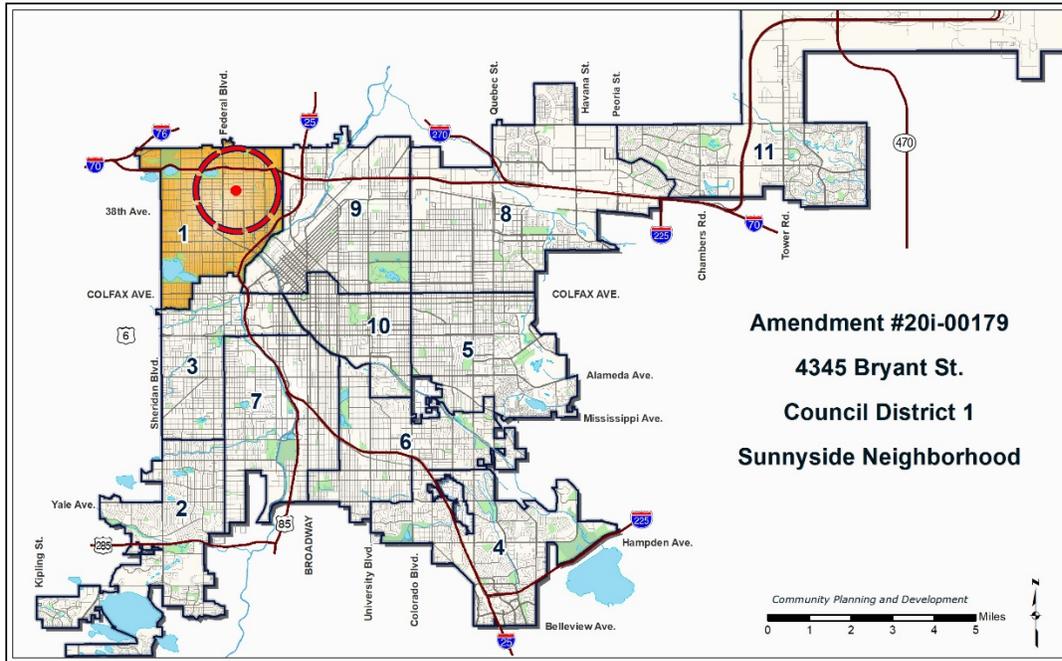


View of the property to the east, on the other side of the alley, looking west

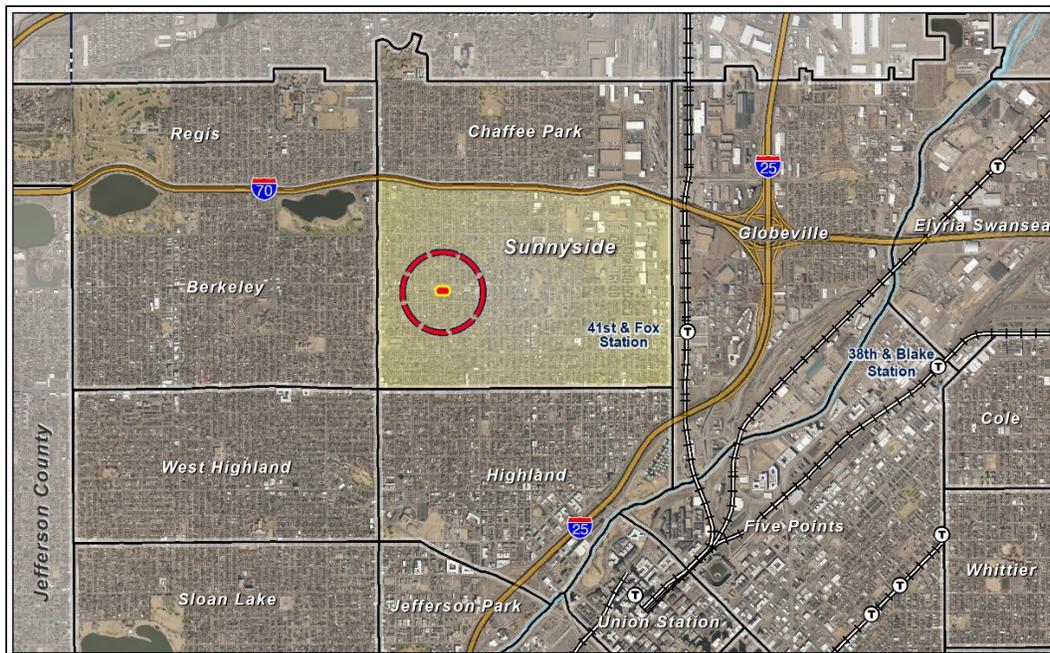
4345 Bryant St.

- The subject property contains a single-unit dwelling built in 1905 and is located between W. 44th Ave. and W. 43rd Ave., along Bryant St., 0.3 miles east of Federal Blvd and 0.5 miles south of I-70.

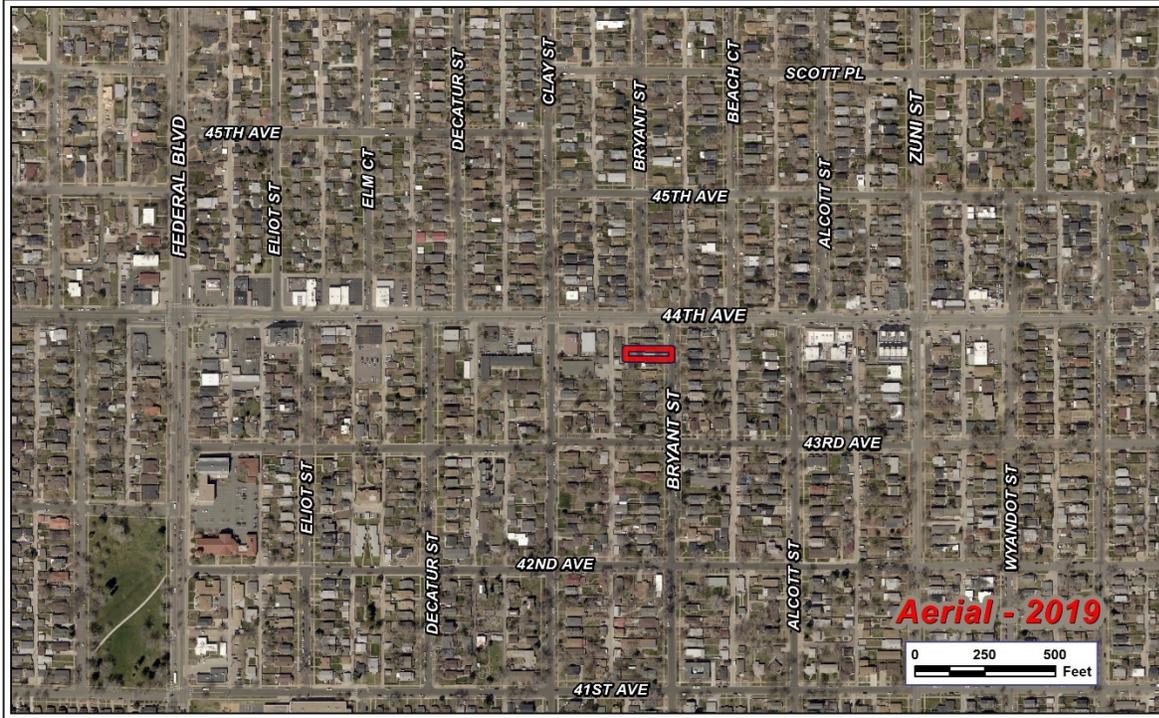
City Location



Neighborhood Location – Sunnyside Neighborhood



Existing Context

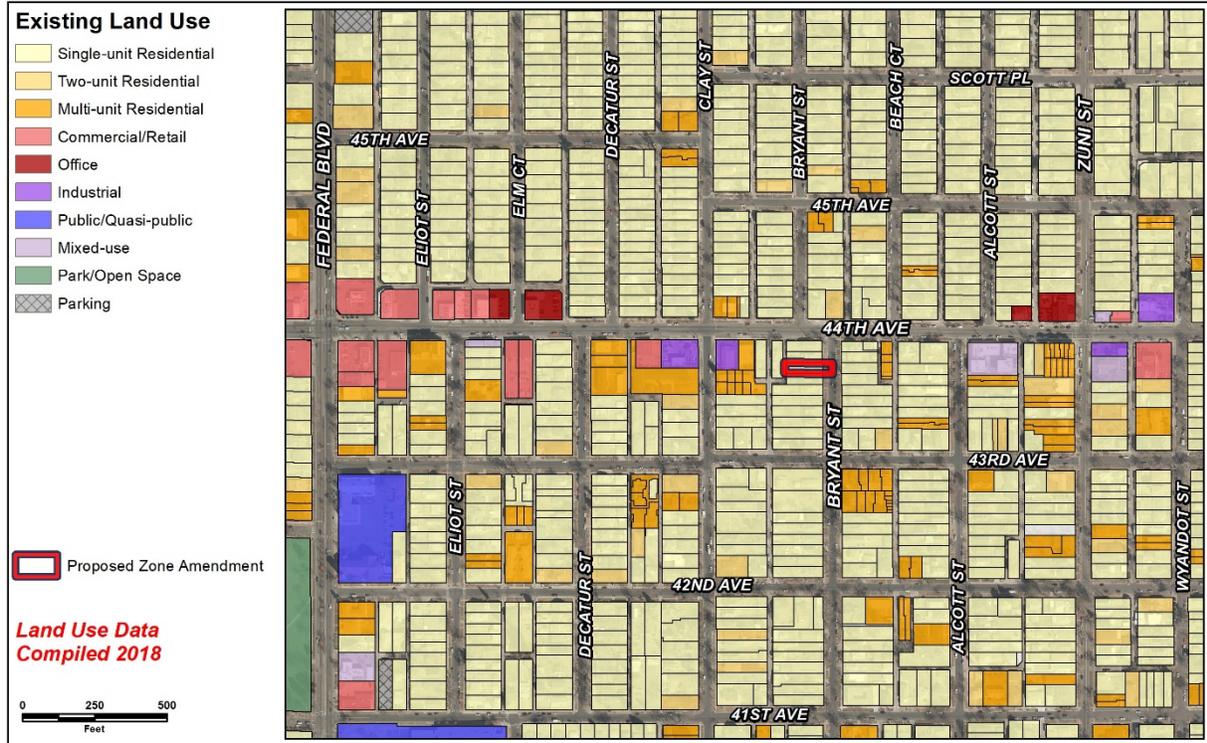


The subject property is in the Sunnyside neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses at the intersection of 44th Ave. and Federal Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between W. 44th Ave. and W. 43rd Ave.

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-C1	Single-unit Residential	1-story House	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C1	Single-unit Residential	1 ½ story House	
South	U-SU-C1	Single-unit Residential	1 ½ story House	
East	U-SU-C1	Single-unit Residential	2 -story House	
West	U-SU-C1	Single-unit Residential	1 story House	

Existing Land Use Map



Existing Building Form and Scale (source: Google Maps)



Aerial view of the site looking northeast.



View of the subject property looking west.



View of the property to the north, looking west.



View of the property to the south, looking east



View of the property to the west, on the other side of the alley, looking south

Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 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-B1 district. 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. The subject sites have lot sizes of 4,690 and 4,710 square feet, allowing a maximum building footprint of 650 square feet for the DADU's.

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

Design Standards	U-SU-C1 (Existing)	U-SU-B1 (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*	1 story / 17 feet	1 story / 17 feet
DADU Maximum Height in Stories / Feet	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 square feet	4,500 square feet
Zone Lot Width (Min.)	50 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	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 (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 Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject properties with width of 35 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.

Development Services-Fire: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Comments.

Development Services - Transportation: Approve – No Response.

Development Services - Wastewater: Approved – No 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. For 4345 N Bryant, the public sanitary main is in Bryant which may create additional requirements for service. Contact WastewaterPermits@DenverGov.Org with any specific questions prior to submittal of a building permit. 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.

Parks and Recreation: Approved – No Response.

Public Health and Environment: Approved – No Comments.

Department of Transportation and Infrastructure – City Surveyor: Approved – See Comments Below.
4530 N Winona Court:

LOT 17 AND SOUTH HALF OF LOT 16 EXCLUDING REAR 8 FEET TO CITY, BLOCK 35, RESUB OF BLOCKS 1
TO 40 INCLUSIVE BERKELEY
CITY AND COUNTY OF DENVER
STATE OF COLORADO

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:	12/15/2020
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:	02/15/2021
Planning Board public hearing: (recommended for approval)	03/03/2021
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:	03/08/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	03/16/2021
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:	04/05/2021
City Council Public Hearing:	04/26/2021

- **Registered Neighborhood Organizations (RNOs)**
 To date, staff has not received any letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 To date, staff has received one letter of opposition from the public for 4530 Winona Ct. The letter refers to excessive traffic and parking congestion in the area, and how more houses will bring more cars.

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

Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Sunnyside Neighborhood Plan (Bryant St)

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-B1 will allow the subject properties to build an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes found in the Berkeley and Sunnyside neighborhoods.

- 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 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 properties as part of a Low Residential place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

Winona Court



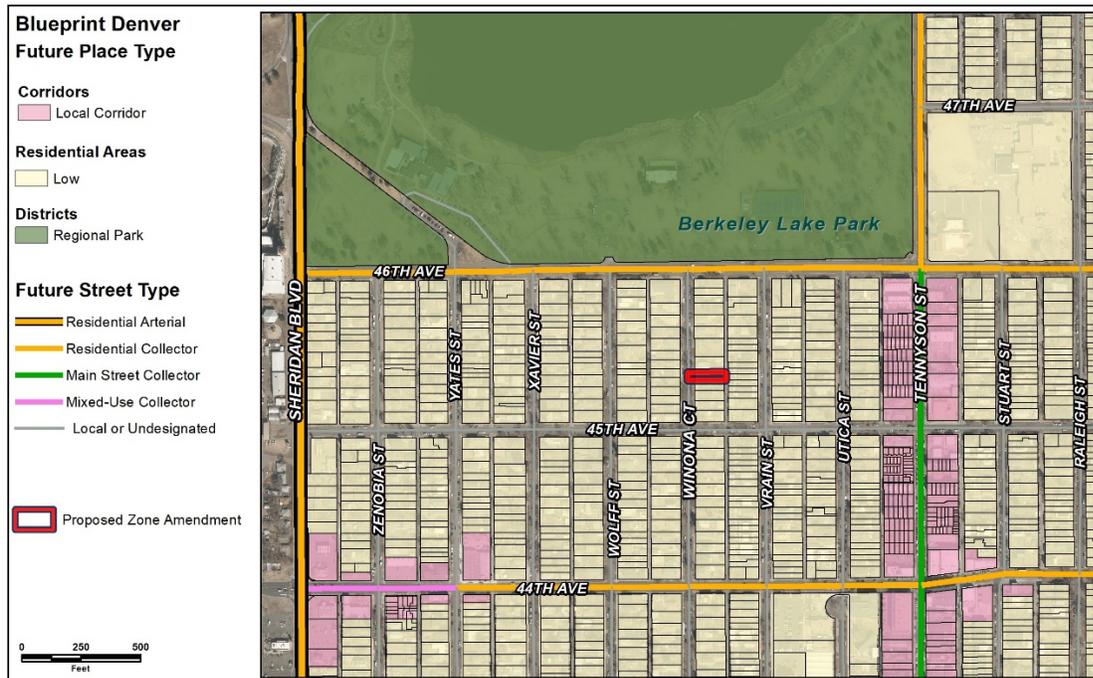
Bryant St.



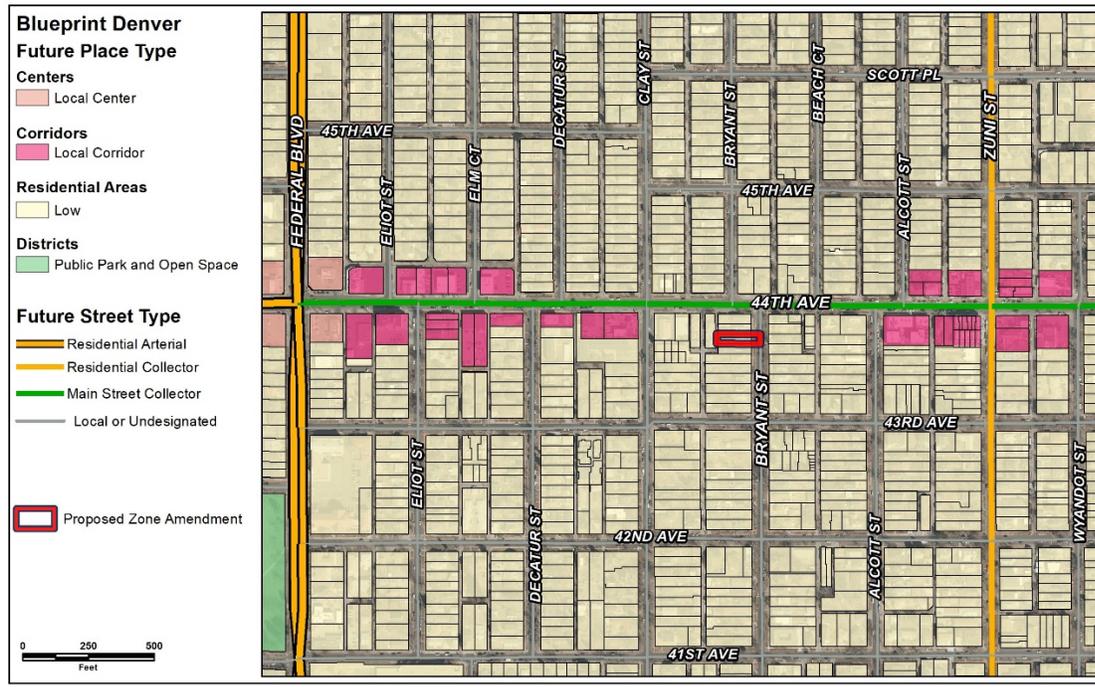
In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject sites are shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate 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-B1 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-B1 is consistent with the Blueprint future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

Winona Ct.



Bryant St.



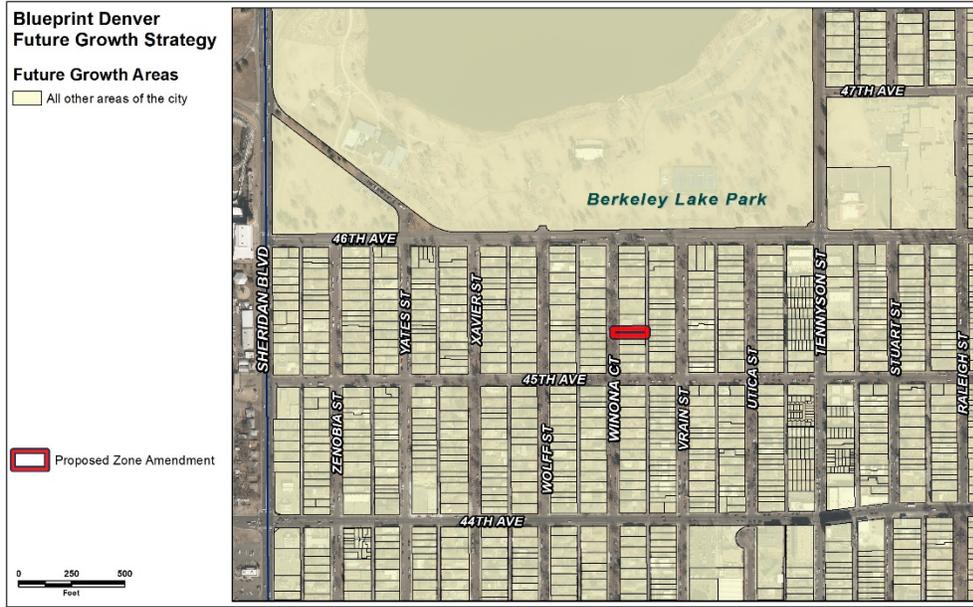
The subject sites are designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-B1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-unit 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.

Blueprint Denver Street Types

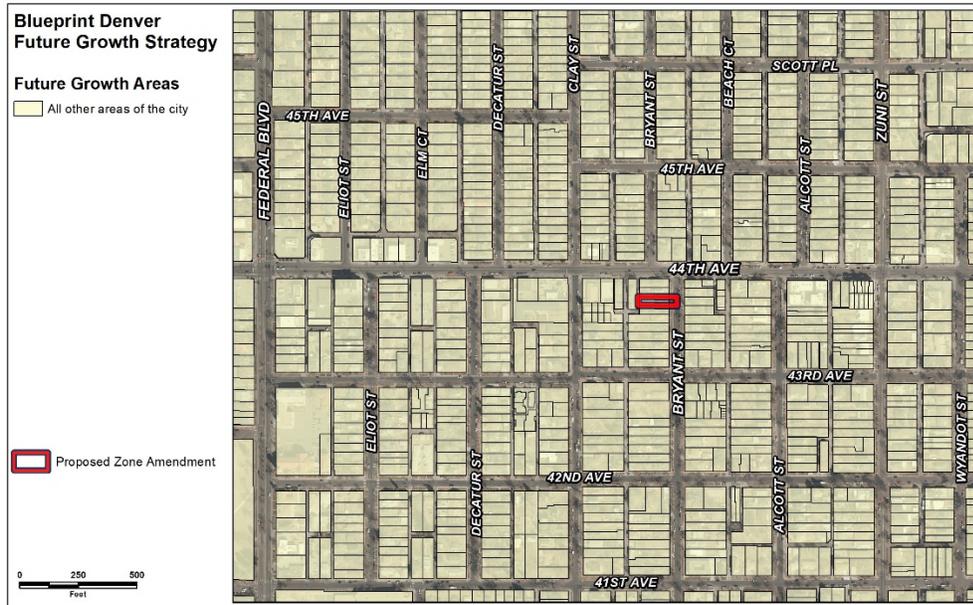
In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Winona Ct. and Bryant St. as Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-B1 district is consistent with this street type because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy

Winona Ct.



Bryant St.



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 experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). These growth areas are "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 map amendment to U-SU-B1 will strengthen the existing character of the residential neighborhood by allowing a zone district that is more

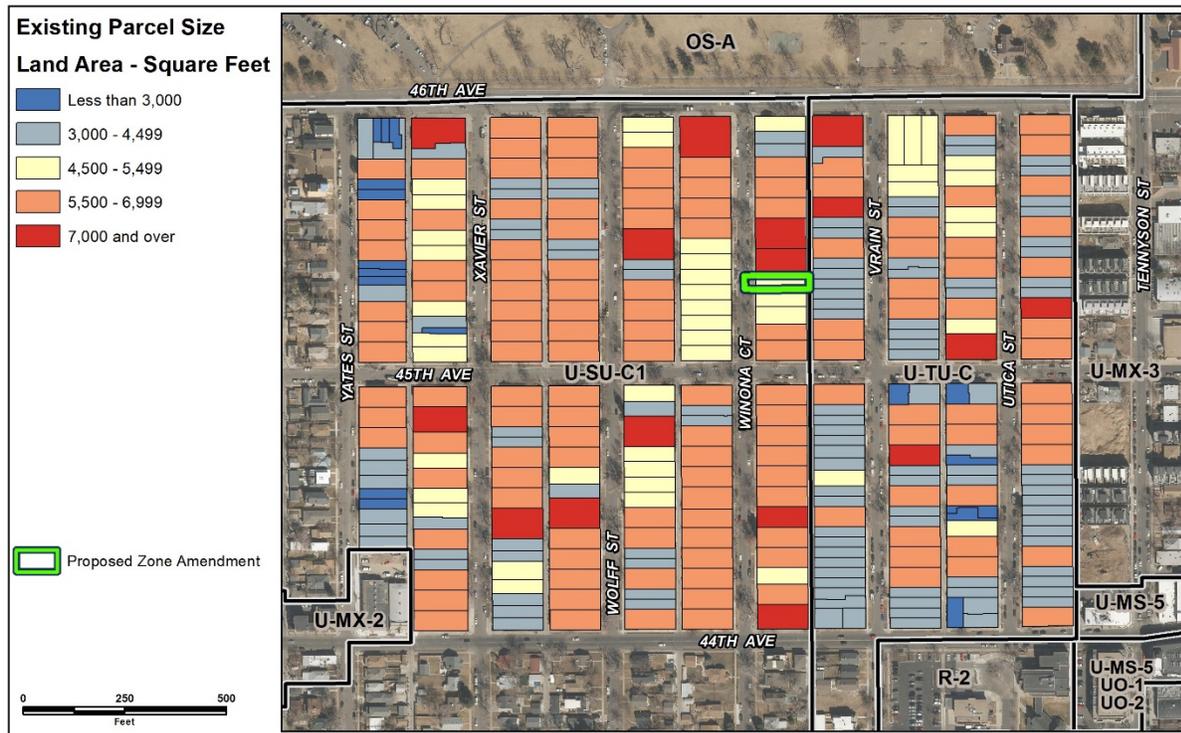
consistent with the size of the zone lot and the average lot size of the area. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each lot.

Additionally, the applicants are proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet and minimum zone lot width of 50 feet to a district with a smaller lot size, U-SU-B1, with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 35 feet. Blueprint Denver provides guidance for these situations stating, "it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request" (p. 231). For Winona Ct., the U-TU-C zone district abuts the subject property to the east, where most of the lots are smaller than 5,500 square feet. Most of the lots across the street (to the west), have a lot size consistent with the U-SU-B1 district and under 5,500 square feet. Likewise, almost half of the lots in the block containing the subject site have a lot size less than 5,500 square feet. The lot sizes contained in the blocks south of the proposed rezoning are more consistent with the U-SU-C1 district and are over 5,500 square feet. For Bryant St., given the odd street configuration, all the lots that surround the subject property are smaller than 5,500 square feet, what is more consistent with U-SU-B1. The blocks to the north of the subject property are zoned U-SU-B1 and are mostly smaller than 5,500 square feet.

Therefore, the applicants' proposal of a district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

Parcel Size Analysis

Winona Ct



Bryant St



Sunnyside Neighborhood Plan (Only Applies to Bryant St.)

This neighborhood plan was adopted in 1993 and is applicable to the property located on Bryant St. The plan is silent on residential rezonings specifically. However, the proposed rezoning is consistent with a Residential Land Use Goal, “Maintain and stabilize the residential character of Sunnyside” (p.18) and a Housing Goal, “Stabilize and upgrade the housing stock by encouraging long term residency and increasing home-ownership”. If the property is rezoned to a smaller lot size, the property owner will be allowed to build the detached ADU building form in the subject site, the residential character of Sunnyside will be maintained, and the housing stock will be upgraded and will allow the property owner to age in place, encouraging long term residency.

Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

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 “smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with

similar uses” (p. 231). The proposed rezoning would also provide the benefit of an additional housing unit on each lot that would be detached from the single-unit homes and compatibly integrated into the surrounding neighborhoods.

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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement

The requested U-SU-B1 zone district is within the Urban Neighborhood Context. The neighborhood context 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). These areas consist of “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Berkeley and Sunnyside neighborhoods consist of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-B1 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 small-scale ADUs in rear yards.

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E.) The subject sites are in areas where urban houses and lots ranging from 30 feet to 50 feet are common, with most lots having a width over 37.5 feet. The site at 4530 Winona Court is 4,690 square feet with a width of 35 feet, and the site at 4345 Bryant Street is

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4,710 square feet with a width of 37.5 feet. The adopted plan direction recommends allowing smaller lot sizes where a pattern of smaller lot sizes already exists. Therefore, rezoning these sites would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Comment Letters