



**TO:** Denver Planning Board  
**FROM:** Francisca Penafiel, Associate City Planner  
**DATE:** December 08, 2021 (revised on December 9, 2021)  
**RE:** Official Zoning Map Amendment Application #2021I-00206

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00206.

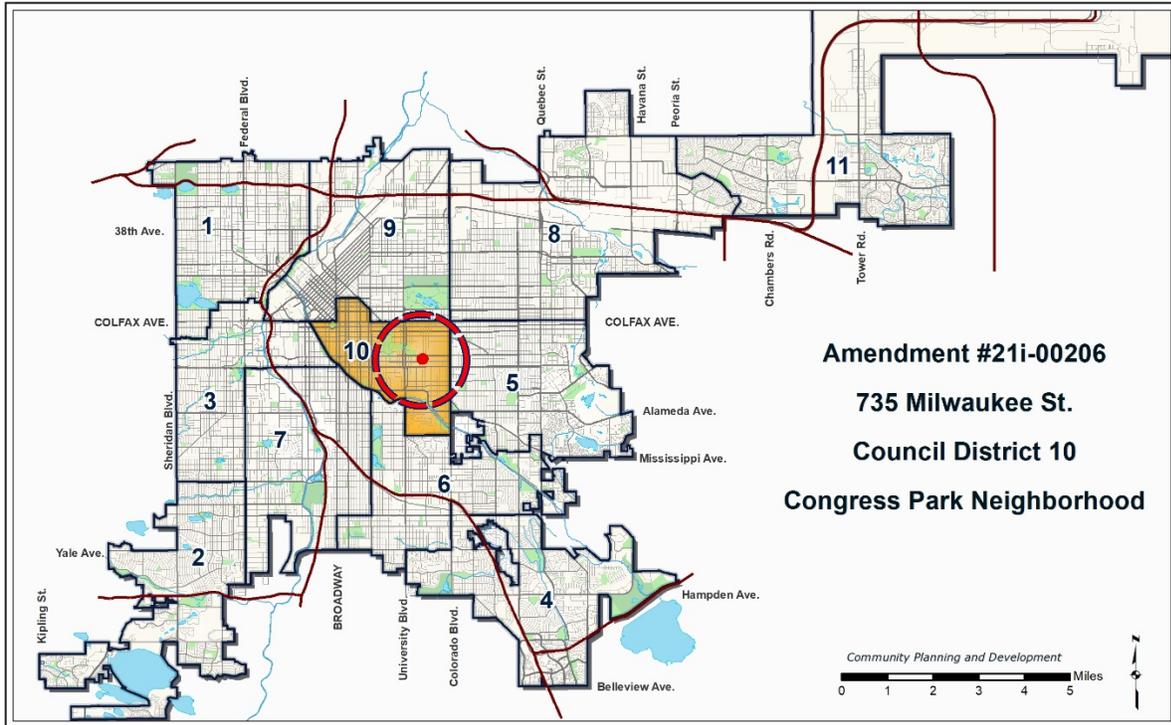
### Request for Rezoning

Address: 735 North Milwaukee Street  
Neighborhood/Council District: Congress Park / Council District 10 – Chris Hinds  
RNOs: Denver for all, Inc., Inter-Neighborhood Cooperation (INC), 7<sup>th</sup> Avenue Neighborhood Association, Congress Park for ALL, Inc., District 10 Neighborhood Coalition, Inc., Capitol Hill United Neighborhoods, Inc., Congress Park Neighbors, Inc.,  
Area of Property: 6,250 square feet or 0.14 acres  
Current Zoning: U-SU-C  
Proposed Zoning: U-SU-C1  
Property Owner(s): Deana and Charles Macdonald

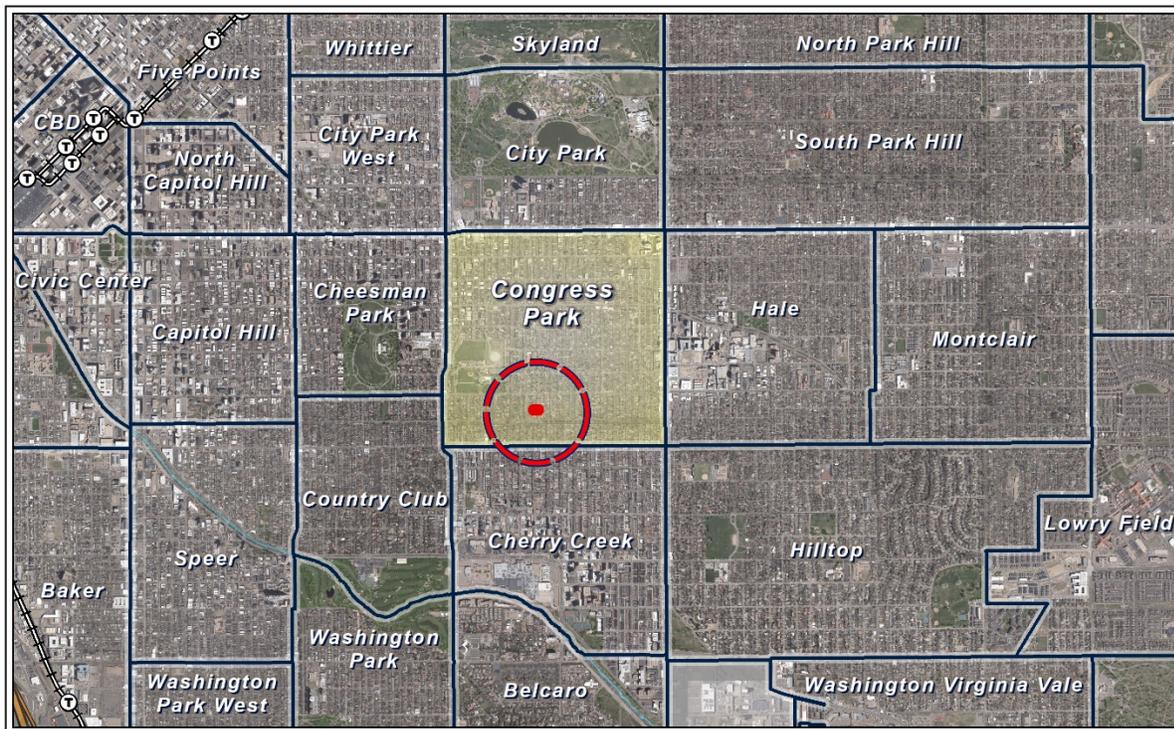
### Summary of Rezoning Request

- The subject property contains a single-unit home built in 1924 located mid-block between East 8<sup>th</sup> Avenue and East 7<sup>th</sup> Avenue Parkway, along North Milwaukee Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit.
- The subject property is located within the East Seventh Avenue historic district
- The proposed U-SU-C1, Urbane, Single-Unit, 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 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 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).

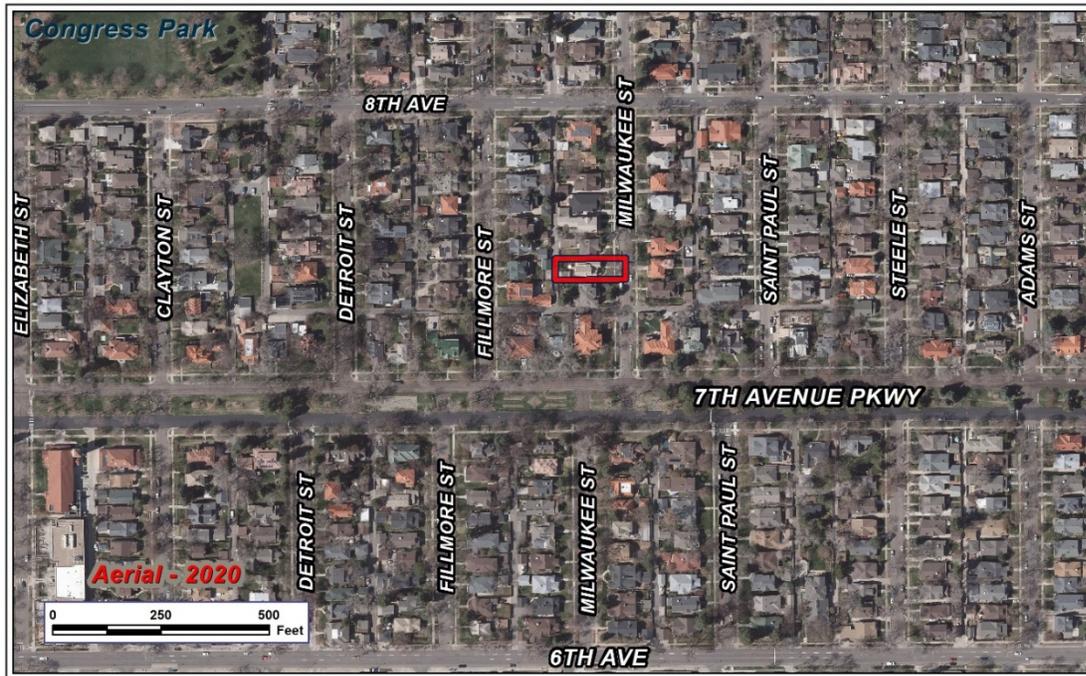
### City Location



### Neighborhood Location – Congress Park



### 1. Existing Context

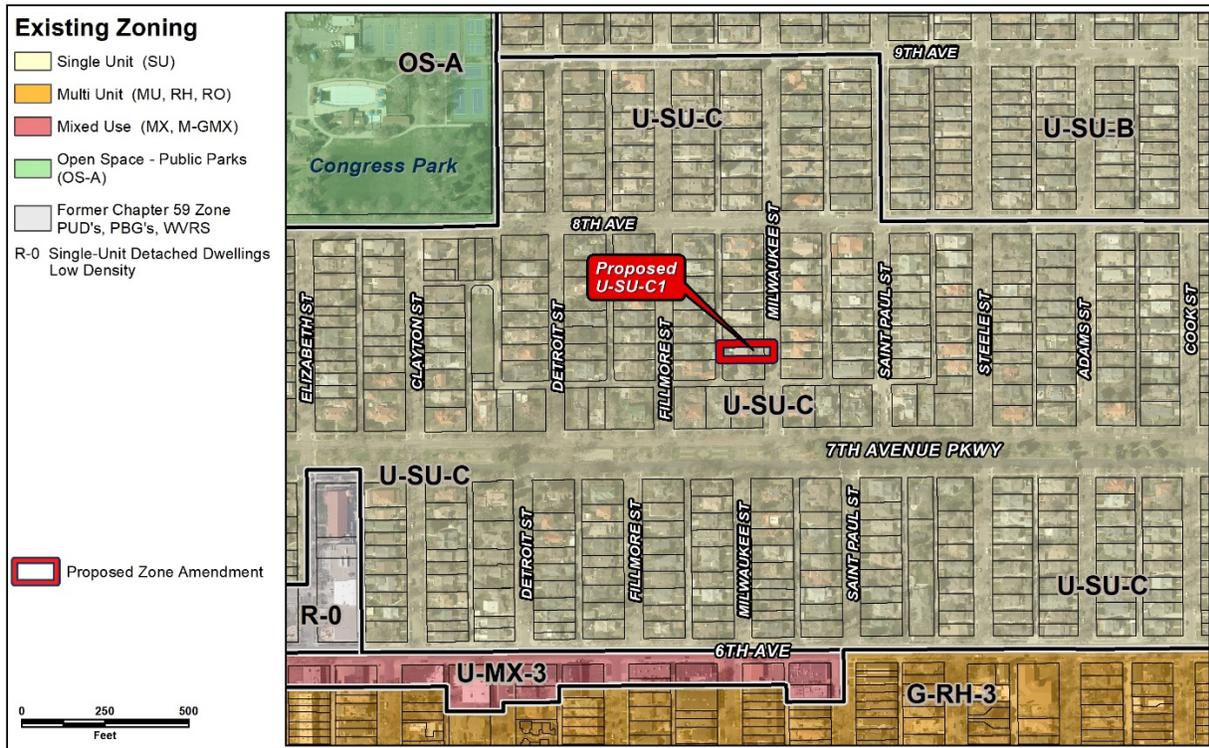


The subject property is in the Congress Park statistical neighborhood, which is characterized mostly by single-unit and two-unit residential uses with some multi-unit residential and commercial/retail uses along East 6<sup>th</sup> Avenue. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. REACH Elementary School is two blocks north and is the elementary school that serves the neighborhood. The subject property is only two blocks east from Congress Park and is half block south from East 8<sup>th</sup> Avenue, where RTD bus route 6 runs west. East 7<sup>th</sup> Avenue Parkway is designated as a neighborhood bike lane.

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	1.5-story house with detached garage and alley access	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-C	Single-unit Residential	1-story brick bungalow with detached garage and alley access	
South	U-SU-C	Single-unit Residential	2-story house with curb cut and driveway on North Milwaukee Street	
East	U-SU-C	Single-unit Residential	2-story four square style house with detached garage and alley access	
West	U-SU-C	Single-unit Residential	2-story brick house with detached garage and alley access	

## 2. Existing Zoning



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



### 4. Existing Building Form and Scale (all images from Google Maps)



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



**North** - View of the properties to the north, looking west.



**South** - View of the property to the south, looking west.



**East** - View of the property to the east, looking east.



**West** - View of the properties to the west (across the alley, on North Fillmore Street), looking east.

## 5. View Plane

The subject site is within the *Cranmer Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject site) from Cranmer Park (east of the subject site). No part of any structure within the view plane may exceed an elevation of 5,434 feet above mean sea level. Therefore, the subject site is subject to a maximum height restriction of roughly 125 feet. However, the proposed zone district of U-SU-C1 has a much lower maximum height of 30 feet for primary structures.

## 6. Historic Landmark District

The site is located within the East Seventh Avenue historic district. CPD staff, in coordination with the Landmark Preservation Commission, perform design review for all projects that require building permits for properties locally designated as historic landmarks or inside locally designated historic districts. Design review ensures that exterior alterations preserve the properties' key historic character-defining features and qualities. If the site is rezoned and an ADU is proposed it would be subject to review by the Landmark Preservation Commission.

## Proposed Zoning

The U-SU-C1 is a single unit zone district with a minimum zone lot of 5,500 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-C1 district. Compared to the U-SU-C district, U-SU-C1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. 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 greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet.

The primary 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*	1 story / 17 feet	1 story / 17 feet
DADU Maximum Height in Stories/Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot (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	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)*	5 feet	5 feet
Side Interior Setback (Min.)*	5 feet	5 feet
Rear Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

\*Based on 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.

**Development Services - Fire:** Approved – No Response.

**Denver Public Schools:** Approved – No Response.

**Development Services - Project Coordination:** Approved – No Response

**Development Services - Transportation:** Approved – No Response.

**Development Services - Wastewater:** Approved – See Comments Below.

DS 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.

**Parks and Recreation:** Approved – No Comments.

**Public Health and Environment:** Approved – No Response.

**Public Works – City Surveyor:** Approved – No Comments

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>10/25/2021</b>
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:	<b>11/29/2021</b>
Planning Board Public Hearing:	<b>12/15/2021</b>
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 (tentative):	<b>12/21/2021</b>
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	<b>01/04/2022</b>
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):	<b>01/24/2022</b>
City Council Public Hearing (tentative):	<b>02/14/2022</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, staff has received one letter of support and one letter of opposition from the public. The letter of support refers to how ADU’s can help provide affordable housing options into communities. The letter of opposition expresses multiple concerns including a potential increase in population density, scale of a 2-story ADU, preservation of historic character and decreasing property values. The letter is attached to 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 application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- East Central Area Plan (2020)

### ***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 currently dominate the Congress Park 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**

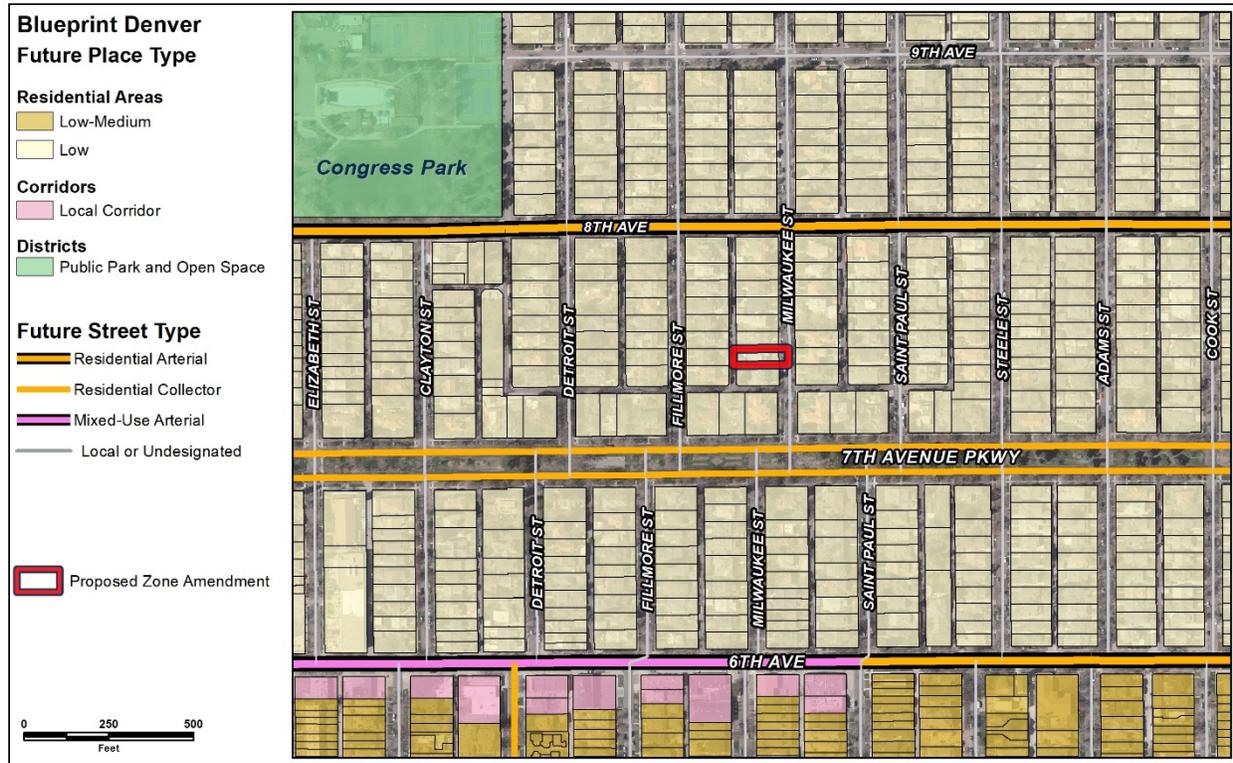
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context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

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is 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-C1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-C1 is consistent with 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**

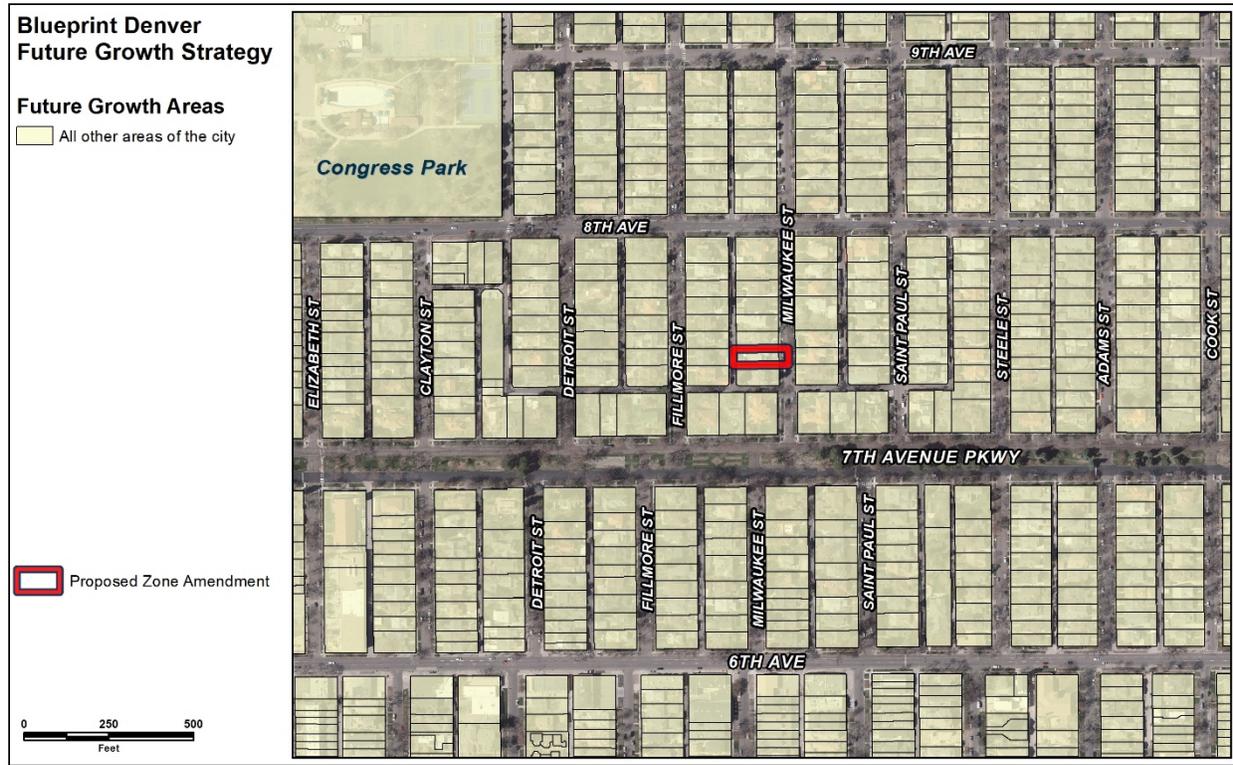


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-C1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to a primary single-unit residential use, 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*, 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 Milwaukee 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). The proposed U-SU-C1 district is consistent with this description because it allows for residential and some civic uses.

### **Blueprint Denver Growth Strategy**



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject 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.

### **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).*

In this case, the requested rezoning is a single lot in a residential area within a few blocks of a bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

### ***East Central Area Plan (2020)***

The East Central Area Plan was adopted by City Council in 2020 and applies to the subject property. The plan includes general recommendations and neighborhood-specific recommendations and utilizes the same context and place framework as Blueprint Denver. The subject property is designated Urban Low Residential, the same as Blueprint Denver, and the place description is very similar: *“Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established”* (p. 30). The Maximum Building Heights map on page 35 indicates the maximum height for the subject property is 2.5 stories.

Section 2.1 *The Land Use and Build Form*, includes specific recommendations on rezonings for ADU’s. L5 Strategy C: *“Implement adopted citywide policies in Blueprint Denver to diversify housing choice through expansion of accessory dwelling units (ADUs) throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction. 1. ADUs should be allowed in all low residential forms, including duplex and rowhouse. 2. Until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs”* (page 39).

Also Section 2.2 *Economy and Housing*, recommendation E11 Strategy E *“Integrate accessory dwelling units (ADUs) and missing middle housing in appropriate locations (See Policy L5) with strategies for affordability and wealth building for low- and moderate-income residents, such as: 1. Providing technical assistance and reducing barriers in permitting and construction for existing homeowners. 2. Exploring an adaptation of the WDSF+ ADU pilot program (see sidebar) that provides technical assistance and financial incentives to help existing homeowners build ADUs. An East Central pilot program should offer forgivable loans or grants in exchange for a long-term affordability commitment, pre-approved prototype designs (with universal design features) and streamlined access to lenders and builders. 3. Partnering with local organizations to create and administer programs to advance this policy”* (page 67).

The proposed map amendment is consistent with the East Central Area Plan’s context and place designations and would allow for an accessory dwelling unit that is appropriate for this location in the Congress Park neighborhood, making it consistent with the plan.

## **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”* (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.

#### **7. 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 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 Congress Park neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. 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 (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-C1 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 U-SU-C1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC 5.2.2.2.H.) The subject site is in an area where Urban houses 50-foot wide lots are common. The site at 735 North Milwaukee Street is 6,250 square feet with a width of 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

#### **Attachments**

1. Application
2. Public Comment Letters