Community Planning and Development
Planning Services

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DENVER
THE MILE HIGH CITY

TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: November 2, 2020
RE: Official Zoning Map Amendment Application #2019I-00156

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00156.

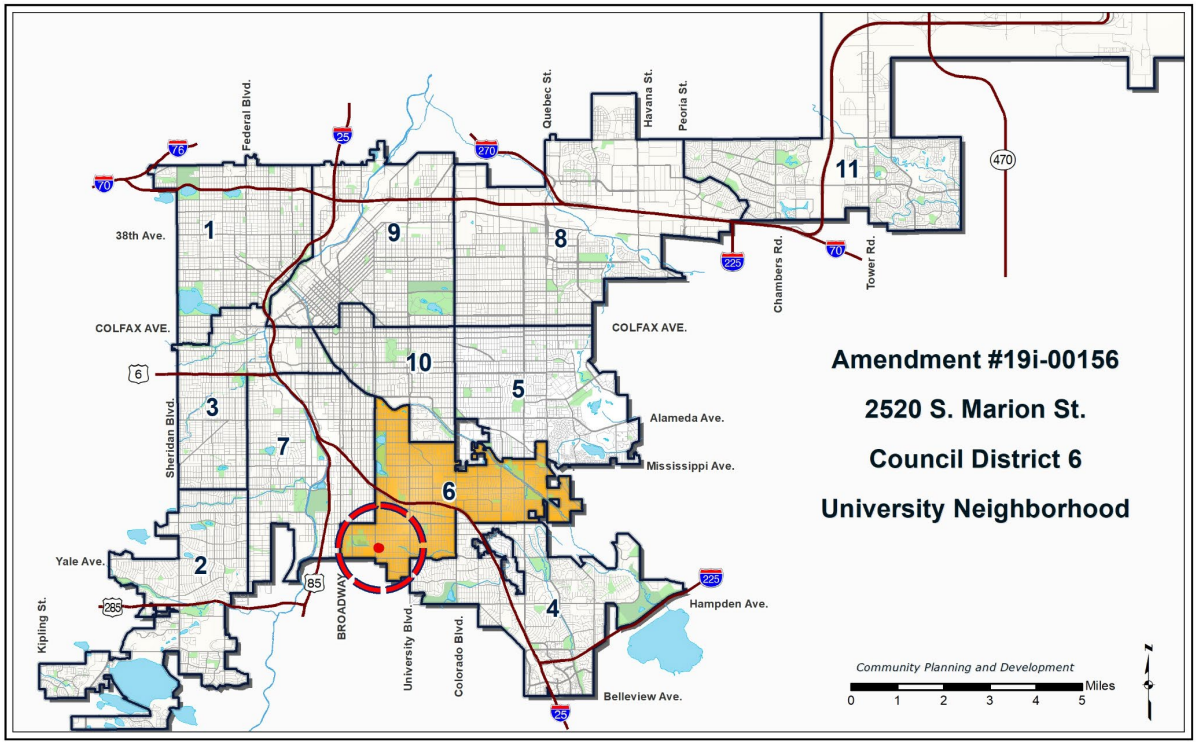
Request for Rezoning

Address:	2520 S Marion Street
Neighborhood/Council District:	University / Council District 6
RNOs:	University Neighbors, Inter-Neighborhood cooperation (INC)
Area of Property:	6,250 square feet or 0.15 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Aimee Beatty
Owner Representative:	None

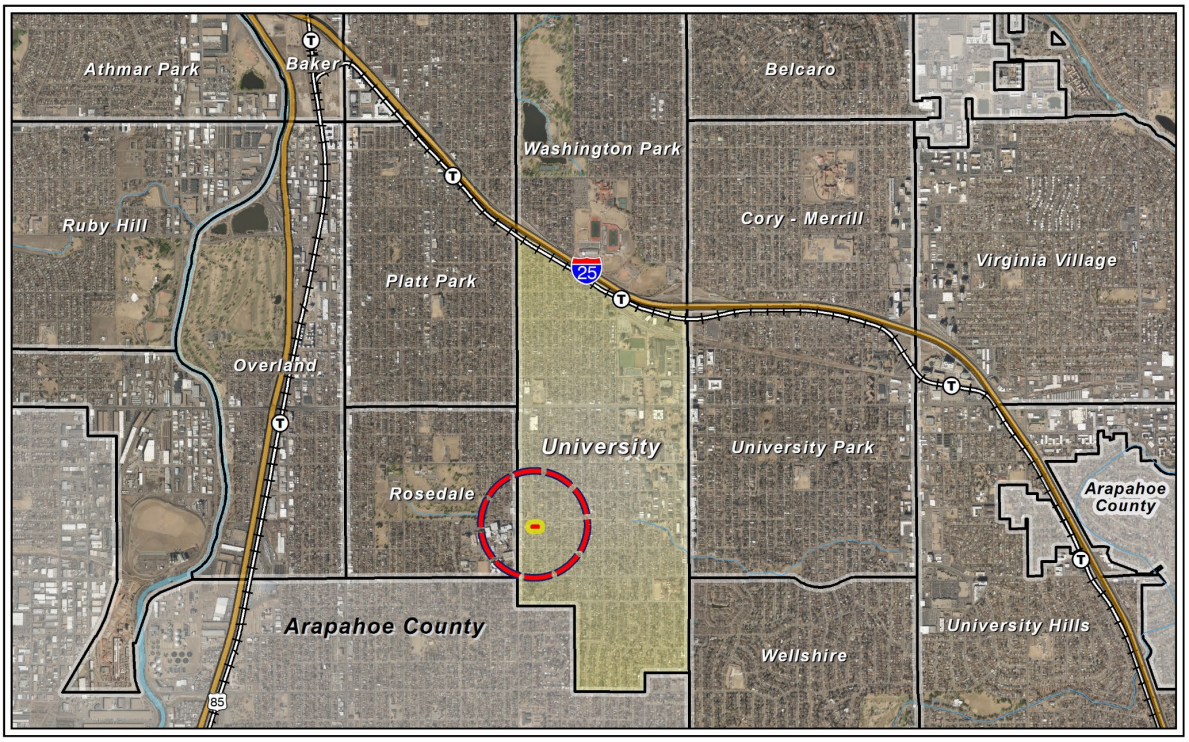
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1935 and is located between East Harvard Avenue and East Vassar Avenue, along South Marion Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1x, Urban **E**dge, **S**ingle-**U**nit, **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. Single and two-unit residential uses are primarily located along local and residential arterial streets. 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).

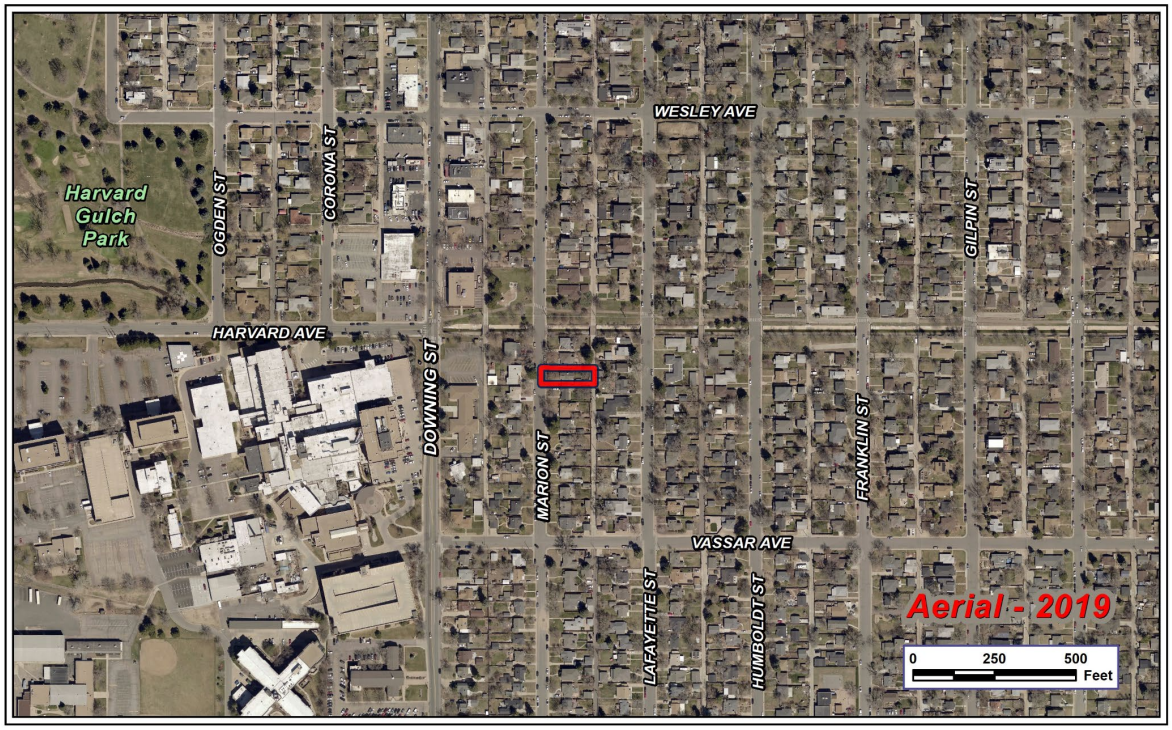
City Location



Neighborhood Location – University Neighborhood



Existing Context

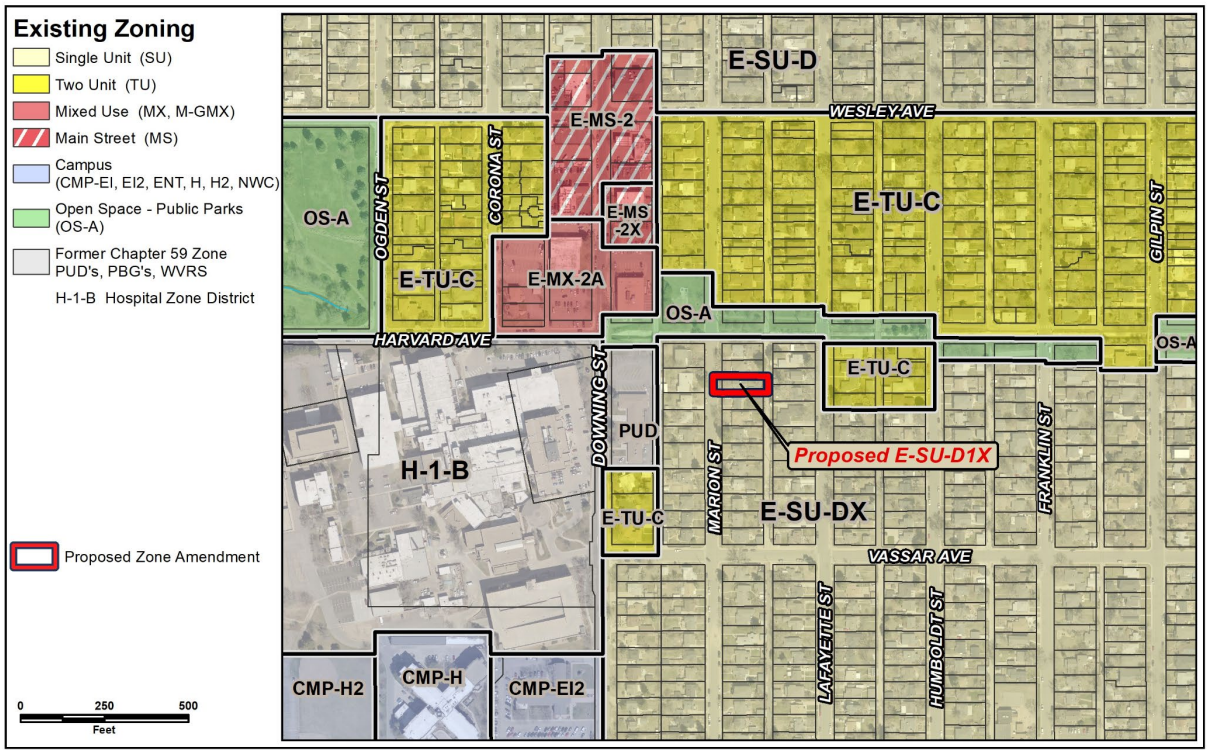


The subject property is in the University Neighborhood, which is characterized primarily by single-unit and two-unit residential uses with several public/quasi-public uses in the vicinity, like the University of Denver, St. Anne's Episcopal School and Porter Adventist Hospital in Rosedale. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is only one block east from Porter Adventist Hospital and south east from Harvard Gulch Park. Located mid-block between Harvard Gulch and Vassar Ave. the property is less than 500 feet from the bus stop for bus route 12, on South Downing Street. A bike lane traverses Harvard Avenue one-half block to the north.

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 ½-story Residence	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with 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 Residence	
South	E-SU-Dx	Single-unit Residential	1-story Residence	
East	E-SU-Dx	Single-unit Residential	1-story Residence	
West	E-SU-Dx	Row House	1-story Residence	

1. Existing Zoning

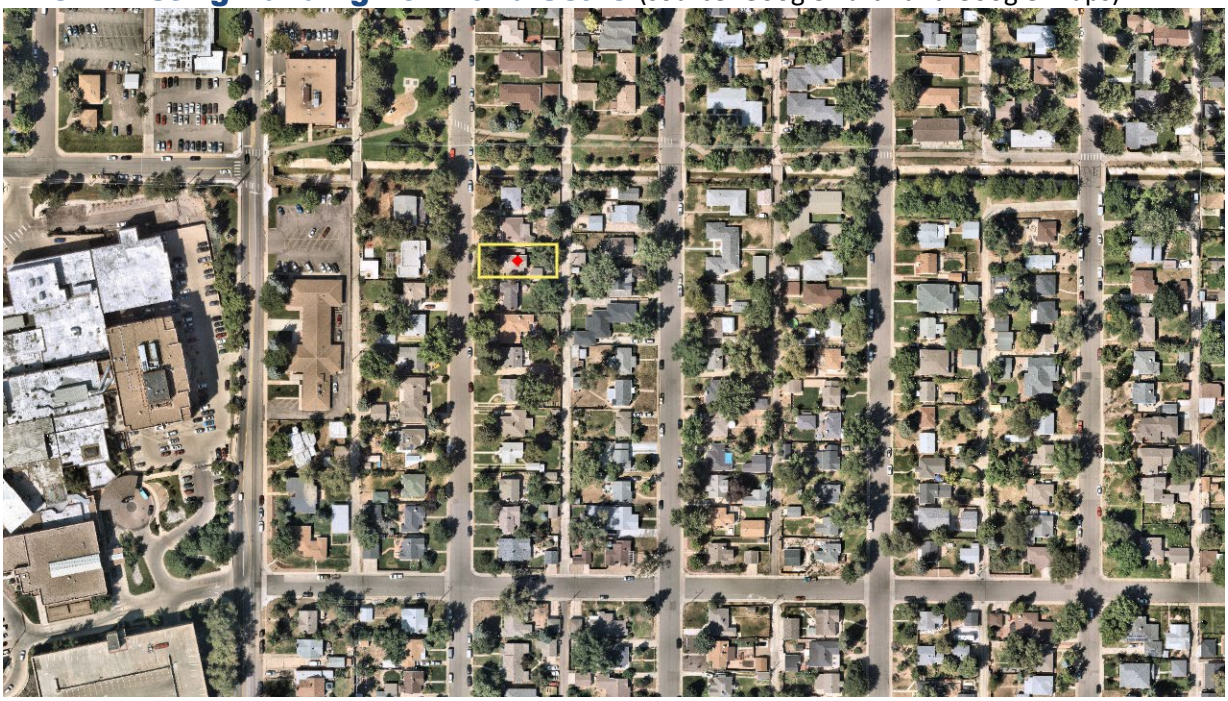


The E-SU-Dx is a single unit district allowing Suburban and Urban House primary building forms on a minimum zone lot area of 6,000 square feet and a minimum zone lot width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 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. For both building forms, the maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

Urban Edge (E) 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)	E-SU-Dx	■	■										

2. Existing Land Use Map

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

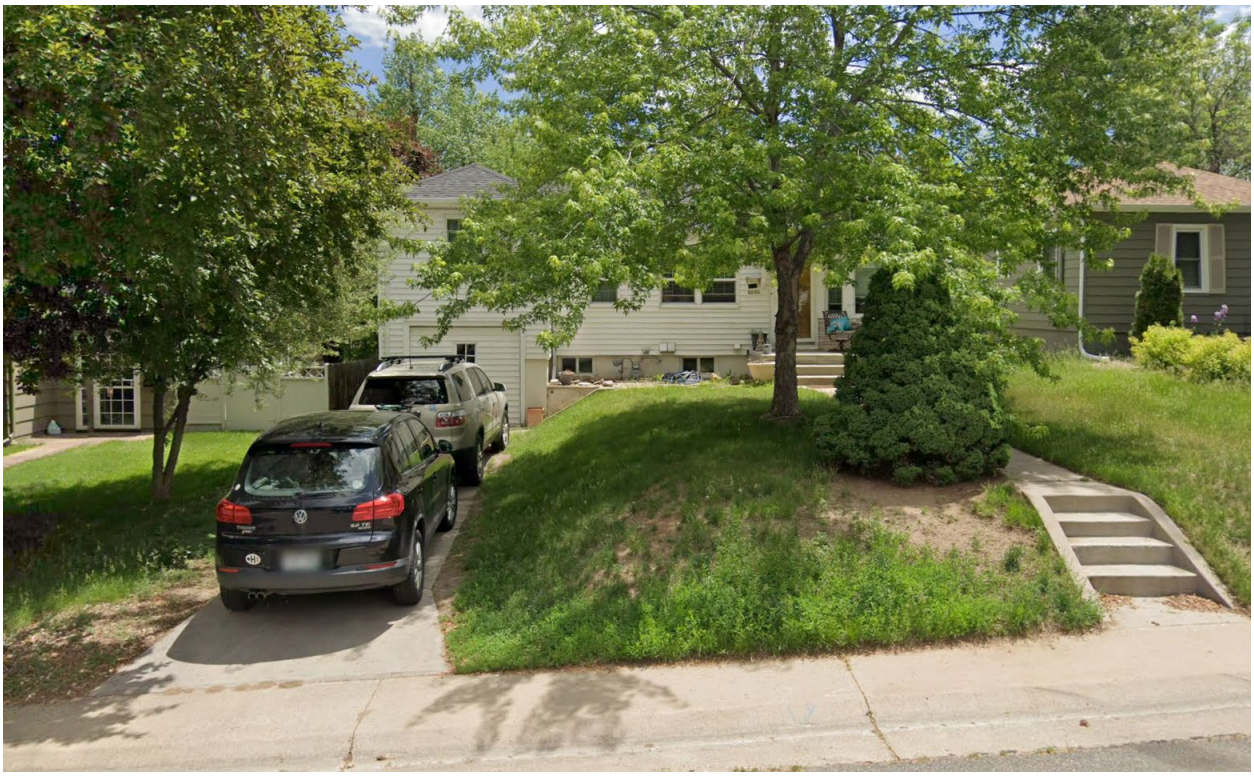


Aerial view of the site.

View of property looking east.

View of the property to the north, looking east.

View of the property to the west.



View of the property to the south, looking east.

Proposed Zoning

The applicant is requesting to rezone to E-SU-D1x, which allows the Suburban House and Urban House 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 also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the E-SU-Dx district. 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. 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 district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

The primary 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 feet to 35 feet	2.5 stories / 30 to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 to 35 feet	Urban House: 1 story / 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
Rear Setback, 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 with 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 Comments

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Response.

Development Services - Transportation: Approve – No response

Development Services - Wastewater: Approved – No Response

Parks and Recreation: Approved – No Comments

Public Health and Environment: Approved – No Comments

Public Works – City Surveyor: Approved – See comments Below.
Add comma after "City and County of Denver"

Lots Five (5) and Six (6)
Block Fifty-Eight (58)
Evanston Second Filing, 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:	**6/29/2020**
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected	**8/31/2020**

members of City Council, registered neighborhood organizations, and property owners:	
Planning Board public hearing (recommended for approval)	**9/16/2020**
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:	**9/8/2020**
Land Use, Transportation and Infrastructure Committee of the City Council:	**9/22/2020**
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:	**10/12/2020**
City Council Public Hearing:	**11/2/2020**

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received one comment letter from one Registered Neighborhood Organization. The University Neighbors Neighborhood Association stated that their Steering Committee will oppose all requests for additions of accessory dwellings.
- **Other Public Comment**
  - To date, staff has received no 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)
- Housing an Inclusive Denver (2018)

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).

- Equitable, Affordable and Inclusive: Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

E-SU-D1x 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-family 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 University 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.

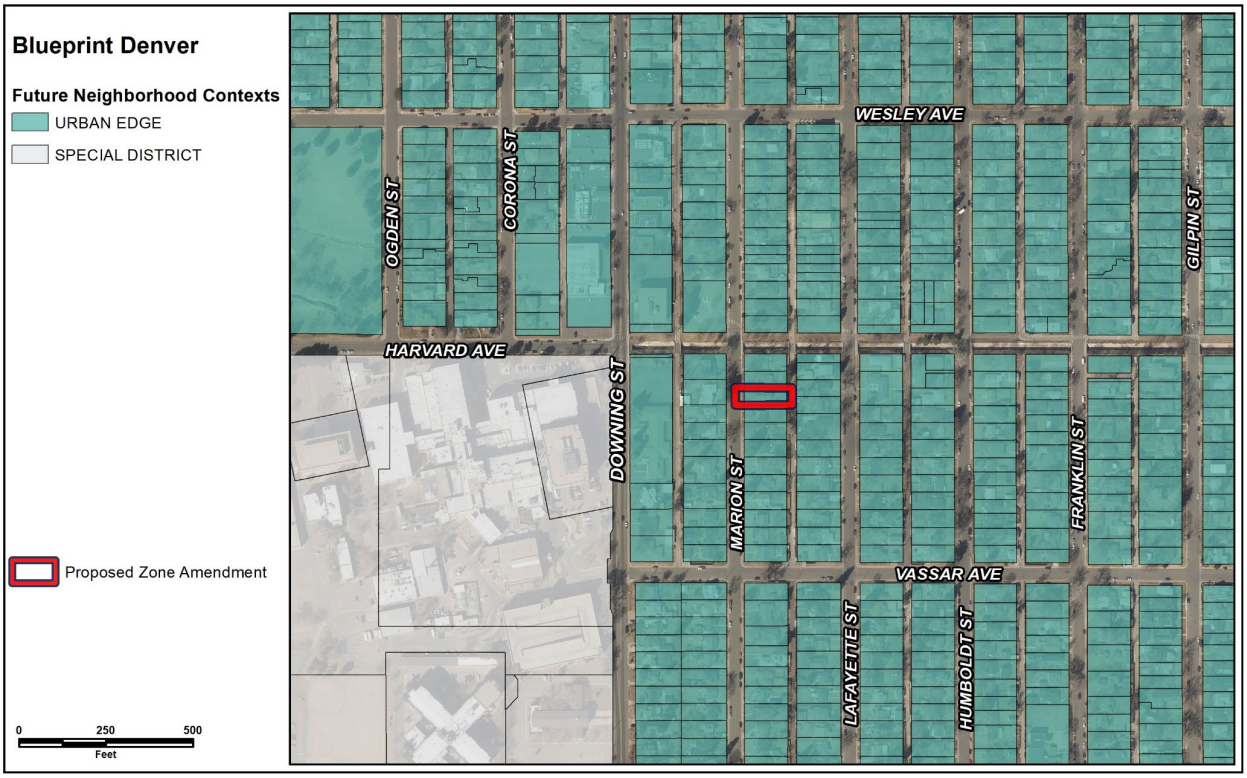
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing 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 Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

***Blueprint Denver* Future Neighborhood Context**

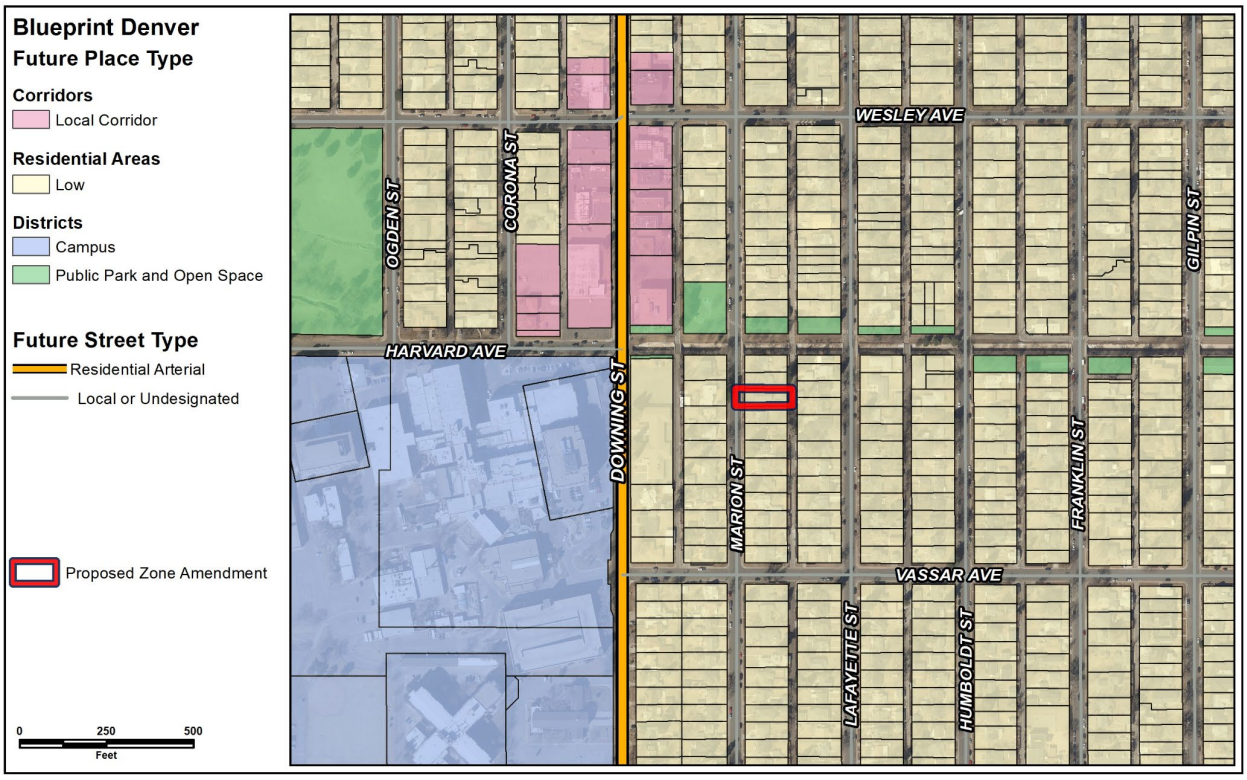


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide 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 and is 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 a small-scale ADU that will be compatible with the existing residential area.

***Blueprint Denver* Future Places**



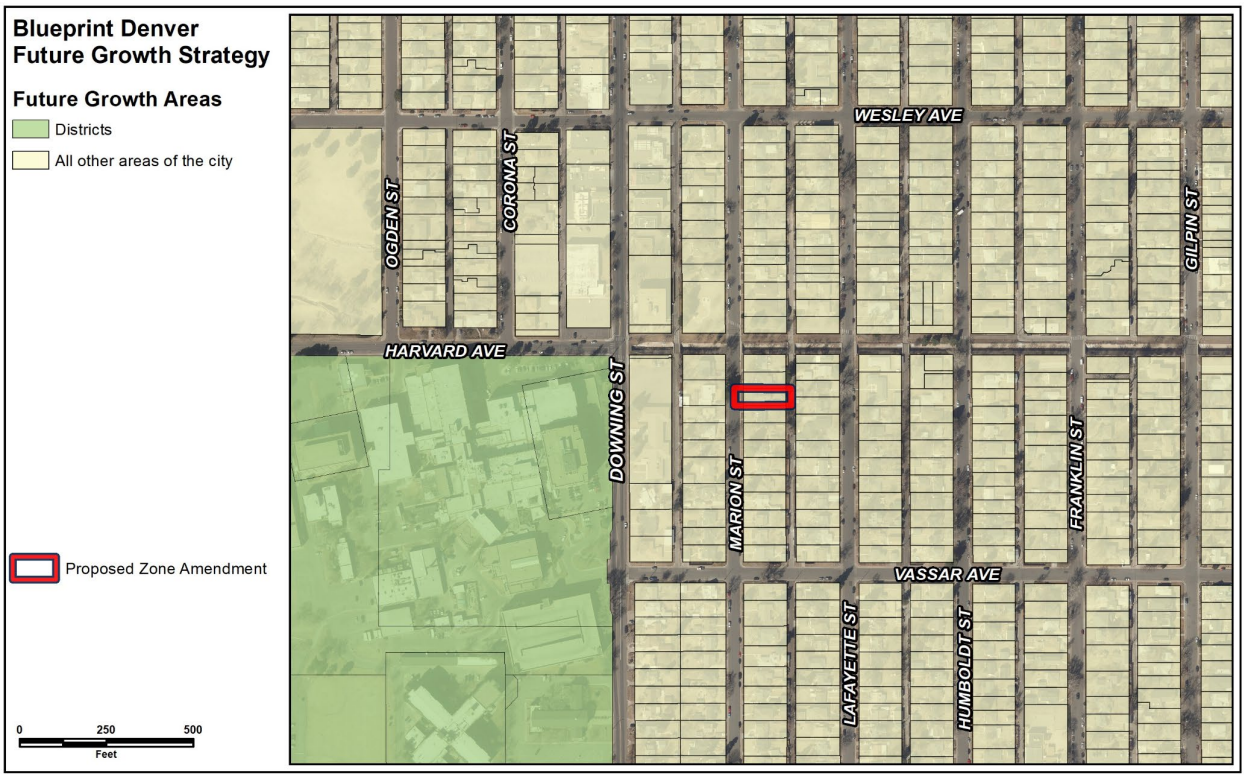
Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as "predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. 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. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. 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 a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

***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 Marion Street as a Local or Undesignated Future Street Type, which "can vary in their land uses and are found in all

neighborhood contexts. They are most often characterized by residential uses." (p. 161). The proposed E-SU-D1x district is consistent with this street type 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 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 allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-family residential character.

***Blueprint Denver* Strategies**

Blueprint Denver provides 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).

- Housing Policy 5: "Remove barriers to constructing accessory dwelling units and create context-sensitive form standards." (p. 84).

In this case, the requested rezoning is a single lot in a residential area less than two blocks from a bus route. 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. In addition, the rezoning of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

Housing an Inclusive Denver (2018)
Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The Plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of accessory dwelling units; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goals are applicable:

> **Legislative and Regulatory Priorities, Recommendation 2**: "Expand and strengthen land-use regulations for affordable and mixed-income housing. Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units."

The proposed map amendment to E-SU-D1x is consistent with these *Housing an Inclusive Denver* recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this site.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x 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. 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 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.

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, Division 4.1). This context "consists of a regular pattern of block shapes" and "a mixed presence of alleys" (DZC, Division 4.1). The University neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

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 2520 S. Marion Street contains a single-unit dwelling on a lot of 6,250 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 zone district.

Attachments
1. Application
2. Legal description
3. RNO Comment