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# 735 N. Milwaukee Street

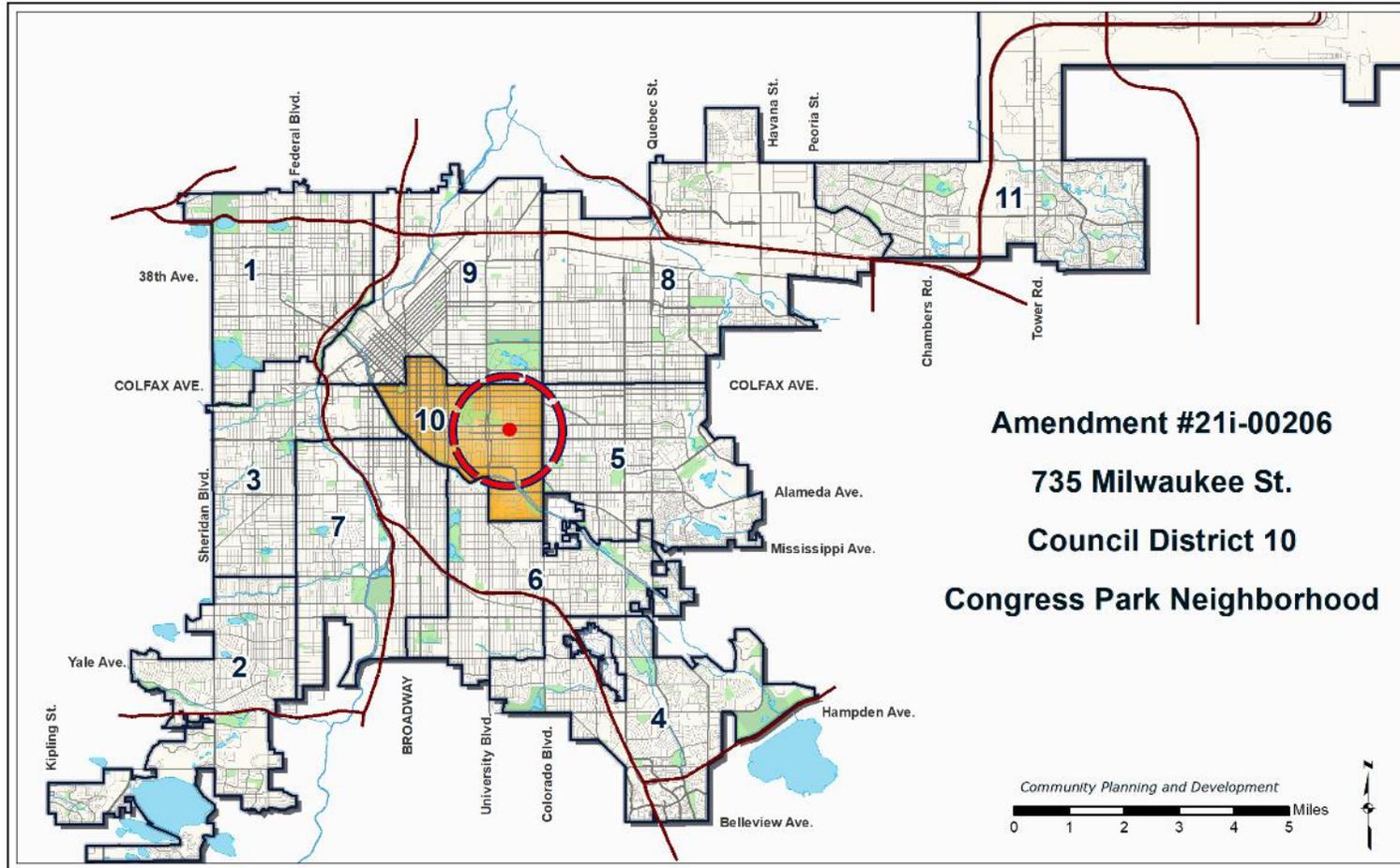
2021I-00206

Request: U-SU-C to U-SU-C1

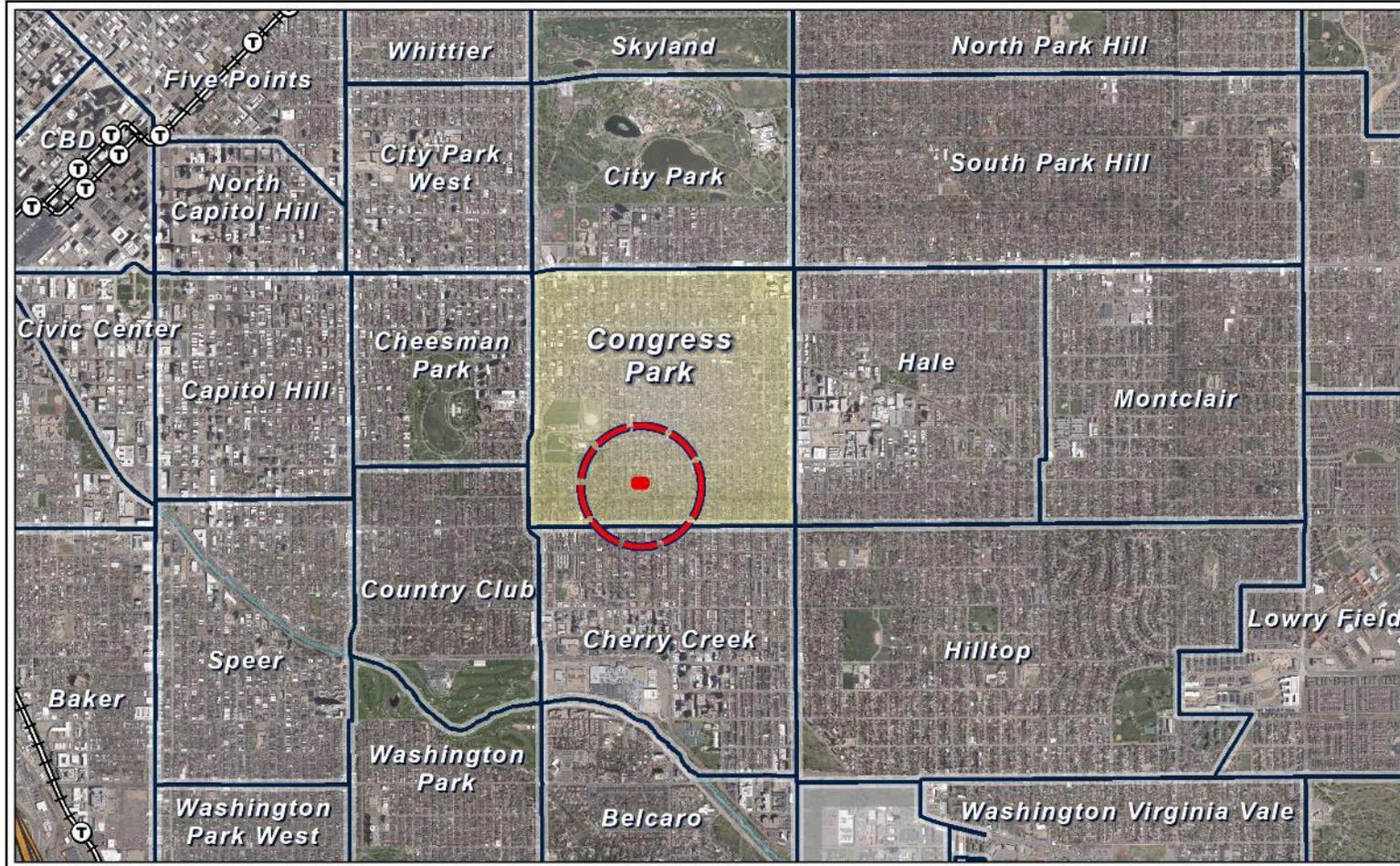
City Council: February 22, 2022

Presenter: Fran Penafiel

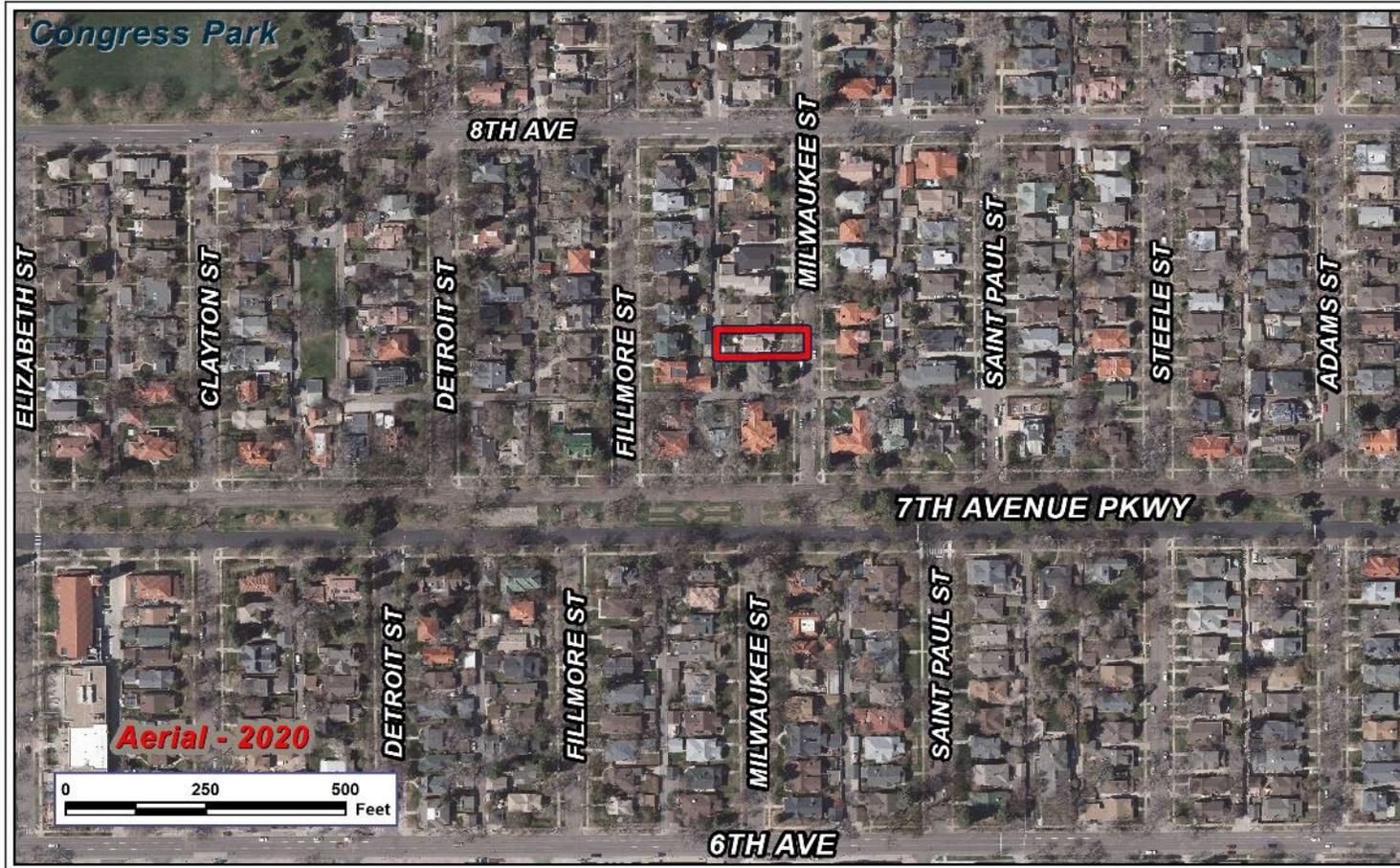
# Council District 10 (Chris Hinds)



# Congress Park Neighborhood



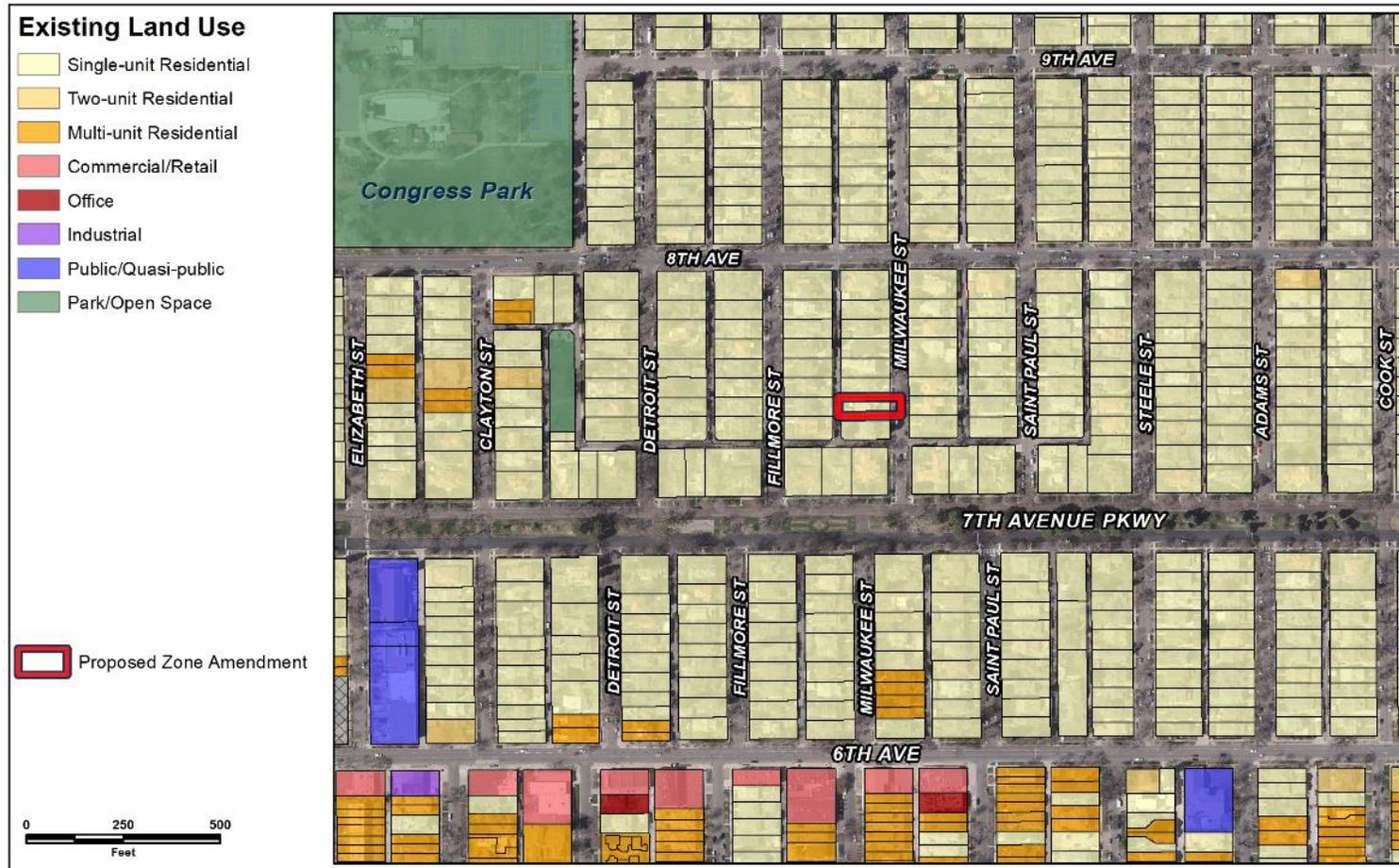
# Request: U-SU-C1



- Location
  - Approx. 6,250 square feet or 0.14 acres
  - Single-unit residential
- Proposal
  - Rezoning from U-SU-C to U-SU-C1
  - Allows Urban House and Detached Accessory Dwelling Unit building forms
  - Max. building height 30-35 feet, 24 feet for ADU
  - Min. lot size of 5,500ft<sup>2</sup>



# Existing Land Use

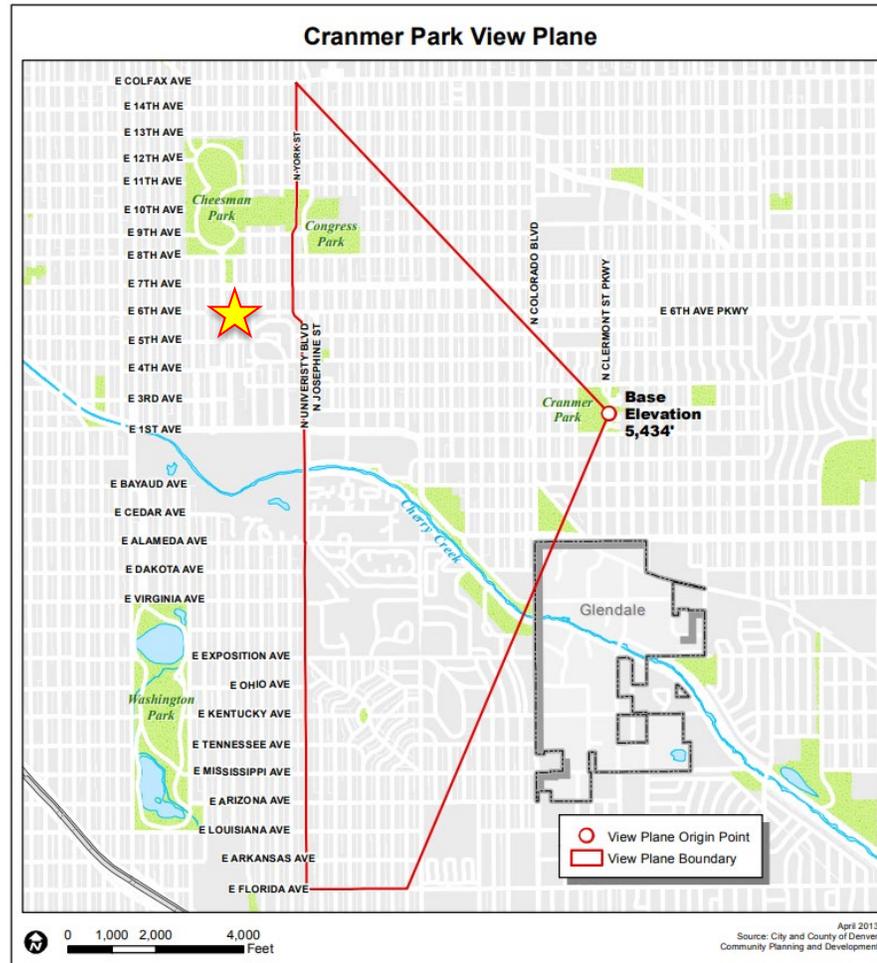


Land Use: Single-Unit Residential

Surrounding Land Uses:

- Single-Unit Residential

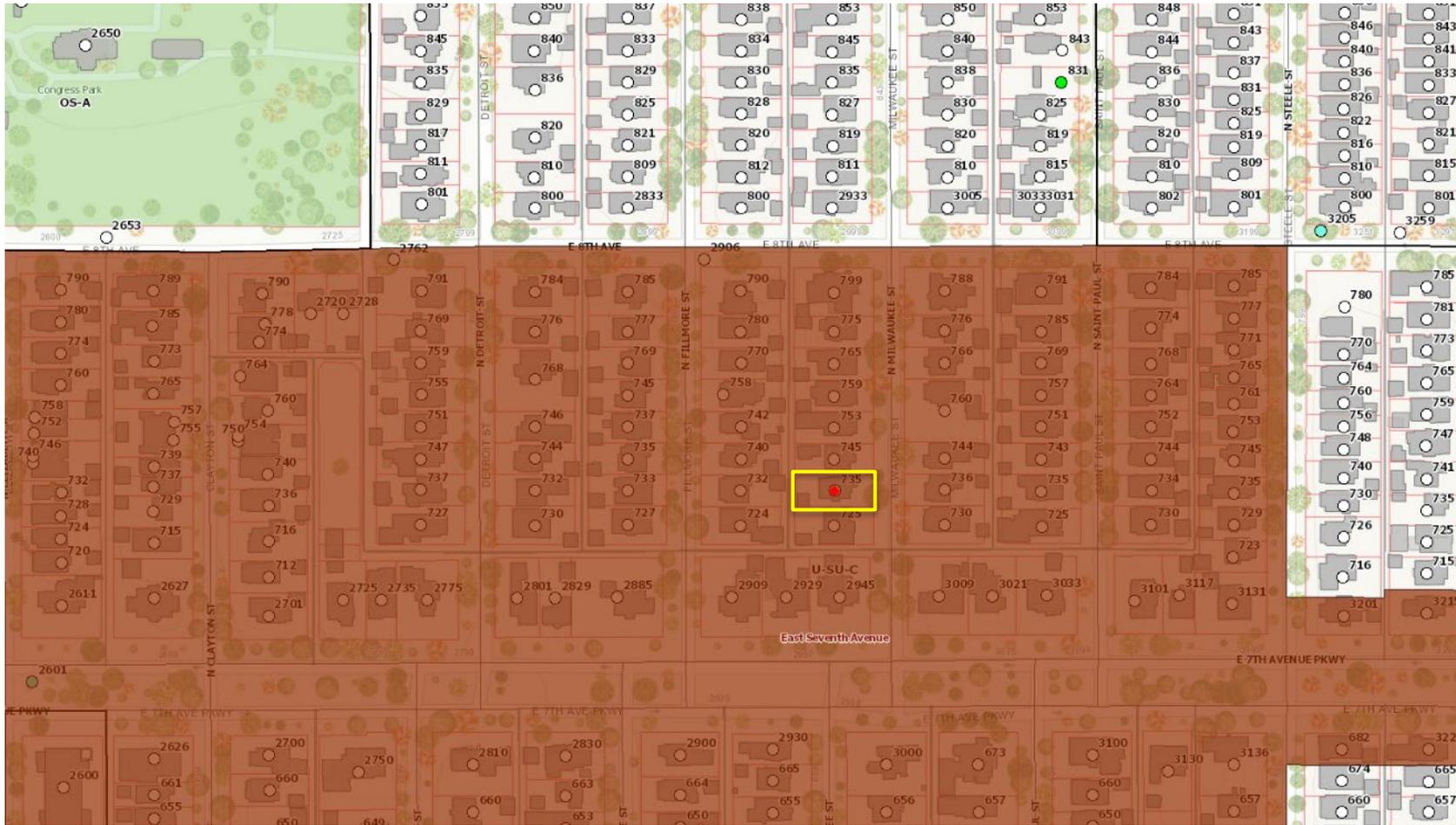
# Existing Context – View Plane



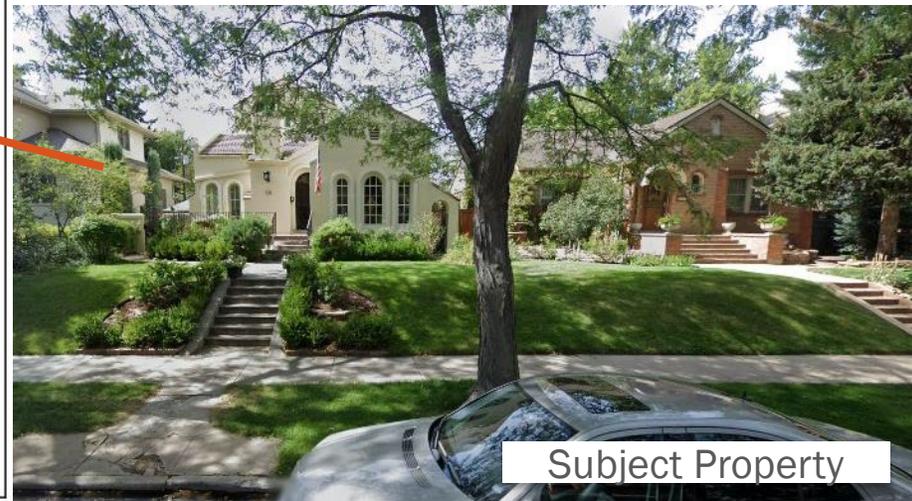
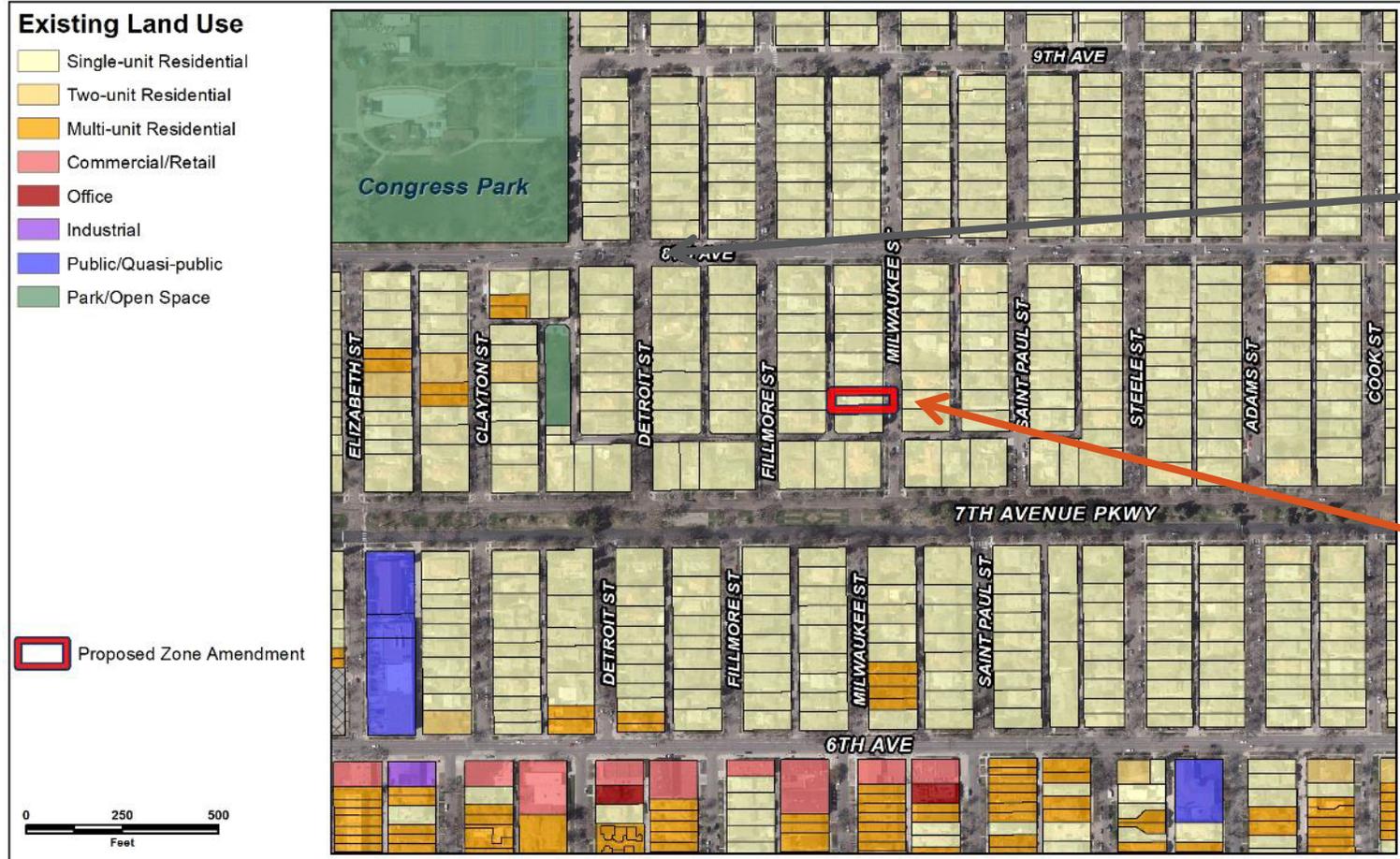
Maximum Allowable Building Height  $\approx$  125 ft

# Existing Context – Historic District

East Seventh Avenue



# Existing Building Form/Scale



# Process

- Informational Notice: 10/25/2021
- Planning Board Notice: 11/29/2021
- Planning Board Public Hearing: 12/15/2021
- LUTI Committee: 1/04/22
- City Council Public Hearing: 2/22/22
- Public Comment
  - Three letters from the public, one in support and two in opposition

# Short Term Rental

- "The Denver Zoning Code and associated licensing regulations allow the resident of the primary dwelling unit to conduct a short-term rental either in the primary dwelling unit or in a legally-permitted accessory dwelling unit. The resident must live on the property"

# ADU size & design: Ensuring a good fit

- City rules limit the size of ADUs so they are always smaller than the main house and don't overwhelm or shadow neighboring houses.
- Many Denver neighborhoods already have ADUs. For example, carriage houses are a common feature in historic neighborhoods.
- In neighborhoods without alleys, larger lots and driveways still make it possible to accommodate ADUs.



# Review Criteria

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver: A Land Use and Transportation Plan (2019)*
- *East Central Area Plan (2020)*

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

### 5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Consistency with Adopted Plans: Comprehensive Plan 2040

## Equity

- 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).



## Climate

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

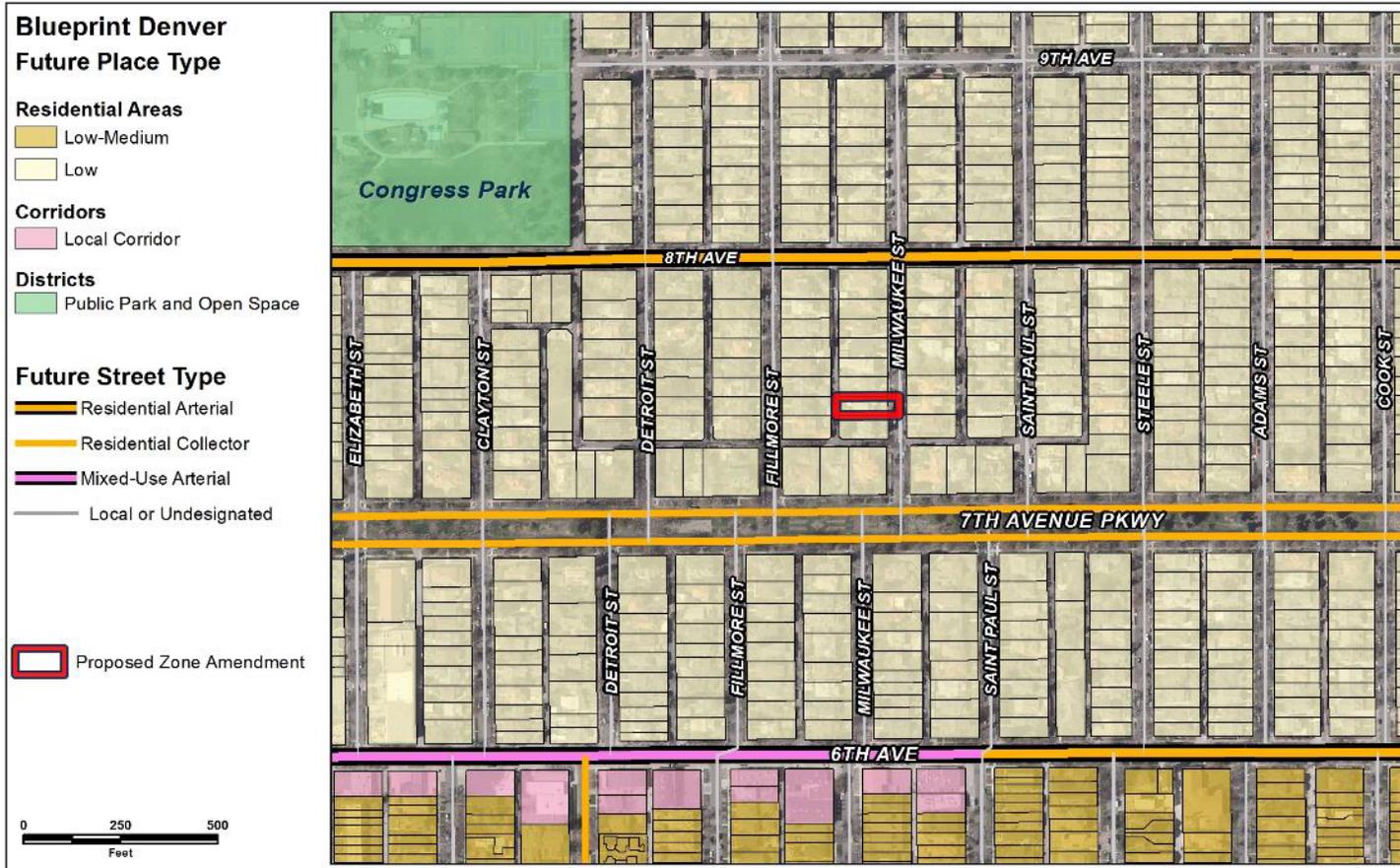


# Consistency with Adopted Plans: Blueprint Denver 2019



- **Urban (U-) Neighborhood Context**
  - Small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas.
  - Block patterns are generally regular with a mix of alley access.
  - High degree of walkability, bikeability, and good access to transit with less reliance on cars.

# Consistency with Adopted Plans: Blueprint Denver 2019



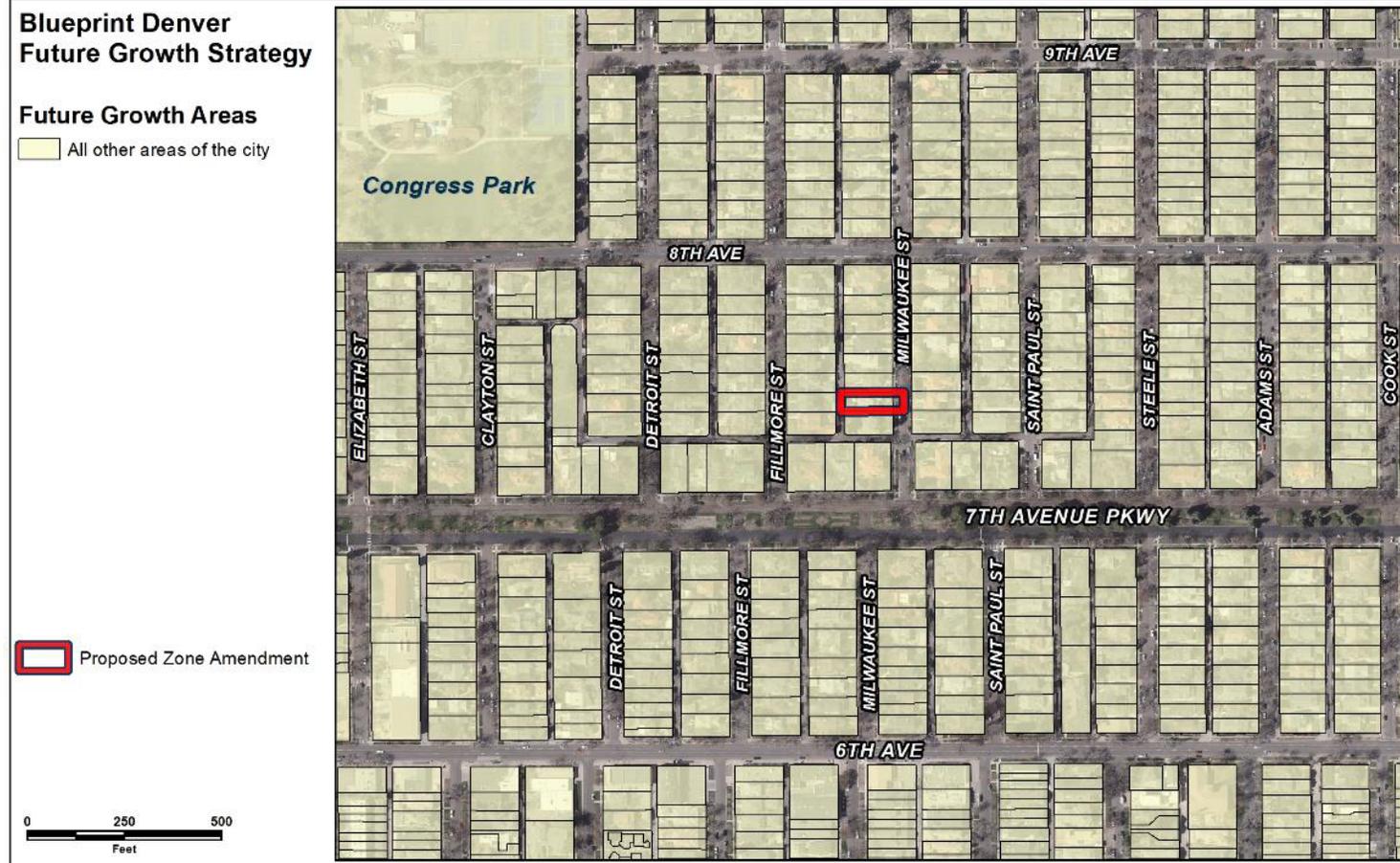
## Low Residential

- Predominantly single- and two-unit uses
- Accessory dwelling units are appropriate

## Future Street Type

- Milwaukee Street: Local or Undesignated

# Consistency with Adopted Plans: Blueprint Denver



**Growth Areas Strategy:**  
All other areas of the city

- 10% jobs by 2040
- 20% housing by 2040

# Consistency with Adopted Plans: Blueprint Denver

Land Use and Built Form- Housing Policy 4: Diversity housing choice through the expansion of accessory dwelling units throughout all residential areas.

Strategy E: A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezoning to enable ADUs in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impact to the surrounding residential area.

# Review Criteria: Consistency with Adopted Plans

## East Central Area Plan (2020)

L5

**Encourage preserving buildings in Low Residential Places and expand missing middle housing options in neighborhoods.**

*Residents are concerned about losing the great neighborhood character that could change due to new construction. Many existing homes are large enough to accommodate multiple units or contain elements that facilitate multiple units. With affordability and neighborhood preservation concerns, allowing additional units in existing homes can help preserve neighborhood character while expanding housing options.*

- A.** Consistent with adopted citywide policies in *Blueprint Denver*, integrate missing middle housing (see following page for definition) in Low Residential Places with rules to preserve valued neighborhood characteristics and address unique issues in the East Central area as follows:
  1. Design requirements to ensure that new construction is compatible with unique setback, height and massing characteristics of East Central neighborhoods (see Policy L7).
  2. Discouraging replacement of smaller homes with larger homes that may be less affordable.
  3. Encouraging long term housing options rather than short-term rentals.
  4. Stormwater management, particularly in flood prone areas.
  5. Home ownership of units should be encouraged to help build equity and investment in the neighborhood.
  6. Tools, such as financial and technical assistance, that help existing East Central area residents remain and invest in their properties
  7. Impacts to street parking should be addressed
  8. Long term affordability for low income residents.
- B.** In Low Residential Single Unit Places, create an incentive for preserving historically significant homes by allowing an additional primary dwelling unit if the existing home is preserved, as follows:
  1. Prepare criteria for eligibility for an additional unit, considering the age of the home, architecture, and how much of the structure must be preserved.
  2. Engage Historic Denver and the Denver Landmark Preservation Commission in creating preservation criteria, rules for restricting demolitions, and appropriate modifications to structures.
- 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.

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

### 2. Uniformity of District Regulations

- Proposed rezoning will result in uniform application of zone district building form, use and design regulations

### 3. Further Public Health, Safety and Welfare

- Implements adopted plans
- Provides an additional housing unit that is compatibly integrated into the surrounding neighborhood

### 4. Justifying Circumstances

### 5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

## Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
  5. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
    - a) Changed or changing conditions in a particular area, or in the city generally; or,
    - b) **A City adopted plan; or,**
    - c) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

## Denver Zoning Code Review Criteria

### 1. Consistency with Adopted Plans

- Comprehensive Plan 2000
- Blueprint Denver: A Land Use and Transportation Plan (2002)
- Small Area Plans
- Others, as applicable: e.g., General Development Plan

### 2. Uniformity of District Regulations

### 3. Further Public Health, Safety and Welfare

### 4. Justifying Circumstances

### 5. Consistency with Neighborhood Context, Zone District Purpose and Intent

- Urban Neighborhood Context primarily consists of single-unit and two-unit residential uses
- Residential Districts are intended 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
- U-SU-C1 is a single-unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C and allow a detached accessory dwelling unit in the rear yard.

# CPD Recommendation

CPD recommends **approval**, based on finding all review criteria have been met

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# ADU size & design: Ensuring a good fit

## City rules on the size of ADUs:

- ADUs can be 1.5-stories to allow for apartments above garages.
- Side setbacks ensure there is space between the outside walls and the property line.
- Bulk-plane rules minimize shadows and impacts to neighboring properties.
- ADUs must be to the rear of the property to minimize their visibility from the street.

