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TO: Denver City Council
FROM: Valerie Herrera, Senior City Planner
DATE: August 29, 2022
RE: Official Zoning Map Amendment Application #2022I-00018

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00018.

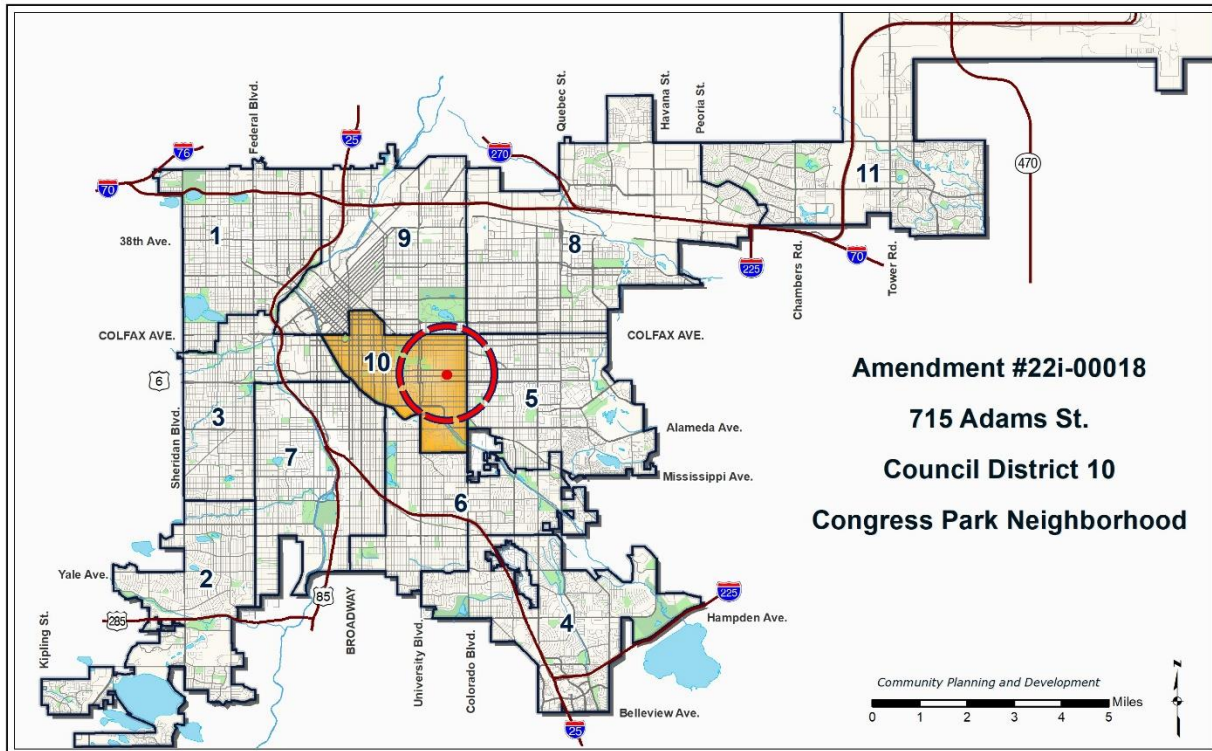
Request for Rezoning

Address:	715 North Adams Street
Neighborhood/Council District:	Congress Park / Council District 10
RNOs:	7th Avenue Neighborhood Association Congress Park Neighbors Inc Capitol Hill United Neighborhoods, Inc. Inter-Neighborhood Cooperation (INC)
Area of Property:	5,950 square feet or 0.14 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-C1
Property Owner(s):	George Edward Ramsey IV & Wendy Gerhart Ramsey
Owner Representative:	Annalee Jillson, Zaga Design Group

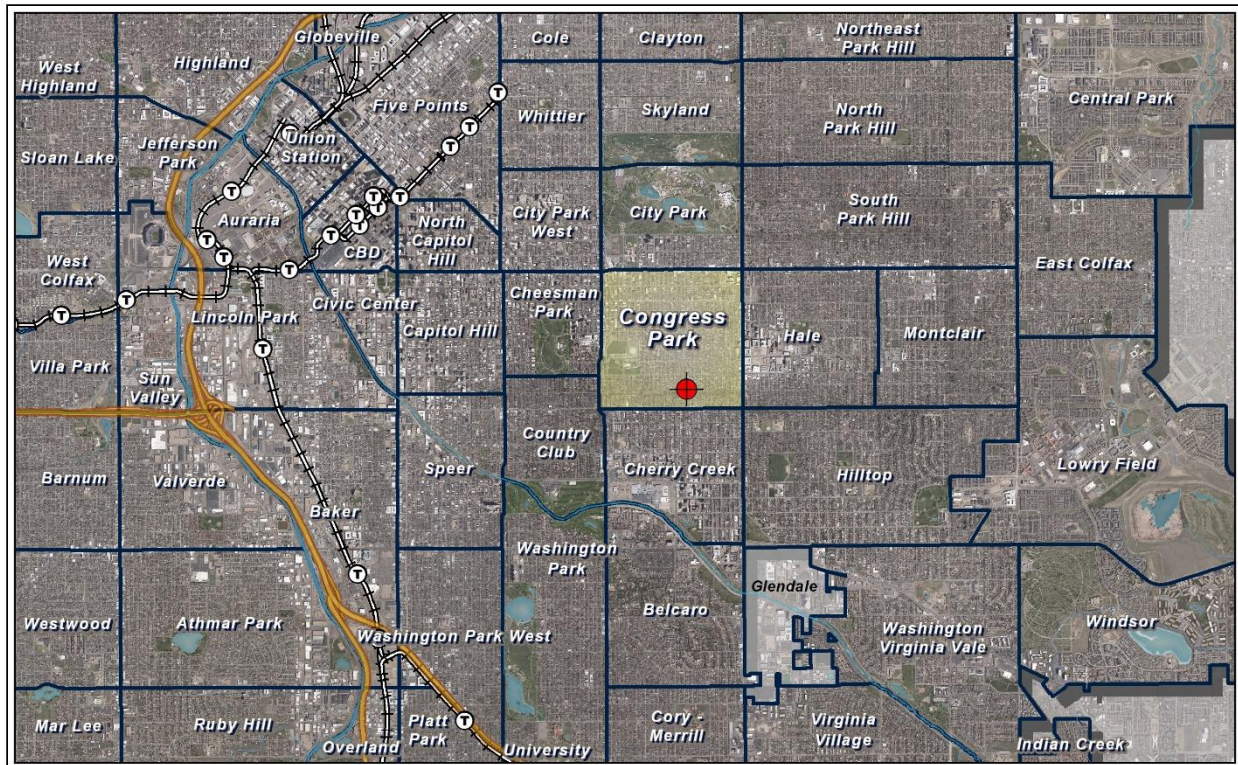
Summary of Rezoning Request

- The subject property contains a single-unit one-story dwelling and detached garage built in 1932 and is located between East 8th Avenue and East 7th Avenue Parkway along North Adams Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed **U-SU-C1**, **Urban, 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 residential 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).

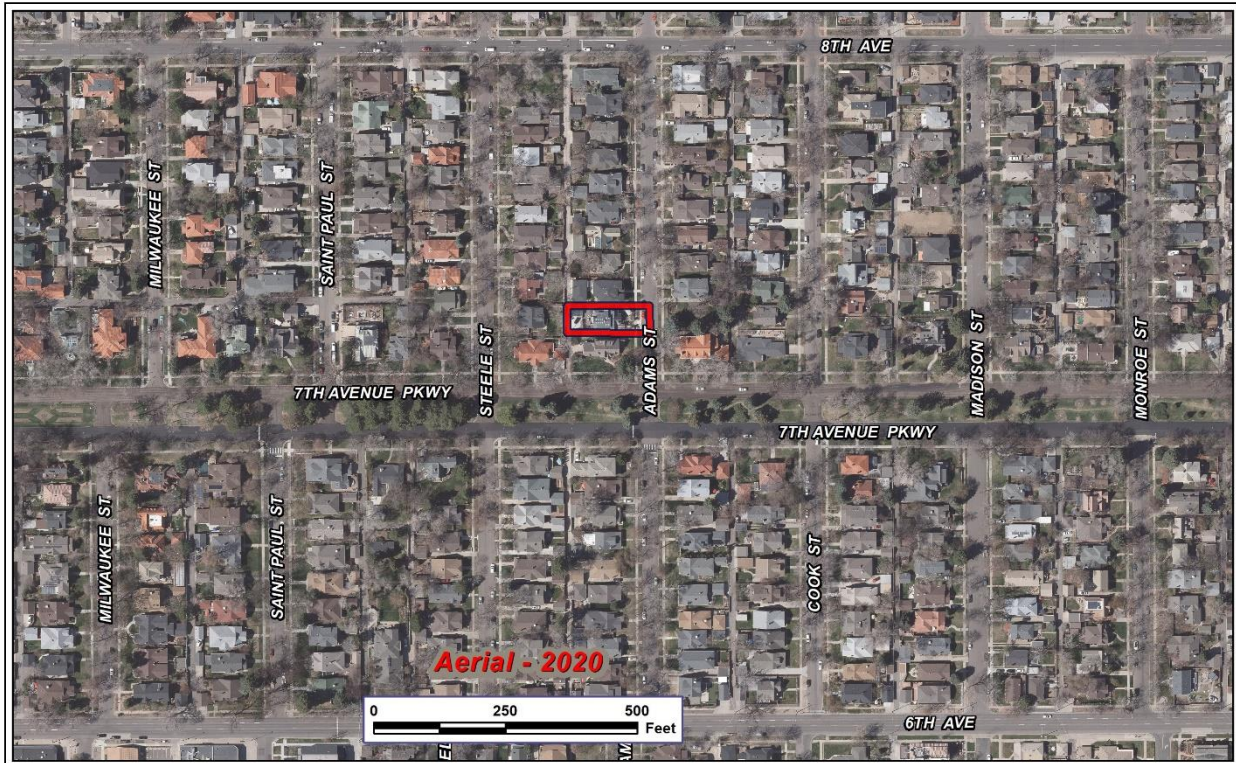
City Location



Neighborhood Location – Congress Park



1. Existing Context



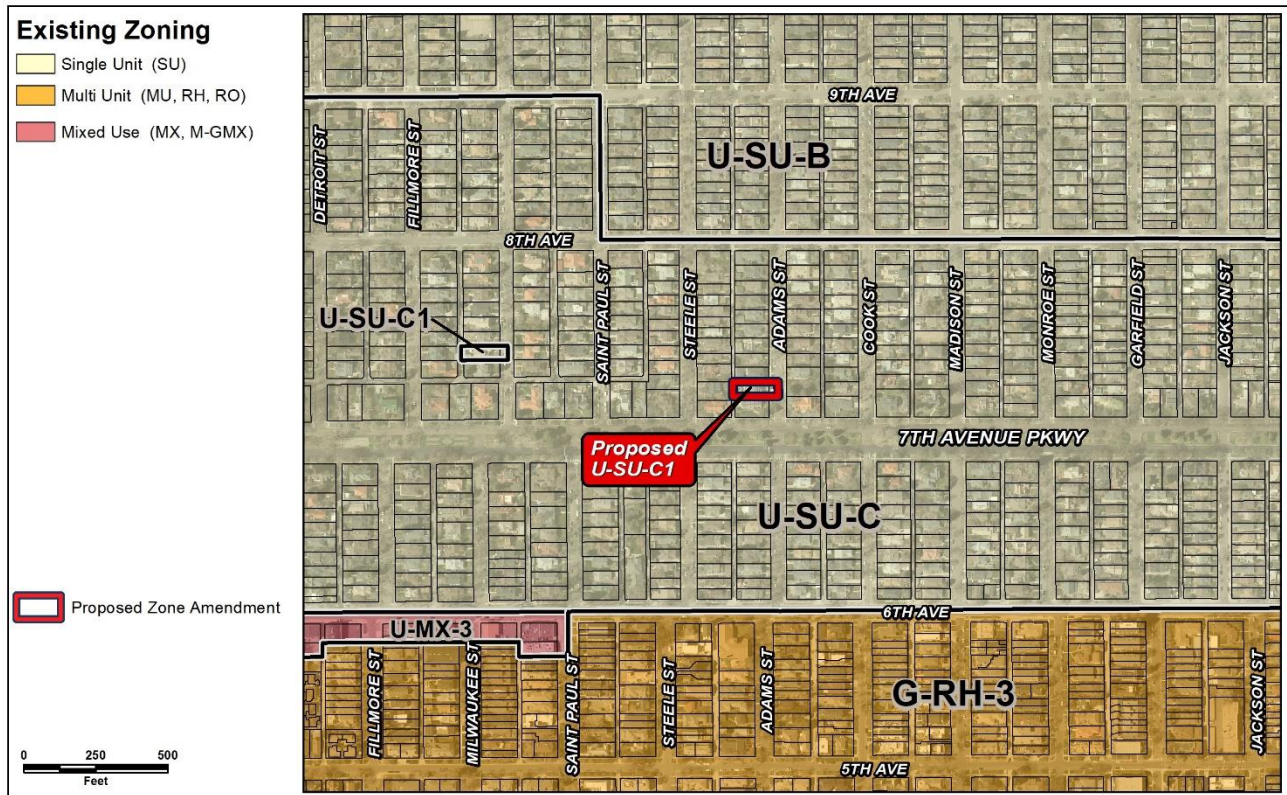
The subject property is in the Congress Park statistical neighborhood, which is characterized primarily by single-unit residential uses. 61% is zoned single-unit use exclusively. The block that contains the subject property and those surrounding it are the typical rectangular shape and are served by a network of alleys. The subject site is on the southern end of the block just one parcel away from East 7th Avenue Parkway which is classified as a residential collector. North Adams Street is classified an undesignated local street.

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 Residence with moderate setback, no driveway in front, detached sidewalks, and no curb cut. Parking space located in the rear.	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular shaped. Detached sidewalks with tree lawns, tree canopy, and existing alleys. Garages and on-street vehicle parking available.
North	U-SU-C	Single-unit Residential	2 story Residence with moderate setback, no driveway in front, detached sidewalks, and no curb cut. Parking space located in the rear.	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	U-SU-C	Single-unit Residential	2-story Residence with moderate setback, no driveway in front, detached sidewalks, and no curb cut. Parking space located in the rear.	
East	U-SU-C	Single-unit Residential	1-story Residence with moderate setback, no driveway in front, detached sidewalks, and no curb cut. Parking space located in the rear.	
West	U-SU-C	Single-unit Residential	1.5 story Residence with moderate setback, no driveway in front, detached sidewalks, and no curb cut. Parking space located in the rear.	

2. Existing Zoning



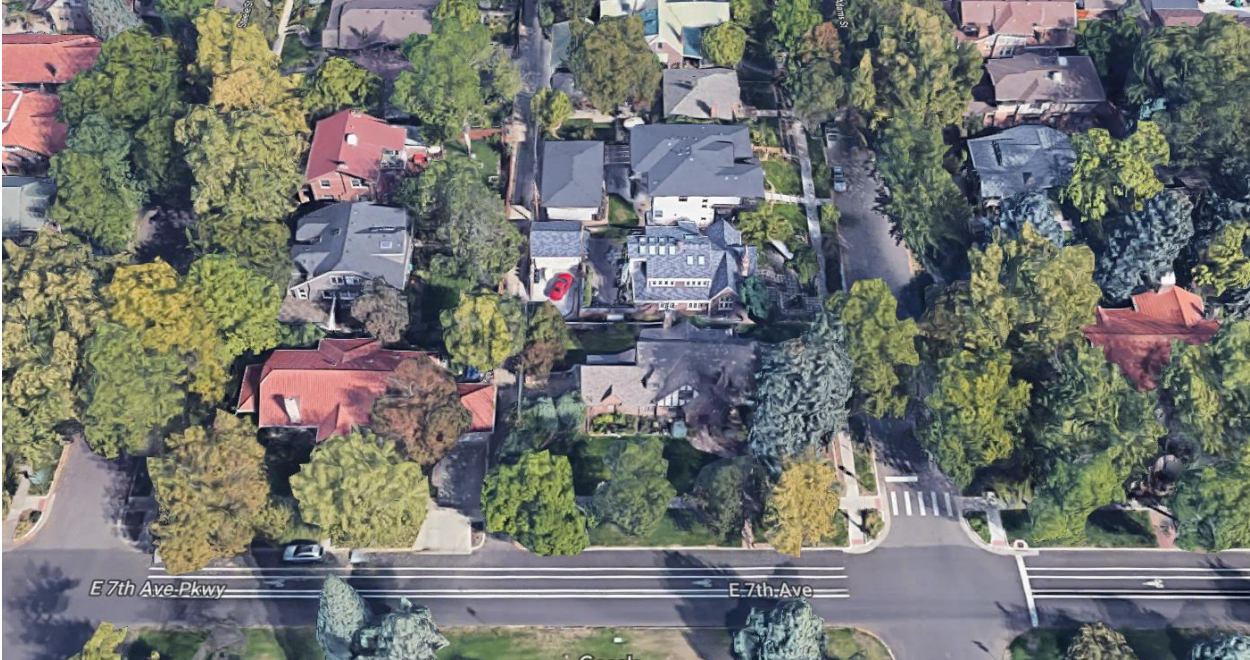
The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot.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

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-C		■										

3. Existing Land Use Map



4. Existing Building Form and Scale



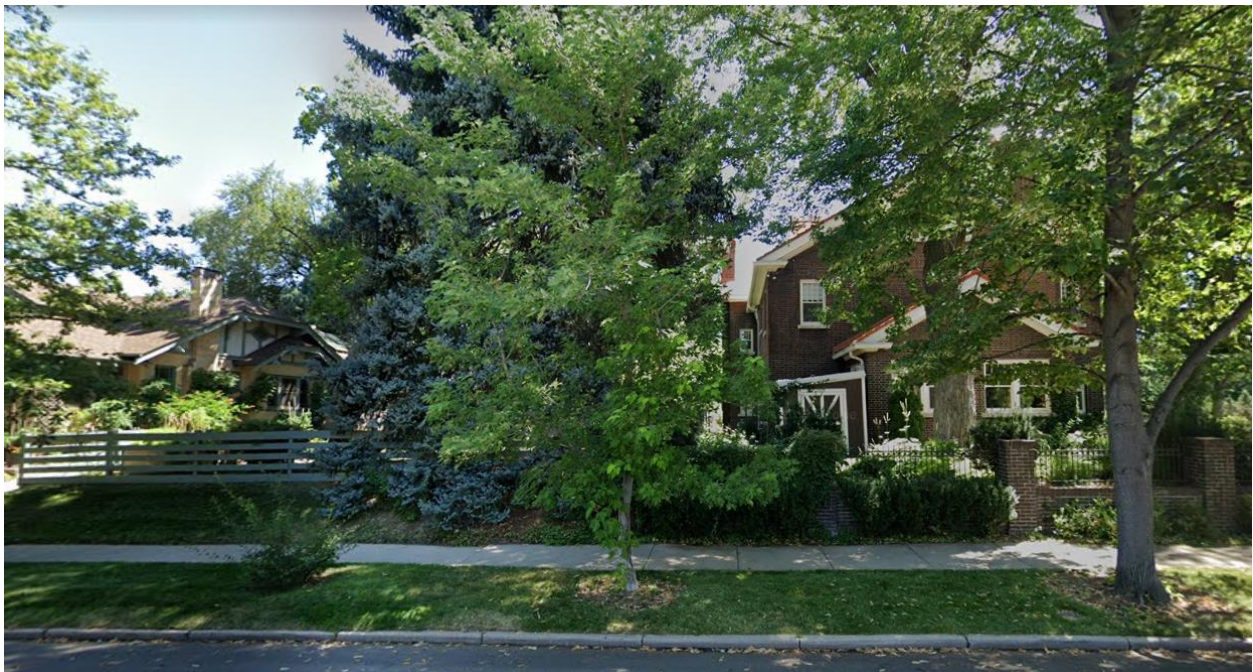
Aerial view of the site, looking north. (Google Maps)



View of property looking west. (Google Street View)



View of the alley from East 7th Avenue Parkway, looking north. (Google Street View)



View of single-unit homes across street from the subject property, looking east. (Google Street View)

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. The subject site has a lot size of 5,950 square feet, allowing a maximum building footprint of 650 square feet for the detached accessory dwelling unit.

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
Minimum 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

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 Comments

Asset Management: Approved - No Comments

Denver Public Schools: Approved – No Comments

Department of Public Health and Environment: Approved - No Comments

Denver Parks and Recreation: Approved - No Comments

Transportation and Infrastructure – R.O.W.- City Surveyor: Approved – See Comments Below

[4/15/22] Address and legal description did not match recorded deed. See redline comments.

[5/5/22] Approved – Mark up cleared and revised legal description has been updated in application package by case manager.

Development Services – Project Coordination: Approved – See Comments Below

- 1) Any new development on the property will need to meet the zone district and building form standards.
- 2) Zoning and building permits plans will need to be reviewed and approved. The residential review team will process and review plans.

Development Services – Fire Protection: Approved - No Comments

Development Services – Transportation: Approved – No Comments

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.

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:	04/14/2022
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:	06/20/2022
Planning Board Public Hearing:	07/06/2022
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 10 working days before the meeting:	07/08/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	07/19/2022
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:	08/08/2022
City Council Public Hearing:	08/29/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received written input from any of the Registered Neighborhood Organizations (RNOs) that were sent notice.
 - To date, one public comment was received with questions and concerns of future development of the detached ADU in the rear. The concerns have been resolved through neighborly discussions.

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-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 Congress Park neighborhood.

- 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 2019

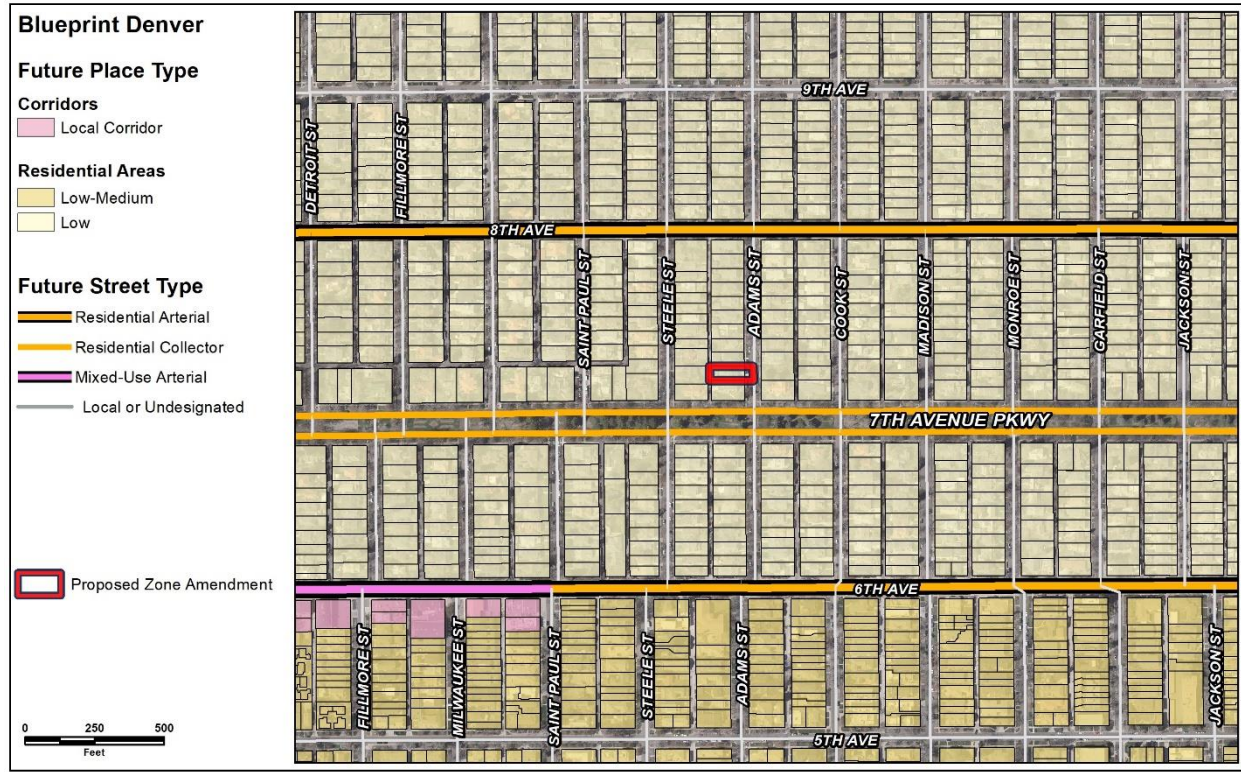
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and 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 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 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 district that allows for an additional dwelling unit accessory to an established single-family 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, 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 Adams Street as a Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). 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 recommendations related to rezoning to allow for ADUs. Policy 4 Strategy E. says “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* recommendations.

Denver East Central Area Plan Recommendations for Congress Park Neighborhood (2020)

The *East Central Area Plan* is the neighborhood plan for the neighborhoods of Capitol Hill, Cheesman Park, City Park, City Park West, Congress Park, and North Capitol Hill, providing a vision and policy

guidance for land use, urban design, housing, mobility, parks, and the local economy for the next 20 years. The plan covers the area roughly between Broadway and Colorado Boulevard and between 6th Avenue and 23rd Avenue in central Denver. These neighborhoods extend from the edge of downtown in the west to single-unit neighborhoods in the east, incorporating all types of buildings, houses, and businesses in between, and all connected by Colfax Avenue running through the center.

The area includes some of the most beloved features in Denver: great parks like City Park and Cheesman Park; cultural attractions like the Botanic Gardens, Zoo, and Museum of Nature and Science; theaters like the Fillmore, Ogden, Bluebird, and Sie Film Center; and many shops, restaurants, and historic landmarks. The people of East Central value the diversity and inclusiveness of their community that is open to all and represents the unique character of their neighborhoods. (p. 2)

2.1.5 Zoning and Other Regulations

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

Era of construction - The most uniform neighborhood in East Central, 88% of all buildings were built before 1945, and 70% were built between 1926 - 1945. Most of the new construction has occurred on the edges of the neighborhood, along Colfax Ave and Colorado Blvd.

Land use – The neighborhood is predominately made up of residential uses, 82% when combined, and 61% is single-unit use exclusively. The remainder of the neighborhood consists of quasi-public uses, institutional, open space, and commercial/retail.

Affordable Housing Policy E1: Stabilize residents at risk of involuntary displacement.

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.

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.

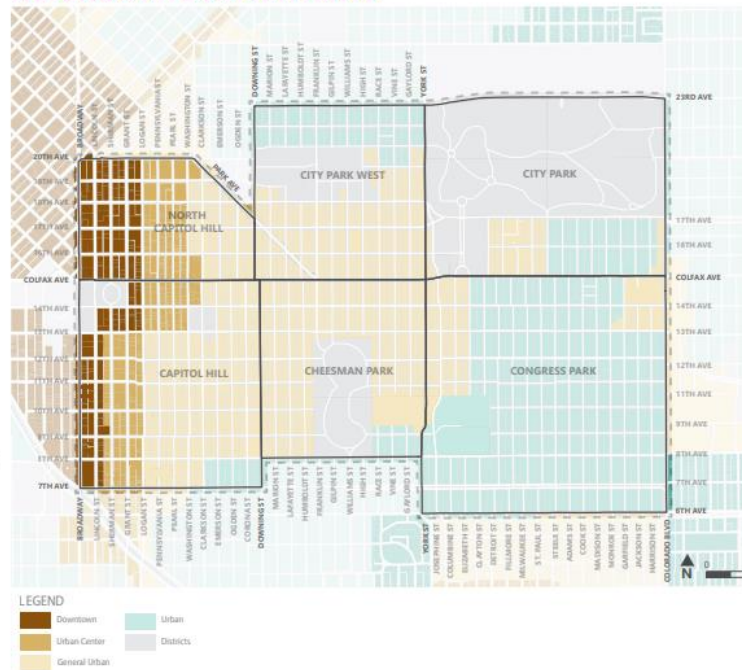
East Central Area Plan | 2.1 Land Use and Built Form

2.1.2 NEIGHBORHOOD CONTEXTS

Neighborhood Contexts reflect established land patterns such as lot and block sizes, era of construction, and existing building heights and density. Neighborhood contexts also reflect future expectations for how new development is expected to occur and how it should respond to existing patterns. The assigned contexts are reflected in the Denver Zoning Code as well. For complete context descriptions, please refer to Blueprint Denver, Chapters 4 and 5.

- **Downtown** – These areas feature tall buildings close to the street, high pedestrian activity and active uses along the ground floor with a mix of uses on upper floors and excellent transit access and mobility options. This context has the tallest buildings and most dense form (i.e. large footprints, buildings take up majority of blocks).
- **Urban Center** – a transition to the urban neighborhoods from the Downtown context. It includes a high mix of uses with buildings close to the street, but the scale of buildings transition down in height from the Downtown context. It also has excellent transit access and mobility options.
- **General Urban** – a mix of residential and office uses and commercial areas, but with higher densities than the Urban contexts. Buildings are generally multi-unit residential or office, although some single and two unit buildings may be mixed in. There is also a high concentration of historic buildings in this context in the East Central area.
- **Urban** – primarily single and two-unit residential areas and mixed-use nodes, although there are many small, multi-unit buildings, especially closer to Colfax Avenue. Vehicle access is provided by alleys, so streets are lined with front porches and yards.
- **Districts** – large schools, hospitals, large parks and civic spaces. They may require special rules for building form and height and contrast with the surrounding character. In the East Central area, examples include: the State Capitol grounds, City Park, Cheesman Park, East High School, Morey Middle School, St. John's Cathedral, Carla Madison Recreation Center and the Uptown Medical District.

NEIGHBORHOOD CONTEXTS



PLACES



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. 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 Circumstances

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.

5. 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-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

Denver Zoning Code Section 5.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect [ing] residential neighborhoods within the character of the Urban Neighborhood context.” It accommodates one and two and a half story 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 urban 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 and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet” (DZC 5.2.2.H). The subject site is in an area where Urban Houses and lots over 5,500 square feet are common. The site at 715 Adams Street is 5,950 square feet with a width of approximately 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 2022I-00018