



TO: Denver City Council, Land Use, Transportation and Infrastructure Committee
FROM: Francisca Penafiel, Associate City Planner
DATE: June 9, 2020
RE: Official Zoning Map Amendment Application #2019I-00054

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00054.

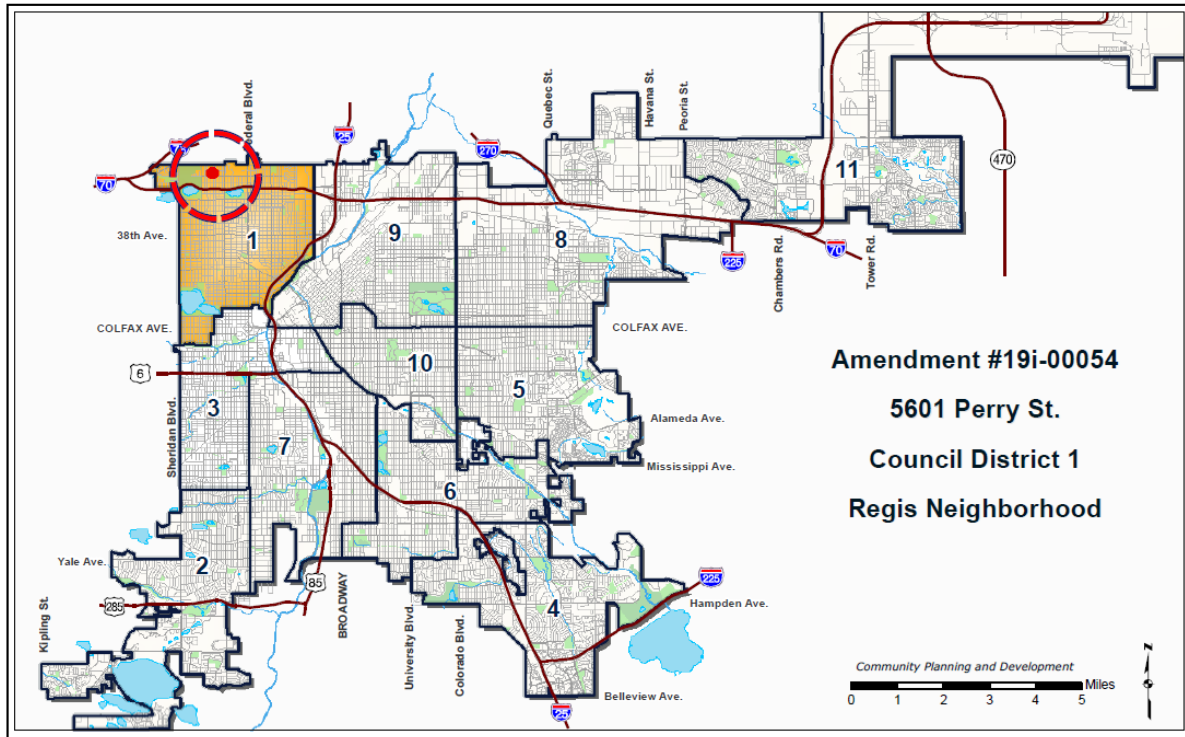
Request for Rezoning

| | |
|--------------------------------|--|
| Address: | 5061 Perry Street |
| Neighborhood/Council District: | Regis / Council District 1 |
| RNOs: | Berkeley Regis United Neighbors, Berkeley Neighborhood Association, Inter-Neighborhood cooperation (INC) |
| Area of Property: | 9,370 square feet or 0.21 acres |
| Current Zoning: | U-SU-C |
| Proposed Zoning: | U-SU-C1 |
| Property Owner(s): | Francis & Yuko Stossel |
| Owner Representative: | None |

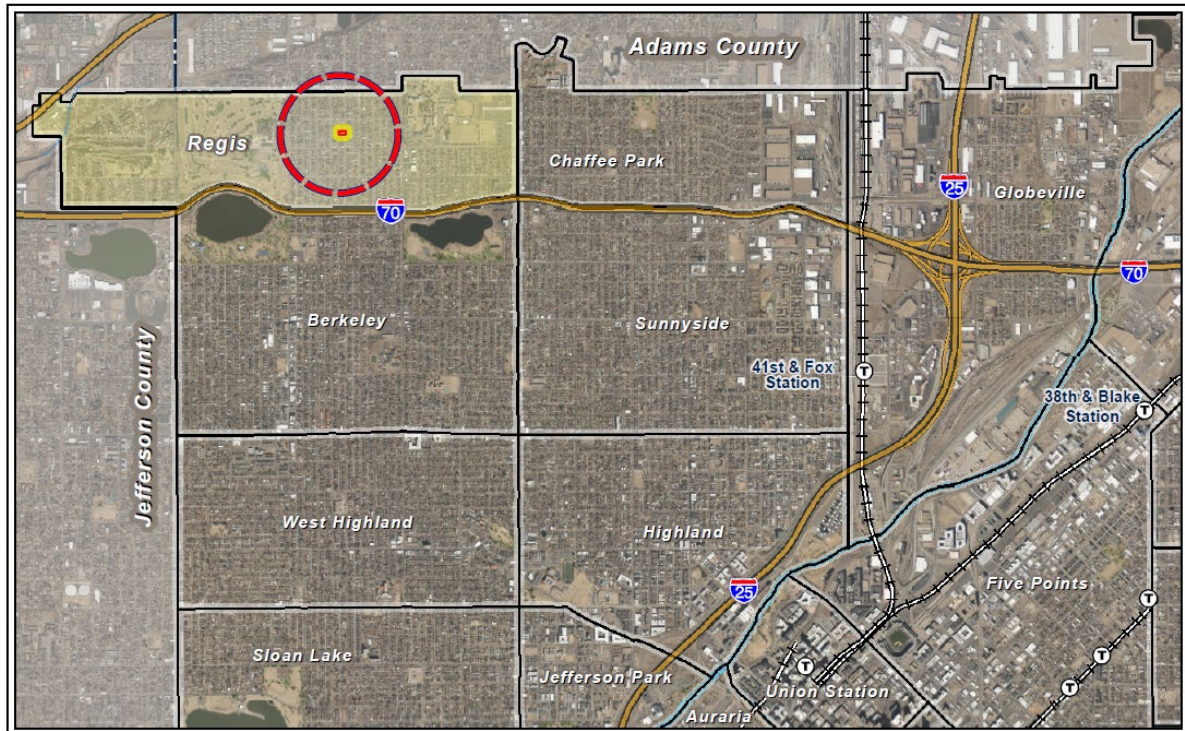
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1908 and is located west from Regis University, between 50th Avenue and 51st Avenue along North Perry 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 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).

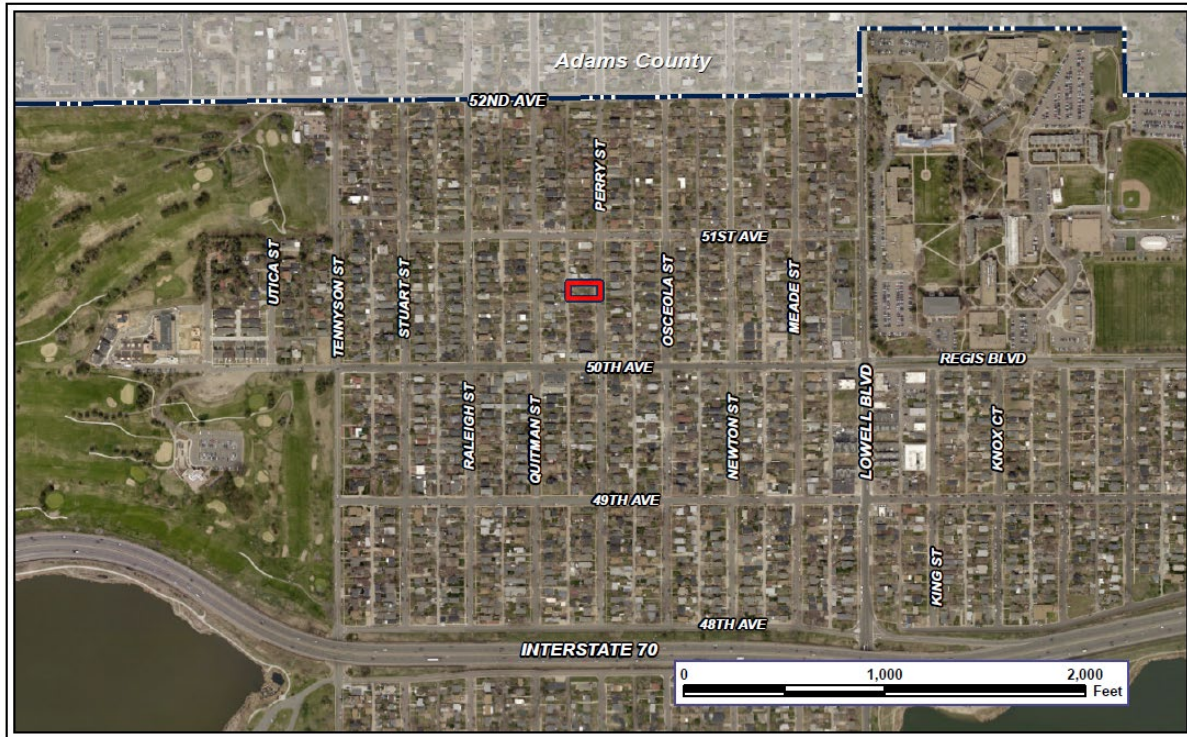
City Location



Neighborhood Location – Regis



1. Existing Context

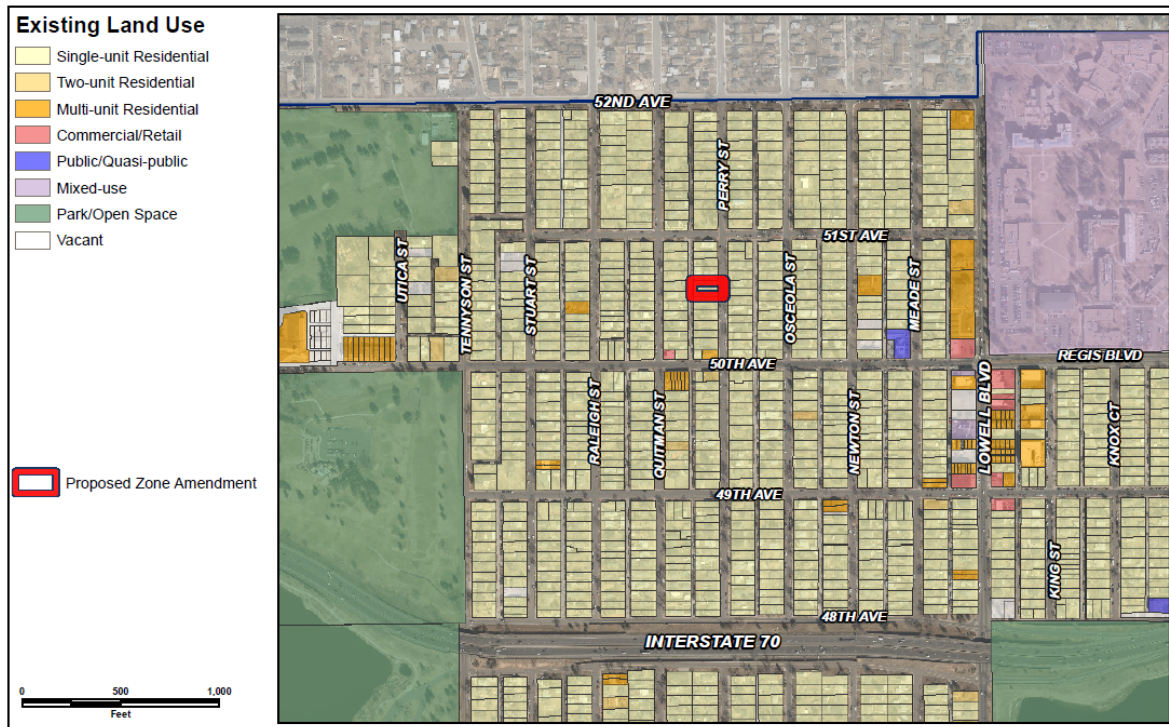


The subject property is in the Regis statistical neighborhood, which is characterized primarily by single-unit residential uses and then transitioning to more multi-unit uses closer to the mixed-use uses along Lowell Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is one and a half blocks south of 52nd Avenue and two and a half blocks north of Interstate 70.

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 -story Residence | 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 | 2-story Residence | |
| South | U-SU-C | Single-unit Residential | 1-story Residence | |
| East | U-SU-C | Single-unit Residential | 1-story Residence | |
| West | U-SU-C | Single-unit Residential | 1-story Residence | |

3. Existing Land Use Map



4. Existing Building Form and Scale



Aerial view of the site, looking north.



View of property looking west.



View of the property to the north, looking west.



View of the property to the east, looking east.



View of the property to the south, looking west.

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 9,370 square feet, allowing a maximum building footprint of 1,000 square feet for the DADU.

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 |

*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.

Denver Public Schools: Approved – No Response.

Department of Public Health and Environment: Approved – See Comments Below

Notes. The Denver Department Public Health & Environment (DDPHE) concurs with the request and is not aware of environmental concerns that should be considered for the rezoning.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must always be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays. Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks

Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, DDPHE (720-865-5410).

Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No Comments

Public Works – R.O.W. - City Surveyor: Approved – See comments Below.

LAND DESCRIPTION:

LOTS 38, 39, AND 40, EXCEPT THE REAR 8 FEET OF SAID LOTS, BLOCK 140, OF BLOCKS 73 TO 80, 97 TO 104, 137 TO 144 AND 177 TO 184, INCLUSIVE, BERKELEY, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – See Comments Below.

No objection to rezoning. You will need to obtain a Sewer Use and Drainage Permit for the ADU. Sanitary connection fees will be assessed at that time.

Development Services – Project Coordination: Approved – No Comments.

Development Services – Fire Prevention: Approved – No Response.

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: | 1/13/2020 |
| 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: | 5/5/2020 |
| Planning Board public hearing (on consent agenda, recommended approval) | 5/20/2020 |
| 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: | 5/25/2020 |

| | |
|---|------------------|
| Land Use, Transportation and Infrastructure Committee of the City Council: | 6/9/2020 |
| 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: | 6/29/2020 |
| City Council Public Hearing: | 7/20/2020 |

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received no public comments.

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).

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 Regis 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

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 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). The 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 Perry Street as 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.

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.”

Attainable Homeownership, Recommendation 1: “Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners.”

The proposed map amendment to U-SU-C1 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 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.

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 Regis 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 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 and 50-foot wide lots are common. The site at 5061 Perry Street is 9,370 square feet with a width of 75 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. Legal Description

Zone Map Amendment (Rezoning) - Application

| PROPERTY OWNER INFORMATION* | | PROPERTY OWNER(S) REPRESENTATIVE** | |
|--|-----------------------------|---|--|
| <input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | | <input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION | |
| Property Owner Name | Francis + Yuko Stossel | Representative Name | |
| Address | 5061 Perry St | Address | |
| City, State, Zip | Denver, Co 80212 | City, State, Zip | |
| Telephone | 303-885-6824 | Telephone | |
| Email | porchlightconstruction@yuko | Email | |
| <p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p> | | <p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p> | |
| <p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p> | | | |
| SUBJECT PROPERTY INFORMATION | | | |
| Location (address and/or boundary description): | | 5061 Perry St, Denver 80212 | |
| Assessor's Parcel Numbers: | | 02184-12-019-000 | |
| Area in Acres or Square Feet: | | 9,370 ft ² | |
| Current Zone District(s): | | U-SU-C | |
| PROPOSAL | | | |
| Proposed Zone District: | | U-SU-C1 | |

REZONING GUIDE

Rezoning Application Page 2 of 3



REVIEW CRITERIA

| | |
|---|---|
| <p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p> | <input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need. |
| | <input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts. |
| | <input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City. |

| | |
|---|--|
| <p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p> | <p>Justifying Circumstances - One of the following circumstances exists:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input checked="" type="checkbox"/> 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: <ul style="list-style-type: none"> 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. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance. |
| | <ul style="list-style-type: none"> <input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met. |

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- Legal Description (required to be attached in Microsoft Word document format)
- Proof of Ownership Document(s)
- Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- Written Authorization to Represent Property Owner(s)
- Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

| Property Owner Name(s) (please type or print legibly) | Property Address City, State, Zip Phone Email | Property Owner Interest % of the Area of the Zone Lots to Be Rezoned | Please sign below as an indication of your consent to the above certification statement | Date | Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved | Has the owner authorized a representative in writing? (YES/NO) |
|--|---|--|---|----------|--|--|
| EXAMPLE John Alan Smith and Josie Q. Smith | 123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov | 100% | <i>John Alan Smith</i> <i>Josie Q. Smith</i> | 01/01/12 | (A) | YES |
| Francis Stossel and Yuko Stossel | 5061 Perry St Denver, Co 80212 303-885-6824 parenlightconstruction@yahoo.com | 100% | <i>Francis Stossel</i> <i>Yuko Stossel</i> | 12/9/19 | (A) | NO |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Last updated: May 24, 2018

Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

January 13, 2020 \$1000 fee pd CC

Legal description for 5061 Perry St as stated in Assessors record:

Berkely Block 140 Lot 38 to lot 40. excluding the rear 8' to the city.

Frank Stossel

5061 Perry St.

Denver, CO

80212

7/14/19

To whom it may concern,

We are Frank, Yuko, Kai and Luke Stossel. I am a residential licensed contractor with a class C in the city of Denver. My wife, Yuko has been working for the University of Colorado as a trust accountant for 7 years and she is a CU alumni. My older son, Kai, graduated from Denver Center for International Studies and currently attending at Red Rocks Community College. Luke is enrolled in elementary school within Denver Public Schools. We are requesting a zone map amendment that would change our current zoning of U-SU-C to U-SU-C1.

We bought our house 20 years ago and would like to remain here, this being one of the goals of a zone map amendment request. Aging in place would be easier to attain with the additional income stream that our proposed A.D.U. would provide.

On the surface, our request will change little in our neighborhood. Our property already has the required lot size for an A.D.U. (5,500 square feet minimum) and proposes no new construction as I plan on converting my existing garage. I've already addressed it with the neighbors and they all support my efforts and are interested in the process and outcome.

I understand that the zone map amendment has to be supported by the current Denver Plan Zone, Blueprint Denver, and any other relevant plans. I hope to present an argument that will convince you that this zone map amendment is good not just for my family, but for the whole neighborhood.

Consistency with Adopted Plans

Comprehensive Plan 2040

“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)

Allowing A.D.U. development at 5061 Perry St would create a greater mix of housing options in every neighborhood for all individuals and families. Presently housing options in my neighborhood are very limited. Not everyone needs a three bedroom, two bath house and the accompanying expense. May I suggest that allowing an A.D.U. at 5061 Perry addresses a dearth of housing for students, singles and working individuals.

“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 A.D.U for 5061 Perry St. would offer a mix of housing serving a more diverse population. In my neighborhood you have either lived here a long time or you bought one of the mcmasions popping up everywhere. This is a very narrow slice of residents and a far cry from a diverse population. Housing choices and availability are often if not always driven by affordability and allowing A.D.U. development in my neighborhood would ensure a more diverse population as it becomes more affordable.

Strategy D: Encourage quality infill development that is consistent with the surrounding neighborhood.

(p.34)

The zone map amendment for 5061 Perry is consistent with the surrounding neighborhood. The garage already exists and like a lot of garages in North Denver it is too small to park a car but a perfect size for an A.D.U. I see this as an opportunity to tap a significant housing resource that is presently largely ignored in my neighborhood.

Environmentally Resilient

Goal 8

Strategy A: Promote infill development where infrastructure and services are already in place. (p.54)

Certainly the proposed A.D.U. is consistent with the strategy mentioned above. All utilities and infrastructure are already in place as well as the building itself. The A.D.U. conversion could happen with no outward change to the neighborhood except to add a really cool addition to the housing stock.

Blueprint Denver Update 2019

Future Neighborhood Context

Regis

Urban

The Blueprint Denver describes urban context as small multi-unit residential and mixed-use areas are typically embedded in single unit and 2 unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and closer to the street.

The current zoning of U-SU-C falls under the “Urban” neighborhood as described above. The proposed zoning change to U-SU-C1 also falls under “Urban” which remains consistent with Future Neighborhood Context. The proposed garage conversion to an A.D.U has a footprint of 400 sq.ft. Access will be via the service alley with a parking space dedicated off the alley as well. No setback or bulk plane variances are necessary as the building already exists.

Future Places Designation

Low Residential

Predominately single and 2 unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Buildings are generally up to 2.5 stories in height. The zone map amendment is consistent with low residential in that the existing garage that I intend to convert to an A.D.U. is one story. The elevation of my lot along with a privacy fence in front obscures any sightlines from Perry St. This makes the A.D.U. virtually invisible from the street. No changes would occur to bulk plane as well since I will be converting my existing garage. This makes my zone map amendment consistent with low residential.

Recommendations

Land use and built form: Housing

#4 Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. (p.84)

#4 A citywide approach to enable ADU's is preferred. Until a holistic approach is in place, individual rezoning's to enable ADU's in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADU's, rezoning should be small in order to minimize impacts to the surrounding residential area. (p.84)

The zone map amendment is consistent with the recommendations suggested above. This rezoning would help bring A.D.U's to all residential areas. Hopefully this application and others like it would encourage the city to adopt an all-encompassing approach to A.D.U. development. Currently only 25% of the city is zoned for A.D.U.'s. Lacking a neighborhood plan in Regis this is an individual effort for a map amendment. That being the case this rezoning is small in size involving my property only.

Growth Areas Strategy

The updated Blueprint Denver 2019 provides a more nuanced way to handle growth, directing growth to key centers ,corridors and high density residential areas that align with transportation options.

Most growth is guided to regional centers, community centers and corridors, select districts and higher intensity residential areas.

Other areas of the city are still expected to see some, more limited, growth.

unit that is accessory to the single unit use on site. If something doesn't grow it dies. This zone map amendment is consistent with Growth Area Strategies. My garage conversion to an A.D.U. will bring limited growth to my neighborhood by adding an additional

Future Street Types

Perry St.: Local

- Most often characterized by residential uses.

50th and 52nd Ave.: Residential collector.

- Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.

My proposed zone map amendment is consistent with keeping Perry St a local. This will occur not because of what I am planning to do but what I am not doing. No egress onto Perry St, no bulk plane intrusions or setback requirements. Access to the A.D.U. will be via the service alley with a parking space beside the A.D.U. This arrangement will keep traffic on Perry St to a minimum. R.T.D route # 52 has a stop at 50th and Quitman which offers a convenient route to downtown. The view from Perry St looking west remains unchanged as well. The proposed A.D.U. already exists as a garage.

Housing an Inclusive Denver

Recommendations:

- 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.

This zone map amendment would provide the city an excellent opportunity to expand the development of A.D.U.'s where current zoning prohibits them. It especially makes sense where lot size is conducive as well. Such is the case at 5061 Perry St. where the lot size of over 9,000 sq. is well over the 5500 sq.ft. Lot size requirement currently required.

UNIFORMITY OF DISTRICT REGULATIONS

The proposed Official Map Amendment is consistent with the uniformity of the U-SU-C1 district's regulations and restrictions because the current and future property improvements will be constructed according to the U-SU-C1 zone district's building forms and its current and future uses will be regulated and restricted through the proposed zone districts permitted limited and unpermitted uses. Therefore the proposed rezoning to U-SU-C1 will result in the uniform application of the zone district building form, use and design regulations.

FURTHER PUBLIC HEALTH SAFETY and WELFARE

How do I convince councilmembers and the mayor as well that my zone map amendment will contribute to the public health safety and welfare? It seems so obvious to me that adding a safe and affordable place to live would be a slam dunk so to speak. I live in a great neighborhood close to the city but not too close. We enjoy great amenities, shopping {Tennyson Street}, recreation {Scheitler Rec. Center, Willis Case Golf Course, Clear Creek bike trail}, education {Smiley Branch library, Regis University}, transportation {52 bus route, G line light rail @ 60th and Sheridan and let's not forget Lakeside amusement park, all within walking distance of my proposed A.D.U.

I love my neighborhood and so do a lot of people. A quick check of Zillow puts the median house price for 80212 at \$512,000. Please consider a policeman, teacher or nurse who might want to live and work in the neighborhood, they could find buying a house beyond their reach at those prices. Most people myself included could never afford to buy in Regis today. This is just one example of where my zone map amendment would benefit the public. A Regis or Auraria student could benefit from an affordable apartment close to campus as well.

Consider as well the ripple effects of an approved zone map amendment. Other homeowners with a lot of equity and little retirement could use the homes that they worked all their lives to pay off to help subsidize their retirement. Many people do not realize they have this option open to them. This would contribute to their financial security which in turn keeps people safe.

Lastly let's not ignore the obvious. This zone map amendment would further the health, safety and welfare of the Stossel family and I propose that if it benefits my family it benefits the neighborhood.

JUSTIFYING CIRCUMSTANCES

- A City adopted plan.

Since starting this application process Denver has adopted an updated Blueprint Denver. Throughout this revised version the city encourages A.D.U development through all neighborhoods. This would lead me to believe that my zone map amendment is in fact justified by the updated Blueprint Denver. An excellent opportunity to put the plan in action and a chance to establish a pattern for other homeowners to follow as well.

CONSISTENCY WITH NEIGHBORHOOD CONTEXT, ONE DISTRICT PURPOSE AND INTENT.

Section 5.1.1 Urban Neighborhood Context General Character

Primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas.

The zone map amendment is consistent with the character of an Urban Neighborhood. My intent is to keep the property a single unit with an A.D.U. This exists throughout Urban districts in Denver.

Section 5.2.2.2 H. Single unit C1

Allows 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.

5061 Perry St. is an ideal candidate for this zone map amendment. My lot size is well over the required 5500 sq.ft. I do believe my property is a double lot with a width of 65' the proposed garage already exists in the back yard, setbacks and lot coverage are consistent as the building already exists. I have no plan to develop the empty portion of my lot. My intent is to convert my garage that at this point is used mostly for storage into an attractive addition to the neighborhood.

CONCLUSION

I started this application back in April. As you may have guessed at this point I am not very good at this sort of enterprise. I've spent my entire career on a jobsite and I've built houses quicker than it took me to finish this application, a fish out of water so to speak. I do believe that you shouldn't need deep pockets or know how to work the system in order to benefit from the gains in equity over the last ten years. That being said I would never build something that would disrespect the neighborhood or upset my neighbors. The 5000 block of Peery St. is one of the

few in North Denver where you won't find a MaCmansion and I intend to keep it that way. My wife and I worked hard to pay off our house we are hoping that now our house will work for us.

Regards,

Frank Stossel.

5061 N PERRY ST

Owner STOSSEL,FRANCIS & YUKO
5061 PERRY ST
DENVER , CO 80212-2632

Schedule Number 02184-12-019-000

Legal Description BERKELEY B140 L38 TO 40 EXC REAR 8FT TO CITY

Property Type RESIDENTIAL

Tax District DENV

Print Summary

Property Description

| | | | |
|------------------------------|-----------|----------------------------|---------|
| Style: | ONE-STORY | Building Sqr. Foot: | 982 |
| Bedrooms: | 2 | Baths Full/Half: | 1/0 |
| Effective Year Built: | 1908 | Basement/Finish: | 730/119 |
| Lot Size: | 9,370 | Zoned As: | U-SU-C |

Note: Valuation zoning may be different from City's new zoning code.

Current Year

| Actual | Assessed | Exempt |
|--------------|------------------|-----------------|
| Land | \$485,800 | \$34,740 \$0 |
| Improvements | \$1,000 | \$70 |
| Total | \$486,800 | \$34,810 |

Prior Year

| Actual | Assessed | Exempt |
|--------------|------------------|-----------------|
| Land | \$380,200 | \$27,370 \$0 |
| Improvements | \$1,000 | \$70 |
| Total | \$381,200 | \$27,440 |

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

| | Installment 1 (Feb 28 Feb 29 in Leap Years) | Installment 2 (Jun 15) | Full Payment (Due Apr 30) |
|-------------------|---|---------------------------|------------------------------|
| Date Paid | 2/27/2019 | 6/12/2019 | |
| Original Tax Levy | \$1,061.45 | \$1,061.45 | \$2,122.90 |
| Liens/Fees | \$0.00 | \$0.00 | \$0.00 |
| Interest | \$0.00 | \$0.00 | \$0.00 |
| Paid | \$1,061.45 | \$1,061.45 | \$2,122.90 |
| Due | \$0.00 | \$0.00 | \$0.00 |

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

| | | | |
|--------------------------------|---|--|---|
| Additional Assessment ⓘ | N | Prior Year Delinquency ⓘ | N |
| Additional Owner(s) ⓘ | N | Scheduled to be Paid by Mortgage Company ⓘ | N |
| Adjustments ⓘ | N | Sewer/Storm Drainage Liens ⓘ | N |
| Local Improvement Assessment ⓘ | N | Tax Lien Sale ⓘ | N |
| Maintenance District ⓘ | N | Treasurer's Deed ⓘ | N |
| Pending Local Improvement ⓘ | N | | |

Real estate property taxes paid for prior tax year: \$2,116.55

Assessed Value for the current tax year

| | | | |
|---------------|-------------|-----------------------|-------------|
| Assessed Land | \$27,370.00 | Assessed Improvements | \$70.00 |
| Exemption | \$0.00 | Total Assessed Value | \$27,440.00 |