



TO: City Council
FROM: Edson Ibanez, Associate City Planner
DATE: August 12, 2021
RE: Official Zoning Map Amendment Application #2020I-00177

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00177.

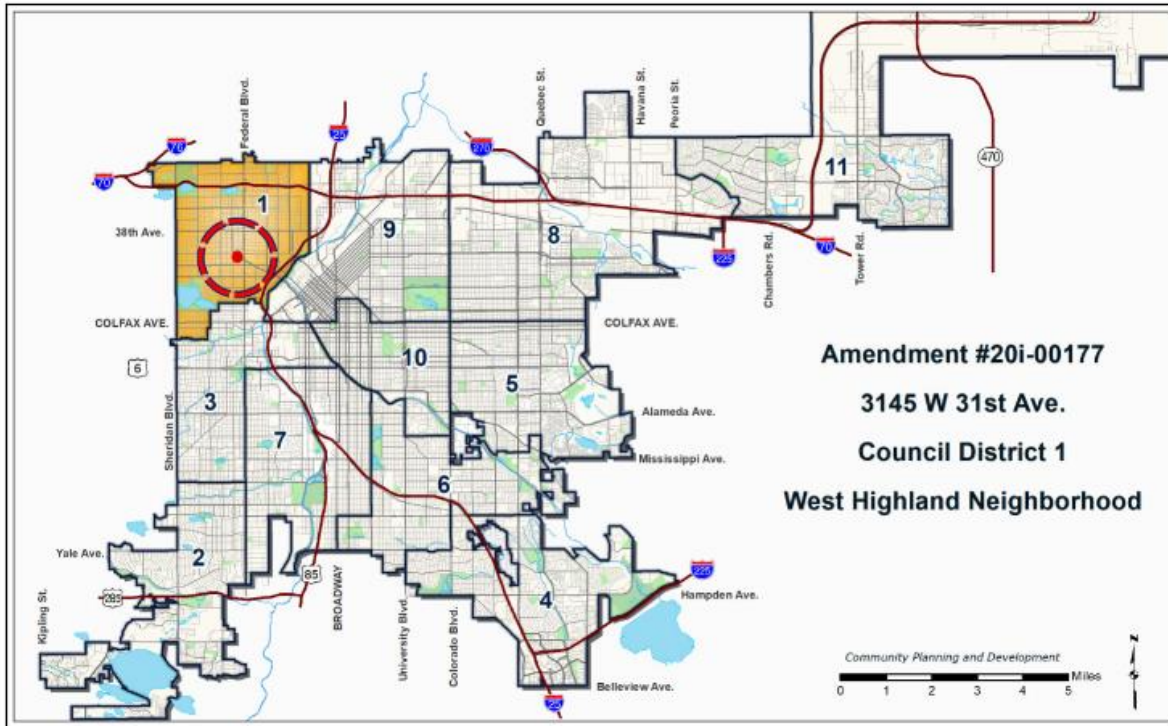
Request for Rezoning

Address: 3145 West 31st Avenue
Neighborhood/Council District: West Highland Neighborhood / Council District 1 (Amanda Sandoval)
RNOs: Neighborhood Coalitions of Denver, Inc., West Highland Neighborhood Association, District 1 Neighborhood Coalition, Inc., Inter-Neighborhood Cooperation (INC)
Area of Property: 7,950 square feet or 0.18 acres
Current Zoning: U-SU-B
Proposed Zoning: U-SU-B1
Property Owner(s): Mary Patricia Bullington
Owner Representative: None

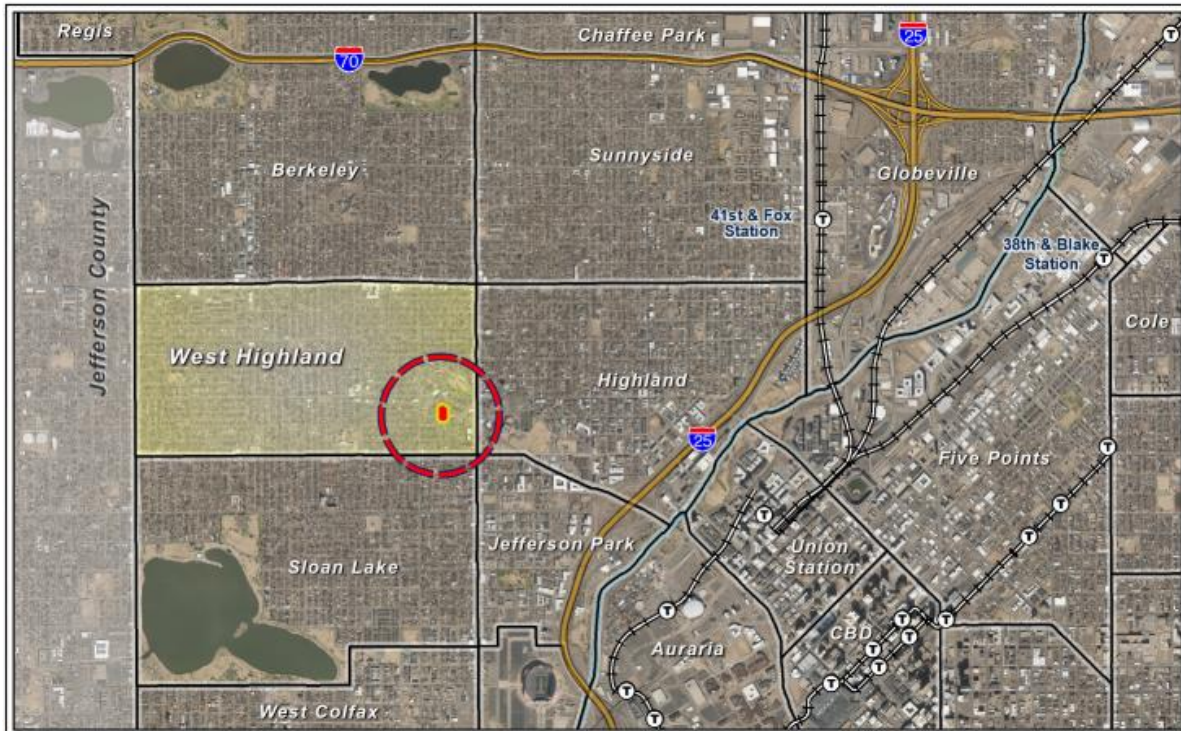
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1925 and is located mid-block between North Irving Street and Speer Boulevard along West 31st Avenue.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-B1, **Urban, Single-Unit, B1** (4,500 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 in 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 and 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 – West Highland



1. Existing Context



The subject property is in the West Highland statistical neighborhood, which is characterized primarily by single-unit residential uses with a limited number of multi-unit residential uses scattered throughout and some commercial uses located along North Federal Blvd. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is between North Irving Street and Speer Boulevard along West 31st Avenue. North Federal Boulevard is located 3 blocks to the east.

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-B	Single-unit Residential	1-story Residence with moderate front setback with alley access and front driveway	Generally regular grid of streets; Grid is interrupted by Speer Boulevard.
North	U-SU-A1	Single-unit Residential	2-story Residence with moderate front setback with alley access	Block sizes and shapes are consistent and rectangular.
South	U-SU-A	Single-unit Residential	2-story Residence with moderate front setback with alley access	Vehicle parking to the front, side or back of buildings as this block does not include an alley.
East	U-SU-B	Single-unit Residential	1-story Residence with moderate front setback	

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-B		■										

3. Existing Land Use Map



4. Existing Building Form and Scale

All images are from Google Maps.



View of subject property looking north.



View of the property to the west, looking north.



View of the property to the south, looking east.

Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot of 4,500 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-B1 district. Compared to the U-SU-B district, U-SU-B1 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 650 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 DADU. 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	U-SU-B (Existing)	U-SU-B1 (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.)	4,500 square feet	4,500 square feet
Minimum Zone Lot Width	37.5 feet	37.5 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 Response.

Asset Management: Approved – No Response.

Denver Public Schools: Approved – No Response.

Department of Public Health and Environment: Approved – No Response.

Denver Parks and Recreation: Approved – No Response.

Public Works – R.O.W. - City Surveyor: Approved – No Comment.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below. There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Independent sanitary service lines will be required, historical drainage paths must be maintained. Sanitary connection for proposed ADU will need to be made to 8-inch Denver public sanitary main in Speer. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the

proposed zoning. Commitment to serve proposed structure will be based on Sewer Use and Drainage Permit (SUDP) issuance.

Development Services – Project Coordination: Approve – No comments.

Development Services – Fire Prevention: Approved. No comments.
 Denver Fire Dept. Approved - RT

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:	4/15/2021
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:	6/01/2021
Planning Board public hearing:	6/16/2021
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:	6/12/2021
Land Use, Transportation and Infrastructure Committee of the City Council :	6/22/2021

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:	7/26/2021
City Council Public Hearing:	8/16/2021

- **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 comment.

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)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for an additional housing option within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).

U-SU-B1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes found in the West Highland neighborhood.

The proposed rezoning would allow for an additional housing option within an established neighborhood, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- 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 consistent with the following strategy in the Environmentally Resilient vision element:

- 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-B1 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-B1 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-B1 is a single-unit residential district that allows for an additional dwelling unit accessory to a primary residential structure, 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 West 31st Avenue 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-B1 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, taking a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-SU-B1 will allow low-intensity growth to an existing single-family residence by allowing an accessory dwelling unit.

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).

In this case, the requested rezoning is a single lot in a residential area three blocks from RTD bus route 32 which has a 10-minute headway and provides connection to Denver Union Station. 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 accessory dwelling units.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 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 in 2019 after the date of approval of the existing zone district in 2010. 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-B1 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 West Highland neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access.

The zone district's General Purpose for Residential Districts states "the regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing

neighborhoods while accommodating reinvestment” (DZC Section 5.2.2.1.D). The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description and purpose statements.

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E). The subject site is in an area where Urban houses and 37.5-foot wide lots are common. The site at 3145 West 31st Avenue is 7,950 square feet with a width of 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the requested zone district.

Attachments

1. Application