



**TO:** Denver City Council  
**FROM:** Valerie Herrera, Associate City Planner  
**DATE:** December 6, 2021  
**RE:** Official Zoning Map Amendment Application #2021I-00103

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00103.

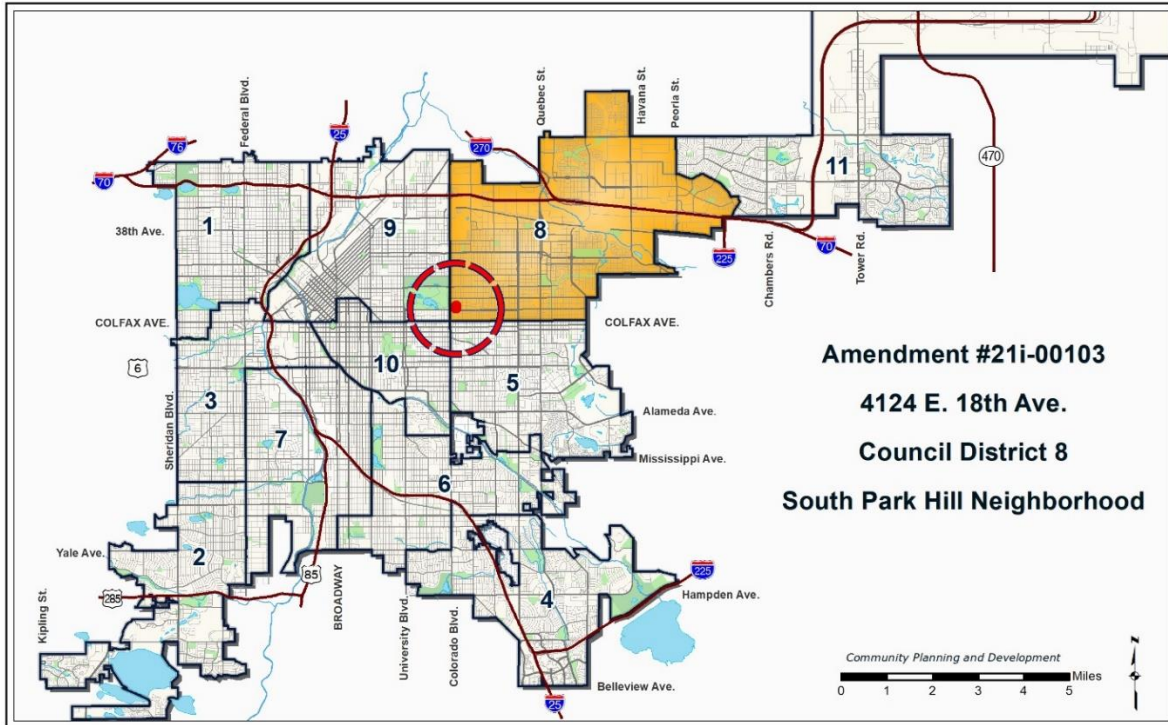
### Request for Rezoning

Address:	4124 E 18 <sup>th</sup> Avenue
Neighborhood/Council District:	South Park Hill / Council District 8
RNOs:	City Park Friends and Neighbors (CPFAN) District 8 Neighborhood Coalition, Inc. Denver For ALL Colorado Abatement Professionals, Inc. Greater Park Hill Community, Inc. Inter-Neighborhood Cooperation (INC) Opportunity Corridor Coalition of United Residents
Area of Property:	8,744 square feet or 0.20 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-C1
Property Owner(s):	Tory & Shae Patnoe
Owner Representative:	None

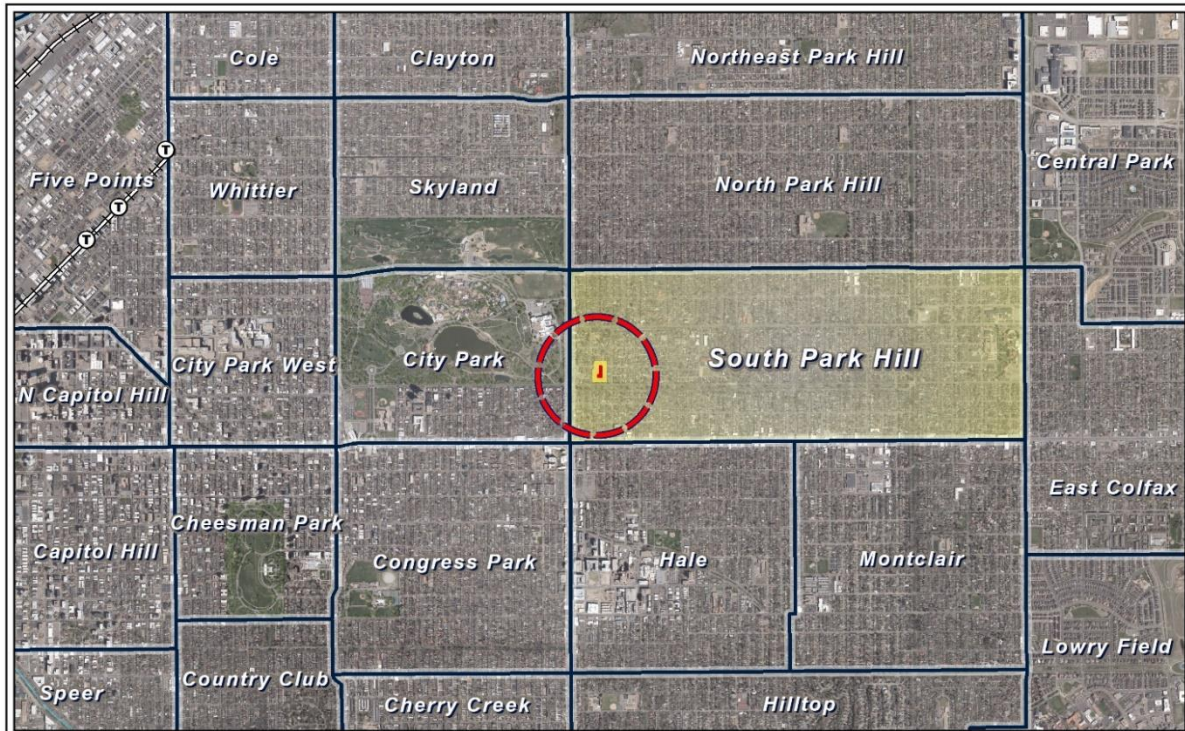
### Summary of Rezoning Request

- The subject property contains a single-unit one-story dwelling and detached garage built in 1926 and is located between North Albion Street and North Bellaire Street along East 18<sup>th</sup> Avenue.
- 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).

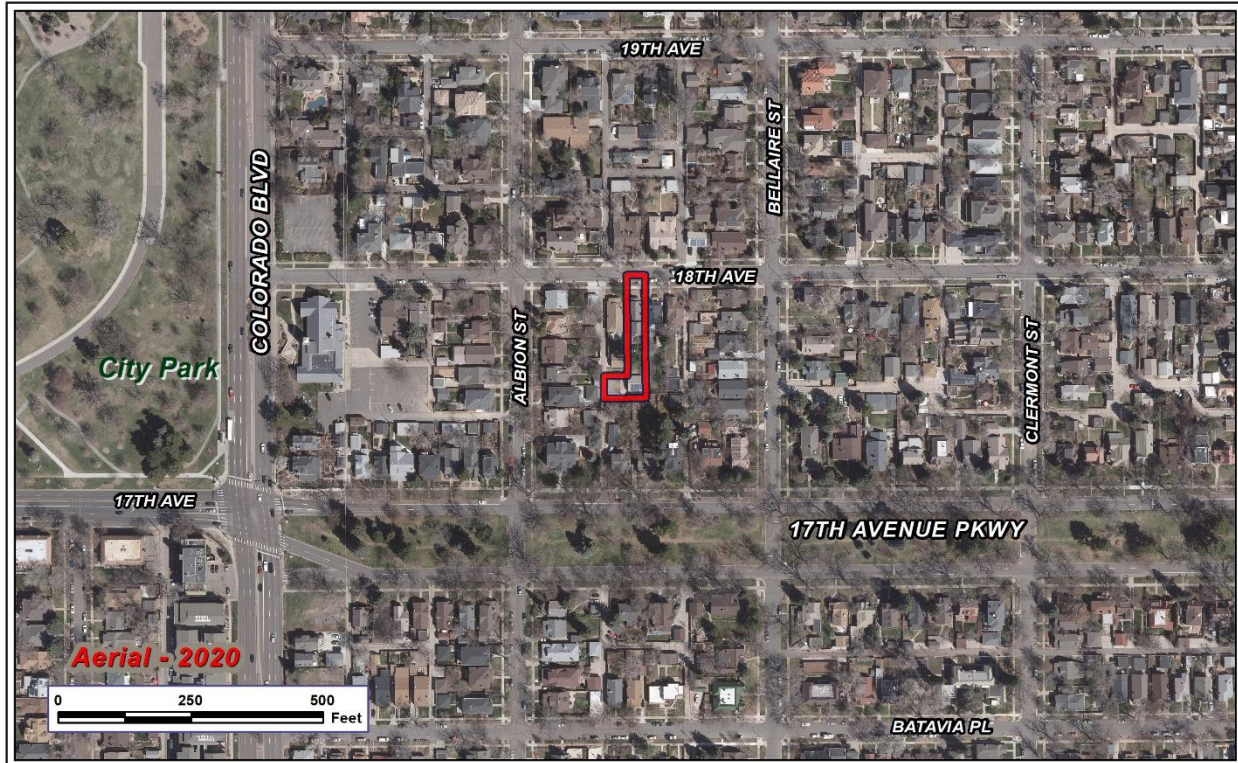
### City Location



### Neighborhood Location – South Park Hill



### 1. Existing Context

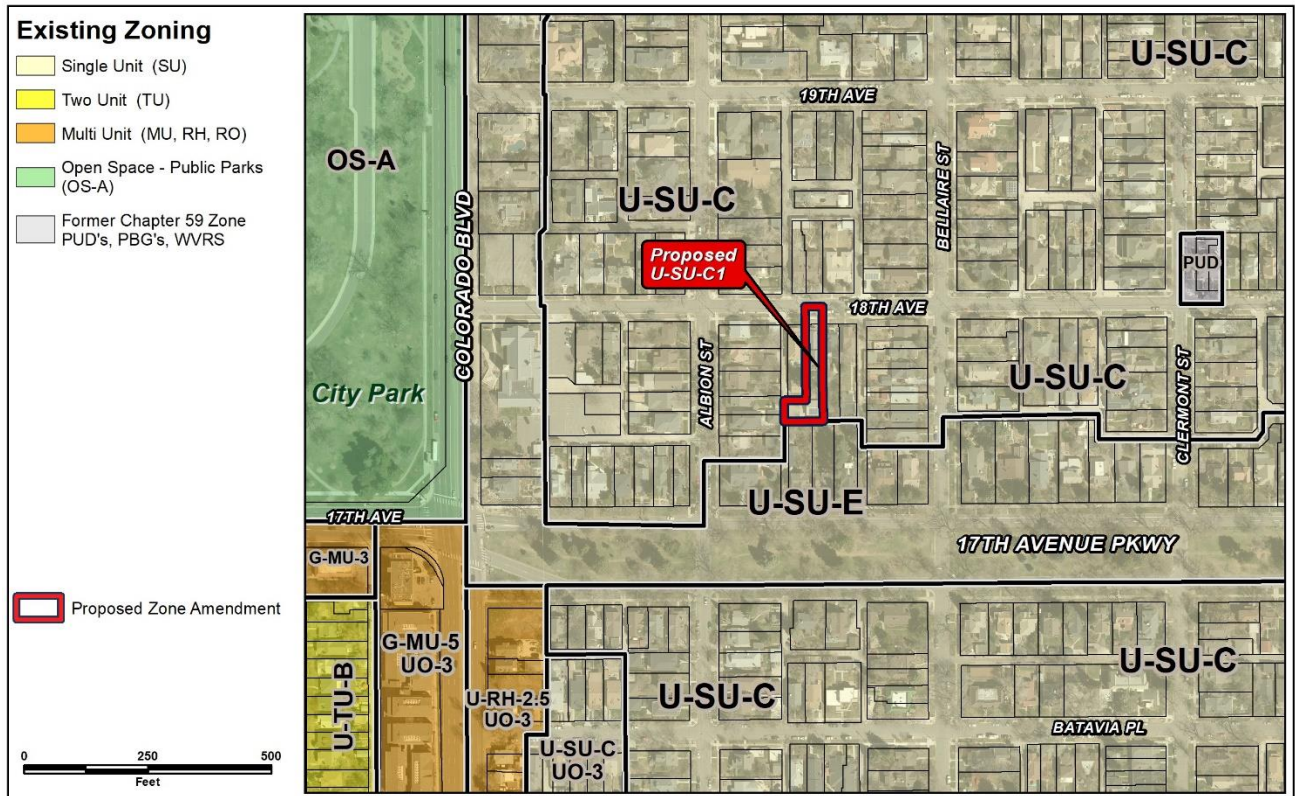


The subject property is in the South Park Hill statistical neighborhood, which is characterized primarily by single-unit residential uses. A limited number of two-unit and multi-unit uses can also be found throughout the neighborhood. The block that contains the subject property and those surrounding it are square-shaped, and many are served by a network of alleys in the shape of an “H”. The subject site block does not have a central east-west alley, but the property is shaped like an “L” and connects to one of two north-south alleys serving this block between East 18<sup>th</sup> Ave. and 17<sup>th</sup> Ave. Parkway. The subject site just east of Colorado Blvd.

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 square shaped. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C	Multi-unit Residential	1-story Residences	
South	U-SU-C	Single-unit Residential	2-story Residence	
East	U-SU-C	Single-unit Residential	1-story Residence	
West	U-SU-C	Single-unit Residential	2-story Residence	

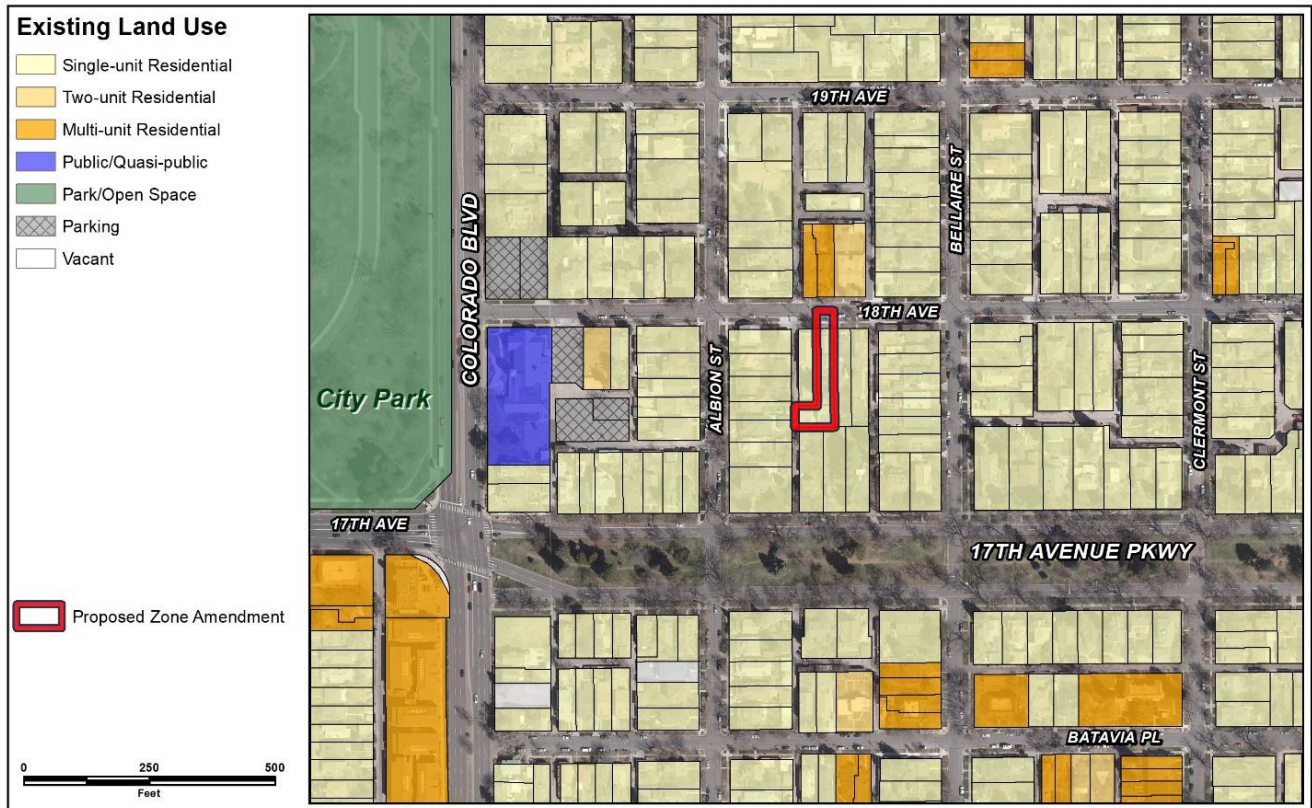
## 2. Existing Zoning



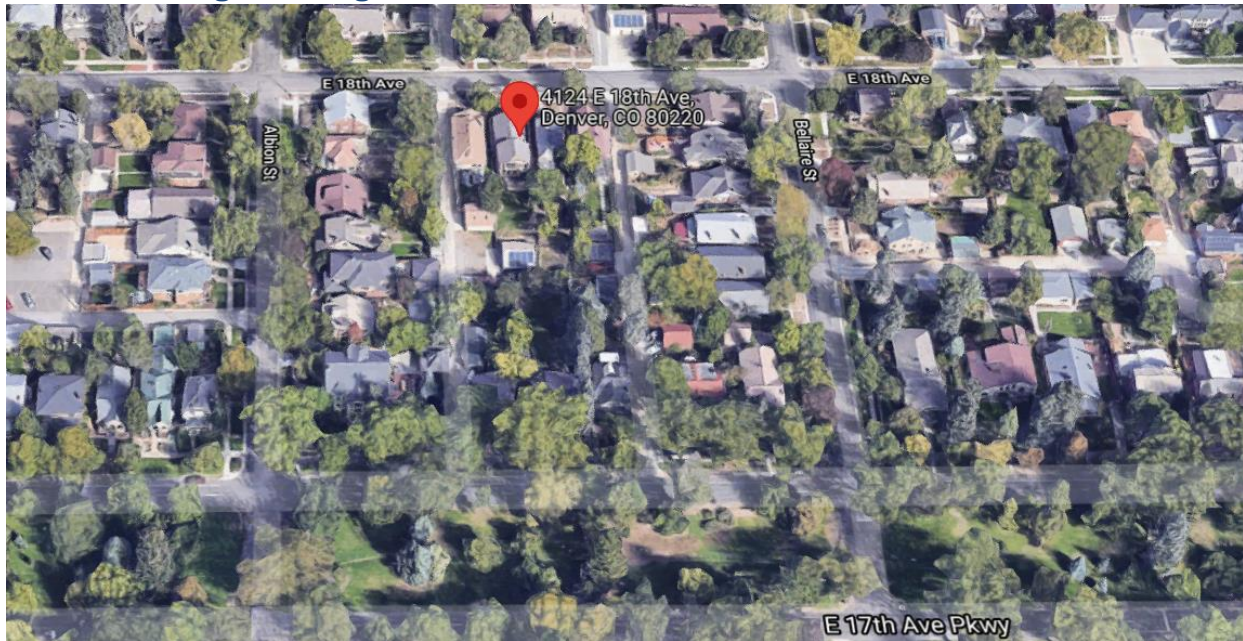
The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot.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



View of the alley from 17<sup>th</sup> Avenue Parkway, looking north. (Google Street View)



View of the multi-unit properties across street from the subject property, looking north. (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 8,744 square feet, allowing a maximum building footprint of 1,000 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 with corrections – See Comments Below

#### LEGAL DESCRIPTION:

LOTS 10 TO 12 AND THE EAST ½ OF LOT 9, BLOCK 23, ALBION SUBDIVISION OF LOT 4, BLOCK 23, HARTMAN'S ADDITION TO DENVER, AND THE NORTH ½ OF VACATED ALLEY SOUTH OF AND ADJOINING SAID LOTS 10 AND THE EAST ½ OF LOT 9; AND SOUTH ½ VACATED ALLEY NORTH OF AND ADJOINING SAID LOT 12; AND NORTH ½ OF VACATED ALLEY IN SANGUINETTE'S RESUBDIVISION OF LOTS 1,2 AND 3, BLOCK 23, HARTMAN'S ADDITION TO DENVER SOUTH OF AND ADJOINING SAID LOTS 11 AND 12, ACCORDING TO THE RECORDED PLATS THEREOF, EXCEPT-THE NORTH 10 FEET OF LOT 11, BLOCK 23, ALBION SUBDIVISION OF LOT 4, HARTMAN'S ADDITION TO DENVER, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

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

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

Development Services – Project Coordination:

Approve Rezoning Only.

Will require additional information at Site Plan Review:

- 1) Proposed plans will need to obtain Zoning use and construction approval through the Residential Review team and building permit approvals.
- 2) Proposed plans will need to comply with required building form standards in place at the time of permit approval.
- 3) If the property plans to seek short term rental uses, appropriate licenses will be need through the Excise and Licensing Department.

Development Services – Fire Protection: Approved - No Comments

Development Services – Transportation: Approved - No Comments

Development Services- Wastewater: Approved - No Comments

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>08/04/2021</b>
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:	<b>10/04/2021</b>
Planning Board public hearing	<b>10/20/2021</b>
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:	<b>Tentative Date 10/12/2021</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>Tentative Date 10/26/2021</b>
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:	<b>Tentative Date 11/24/2021</b>
City Council Public Hearing (Tentative):	<b>Tentative Date 12/06/2021</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received written input from any of the Registered Neighborhood Organizations (RNOs) that were sent notice.

**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 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 South Park Hill neighborhood.

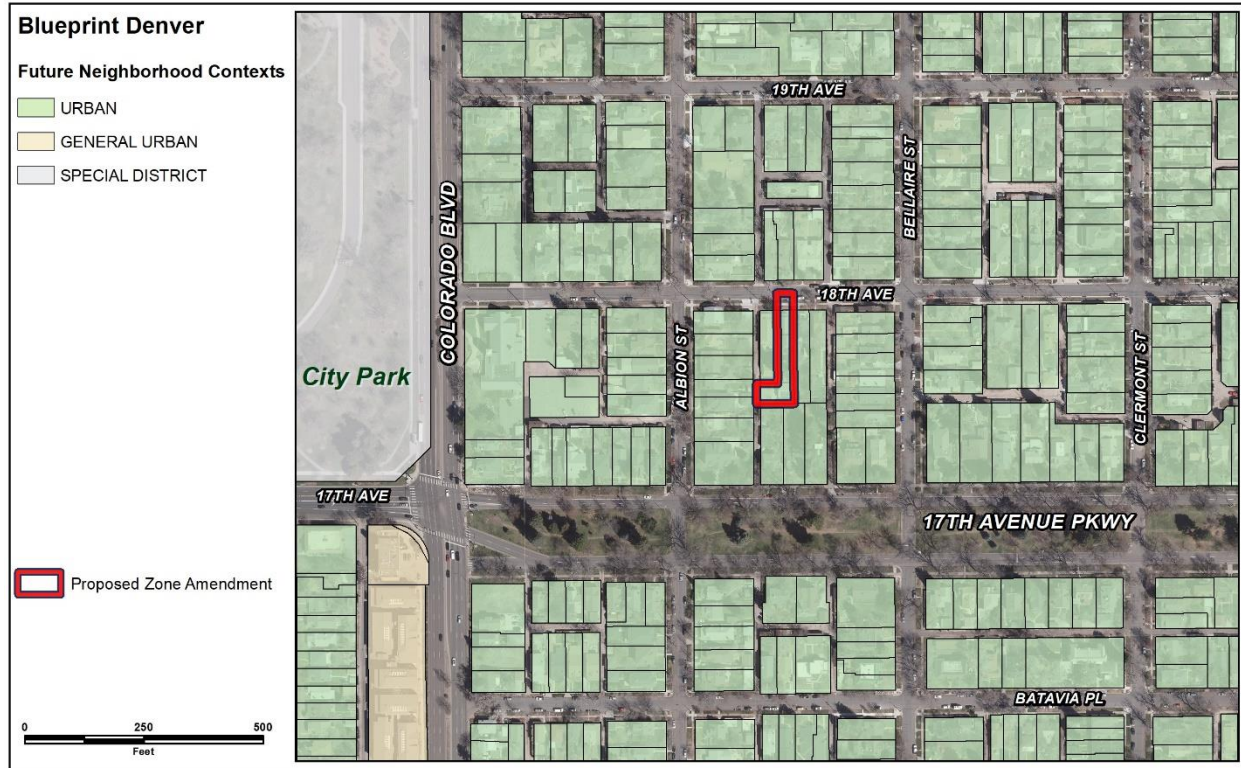
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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***

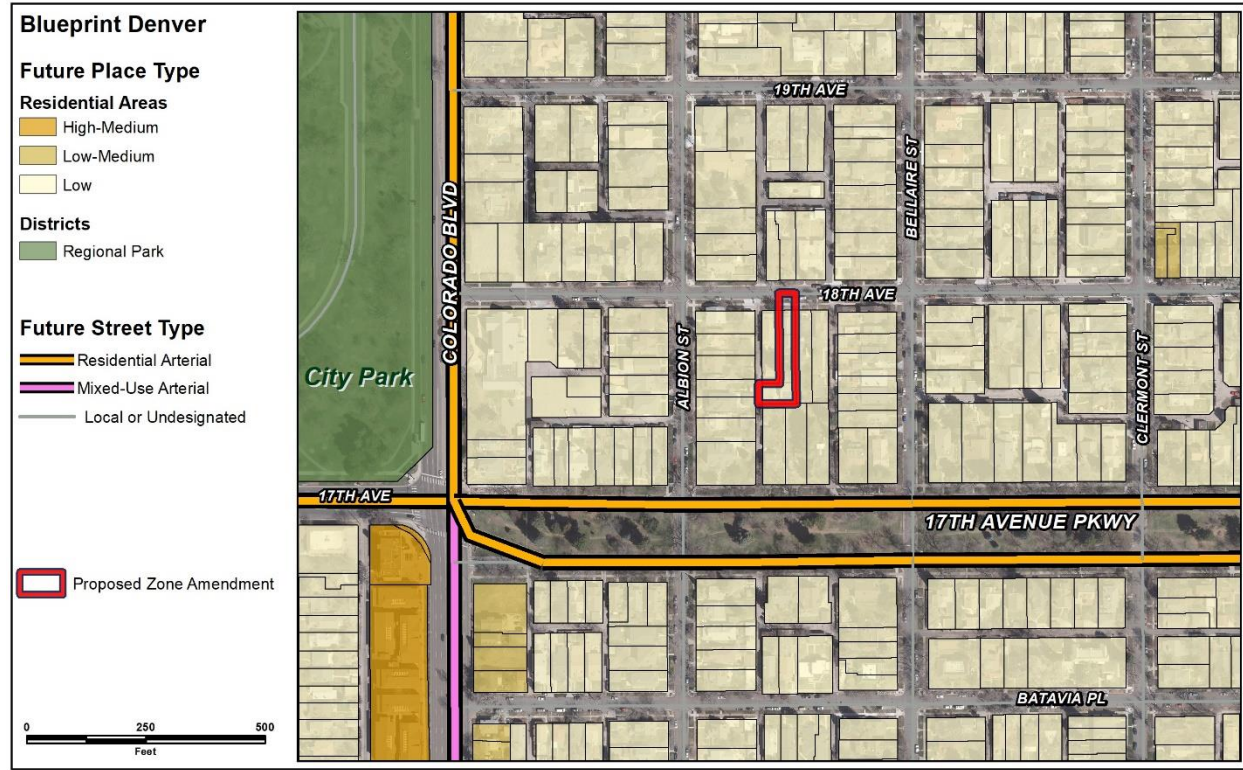
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context 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**

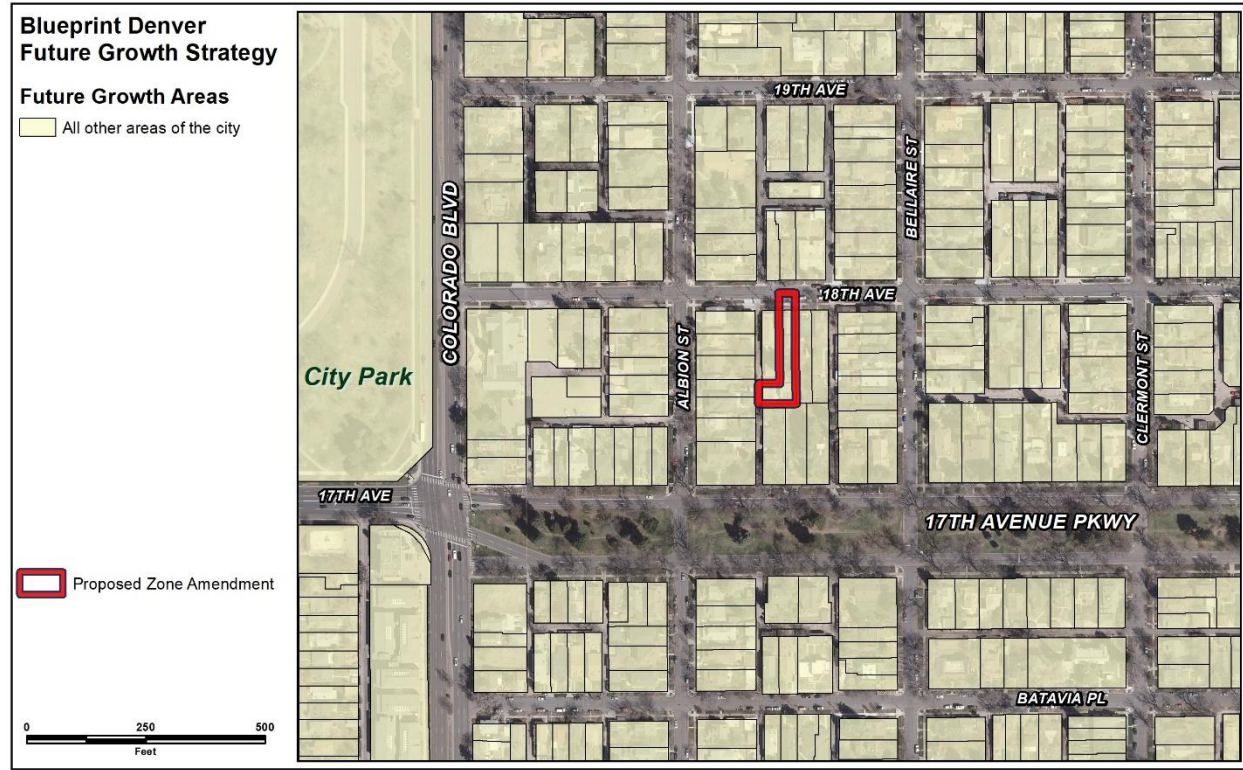


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). 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 East 18<sup>th</sup> 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-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 Area Plan Recommendations for South Park Hill Neighborhood (2020)***

### 3.3.1 KEY OPPORTUNITIES

**Help Residents Become More Financially Secure and Prevent Displacement** – Reduce the risk of involuntary displacement for residents and expand the range of stable, affordable housing options and wealth- building opportunities for residents. See Policies EC-E1, EC-E2, EC-E6, EC-E7, and EC-E8.

**Era of construction** - Majority of the neighborhood (75 percent) was built out between 1926-1955. Only about six percent of the neighborhood is newer construction, since 1981. Five percent of the neighborhood is still considered vacant or surface parking.

**Land use** – Excluding right-of-way, 86 percent of the neighborhood is currently occupied by residential uses (single unit, two unit, and multi-unit). The remaining land is divided fairly equally by open space, mixed-use, commercial/retail, and light industrial.

B. Integrate accessory dwelling units and missing middle housing in appropriate locations (see Policy L6).

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

South Park Hill has the least diverse housing mix in the entire plan area, at 80 percent single-unit residential (excluding right of-way from the total land area). “Three percent of the land is commercial, and retail and six percent is two or more unit dwelling uses.” The remainder of the neighborhood is made up of public/quasi-public campuses (eight percent).

**Economy Policy E4:** Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.

South Park Hill, which is predominantly single-unit residential, is considered unaffordable according to the Housing + Transportation Index. In this area, the housing and transportation costs for a typical household in Denver would exceed 45 percent of its income. Integrating new, compatible housing types would help to provide more attainable options in the neighborhood. The area around Johnson & Wales University campus also provides an opportunity to provide housing for students, faculty and staff should the educational campus remain.

## **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 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 South Park Hill 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.

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 Section 5.2.2.2.H). The subject site is in an area where lot widths vary from 30 to 50 feet in width. The site at 4124 East 18<sup>th</sup> Avenue is 8,744 square feet with a width of approximately 35 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 2021I-00103