



**TO:** Land Use, Transportation, and Infrastructure Committee (LUTI)  
**FROM:** Valerie Herrera, Associate City Planner  
**DATE:** March 18, 2021  
**RE:** Official Zoning Map Amendment Application #2020I-00006

### Staff Report and Recommendation

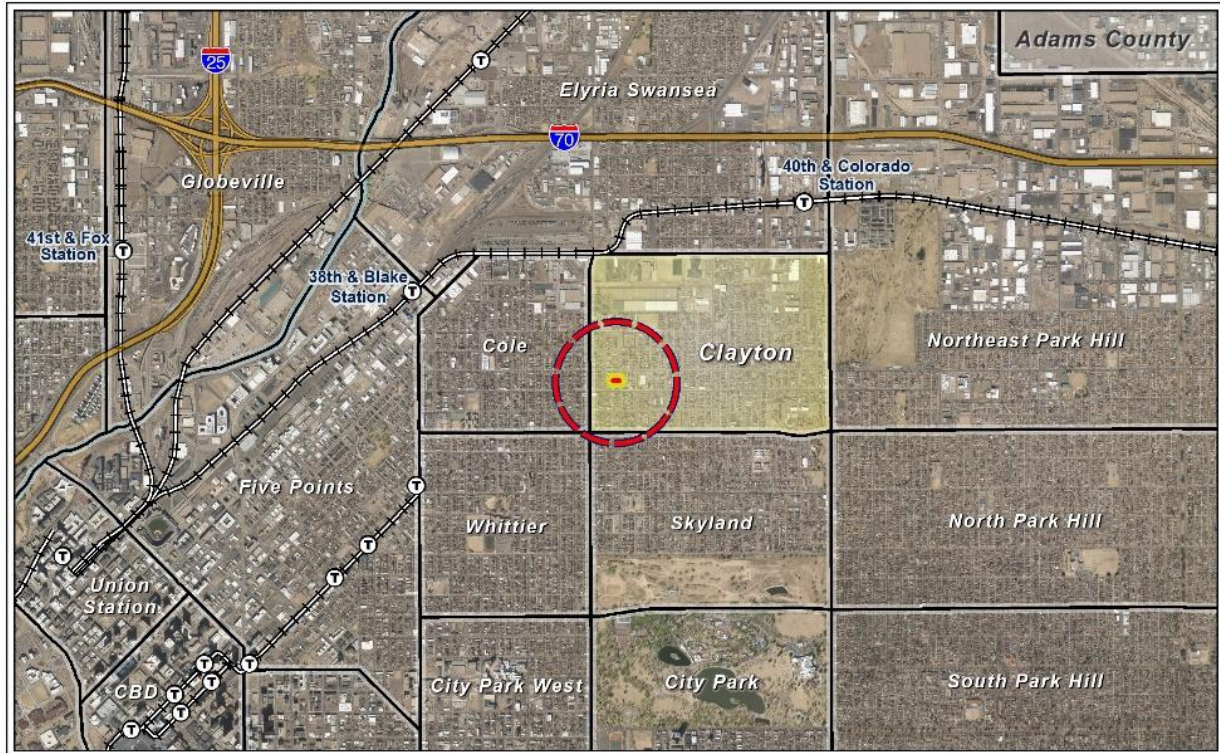
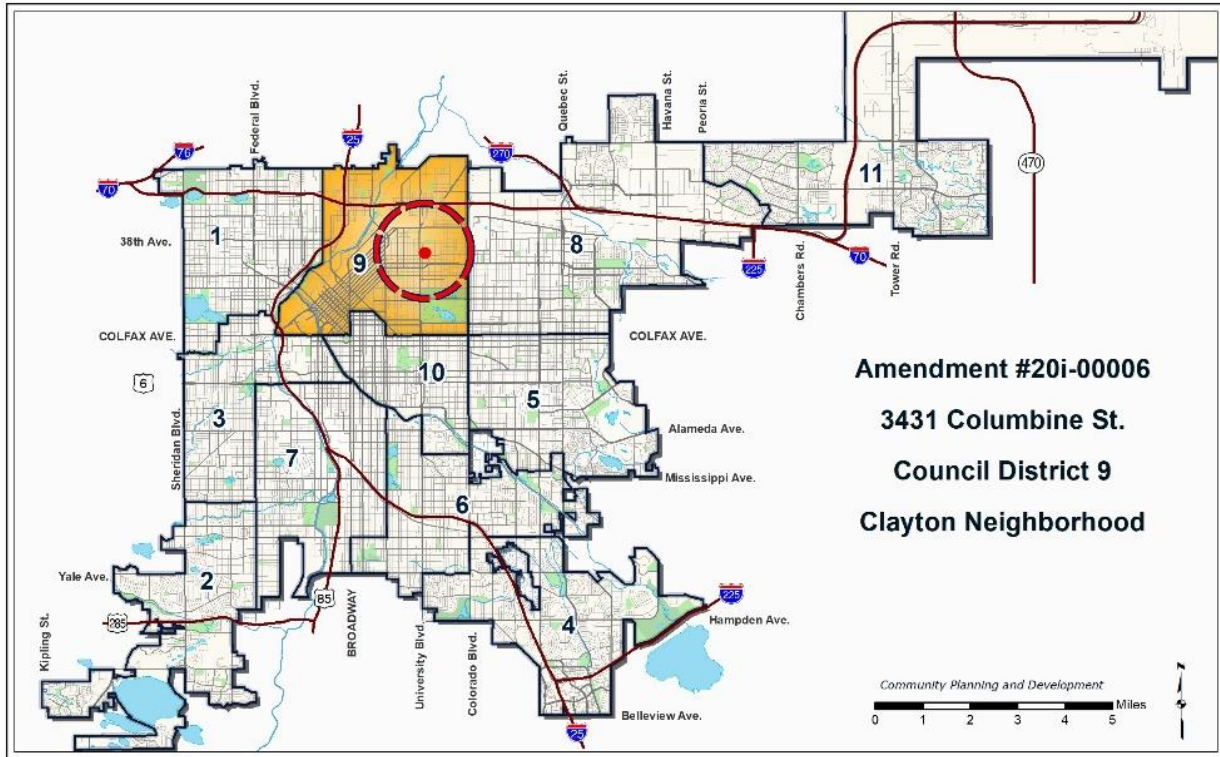
Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee (LUTI) move Application #2020I-00006 forward for consideration by the full City Council.

### Request for Rezoning

Address: 3431 N Columbine Street  
Neighborhood/Council District and CM: Clayton Neighborhood / Council District 9, CW CdeBaca  
RNOs: The Points Historical Redevelopment Corp, Northeast Denver Friends and Neighbors (NEDFANS), United Neighbors of Northeast Denver Residents, UCAN, Clayton United, Denver Arts and Culture Initiative, Reclaim the East Side, Inter-Neighborhood Cooperation (INC), Opportunity Corridor Coalition of United Residents  
Area of Property: 6,250 square feet or .14 acres  
Current Zoning: U-SU-B1  
Proposed Zoning: U-SU-A1  
Property Owner(s): Whitney Wells Paschall  
Owner Representative: N/A

### Summary of Rezoning Request

- The property is in the Clayton statistical neighborhood on the block bounded by 35<sup>th</sup> Avenue to the north, Columbine Street to the east, a public alleyway to the west, and a single unit residential lot to the south.
- The property is occupied by a one-story, single-unit structure at the rear of the lot.
- The applicant, Whitney Wells Paschall, is requesting this rezoning to facilitate redevelopment of the site into two separate zone lots, each allowing a single unit dwelling and an accessory dwelling unit (ADU). ADUs are already a use-by-right in the current U-SU-B1 zone district.
- The proposed zone district, U-SU-A1 (**U**rban – **S**ingle-**U**nit – **A1**) allows for an urban house with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25-foot-wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Further details of the proposed zone district can be found in Article 5 of the Denver Zoning Code (DZC).





**Existing Context**

The subject property is located in the Clayton neighborhood with a mix of low-scale residential uses to the west, south, east, and north; a commercial/retail node to the west; and public/quasi-public smattered throughout. The subject property is within a quarter mile of bus stops on two bus lines. Bus stops at the intersection of York Street and Bruce Randolph Avenue serve RTD’s 34 line running along Bruce Randolph Avenue and RTD’s 24 line running along York 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-B1	Single-unit residential	One story single-unit residential dwelling with small portable shed with detached sidewalk.	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	U-SU-B1	Single-unit residential	One story single-unit residential dwelling with garage shed with detached sidewalk.	
South	U-SU-B1	Single-unit residential	One story single-unit residential dwelling with detached sidewalk.	
East	U-SU-B1	Multi-unit residential	Two story multi-unit residential (8 units)	
West	U-SU-B1	Single-unit residential	One story single-unit residential dwelling with garage shed with detached sidewalk.	

### 1. Existing Zoning



The current U-SU-B1 zone district is a single-unit residential district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a 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. The maximum height is 2.5 stories or 30 feet. There are no waivers or conditions that apply to this site.

### 2. Existing Land Use Map



### 3. Existing Building Form and Scale

All images are from Google Streetview.



*Front view of subject property*



*Rear view of subject property*



*Single Family Residential south of subject property*



*Single Family Residential north of subject property*



*Existing multi-unit residential east of subject property*



*Alleyway from 35<sup>th</sup> looking south*

### Proposed Zoning

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	U-SU-B1 (Existing)	U-SU-A1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Stories/Heights (max)	2.5/30'	2.5/30'
Minimum Zone Lot Size/Width	4,500sf/35'	3,000sf/25'
Primary Setbacks (min)	Block sensitive (20')	Block sensitive (20')
Building Coverages	37.5%	50%

### 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.

**Public Works – R.O.W. - City Surveyor:** Legal description is approved.

**Development Services - Transportation:** Approved – No Comments.

**Development Services – Wastewater:** Approved – See Comments

Approve Rezoning Only - Will require additional information at Site Plan Review. DES 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.

**Development Services – Project Coordination:** Approve Rezoning Only - Will require additional information at Site Plan Review:

1) The proposal would be reviewed by Residential Zoning for zoning compliance. Inherently there is no concern with the proposed choice of the U-SU-A1 zone.

2) However, the applicant's desire to construct two single family homes on a single U-S-A1 zone lot would not be permitted based on the current zone lot configuration. Section 5.3.3.3. indicates that only the Urban House form is permitted in the U-SU-A1 zone district and that primary Urban House structures are limited to one per zone lot. A zone lot would need to have a minimum of 3,000 s.f. each and 25' of lot frontage in the U-SU-A1. A zone lot amendment would also be needed to split the property into two zone lots.

**Development Services – Fire Prevention:** 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>10/29/20</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>3/2/21</b>
Planning Board voted 9 to 0 at the public hearing to recommend approval to City Council	<b>3/17/21</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 (10) working days before the meeting:	<b>3/9/21</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>3/23/21</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 (tentative):	<b>4/12/21</b>
City Council Public Hearing (tentative):	<b>5/3/21</b>



- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - Provisional support from the Clayton United RNO was written by Fred Glick prior to official submittal of the rezoning application. Follow up statement from Fred Glick clarifying earlier letter and explanation of RNO's approach included as email attachment:
      - Letter from the Clayton RNO prior to official submittal supports the request in principle;
      - Additional narrative from Clayton RNO providing further support of the application based on the inconsistency of lot size and land use across this particular block. There is a variety of lot sizes, including three very small lots at the south end of the block, a duplex south of the subject property, and two multi-family buildings directly across the street to the east.
      - Given the irregular nature of the block the RNO members felt the smaller lots proposed by the applicant are appropriate. The RNO is comfortable with 'gentle' density provided by allowing smaller lots.
  - **General Public Comments**
    - As of the date of this staff report, three letters of support were received and have been included as attachments in the application package. Two of the letters reflect generally that the project will be beneficial to the neighborhood. The third letter reiterates support of the request in principle, with a request for the applicant to go back to the RNO with an update of the official rezoning application post submittal. On March 4<sup>th</sup>, staff received an email regarding concern specific to garbage bin placement within the alleys near detached garages throughout the neighborhood. The concern is outside the scope of the rezoning but has been sent to the applicant to be acknowledged.

## **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 property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Bruce Randolph Avenue Plan* (1986)

### ***Denver Comprehensive Plan 2040***

The proposed map amendment would allow for compatible infill development in an established neighborhood and near transit, consistent with the following strategies from 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 rezoning would allow for additional housing options near transit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

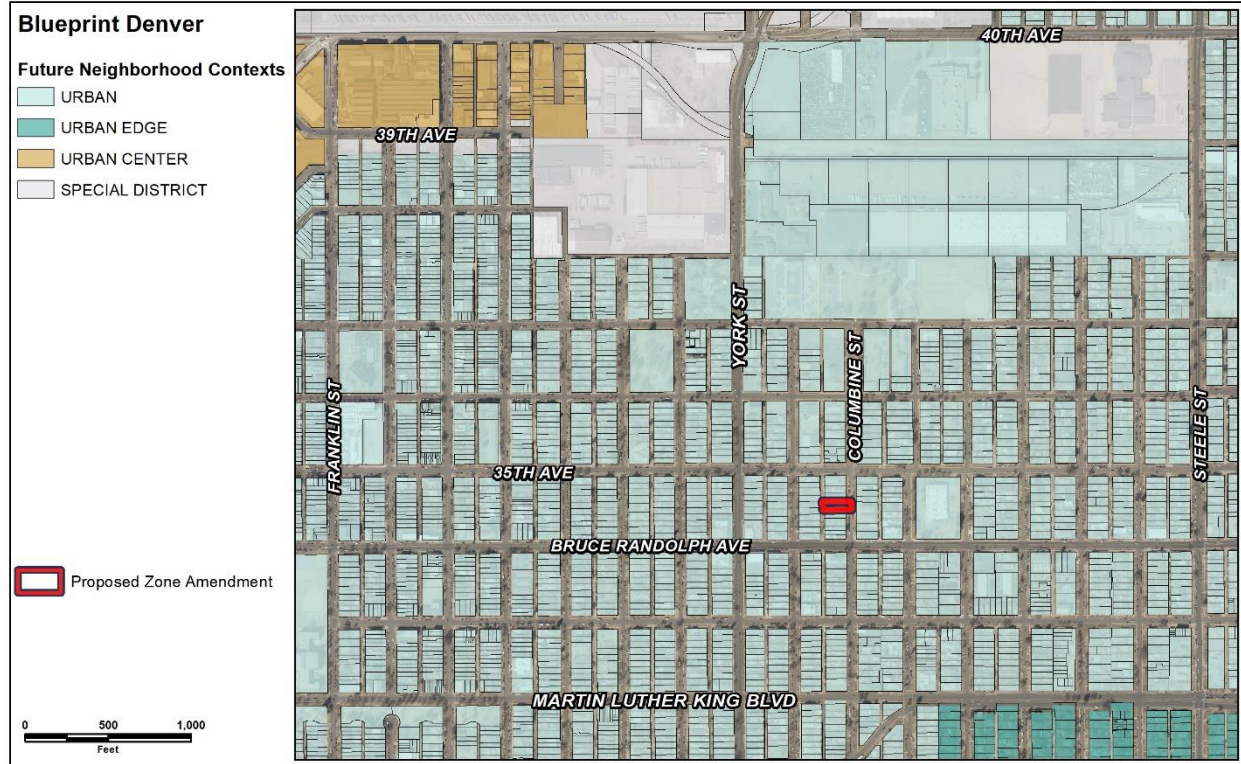
- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy B – Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options (p. 28).

Therefore, the proposed map amendment is consistent with *Denver Comprehensive Plan 2040*.

### ***Blueprint Denver***

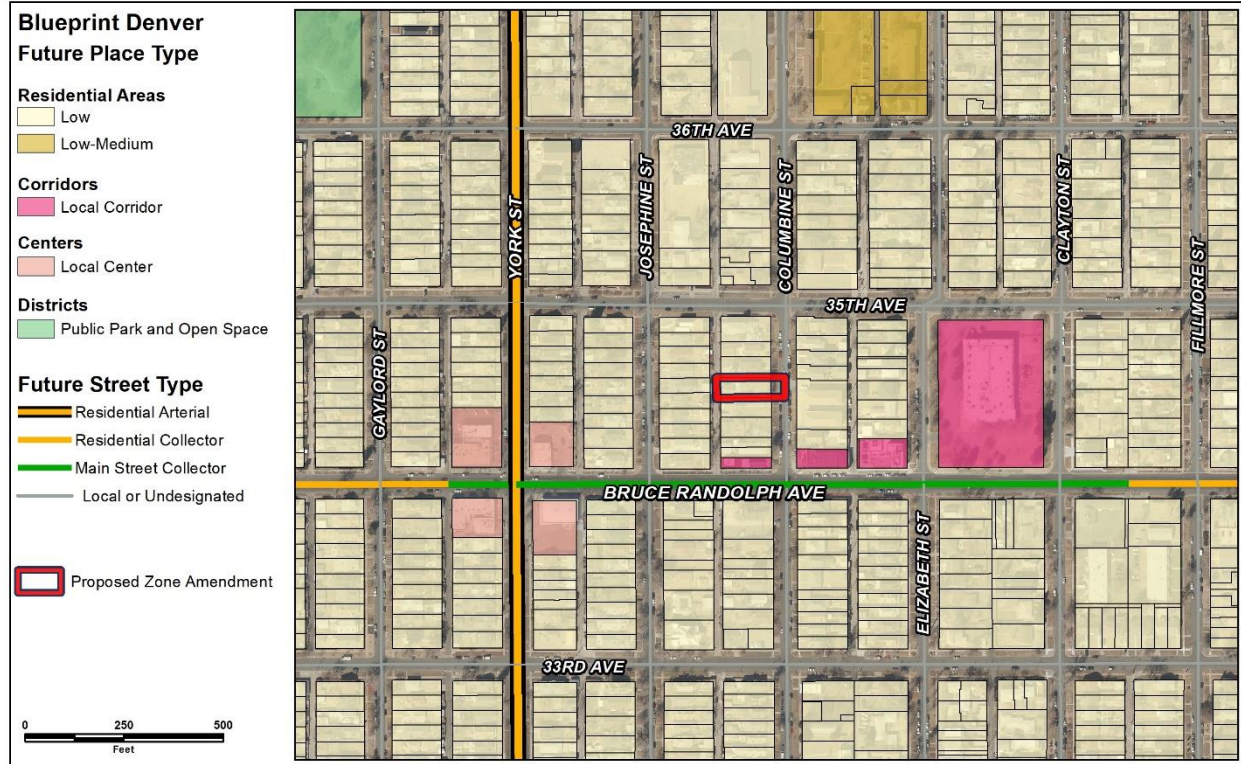
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential Low place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city where buildings are predominantly low-scale houses and duplexes. Setbacks and lot coverage vary across neighborhood contexts.

**Blueprint Denver Future Neighborhood Context**



In Blueprint Denver, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as “small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and closer to the street.” (p. 136). The proposed U-SU zone district is part of the Urban context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.” (DZC 5.2.2.1). The proposed rezoning to stay within the Urban context is appropriate and consistent with the plan.

### Blueprint Denver Future Places

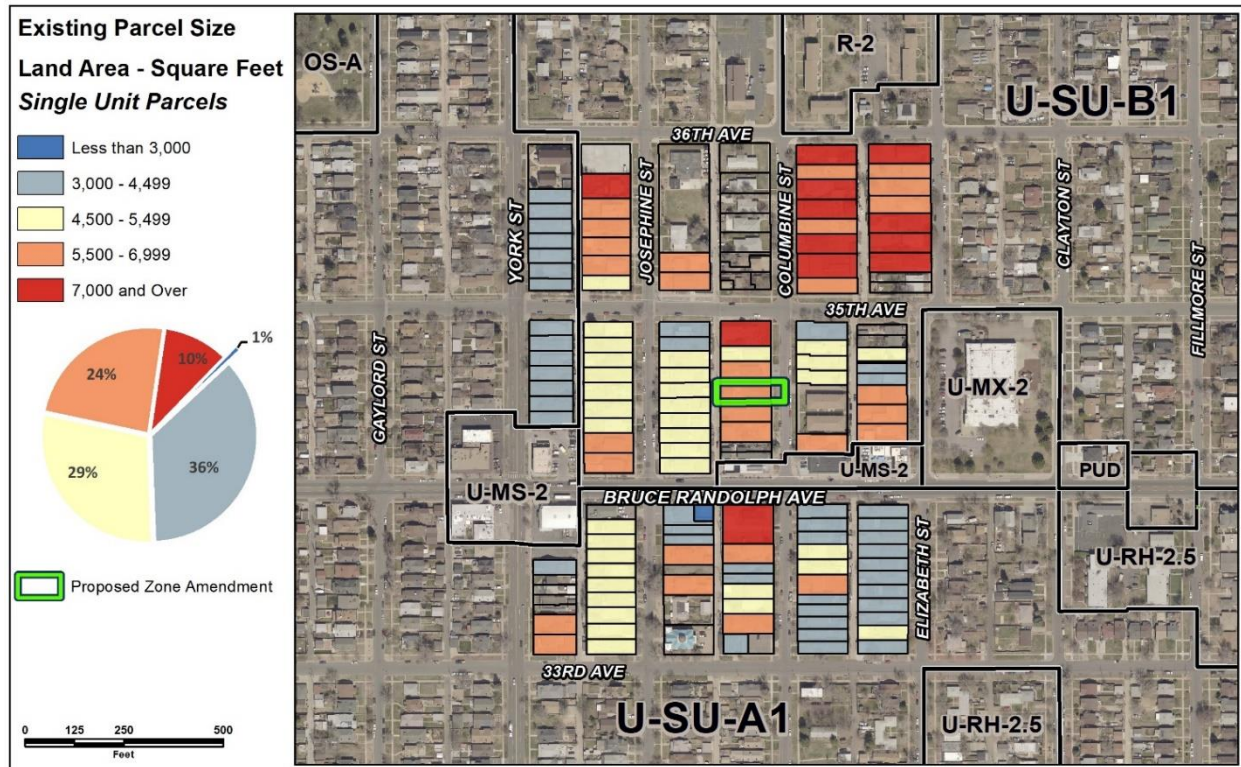


The neighborhood context of Urban provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Residential Low designation. *Blueprint Denver* describes the aspirational characteristics of Residential Low in the Urban context as, “Predominantly one- and two-unit, though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations. Buildings are predominantly low-scale houses and duplexes. Setbacks and lot coverage vary across neighborhood contexts.” (p. 148). The proposed district of U-SU-A1 provides the ability to stay within the context and character of the lot size pattern within Residential Low. There is no change in height from U-SU-B1 to U-SU-A1. The maximum height stays at 2.5 stories or 30’.

*Blueprint Denver* also provides specific direction for rezonings that are within the Residential Low future places and requesting a smaller minimum zone lot size. Specifically, when seeking a rezoning to a smaller minimum zone lot size in a Residential Low area, “it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request” (p. 231).

The applicant is proposing to rezone from U-SU-B1 with a minimum zone lot size of 4,500 square feet to U-SU-A1, with a minimum zone lot size of 3,000 square feet. The parcel size analysis below shows the lot size of parcels in the surrounding blocks that are also single-unit residential uses. Of those parcels, 29 percent of them are 4,500 to 5,499 square feet, which are the lots that align with the current U-SU-B1

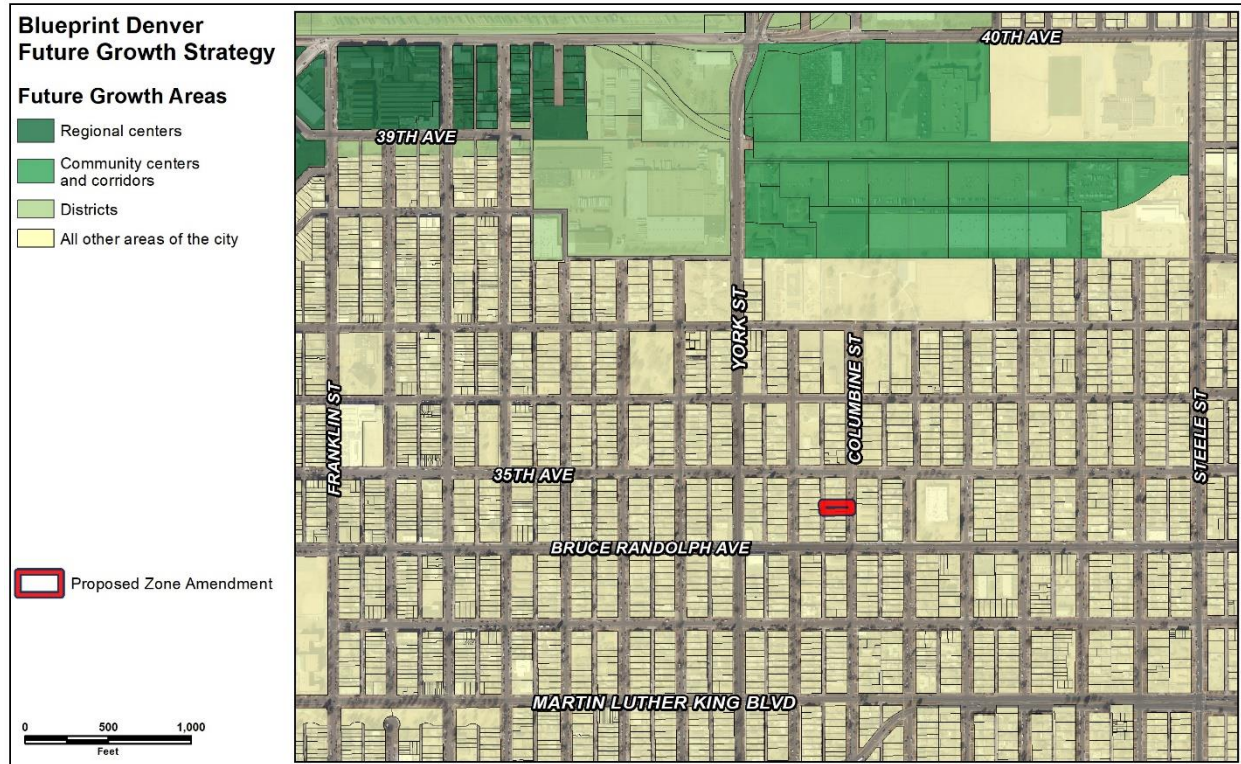
zone district. In that same area, 36 percent of the lots are between 3,000 and 4,499 square feet, which are the lots that align with the proposed U-SU-A1 zone district. While there does not appear to be a dominant lot size in this area, this analysis shows that the lot size of the proposed U-SU-A1 is even slightly more prevalent in the surrounding blocks with similar uses than the existing U-SU-B1 zoning. Therefore, this proposed rezoning is consistent with *Blueprint Denver's* guidance for rezoning to a smaller minimum zone lot size for properties within Residential Low Future Places in the Urban Context.



### **Blueprint Denver Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies N. Columbine Street as Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-A1 district is consistent with this street type because it allows for residential and some civic uses.

## 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 *all other areas of the city* that are proposed for growth. All other areas of the city are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). These "areas are smaller but still play a key role in meeting the diversity of new jobs and housing needed for our dynamic city" (p. 48). The proposed map amendment to U-SU-A1 is consistent with this growth strategy.

### **Blueprint Denver Strategies**

Blueprint Denver provides additional guidance for how to consider Low Residential places in rezonings that impact the minimum lot size. That section specifies, "For applicant-driven requests that are individual sites or small assemblages, typically it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request" (p. 199).

### **Small Area Plan: Bruce Randolph Avenue Plan (1986)**

The Bruce Randolph Avenue Plan was adopted by City Council in 1986 (Ordinance No. 929-1986) and applies to the subject property. The plan encourages through *Land Use and Planning*: "6. As redevelopment and new development takes place, encourage design that is in character with existing land uses in terms of heights, scale, density, and open space." (p. 26). The proposed U-SU-A1 zoning is consistent with this land use and planning goal. The 1986 plan also speaks to *Housing*: "3. Infill housing should be diverse in terms of cost, styles, and scale of development. A percent of housing development should be affordable to area residents but should also include units that entice more middle-income families to move into the area." (p. 39) The proposed rezoning is consistent with this goal by providing low-scale residential redevelopment and considers the preservation of context and character of the area while addressing the missing middle housing affordability component and allowing the property owner to age in place, encouraging long term residency.

### **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-A1 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 "smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses" (p. 231). The proposed rezoning would also provide the benefit of an additional housing unit on each lot that would be detached from the single-unit homes and compatibly integrated into the surrounding neighborhoods. Regarding health-related impacts, increased density has been linked to increased physical activity, less obesity, and less driving and promotes the pedestrian environment.

### **4. Justifying Circumstance**

The proposed official map amendment is in an area with changed and changing conditions. DZC Section 12.4.10.8.A.4. states that "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 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."

The city policy informing rezonings to smaller lot sizes detailed previously was adopted as part of *Blueprint Denver 2040* in 2019. Because that plan included policy guidance that specifically supports this rezoning, its adoption is an appropriate changed condition. Additionally, there are nearby properties that have redeveloped from a single house to two separate single-unit houses since the subject property's current zoning was established in 2010. For example, 3440/3442 N Columbine was redeveloped in 2015, 3344/3346 N Williams St was redeveloped in 2016, and 3346/3350 Josephine Street was redeveloped in 2017. These changes are appropriate justifying circumstances for the proposed rezoning and reflect nearby physical changes within the neighborhood.

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

The requested U-SU-A1 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 Clayton neighborhood consists of a mix of single and two-unit residential uses with some multi-unit residential uses located within rectangular blocks with alley access. The proposed rezoning to U-SU-A1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-A1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing small-scale ADUs in rear yards.

The specific intent of the U-SU-A1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 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-A but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.C.) The subject site is in an area where urban houses and lots ranging from 25 feet to 50 feet are common, with most lots having a width over 37.5 feet. The site at 3431 N Columbine Street is 6,250 square feet with a width of 50 feet. The adopted plan direction recommends allowing smaller lot sizes where a pattern of smaller lot sizes already exists. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

## **Attachments**

1. Application 2020I-00006
2. Public and RNO comment letters and emails