



TO: City Council
FROM: Edson Ibanez, Associate City Planner
DATE: January 14, 2021
RE: Official Zoning Map Amendment Application #2020I-00070

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00070.

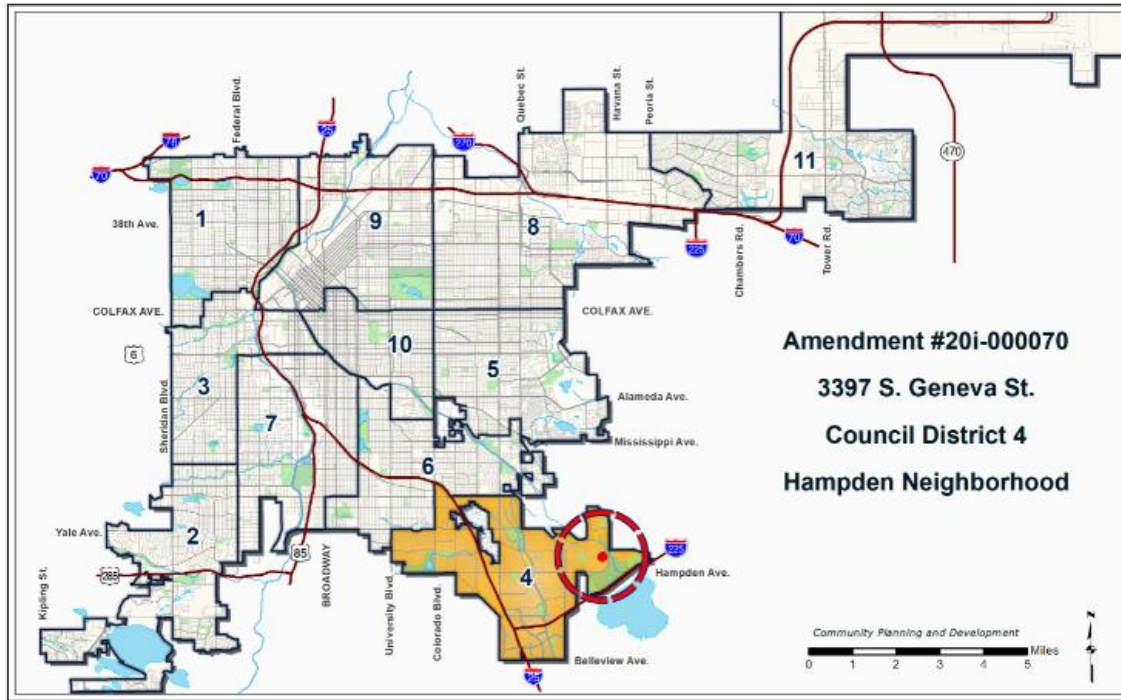
Request for Rezoning

Address: 3397 S Geneva St.
Neighborhood/Council District: Hampden / Council District 4 (Kendra Black)
RNOs: Hampden Heights Civic Association and Inter-Neighborhood Cooperation (INC)
Area of Property: 17,500 Square Feet or approximately 0.4 Acres
Current Zoning: S-SU-F
Proposed Zoning: S-SU-F1
Property Owner(s): Aaron Rodecker
Owner Representative: None

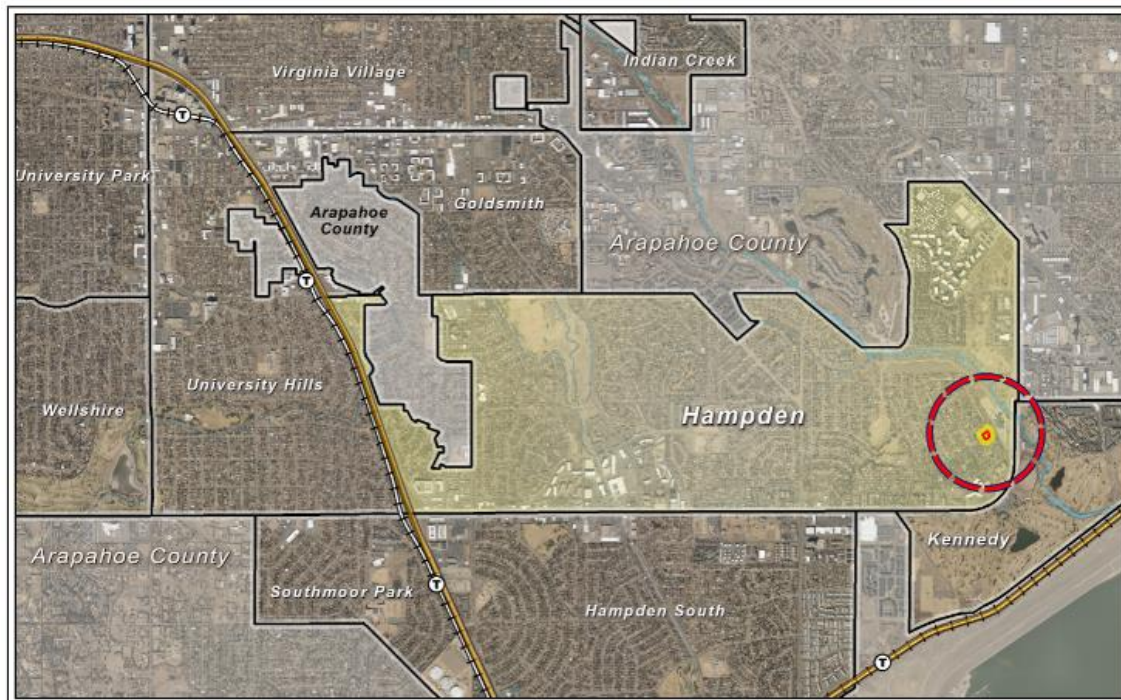
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1969 and is located in a cul-de-sac on S. Geneva Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed S-SU-F1, Suburban, Single-Unit, F1 district allows suburban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 8,500 square feet and minimum zone lot depth of 150 feet. Tandem House Building form is allowed on a minimum zone lot area of 12,000 square feet and minimum zone lot depth of 150 feet. The district is intended for use in the Suburban Neighborhood Context, which is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential structures are typically the Suburban House building forms with street-facing garages. Single-unit residential uses are primarily located away from residential and commercial arterial streets. The maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Single residential uses are primarily located along local streets. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 3 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – Hampden Neighborhood



Existing Context

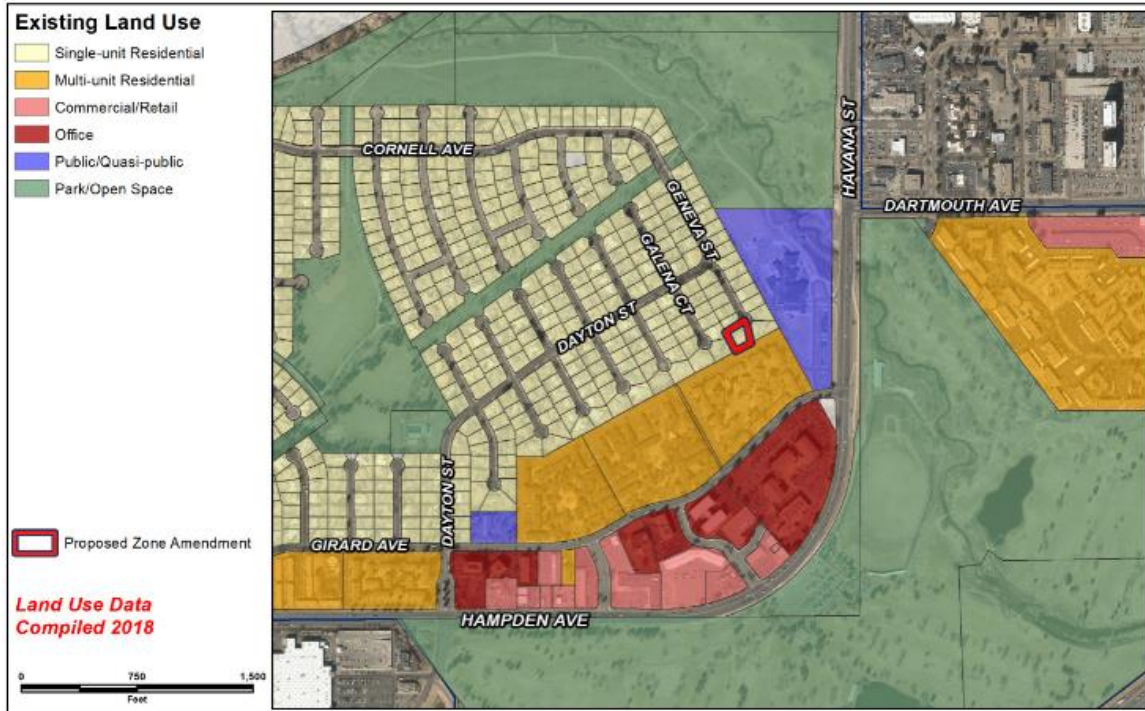


The subject property is in the Hampden Neighborhood, which is characterized primarily by single-unit and multi-unit residential uses with several open space and commercial/retail uses in the vicinity, like the Kennedy Golf Course, Cherry Creek Trail and the Walmart Supercenter. Generally, there is an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys. The subject property is located on a cul-de-sac on Geneva Street.

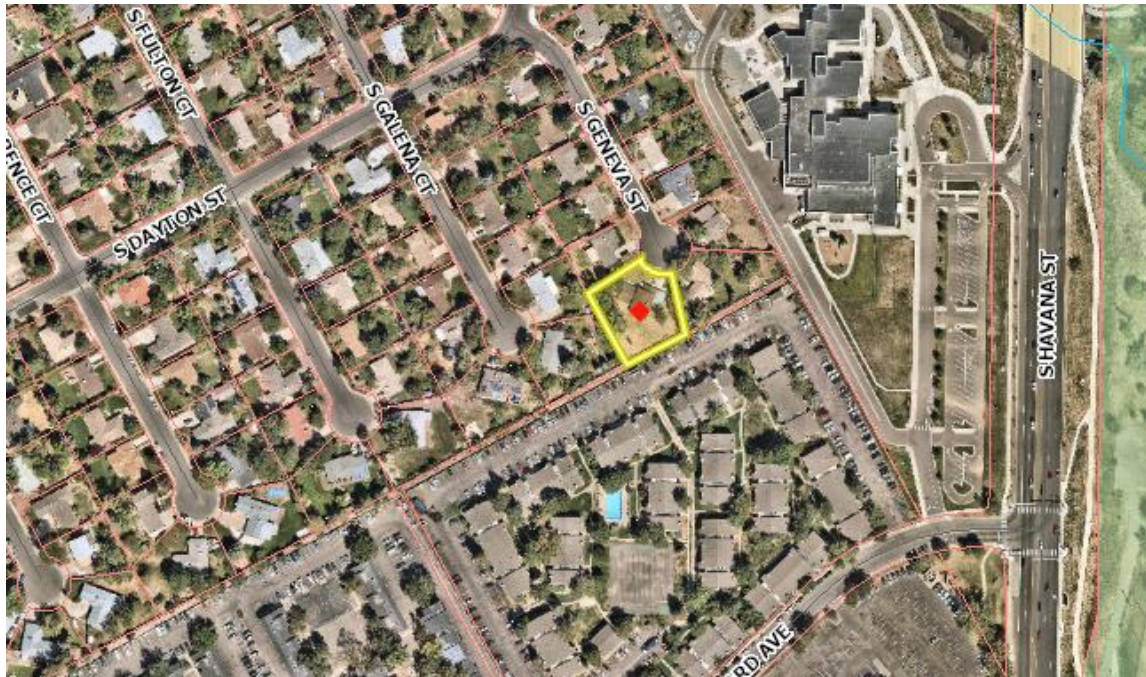
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	S-SU-F	Single-unit Residential	2-story Residence	Generally irregular grid of streets; Block sizes and shapes are surrounded by curvilinear streets, with cul-de-sacs and typically no alleys. Garages are front loaded with On-Street vehicle parking. Sidewalks are generally attached.
North	S-SU-F	Single-unit Residential	1-story Residence	
South	R-2-A Wvrs	Multi-unit Residential	2-story Multifamily Complex	
East	S-SU-F	Single-unit Residential	2-story Residence	
West	S-SU-F	Single-unit Residential	1-story Residence	

2. Existing Land Use Map



3. Existing Building Form and Scale (source: Google Earth and Google Maps)



Aerial view of the site outlined in yellow.



View of property looking south.



View of the property to the north, looking west.



View of the property to the south, looking north.

Proposed Zoning

The applicant is requesting to rezone to S-SU-F1, which allows the Suburban House building form on a zone lot with a minimum area of 8,500 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. The S-SU-F1 district also permits the Tandem House, accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building forms, in addition to a variety of residential and civic uses permitted in the S-SU-F1 district. The Tandem House building form requires a minimum zone lot size of 12,000 square feet and a 150-foot lot depth requirement. The site has multiple constraints that makes a detached structure difficult to construct. The site has multiple interior lot lines and will need the Zoning Administrator to determine which lot line is considered the rear lot line. The site has an inconsistent zone lot depth, the zone lot depth at one point is just over 100 feet but at other sections it is over 150 feet. Under the Tandem House building form, the site would need a minimum 62.5-foot zone lot width which the property does not currently have. The constraints of the lot would not allow for the construct of a tandem house. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. For zone lots greater than 7,000 square feet, the ADU building footprint may be a maximum of 1,000 square feet. 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	S-SU-F (Existing)	S-SU-F1 (Proposed)
Primary Building Forms Allowed	Suburban House	Suburban House and Tandem House
Maximum Height in Stories/Feet	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet

DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	8,500 square feet	8,500 square feet (including DADU) 12,000 square feet (Tandem House)
Zone Lot Width (Min.)	62.5 feet	62.5 feet
Zone Lot Depth (Min)	N/A	150 feet (Tandem House and DADU)
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.) *	7.5 feet	5 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	50 %	50%
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 62 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.

Development Services-Fire: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Response.

Development Services - Transportation: Approve – No response.

Development Services - Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Health and Environment: Approved – No Comments.

Public Works – City Surveyor: Approved – No Comments.

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:	8/24/2020
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:	10/20/2020
Planning Board public hearing	11/4/2020
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:	11/20/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	12/1/2020
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	12/28/2020
City Council Public Hearing	1/19/2021

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no letters from RNOs.
- **Other Public Comment**
 - To date, staff one comment of opposition has been received. Primary concerns were related to absentee landlords not maintaining their properties, landscape maintenance concerns for subject property and other properties, a home occupation permit for another property within 150 feet of the subject site and noise coming from an elementary school. The applicant and staff have reached out to the individual and clarified their concerns.

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, 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).
- 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).

S-SU-F1 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 and tandem homes can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the Hampden neighborhood.

- 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.

- 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 Suburban Neighborhood Context and provides guidance on the future growth strategy for the city.

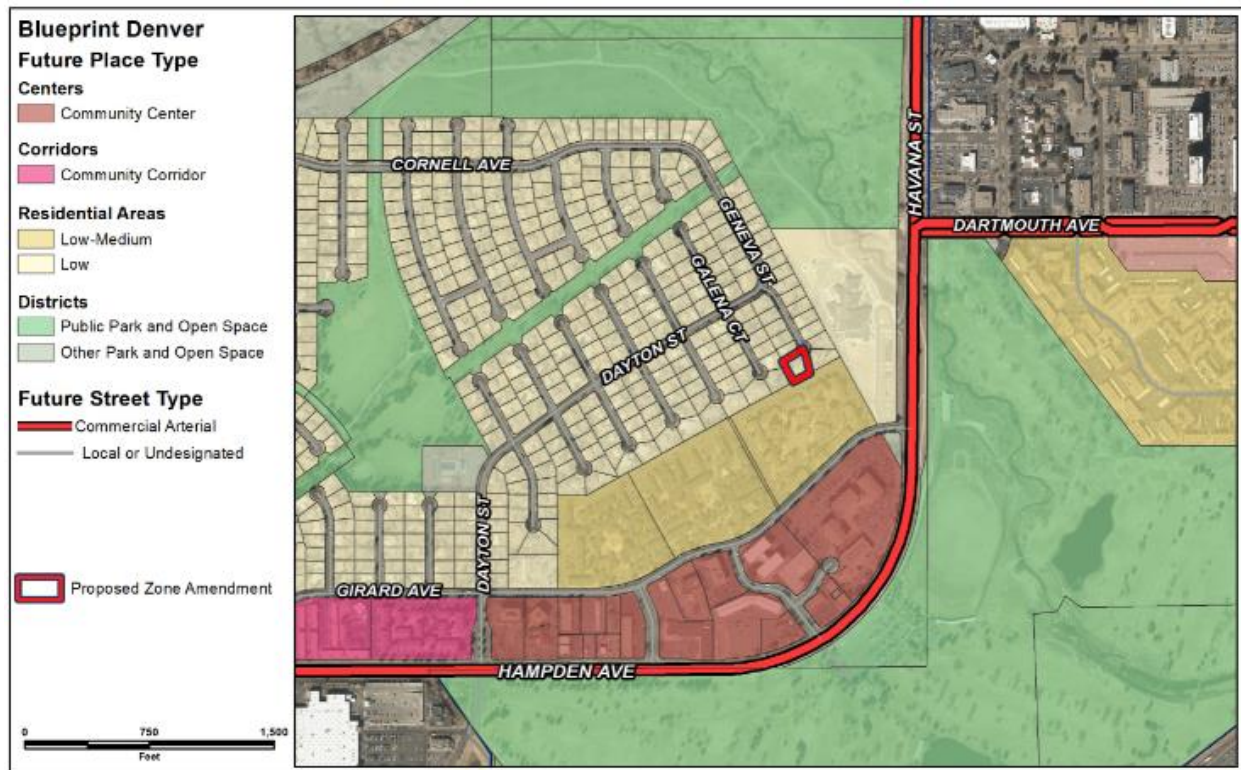
Blueprint Denver Future Neighborhood Context



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 property is shown on the context map as a Suburban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Suburban neighborhood context as follows: "Homes in this context are largely single-unit, but can also include higher intensity residential. Commercial development is focused along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity." (p. 189).

S-SU-F1 is a zone district within the Suburban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 3.2.2.1). S-SU-F1 is consistent with *Blueprint Denver’s* future neighborhood context of Suburban because it will promote the residential character of the neighborhood by allowing a small-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places



Within the Suburban Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “generally characterized by single-unit uses on larger lots. Accessory dwelling units and compatible two-unit uses are appropriate and can be thoughtfully integrated. Limited mixed-use along some arterial and collector streets and at intersections, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional suburban residential intensity. There is a mix of attached and detached garage forms. Buildings are typically up to 2.5 stories in height.” (p. 198). The proposed S-SU-F1 zone district allows a 1.5-story detached ADU on the rear that is compatible with this Future Place type.

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 Geneva Street as a

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 S-SU-F1 district is consistent with this street type 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 contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed S-SU-F1 zone district allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-family residential character.

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).

- Housing Policy 5: “Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.” (p. 84).

In this case, the requested rezoning is a single lot in a residential area. This rezoning to an ADU and Tandem House 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 an accessory dwelling unit.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-SU-F1 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 districts. 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 S-SU-F1 zone district is within the Suburban Neighborhood Context, which “is primarily single-unit and multi-unit residential uses” and “single-unit residential consists typically of the Suburban House building form with street-facing garages” (DZC, Division 3.1). This context “consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys” (DZC, Division 3.1). The Hampden neighborhood consists

mostly of single-unit residential uses in irregular blocks with no alley access. The proposed rezoning to S-SU-F1 is consistent with the neighborhood context description.

The specific intent of the S-SU-F1 zone district “is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. Tandem houses and detached accessory dwelling units are also allowed on lots that are at least 150 feet deep.” (DZC Section 3.2.2.2.E.). The subject property at 3397 S. Geneva Street contains a single-unit dwelling on a lot of 17,550 square feet and 163 feet deep lot. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Comments