



TO: Denver City Council
FROM: William Prince, Associate City Planner
DATE: September 5, 2024
RE: Official Zoning Map Amendment Application #2023I-00225

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Denver City Council approve #2023i-00225.

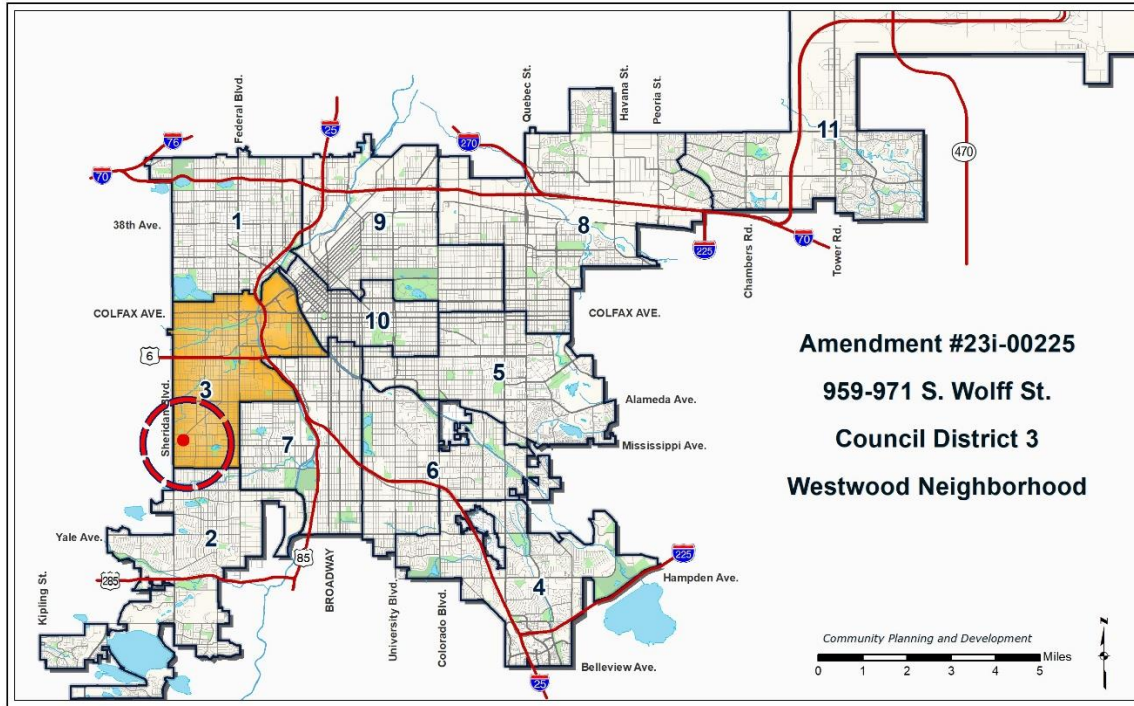
Request for Rezoning

Address: 959 & 971 South Wolff Street
Neighborhood/Council District: Westwood/
Council District 3 – Councilmember Jamie Torres
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, Hecho en Westwood, Westwood Unidos, Westwood Community Action Team
Area of Properties: 37,500 square feet or .86 acres
Current Zoning: E-SU-G
Proposed Zoning: E-TU-C
Property Owner(s): Rod Roe
Property Representative: Lee Roe

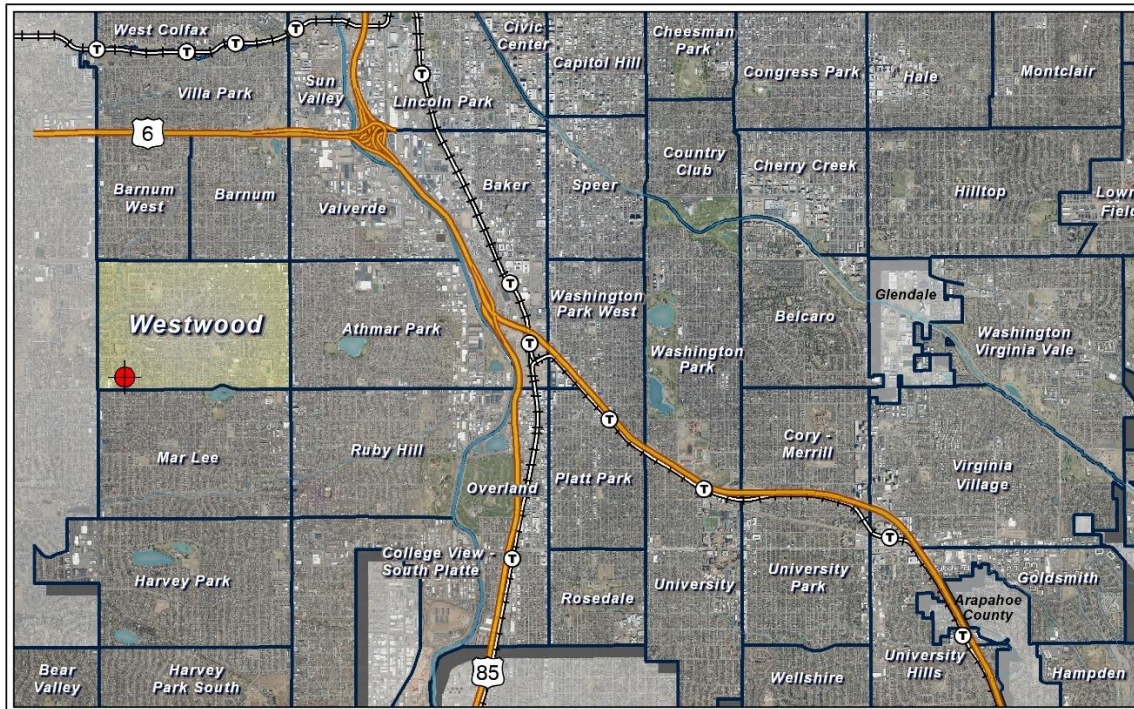
Summary of Rezoning Request

- The property owner is proposing to rezone 959 and 971 South Wolff Street from **E-SU-G** to **E-TU-C**. The property at 971 South Wolff Street experienced a fire in 2022 and is currently a vacant lot, and the property at 959 South Wolff Street includes a single unit house built circa 1939.
- The proposed **E-TU-C**, Urban Edge, **Two-Unit, C** allows up to two units on minimum zone lot area of 5,500 square feet. This zone district allows the urban house, detached accessory dwelling unit, duplex and tandem house building forms. This zone district is intended for use in the Urban Edge Neighborhood Context which primarily consists of single-unit and two-unit residential areas located along local and residential arterial streets. Small-scale multi-unit residential uses and commercial areas are typically embedded in these types of residential areas.

City Location



Neighborhood Location – Westwood



Existing Context



The subject property is located in the Westwood statistical neighborhood, which is characterized mostly by single-unit detached residential uses, two and multi-unit residential uses, and a mix of commercial, office, and industrial uses (mostly along Morrison Road). The subject property is less than a block from Morrison Road and West Tennessee Avenue. Wolff Street itself is a dead-end street. The subject property is located three blocks west of Tennyson Street. The 11 bus runs east-west along Mississippi Avenue and Kentucky Avenue with 30-minute headways. The 4 bus runs north-south along Sheridan Boulevard between Evans Avenue and Kentucky Avenue before turning east along Morrison Road to Alameda Avenue with 30-minute headways. The property is less than a quarter mile from Westwood Park and three-quarters of a mile from Garfield Lake Park. The property is approximately one mile from various schools to the east within the Westwood neighborhood.

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
Subject Property	E-SU-G	Single-unit Residential	Vacant lot (971) and a one-story frame single-unit dwelling with driveway (959)	Mostly regular grid of streets, block pattern disrupted by Morrison diagonal path and other dead-end streets including on Wolff. No alleys are present. Sidewalks are present. Lot sizes vary in both shape and size due to the irregular street grid.
North	E-MX-3	Commercial-Restaurant	Two-story commercial structures and parking areas	
South	E-SU-G	Single-unit Residential	One and two-story single-unit dwellings with driveways	
East	E-SU-G	Single-unit Residential	One-story frame single-unit dwelling with driveway	
West	E-MX-3	Commercial-Retail	One-story commercial structures and parking areas	

2. Existing Land Use Map



3. Existing Building Form and Scale (all images from Google Maps)

Subject Property - View of 971 (vacant) and 959 (single-unit) South Wolff Street, looking west.



North - View of the property to the north of subject property, looking west.



South – View of the property to the south of subject property, looking north located on West Tennessee Avenue.



East - View of the property to the east, looking east.



West – View of the property to the west on Morrison Road, looking east.



Proposed Zoning

The applicant is requesting to rezone to E-TU-C, which allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms include the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the two-unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an Urban House building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while

accommodating reinvestment. More details of the proposed zone district can be found in Article 4 of the Denver Zoning Code.

The primary building forms and relevant standards building forms allowed in the existing zone district and the proposed zone district are summarized below:

Design Standards	E-SU-G (Existing)	E-TU-C (Proposed)
Primary Building Forms Allowed	Suburban House, Urban House	Urban House, Duplex, Tandem House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 feet - 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17-19 feet	1 story / 17-19 feet
DADU Maximum Heights in Stories / Feet	DADU not permitted	2 stories/24 feet
Zone Lot Size (Min.)	9,000 square feet	5,500 square feet
Minimum Zone Lot Width (Min.)	62.5 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
DADU rear setback	DADU not permitted	5 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 Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approve Rezoning Only - Will require additional information at Site Plan Review.

Development Services – Project Coordination: Approved – No Comments.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – 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:	5/01/2024
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:	6/18/2024
Planning Board Public Hearing: (Recommended for approval on consent agenda)	7/03/2024
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:	7/19/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	7/30/2024
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:	8/19/2024
City Council Public Hearing:	9/9/2024

Registered Neighborhood Organizations (RNOs)

To date, staff has received no comment letters from Registered Neighborhood Organizations.

Other Public Comment

No public comments have been received as of the date of this report.

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)*
- *Westwood Neighborhood Plan (2016)*

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 1, Strategy A – Increase development of housing units close to transit and mixed-use development (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).

E-TU-C allows for various housing types and adds additional housing units beyond the existing zoning to this mostly single-family neighborhood.

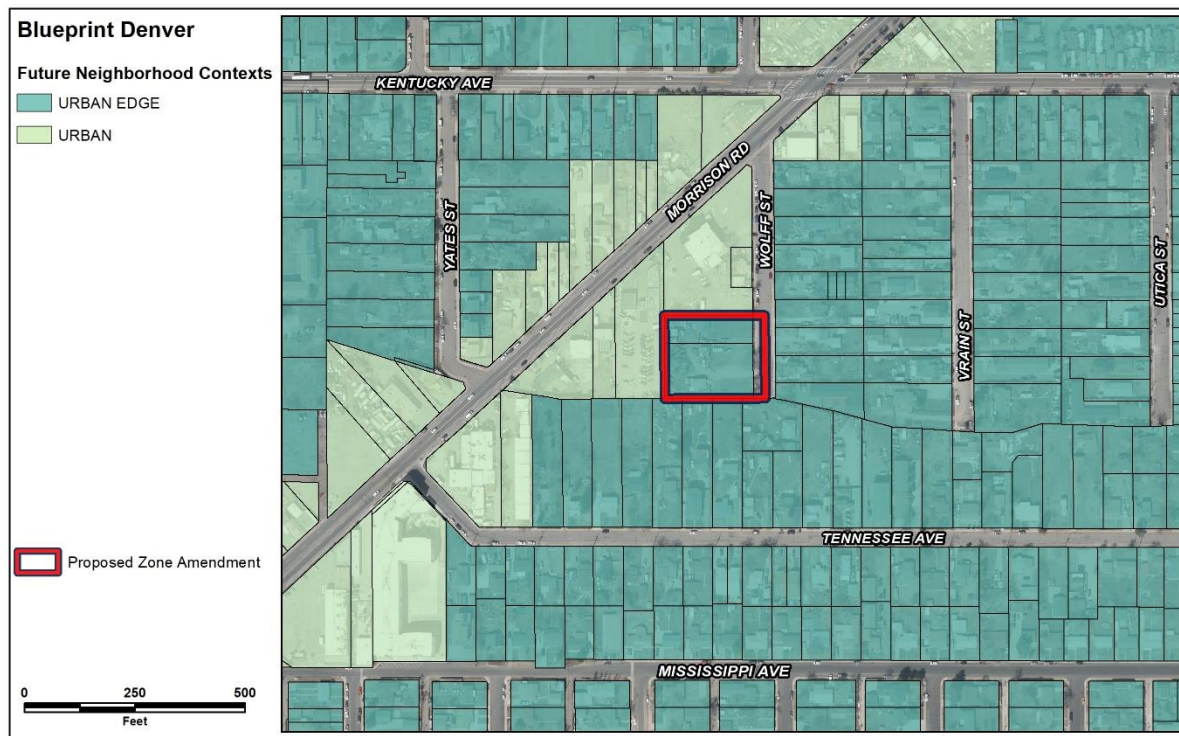
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhood (p. 54).

The proposed map amendment will allow additional housing units on the site of the mostly current vacant lot where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation. This sites close proximity to Morrison Road creates access to services and transit. Because it implements the strategies cited above, the rezoning is consistent with *Comprehensive Plan 2040*.

Blueprint Denver

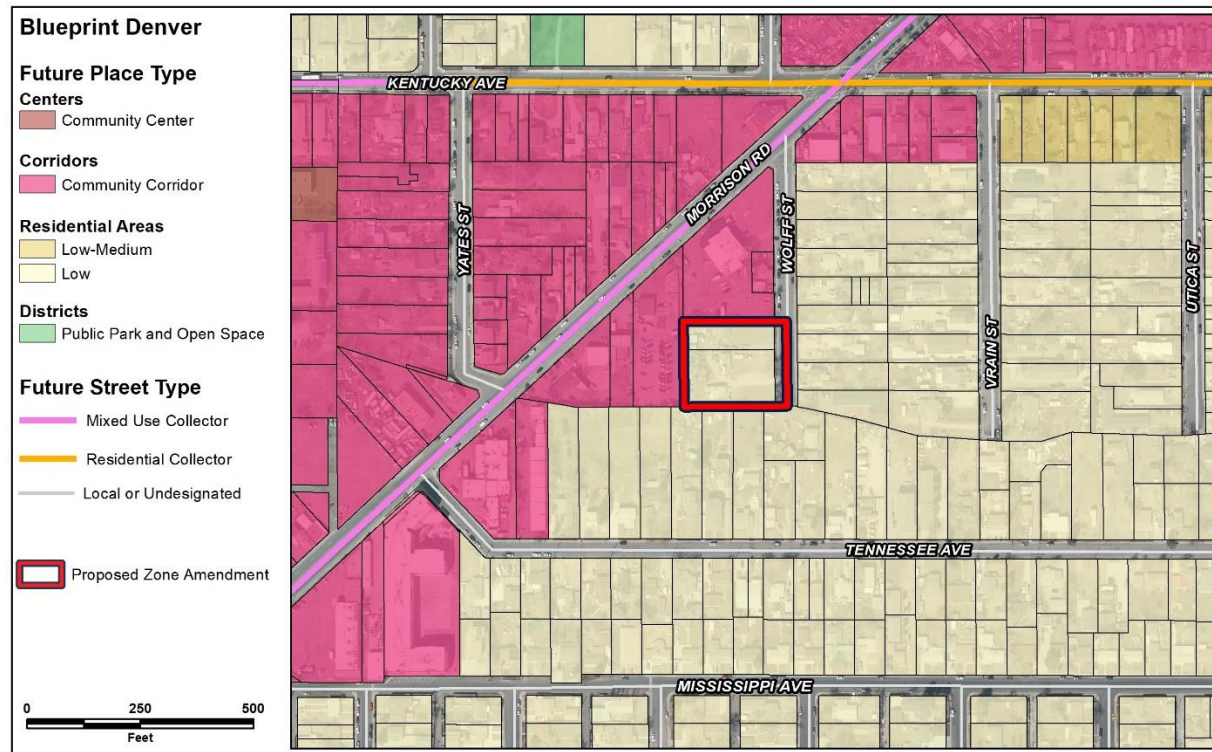
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential place within the Urban Neighborhood Context 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 Edge neighborhood context which “contains many single- and two-unit residential areas. Commercial and mixed-use development tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (p. 206). The proposed E-TU-C zone district is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context...The standards of the two-unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an Urban House building form.” (DZC Section 4.2.2.1). As the rezoning would allow a two-unit district and building forms that would address the street similar to the Urban House building form, the proposed district is appropriate and consistent with the *Blueprint Denver* context description.

Blueprint Denver Future Place Type



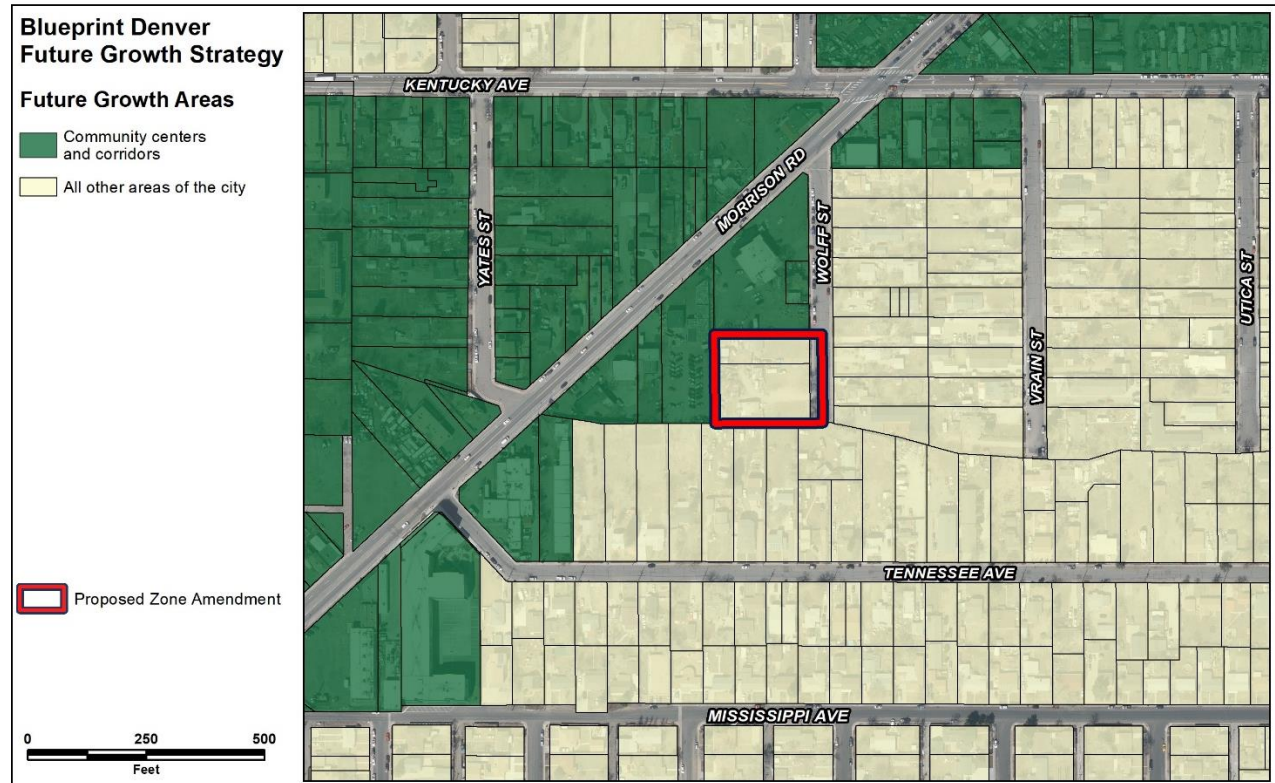
The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place Type map. This place type is “Predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 214). Additional guidance is provided for “Low Residential” when a “request is made to change the zoning to allow two-unit uses, the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns. A departure from the established zoning pattern may be appropriate if the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input (p. 215).

E-TU-C is a two-unit residential district that allows residential building forms including Urban Houses, Detached Accessory Dwelling Units, Duplexes, and Tandem Houses which is compatible with the Low Residential future place type description.

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 South Wolff Street 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. Local streets provide the lowest degree of through travel but the highest degree of property access.” (p. 161) The proposed E-TU-C zone district is consistent with this description because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy

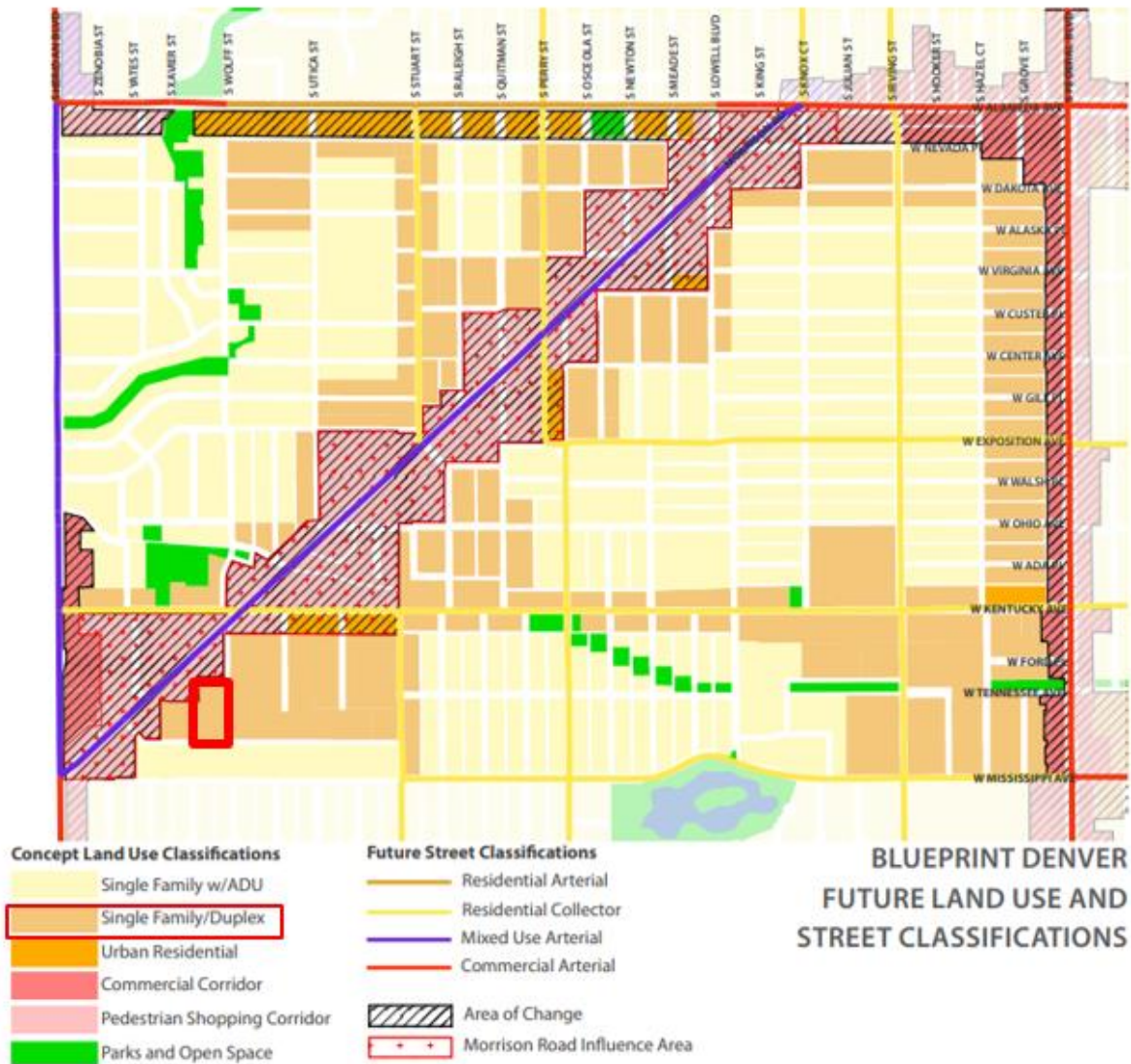


Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is included as "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). These growth areas are "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 E-TU-C will allow for low-intensity growth to the number of households in this area by allowing the development of an additional housing units and building forms on the site is therefore consistent with the growth strategy.

Westwood Neighborhood Plan

The Westwood Neighborhood Plan was adopted in 2016 and outlines the vision, recommendations, and implementation strategies for evolution and enhancement of the community. The plan sets forth a comprehensive, holistic approach, weaving together a nuanced set of strategies that collectively will continue to elevate Westwood into a connected, celebrated, resilient, and healthy neighborhood. The plan recommends the following, which relate to the subject property:

The subject property is identified as Single Family/Duplex.



Recommendation C.1.B Encourage Neighborhood-Scaled Development and the Blueprint Future Land Use Map (p. 49), identifies this site as “Single-Family/Duplex.” This classification is described as “Single family duplex residential areas are moderately dense areas that have a mixture of housing types, including single-family houses, duplexes, tandem houses and ADUs. Tandem houses are particularly applicable for the narrow and deep lots in Westwood. Even though these areas are denser, they maintain the character of the single family with ADU district. Low-scale neighborhood serving commercial uses may be appropriate along collector or arterial streets, specifically at intersections. Opportunities for neighborhood serving fresh-food growing and retail opportunities are especially relevant to serve the needs of the residential areas” (p.50).



Maximum heights are identified as 2.5 stories for the subject property. (p. 50)

Rezoning this property to E-TU-C is supported by the Westwood Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-TU-C 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 provides more recent land use guidance for this area. This rezoning will also provide the option for additional housing units within close proximity to public transit and a commercial corridor.

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, *Comprehensive Plan 2040* recommends expanding housing units and housing types where infrastructure is already in place, *Blueprint Denver* states duplexes should be thoughtfully integrated where compatible, and the *Westwood Neighborhood Plan* identifies this site as an area for Single Family/Duplex as its Future Land Use. These plans were 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 E-TU-C zone district is within the Urban Edge Neighborhood Context, defined by the Denver Zoning Code as, “primarily single-unit and two-unit residential uses...Single and two-unit residential uses are primarily located along local and residential arterial streets.” (DZC Section 4.1.1). The rezoning is consistent with this description as it will allow a two-unit zone district adjacent to a residential collector street where it is compatible with the general character of the neighborhood context.

It is also consistent with the general purpose of residential districts in this context as it will, “promote and protect residential neighborhoods” where “the standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form.” (DZC Section 4.2.2.1).

Furthermore, the rezoning is consistent with the specific intent of the E-TU-C zone district, which “allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms” (DZC Section 4.2.2.2.J) which would address the street similar to existing single- and multi-unit homes existing in the area.

Therefore, rezoning this site to E-TU-C is consistent with the neighborhood context description.

Attachments

1. Application