



TO: Denver City Council
FROM: Alisa Childress, Associate City Planner
DATE: December 12, 2024
RE: Official Zoning Map Amendment Application #2023I-00186

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of application #2023i-00186 by City Council.

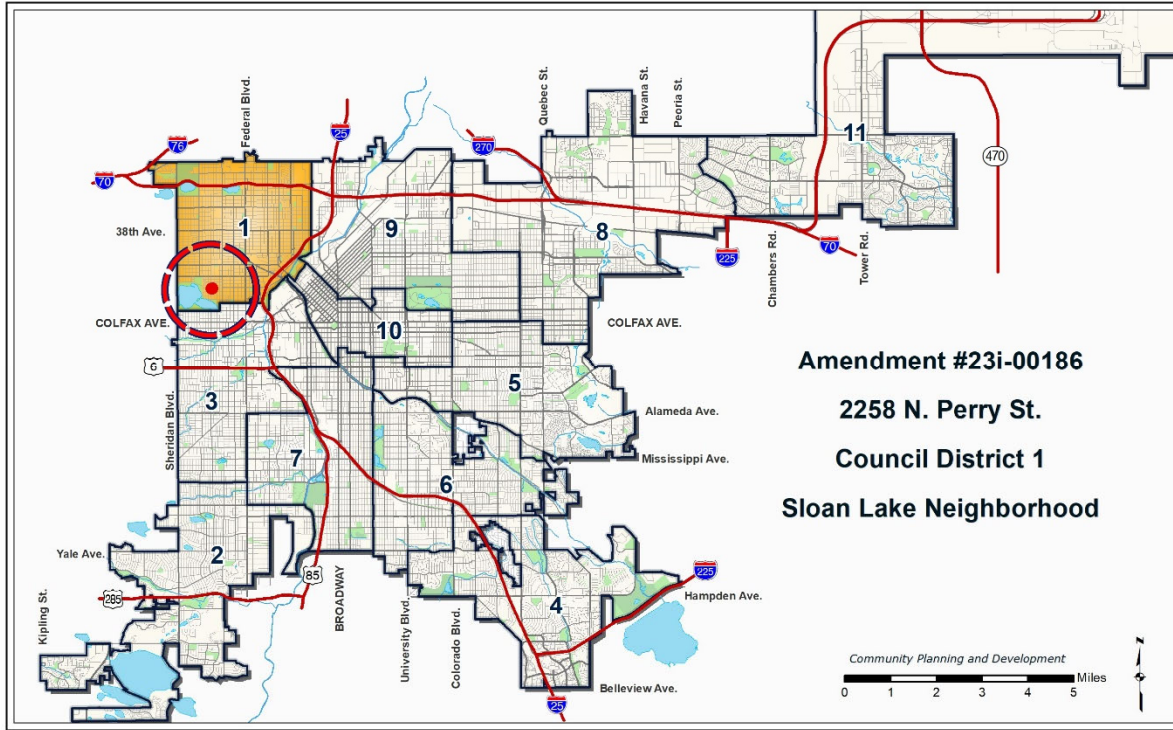
Request for Rezoning

Address: 2258 North Perry Street
Neighborhood/Council District: Sloan Lake / Council District 1 – Councilmember Amanda Sandoval
RNOs: Sloan’s Lake Citizens’ Group, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Properties: 9,520 square feet or 0.22 acres
Current Zoning: U-SU-C1
Proposed Zoning: U-SU-B
Property Owner(s): David Schultz
Owner Representative: Sarah Senderhauf, L&D Construction

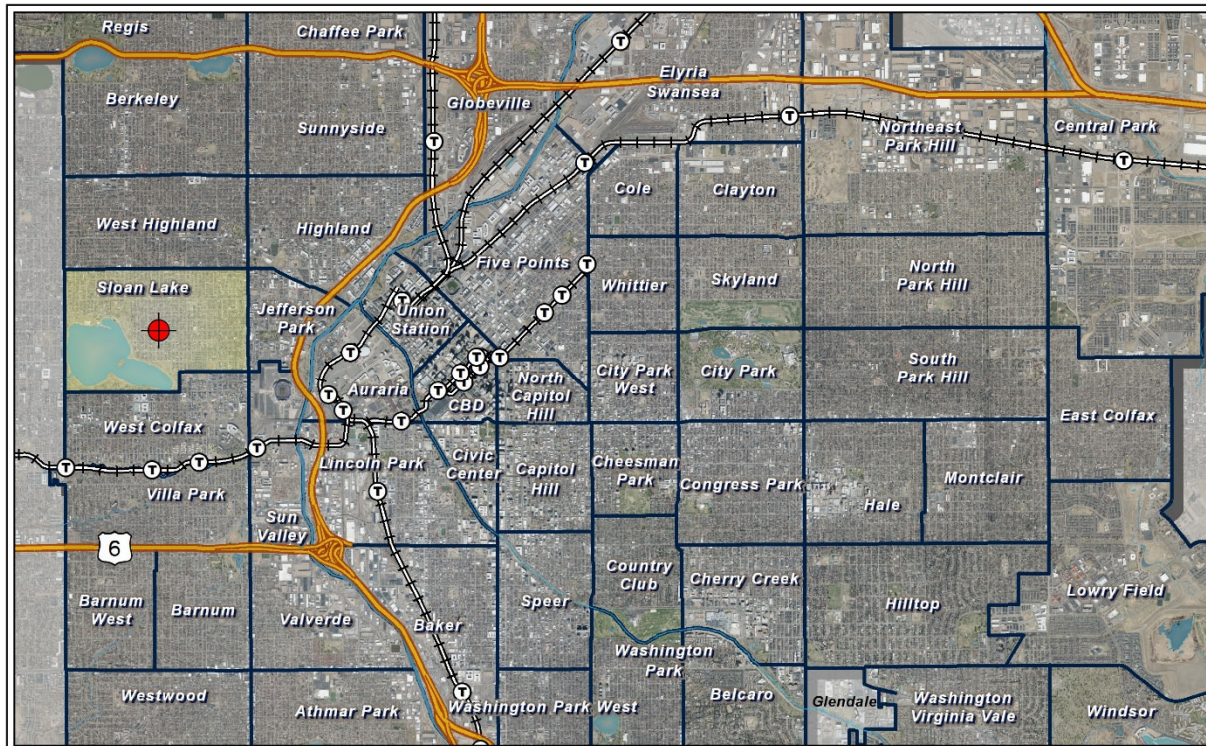
Summary of Rezoning Request

- The subject property is located in the Sloan Lake neighborhood at the corner of North Perry Street and West 23rd Avenue.
- This application proposes to rezone the subject property from U-SU-C1 to U-SU-B. The applicant is proposing to rezone the property to a district with a smaller lot size to facilitate splitting the lot into two.
- The proposed U-SU-B, **U**rbane, **S**ingle-**U**nits, **B** (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 arterial streets and structures with 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.

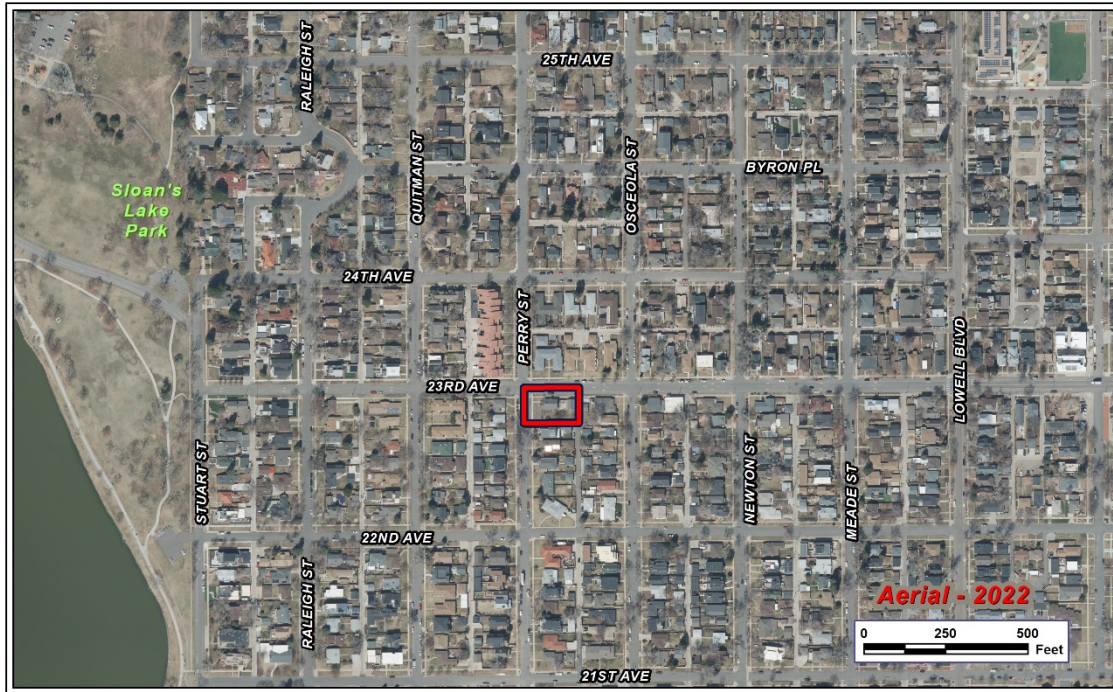
City Location



Neighborhood Location – Sloan Lake Neighborhood



Existing Context



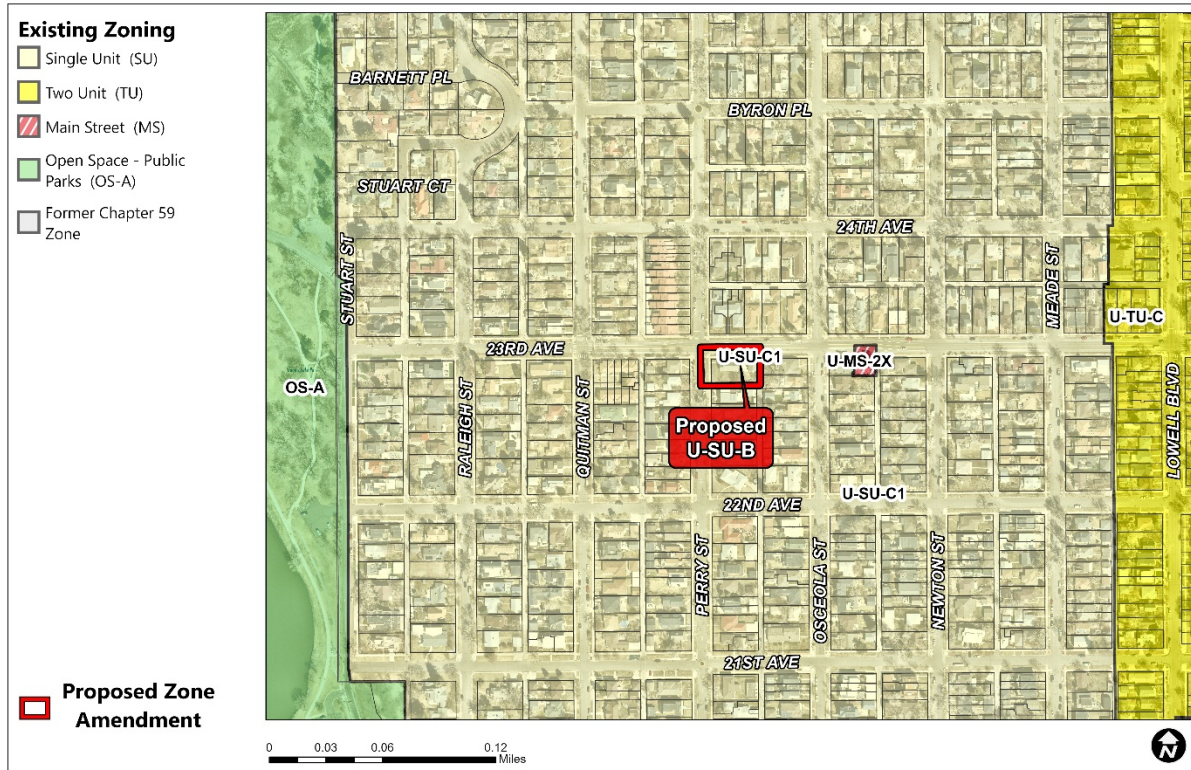
The subject property is in the Sloan Lake neighborhood, which is characterized primarily by single-unit, two-unit, and multi-unit residential uses with interspersed neighborhood-serving commercial development. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is at the corner of North Perry Street and West 23rd Avenue. It is also three blocks east of Sloan's Lake and Sloan's Lake Park and approximately 0.3 miles southwest of Brown International Academy, the elementary school that serves the area. It is located approximately 5.5 blocks away from the West 26th Avenue and Newton Street bus stop, which is served by RTD bus route 28. This route has 30-minute to one hour headways.

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
2258 North Perry Street	U-SU-C1	Single-unit Residential	1-story brick house with detached garage and alley access	Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys.
North	U-SU-C1	Two-unit Residential	1-story 2-unit brick duplex	
South	U-SU-C1	Single-unit Residential	2-story house with attached garage alley access	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C1	Single-unit Residential	1-story house with detached garage and alley access	Garages and on-street vehicle parking.
West	U-SU-C1	Single-unit Residential	1-story brick house with detached garage and alley access	

1. Existing Zoning



The U-SU-C1 zone district is a single-unit residential district with a minimum zone lot size of 5,500 square feet and allows the Urban House primary building form and the Accessory Dwelling Unit use and building form. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, and 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structure. The maximum height for a Detached Accessory Dwelling Unit is 24 feet. For all other permitted accessory structures, the maximum height is 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

2. Existing Land Use Map



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



Subject Property - View of 2258 North Perry Street, looking south from West 23rd Ave.



North - View of the property to the north of 2258 North Perry Street, looking north.



South – View of the property to the south of 2258 North Perry Street, looking east.



East - View of the property to the east across the alley, looking south.



West – View of the property to the west across West 23rd Avenue, looking south.

Proposed Zoning

U-SU-B is a single-unit zone district with a minimum zone lot size of 4,500 square feet, allowing only the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-B district. The district allows the Detached Accessory Dwelling Unit (DADU), Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit building form has a maximum height of 2 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 applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet.

The primary building forms and relevant standards of the detached accessory dwelling unit accessory building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	U-SU-C1 (Existing)	U-SU-B (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 Heights in Stories / Feet	2 stories / 24 feet	2 stories / 24 feet
Zone Lot Size (Min.) for Urban House	5,500 square feet	4,500 square feet
Minimum Zone Lot Width (Min.)	50 feet	37.5 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet

Design Standards	U-SU-C1 (Existing)	U-SU-B (Proposed)
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 Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

**Based on approximately 37.5 ft frontage*

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

Department of Public Health and Environment: Approved

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 rezoning. 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.

Denver Parks and Recreation: Approved – No Comments

Department of Transportation & Infrastructure – City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

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:	1/23/2024
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:	08/06/2024
Planning Board Public Hearing: <i>The Planning Board unanimously recommended approval.</i>	08/21/2024
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:	10/22/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	11/05/2024
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 (tentative):	11/25/2024
City Council Public Hearing:	12/16/2024

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Public Comments**
 - Four letters of support from neighbors stating that the Sloan Lake neighborhood has changed significantly in the last several years and that the rezoning would positively contribute to the neighborhood.

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 1 – Ensure all Denver residents have a safe, convenient, and affordable access to basic services and a variety of amenities.
 - Strategy A – Increase development of housing units close to transit and mixed-use developments. (p. 28)
- Equitable, Affordable and Inclusive Goal 2 – Build housing as a continuum to serve residents across a range of incomes, ages, and needs.
 - Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).

The proposed rezoning from U-SU-C1 to U-SU-B will allow the lot to be split, which will facilitate the potential for an additional housing unit and accessory dwelling unit on the site to serve the needs of the neighborhood.

- Environmentally Resilient Goal 8 – Clean our soils, conserve land and grow responsibly.
 - Strategy A – Promote infill development where infrastructure and services are already in place (p.54).

The proposed map amendment will allow an additional primary housing unit with the opportunity for additional detached housing unit on each lot where infrastructure and services such as water,

stormwater, and transit 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 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 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-B 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 5.2.2.1). U-SU-B is consistent with the *Blueprint Denver* future Urban neighborhood context, as 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.

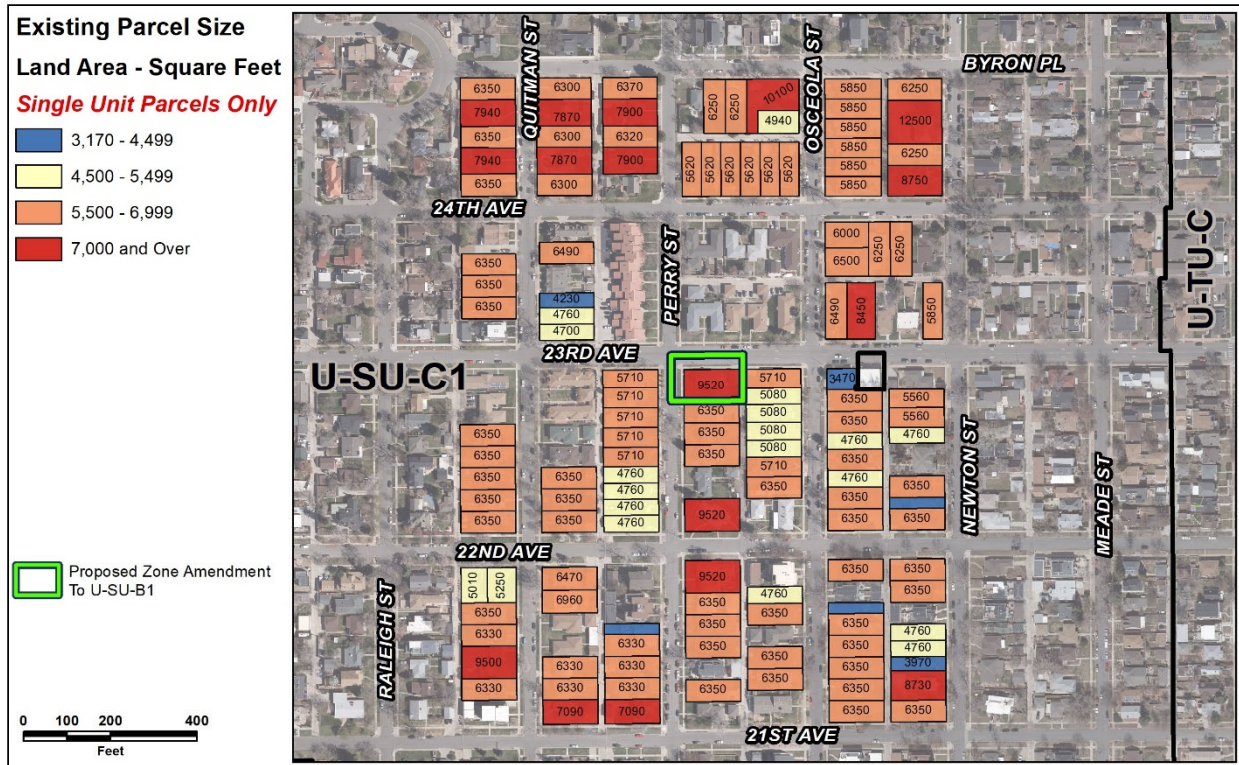
Blueprint Denver Future Place Type



The subject site is designated as the Low Residential future place on the *Blueprint Denver* Future Place map. This place 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-B is a single-unit residential district that allows for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place 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 North Perry Street and West 23rd Avenue as the Local or Undesignated Future Street Type. According to *Blueprint Denver*, “Local streets 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-B zone district is consistent with this description because it allows for residential and some civic uses.



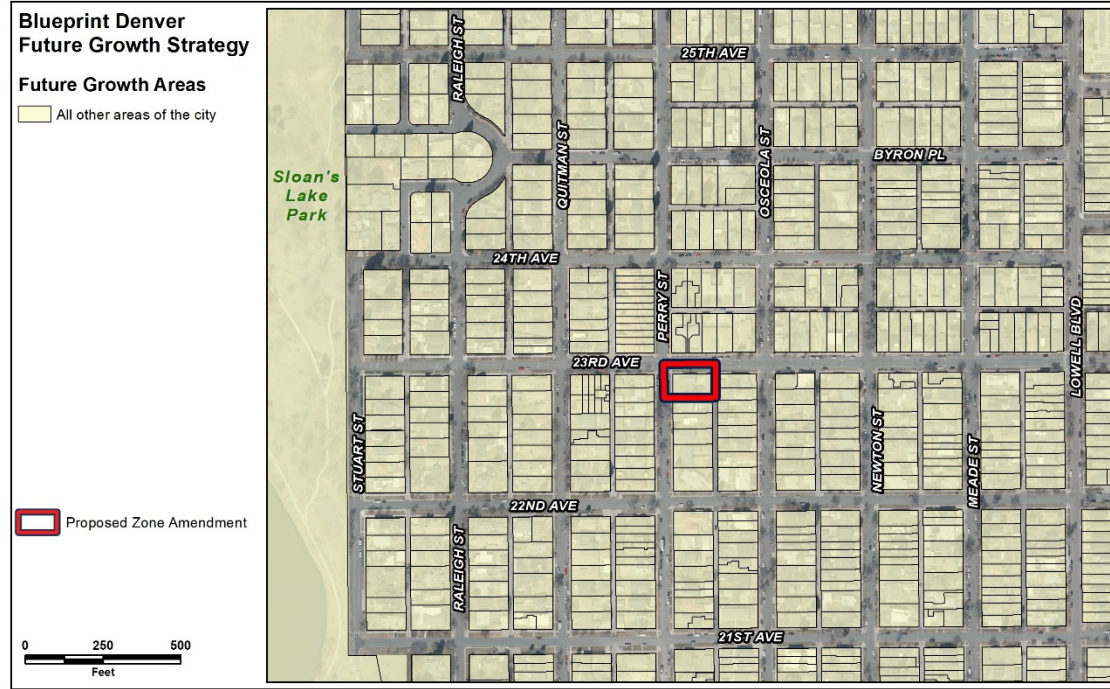
Blueprint Denver Lot Size Guidance for Rezonings in Low Residential Future Place Types

Additionally, the applicants are proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet and minimum zone lot width of 50 feet to a district with a smaller lot size, U-SU-B. The U-SU-B district has a minimum zone lot size of 4,500 square feet and minimum zone lot width of 37.5 feet. *Blueprint Denver* provides guidance for these situations stating, “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 subject property lot is 9,520 square feet, which is significantly larger than most properties in the surrounding blocks. While many of the lots to the immediate south and east of the subject property are consistent with the U-SU-C1 district minimum lot size, the lots across the alley to the west are less than 5,500 square feet, as well as others across North Perry Street. Splitting the subject property into two smaller lots would result in a block face that is consistent in size with other lots with similar uses in this area.

Therefore, the applicant’s proposal to rezone to a district with a smaller lot size is consistent with the future places map and *Blueprint* guidance for applying the Low Residential future place type.

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 U-SU-B will strengthen the existing character of the residential neighborhood by allowing a zone district that is more consistent with the size of the zone lot and the average lot size of the area. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each site. Therefore, it is consistent with the growth strategy.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B 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 two potential additional housing units that can be compatibly integrated into the surrounding neighborhood.

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, according to *Blueprint Denver*, it is appropriate to rezone to a district with a smaller lot size than the current district if a pattern of smaller lots with similar uses exists in the surrounding blocks. This plan was adopted after the date of approval of the existing zoning 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-B 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 Sloan Lake neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B 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-B 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 a small-scale ADU in the rear yard.

The specific intent of the U-SU-B zone district is “a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet and detached accessory dwelling units. 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.” (DZC 5.2.2.2.E.) The subject property at 2258 North Perry Street is currently 9,520 square feet with an approximate width of 75 feet. Rezoning to U-SU-B will allow for a lot split resulting in two lots that meet the description and intent of the U-SU-B district. Therefore, rezoning this site to U-SU-B is consistent with the specific intent of the zone district.

Attachments

1. Application