



**TO:** Denver City Council  
**FROM:** Valerie Herrera, Senior City Planner  
**DATE:** May 23, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00240

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00240.

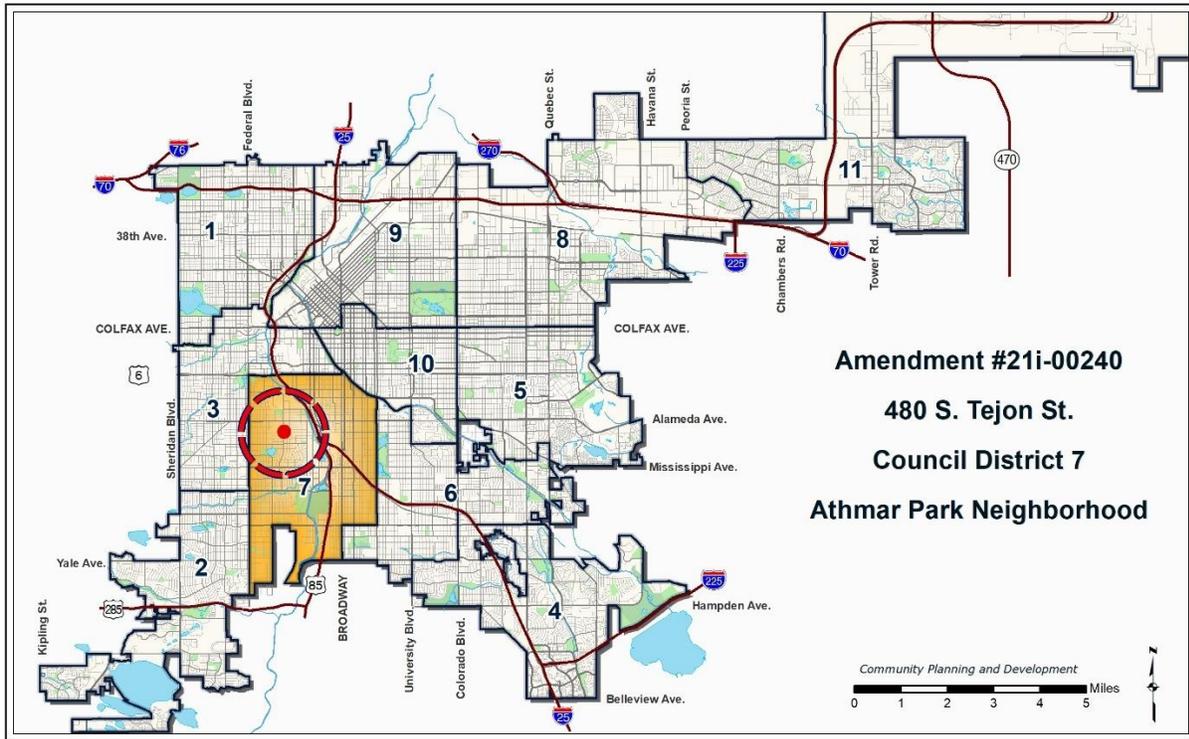
### Request for Rezoning

Address:	480 South Tejon Street
Neighborhood/Council District:	Athmar Park / Council District 7
RNOs:	Inter-Neighborhood Cooperation (INC) Athmar Park Neighborhood Association District 7 Neighborhood Coalition, Inc.
Area of Property:	9,370 square feet or 0.22 acres
Current Zoning:	E-SU-B
Proposed Zoning:	E-SU-B1
Property Owner(s):	Paul & Andrea Salazar
Owner Representative:	None

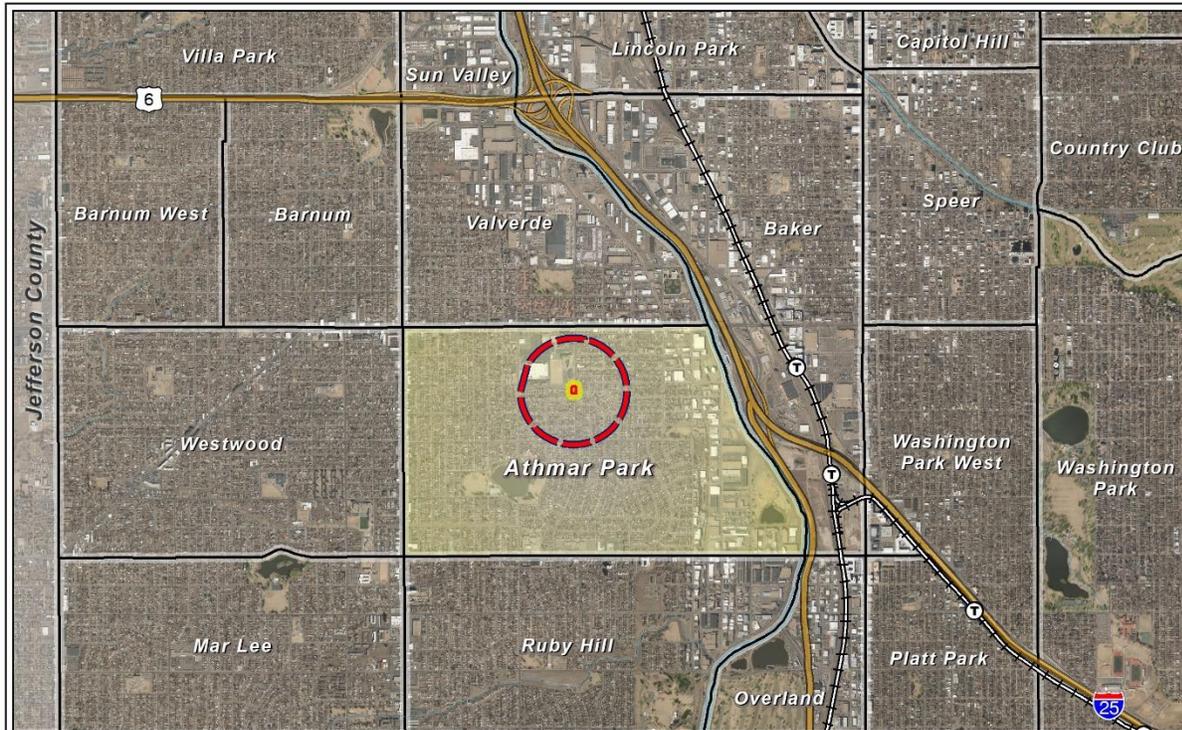
### Summary of Rezoning Request

- The subject property contains a single-unit one-story dwelling built in 1951 and a detached garage/shed in the rear on the northern side of the property adjacent to the alley. The site is located between West Alaska Place and West Virginia Avenue, along South Tejon Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit (ADU).
- The proposed **E-SU-B**, Urban Edge, Single-Unit, B (4,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Maximum height of the Urban House building form is 30 feet for the front 65% of the zone lot and 17 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 4 of the Denver Zoning Code (DZC).

### City Location



### Neighborhood Location – Athmar Park



## 1. Existing Context



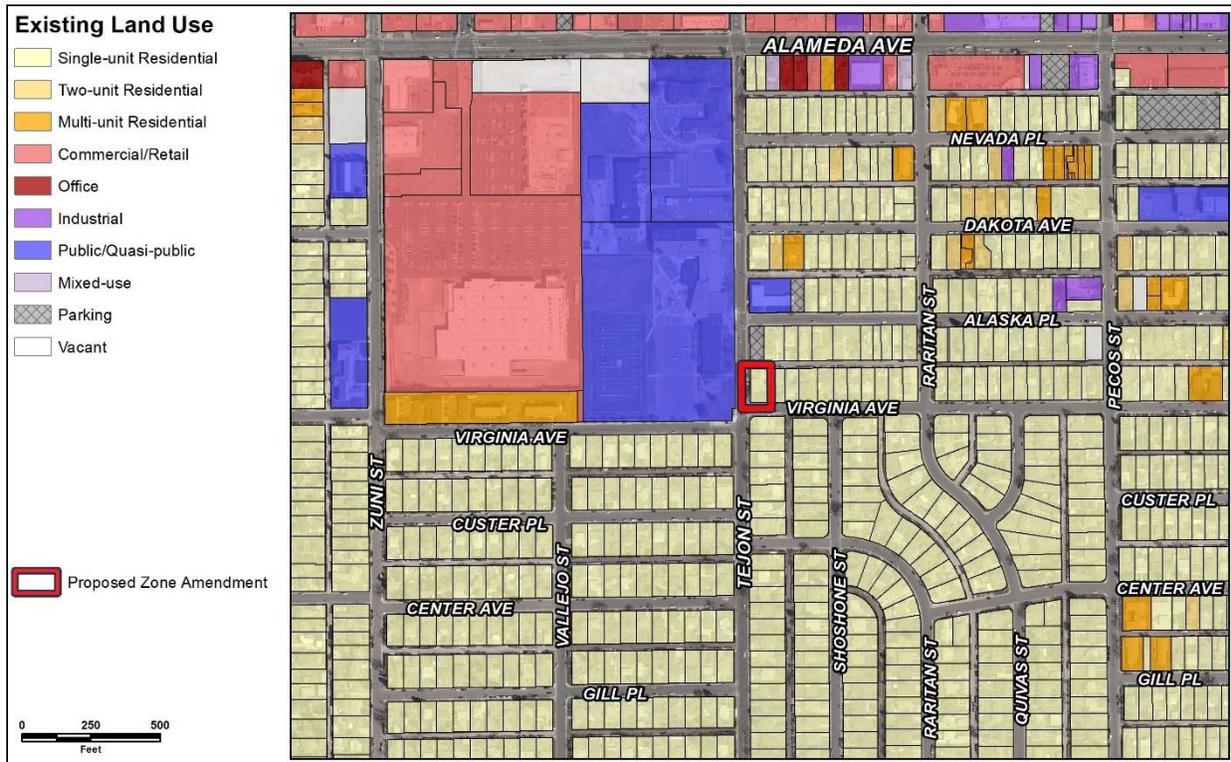
The subject property is in the Athmar Park statistical neighborhood, which is characterized primarily by single-unit residential uses southwest of the site. Two-unit and multi-unit residential uses can be found throughout the neighborhood north of the site. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access and a few curvilinear streets. The Athmar Park statistical neighborhood contains 760.04 acres of land. Two-thirds of the total acreage is zoned for residential use, over 180 acres is zoned for industrial use, and over 72 acres is zoned for mixed uses. The subject site is located directly across the street to the east of many public/quasi-public existing land uses, including Rishel Junior High School, the Mathematics and Science Leadership Academy, and Valverde Presbyterian Church. Nearby commercial/retail uses include Costco, shopping centers, restaurants, and spa/reflexology uses. Regarding transit within the neighborhood, route 3 north of the site runs along Alameda Avenue, route 11 runs along Mississippi Avenue just south of the site about 8 blocks. Alameda RTD Train Station is about 16 minutes from the site using local bus route 3.

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

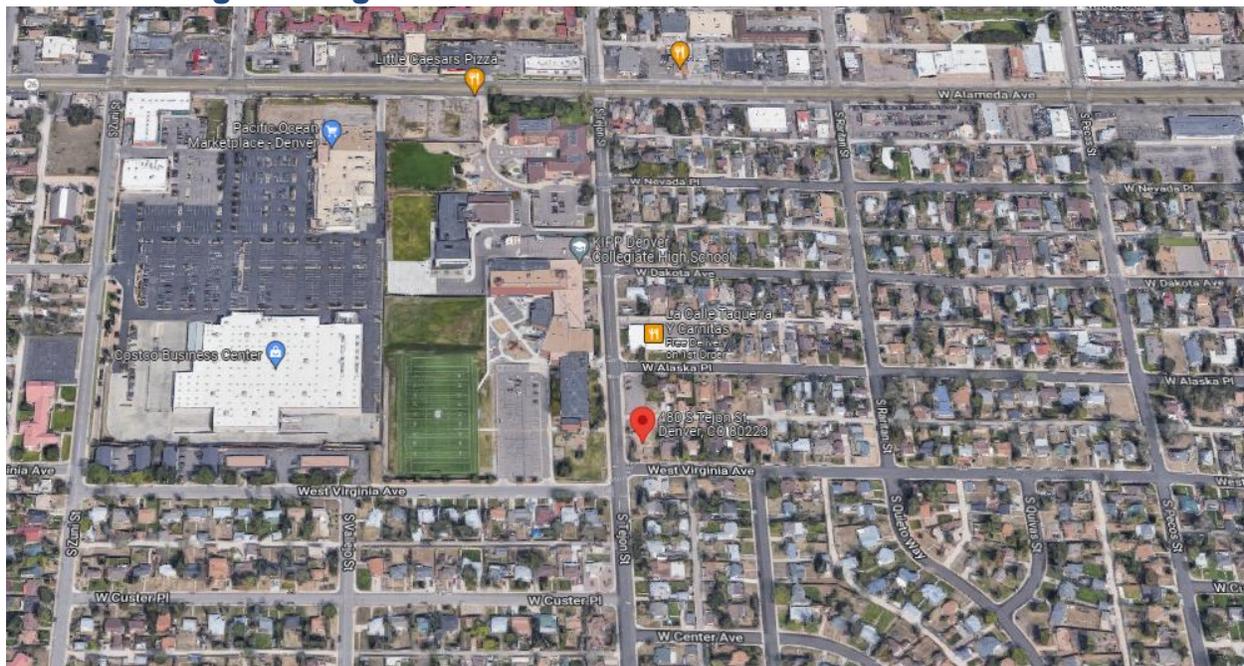
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-B	Single-unit Residential	1-story brick residence with moderate setback and driveway with curb cut off S. Tejon St.	Generally regular grid with some curvilinear streets. Block sizes and shapes are consistent and generally a pattern of rectangular blocks. Attached sidewalks with tree lawns and existing alleys. Detached garages and on-street vehicle parking are consistent throughout the neighborhood.
North	E-SU-B	Parking Lot	No building on this lot. It is used as 'visitor parking' for the school campus directly across the street to the west.	
South	E-SU-Dx	Single-unit Residential	1-story brick residence with moderate setback and driveway with curb cut off W Virginia Ave.	
East	E-SU-B	Single-unit Residential	1-story brick residence with moderate setback and driveway east of the primary structure with no curb cut in the front of the lot.	
West	Former Ch. 59 R-1	Public/Quasi-public (school campus)	2-3 story buildings on-site. Parking lots and activity fields can also be found on-site.	



### 3. Existing Land Use Map



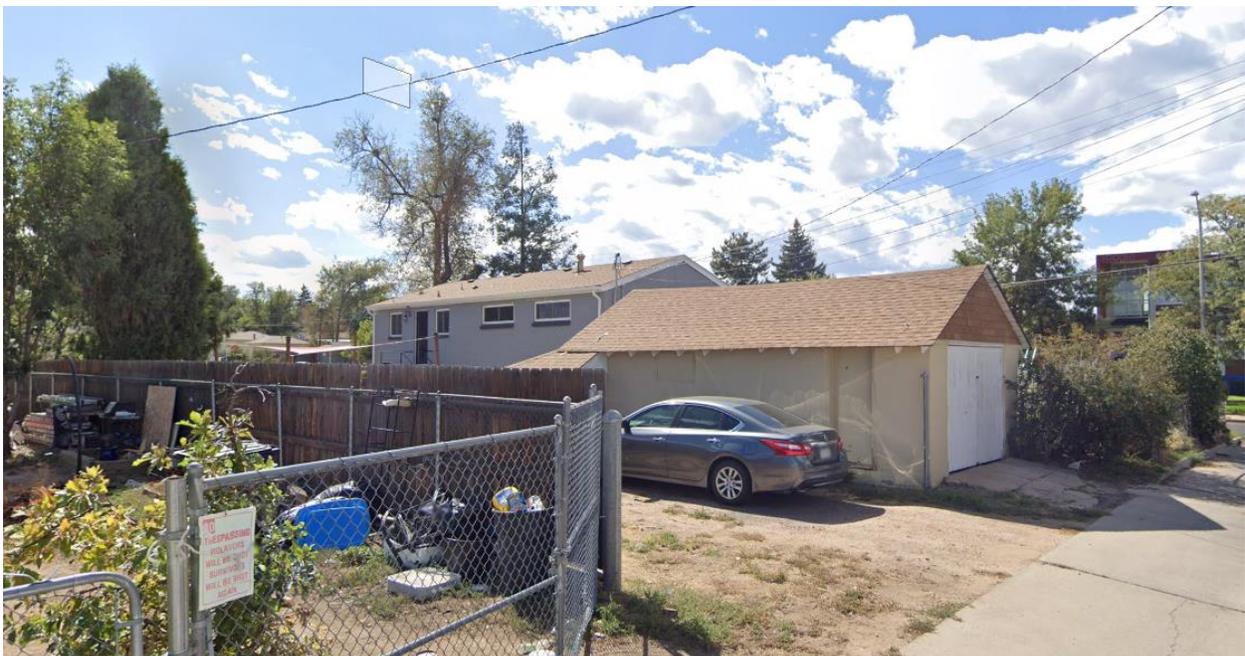
### 4. Existing Building Form and Scale



Aerial view of the subject site, looking north. (Google Maps)



View of subject property looking east. (Google Street View)



View of the rear of the lot from the alley, looking south. (Google Street View)



View of single-unit residences across W. Virginia Avenue from the subject property, looking south. (Google Street View)



View of the school campus west of the subject property, looking east. (Google Street View)

### Proposed Zoning

E-SU-B1 is a single-unit zone district with a minimum zone lot of 4,500 square feet that allows the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the E-SU-B1 district. Compared to the E-SU-B district, E-SU-B1 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 9,370 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	E-SU-B (Existing)	E-SU-B1 (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.)	4,500 square feet	4,500 square feet
Minimum Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not	20 feet	20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	3' min one side/10' min combined	3' min one side/10' min combined
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

\* Based on subject property width of 35 feet (Limitation in code is *Greater than 30' and up to 40'*)

**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

**Transportation and Infrastructure – R.O.W.- City Surveyor:**

Denied January 19, 2022- See Comments Below:

Revise the legal description to be from the deed description:

*Lots 25, 26 and 27, Block 8, Valverde, City and County of Denver, State of Colorado*

Legal Description was corrected and re-submitted by applicant representative on January 29, 2022 and approved by the City Surveyor.

**Development Services – Project Coordination:** Approved – No Comments

**Development Services – Fire Protection:** Approved - No Comments

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

**Development Services- Wastewater:** 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:	<b>01/05/2022</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>03/01/2022</b>
Planning Board public hearing:	<b>03/16/2022</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>03/15/2022</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>03/29/2022</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>05/02/2022</b>
City Council Public Hearing:	<b>05/23/2022</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, no comments received from the RNOs that were sent notice or community members.

### **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
- Blueprint Denver (2019)
- Athmar Park Perimeter Plan (2000)

#### **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).

E-SU-B 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 neighborhood.

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

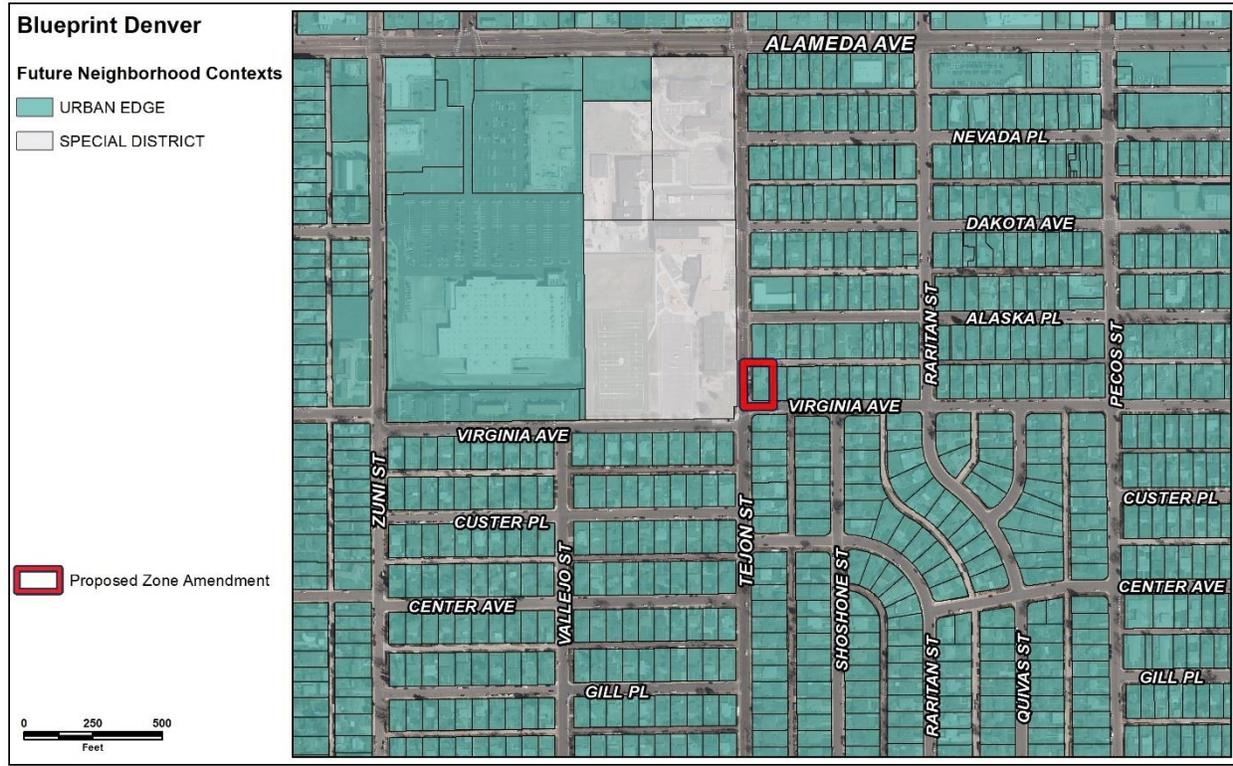
The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

***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 Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

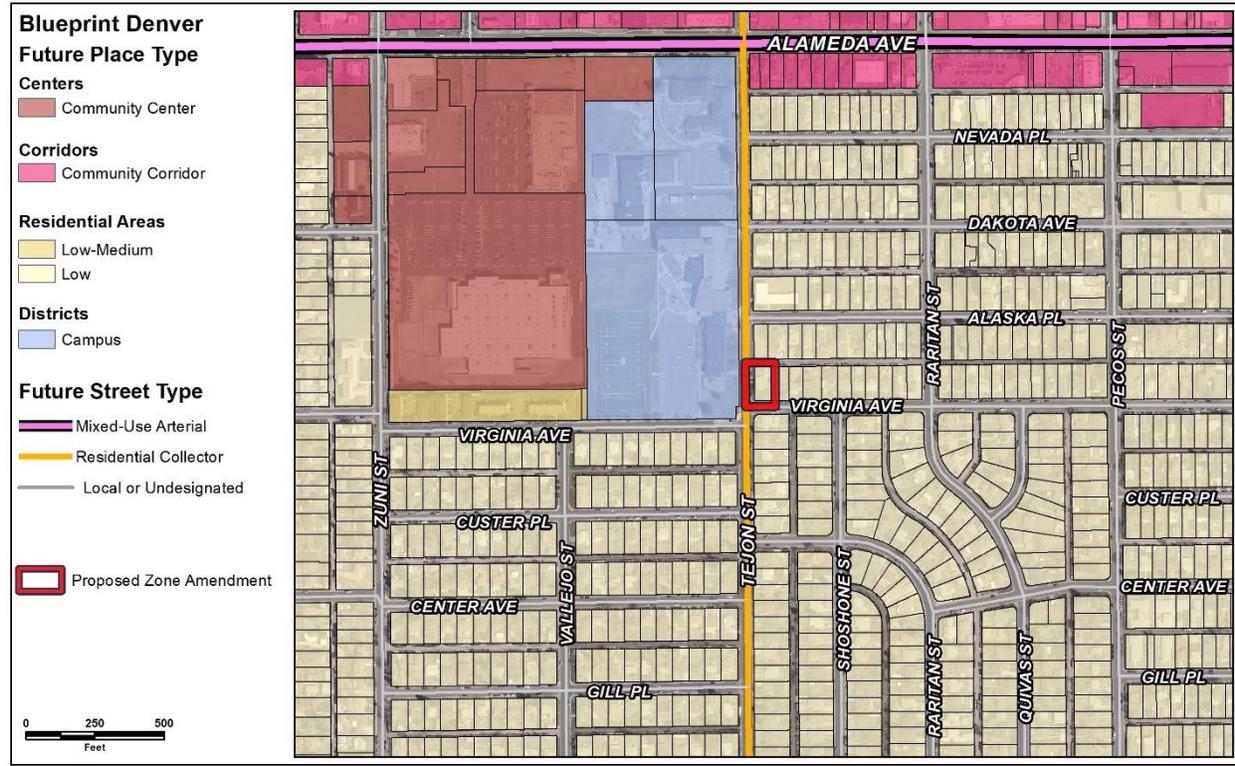
Per *Blueprint Denver*, the Urban Edge context is described as made up of “small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street. Walkable and bikeable with access to transit but still some reliance on cars. Parks of various sizes and scales. Various types of schools, civic and social spaces. Mixed occurrence of tree lawns/planting strips with higher percentage of tree canopy cover.” (p. 137).

**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, the description of which is “when a new zone district is proposed for a site, the neighborhood contexts map and description should be used to guide which zone” (p. 66). The Urban Edge neighborhood context is described as containing “elements of the suburban and urban contexts. Small multi-unit residential and commercial 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 generally set back farther from the street.” (p. 136). Urban Edge neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Edge 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 Section 4.2.2.1.A.). E-SU-B1 is consistent with the Blueprint Denver future neighborhood context of Urban Edge 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). E-SU-B1 is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-unit residential use, 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 South Tejon Street as a Residential Collector. “Traffic calming is used to encourage slower speeds and promote safety for all users of the roadway. This includes medians, traffic circles and bulb-outs. Signalized crosswalks with high visibility markings provide ample crossing opportunities” (p. 161). West Virginia Avenue is classified 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 E-SU-B1 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 E-SU-B1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

**Additional 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.

**Athmar Park Perimeter Plan (2000)**

The Athmar Park statistical neighborhood contains 760.04 acres of land. Two-thirds of the total acreage is zoned for residential use, over 180 acres is zoned for industrial use, and over 72 acres is zoned for

business uses. The R-1 District contains two parks: Huston Lake Park, created from swamp land, and the Clifford Aspgrén Park, located on the industrial edge of the residential neighborhood.

Industrially zoned areas are situated on the east side of Athmar Park. The I-0 is a Light Industrial and Office District. The I-1 is a General Industrial District. I-0 Districts include uses that are generally compatible with residential uses and the district serves as a buffer between residential areas and the more intensive industrial uses of the I-1 district.

Staff finds that the proposed rezoning demonstrates consistency with this plan per the following goal found on page 14 of the Overall Plan Goals & Strategies section of the plan.

- Goal 1: Promote neighborhood stability, support preservation of the neighborhood character, and create a sense of place.
  - Strategy: Continue to maintain the integrity of the residentially zoned areas.
  - Strategy: Identify characteristics that make Athmar Park a unique neighborhood and promote the neighborhood as a good place to live and work.

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

The proposed rezoning to E-SU-B1 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 Circumstances**

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 in 2019 after the date of approval of the existing zone district in 2010. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge 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. The requested E-SU-B1 zone district is within the Urban Edge Neighborhood Context. The neighborhood context is “is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas” and “single-unit residential structures are typically the Urban House and Suburban House building forms.” (DZC, Division 4.1.1). These areas consist of “regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid.” (DZC, Division 4.1).

The Athmar Park neighborhood consists of mostly single-unit residential uses in rectangular blocks with alley access and some curvilinear streets. It also has a diverse mix of two-unit and multi-unit housing to the north of the site. The proposed rezoning to E-SU-B1 is consistent with the neighborhood context description.

The specific intent of the E-SU-B1 zone district is “a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-B and allow a detached accessory dwelling unit in the rear yard.” (DZC Section 4.2.2.2.G.). The site at South Tejon Street is 9,370 square feet with a width of approximately 125 feet due to the primary structure having frontage along South Tejon Street at the end of the block. 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-00240