



TO: City Council Land Use, Transportation, and Infrastructure Committee
FROM: Tony Lechuga, Senior City Planner
DATE: December 1, 2022
RE: Official Zoning Map Amendment Application #2022I-00136

Staff Report and Recommendation

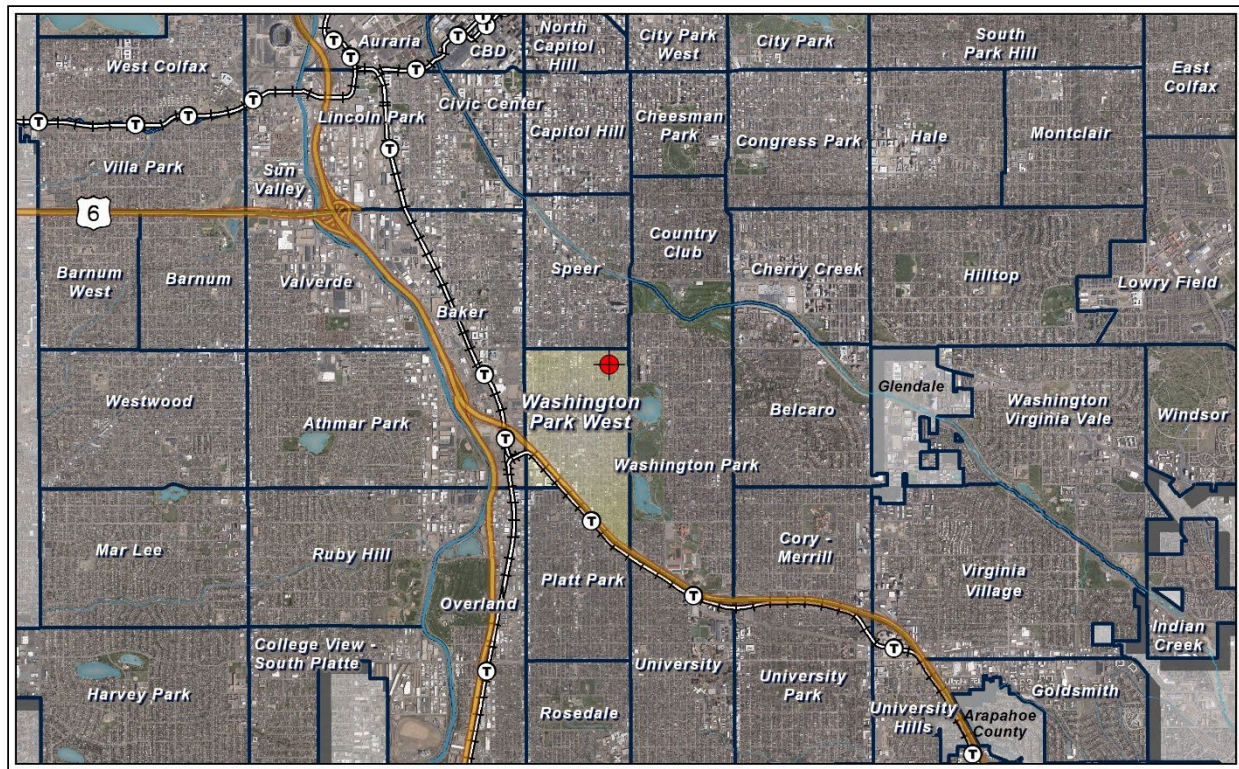
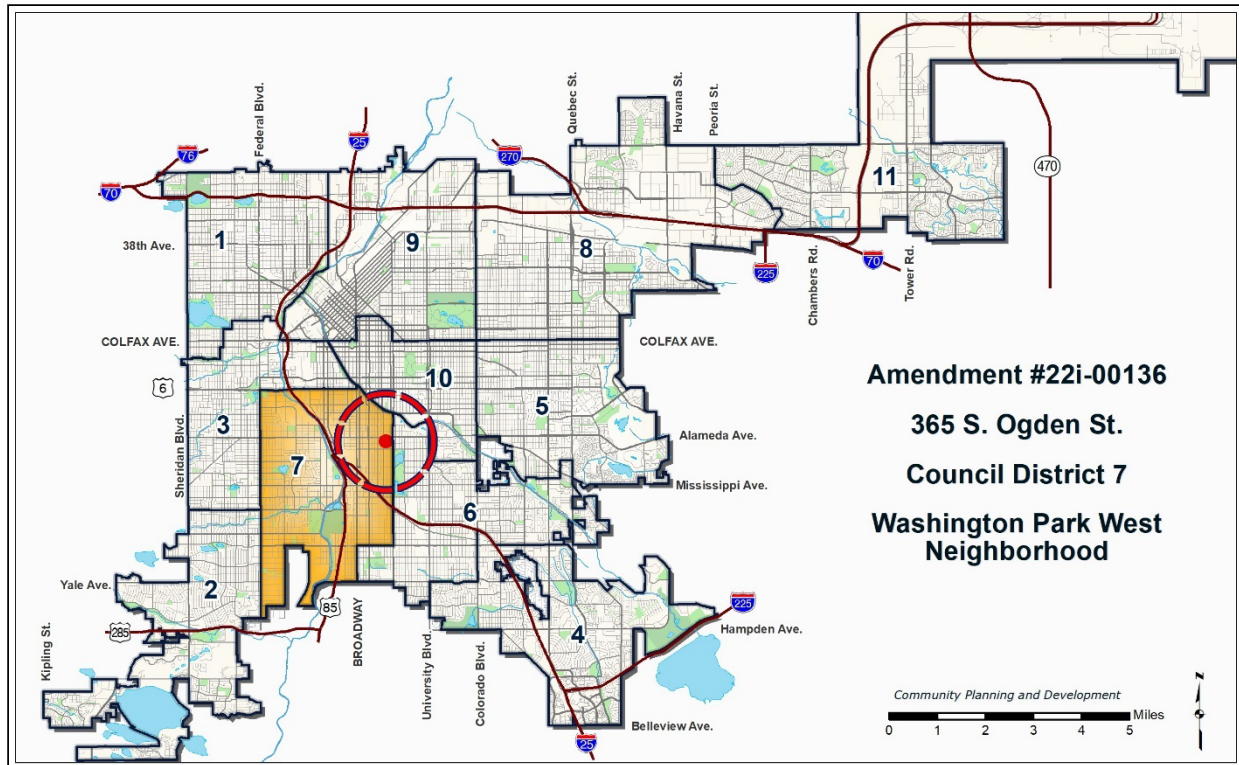
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00136.

Request for Rezoning

Address: 365 South Ogden Street
Neighborhood/Council District and CM: Washington Park West / Council District 7, CM Clark
RNOs: West Washington Park Neighborhood Association; Friends and Neighbors of Washington Park; Inter-Neighborhood Cooperation; Strong Denver
Area of Property: 6,350 square feet or 0.15 acres
Current Zoning: Current zone district U-SU-B
Proposed Zoning: Proposed zone district U-SU-B1
Property Owner(s): Kai Davids
Owner Representative: N/A

Summary of Rezoning Request

- The subject property contains a single-unit dwelling and a detached garage and is located along South Ogden Street between East Dakota Avenue and East Alameda Avenue.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit.
- The proposed U-SU-B1, Urban, Single-Unit, B1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 4,500 square feet. The 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 are usually 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, 17 to 19 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 5 of the Denver Zoning Code (DZC).



Existing Context

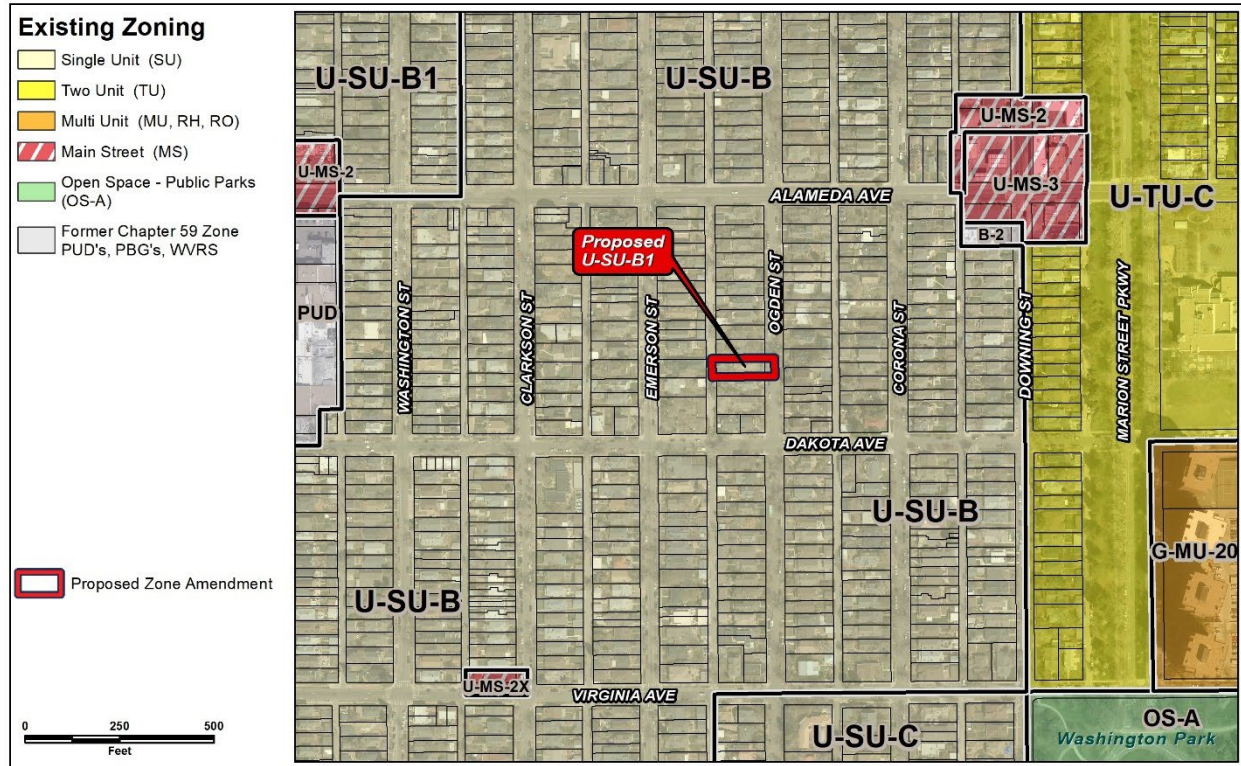


The subject property is in the Washington Park West Neighborhood, which is characterized primarily by single-unit and two-unit residential uses. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is in the middle of the block on South Ogden Street, between East Dakota Avenue and East Alameda Avenue. The RTD 3 bus runs east-west and stops to the north on Alameda Avenue between Ogden and Emerson Streets. The RTD 12 bus runs north-south and stops two blocks away at the intersection of Alameda Avenue and Downing Street. Washington Park is located less than a half-mile to the southeast.

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-B	Single-unit residential	1 ½ story brick house with detached structure in the rear	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-B	Two-unit residential	1-story side-by-side brick duplex with detached structure in the rear	
South	U-SU-B	Single-unit residential	2-story brick house with drive way and detached garage	
East	U-SU-B	Single-unit residential	2-story house with detached structure in the rear	
West	U-SU-B	Single-unit residential	2-story house with driveway and attached garage	

1. Existing Zoning



The U-SU-B zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5-stories or 30 to 35 feet in the front 65% of the zone lot, and 1-story or 17 feet to 19 feet in the rear 35% of the zone lot. It allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. For additional details of the zone district, see DZC Section 5.3.3.

2. Existing Land Use Map



3. Existing Building Form and Scale



View of the subject property, facing west (Source: Google Maps)



View of the property to the south, facing west (Source: Google Maps)



View of the property to the north, facing west (Source: Google Maps)



View of the properties to the east across S. Ogden Street, facing east. (Source: Google Maps)



View of the properties across the alley to the west on S. Emerson St, facing east. (Source: Google Maps)

Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-B1 district. Compared to the U-SU-B district, U-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 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. 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. At 6,350 square feet, the subject property is more than the 4,500 square feet minimum zone lot size of the requested U-SU-B1.

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

Design Standards	U-SU-B (Existing)	U-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 Size (Min.)	4,500 square feet	4,500 square feet
Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	3' feet one side / 10' min combined	3' feet one side / 10' min combined
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	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 with a width of approximately 50 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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approve Rezoning Only - Will require additional information at Site Plan Review. Existing accessory building appears to extend into ROW, per GIS. If existing building is to remain in place, application for Encroachment may be prudent.

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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

Public Works – R.O.W.- City Surveyor: Approved – No Comments

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

Zoning: 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:	8/30/22
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:	11/1/22
Planning Board recommended approval via the consent agenda:	11/16/22
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City	11/25/22

Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	12/6/22
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:	1/9/22 (tentative)
City Council Public Hearing:	1/30/22 (tentative)

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date staff has received no comments from RNOs.
 - **General Public Comments**
 - To date staff has received no public comments.

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)*
- *West Washington Park Neighborhood Plan (1991)*

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).

U-SU-B1 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 single-unit homes that are most common in the Washington Park West 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.

Because it implements the strategies cited above, the rezoning is consistent with *Comprehensive Plan 2040*.

Blueprint Denver

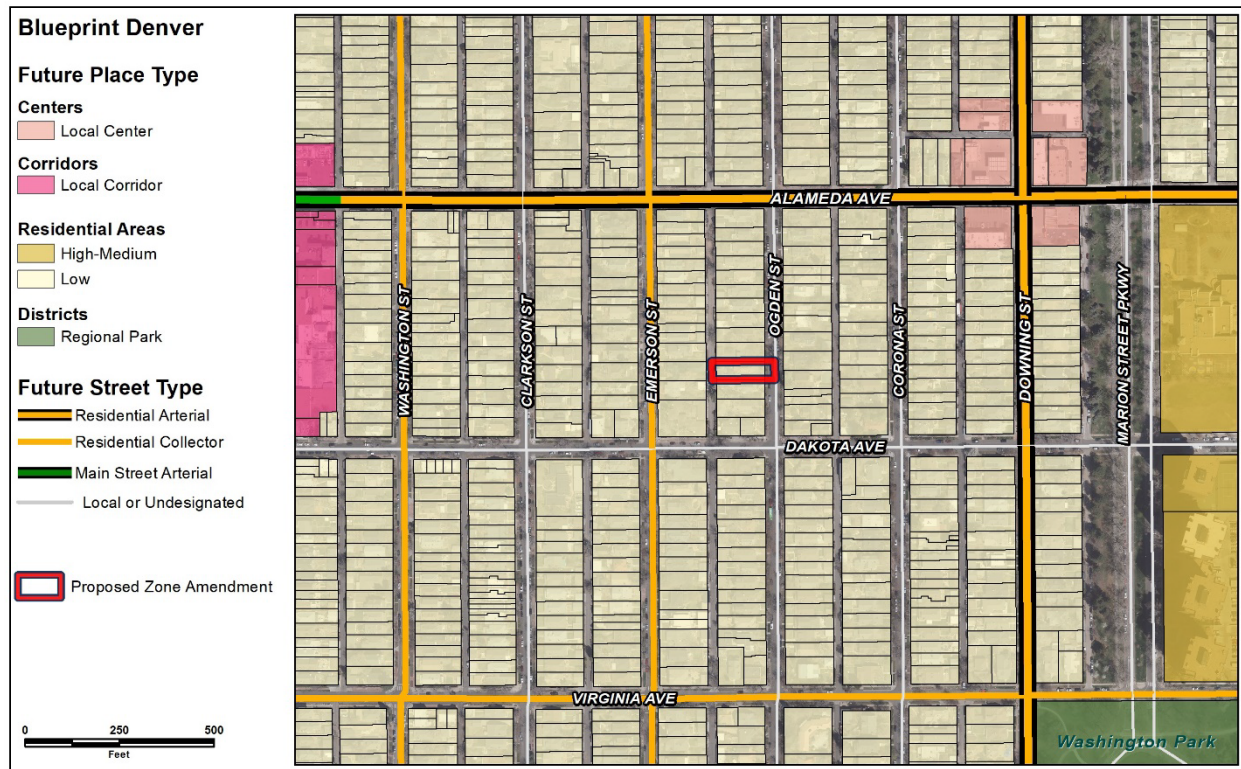
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center place within the Urban Center Neighborhood Context and provides guidance from 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 an 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-B1 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 Section 5.2.2.1). U-SU-B1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote residential character by allowing 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 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). The U-SU-B1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to an established single-family home, 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*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Ogden Street as local or Undesignated Future Street Type which, “are most often characterized by residential uses” (p. 161). The proposed U-SU-B1 district is consistent with this street type because it allows for residential and accessory uses.

Growth Strategy



Blueprint Denver's growth strategy map shows 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 U-SU-B1 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 and is therefore consistent with the growth strategy.

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 less than one-quarter mile from a bus stop. This rezoning to an ADU 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.

Small Area Plan: *West Washington Park Neighborhood Plan (1991)*

This neighborhood plan was adopted in 1991 and is applicable to the subject property. This plan is silent on ADUs specifically, however, the proposed rezone is consistent with Residential Land Use Recommendation #4 “Include compatible setbacks, significant buffering, and landscaping in site plans for new moderate density residential development to ensure compatibility with adjacent low-density residential uses” (p.18). The detached ADU building form was developed to specifically take these types of concerns into consideration and provides for appropriate setbacks between structures.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-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 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 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-B1 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 Washington Park West neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

According to DZC Section 5.2.2.1, General Purpose, the intent of the residential zone districts is to “promote and protect residential neighborhoods within the character of the Urban neighborhood context.” Further, “the regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.”

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 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-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H.) The subject site is in an area where Urban houses are common. The site at 365 South Ogden Street is 6,350 square feet with a width of approximately 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the general purpose and the specific intent of the zone district.

Attachments

1. Application