



TO: Land Use, Transportation and Infrastructure Committee
FROM: Francisca Peñafiel, Senior City Planner
DATE: December 28, 2023
RE: Official Zoning Map Amendment Application #2023I-00162

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00162.

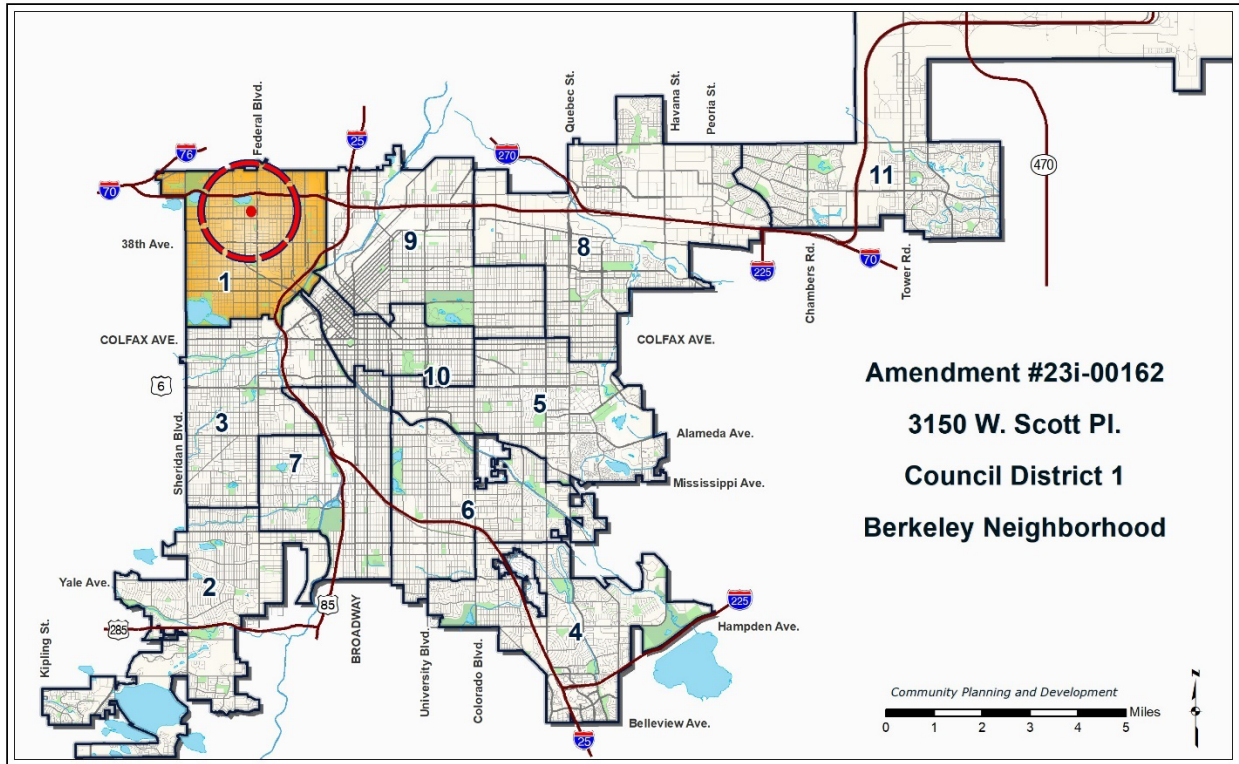
Request for Rezoning

Address: 3150 West Scott Place
Neighborhood/Council District: Berkeley / Council District 1 – Amanda Sandoval
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, Berkeley
Regis United Neighbors, Unite North Metro Denver
Area of Property: 7,460 square feet or .17 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-B1
Property Owner(s): Terry and Charlene Holtzinger
Property Owners Representative: Alisha Hammett, Shopworks Architecture

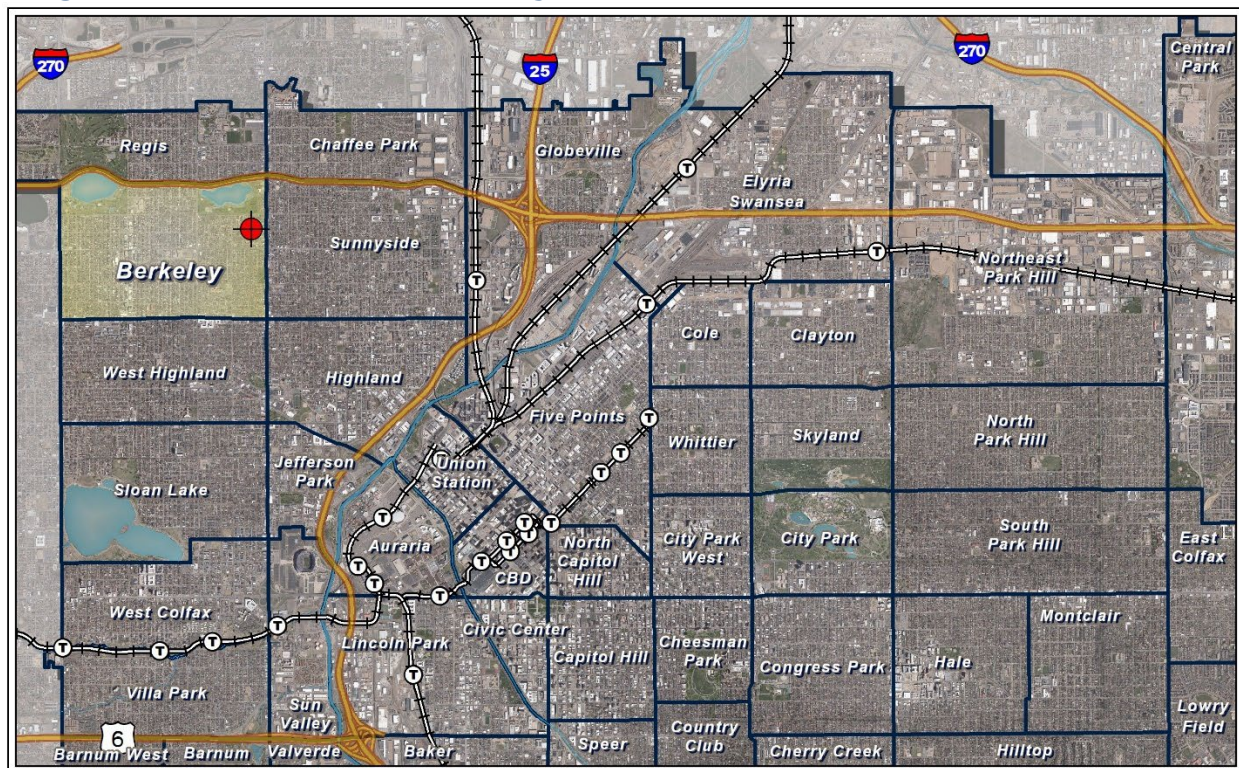
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1942 located between North Hooker Street and North Grove Street, along West Scott Place in the Berkeley neighborhood.
- The property owner is proposing to rezone to the U-SU-B1 district, which is a smaller minimum zone lot width and zone lot size than U-SU-C, and would allow an accessory dwelling unit (ADU).
- The proposed U-SU-B1, **U**rbane, **S**ingle-**U**nit, **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 residential 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 building 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).

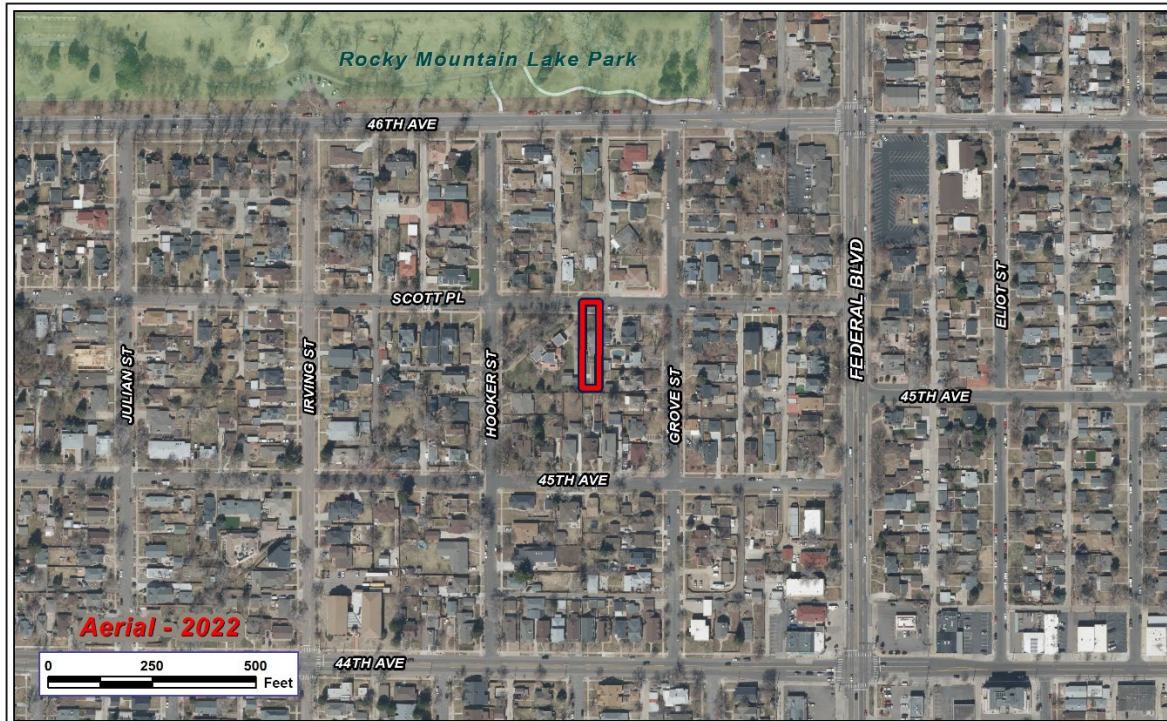
City Location



Neighborhood Location – Berkeley



1. Existing Context

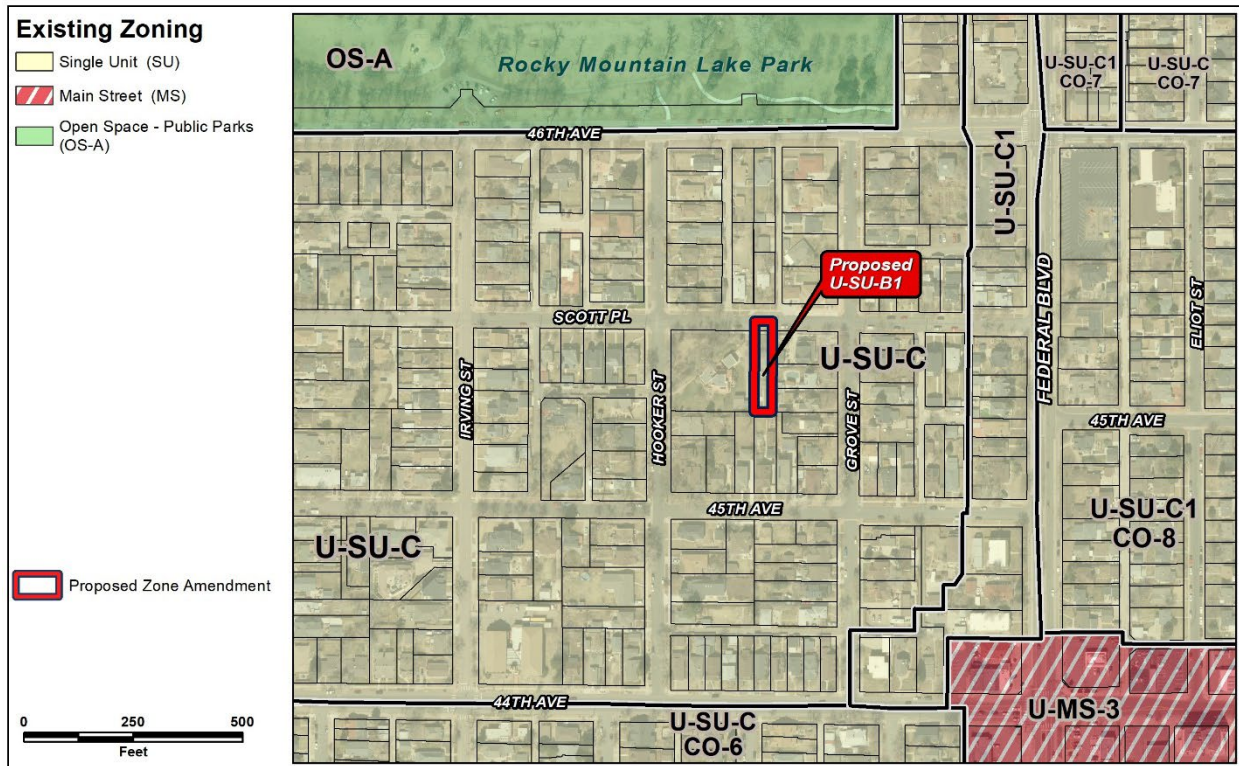


The subject property is in the Berkeley Neighborhood, which is characterized primarily by single-unit and two-unit residential uses. Generally, there is a pattern of rectangular blocks in a street grid pattern. The subject property is one block south of Rocky Mountain Lake Park, one block west of North Federal Boulevard and three blocks south of Interstate 70. RTD bus route 31 runs north-south on Federal Boulevard and includes a bus stop 0.2 miles northeast at the intersection of North Federal Boulevard and West 46th Avenue. RTD bus route 44 runs east-west along West 44th Avenue and includes a stop about 2 blocks south at the intersection of West 44th Avenue and North Hooker Street.

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

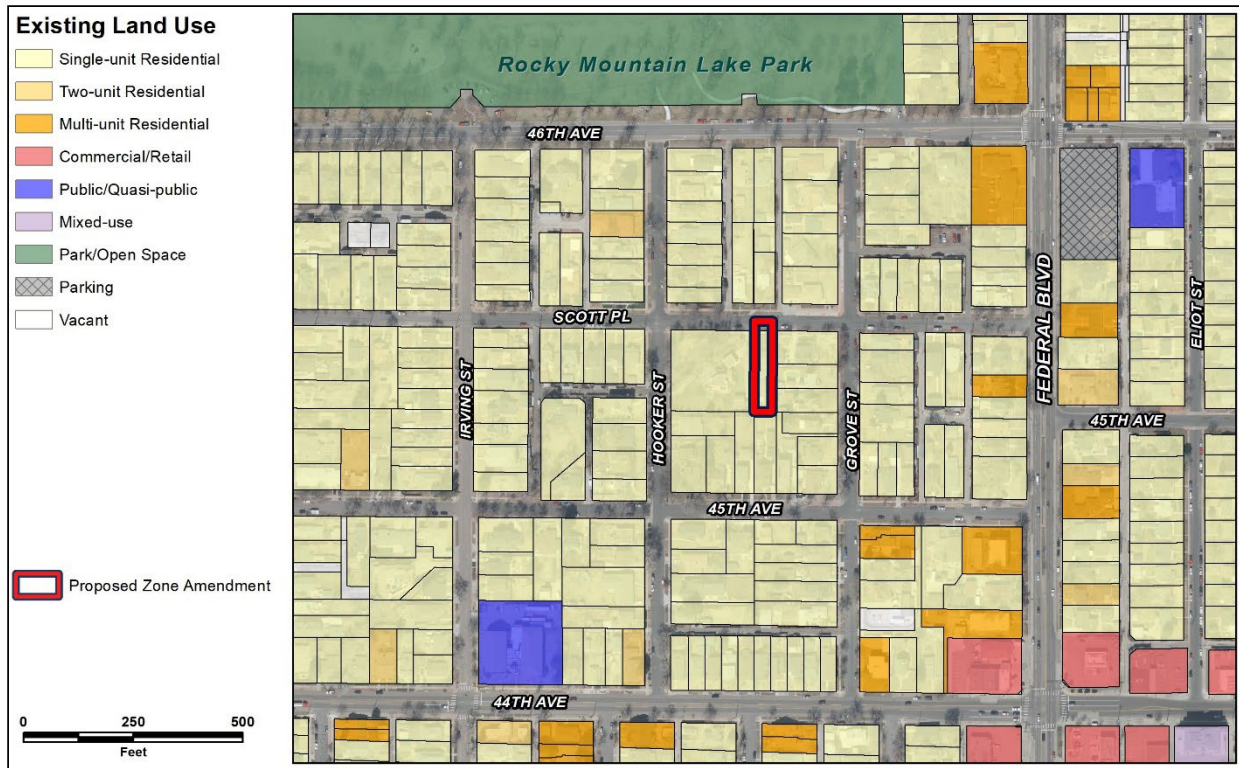
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Single-unit Residential	1-story brick house with driveway on W. Scott Pl. and detached garage	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and some alleys. Garages and on-street vehicle parking.
North	U-SU-C	Single-unit Residential	1-story brick house with detached garage	
South	U-SU-C	Single-unit Residential	1-story brick house with driveway on W. 45 th Ave. and detached garage	
East	U-SU-C	Single-unit Residential	2- story house with driveway on W. Scott Pl and detached garage	
West	U-SU-C	Single-unit Residential	1.5-story house with driveway on W. Scott Pl, pedestrian access on North Hooker St. and detached garage	

2. Existing Zoning



The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 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.

3. Existing Land Use Map



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



Subject Site - View of the subject property, looking south.



North - View of the properties to the north of the subject site.



East - View of the property to the east of the subject site, looking southeast.



West - View of the property to the west of the subject site, looking southwest.



South - View of the properties to the south of the subject site, on West 45th Avenue, looking north.

Proposed Zoning

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. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 2 stories or 24 feet. A bulk plane that raises 10-12 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 7,460 square feet, the subject property is more than the 4,500 square feet minimum zone lot size of the requested U-SU-B1.

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

Design Standards	U-SU-C (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	2 stories / 24 feet
Zone Lot (Min.)	5,500 square feet	4,500 square feet
Zone Lot Width (Min.)	50 feet	35 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)*	5 feet	3 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
DADU Rear Setback	DADUs 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

*Based on subject property width of 40 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 Comments.

Development Services - Transportation: Approved – No Response.

Development Services - Wastewater: Approved – See Comments Below.

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Given parcel width you may need to connect sanitary service from any ADU to the primary structure. This will require a Covenant Agreement to ensure the structures are not sold independently. Historical drainage paths must be maintained. Be sure to check title and ensure there are no easements with the Rocky Mountain Ditch as these easements are often not boundary specific. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

Parks and Recreation: Approved – No Comments.

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 project 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. 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

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:	10/12/2023
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:	12/05/2023
Planning Board Public Hearing: (Recommended for approval unanimously on consent agenda)	12/20/2023
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:	12/15/2023
Land Use, Transportation and Infrastructure Committee of the City Council:	01/02/2024
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:	01/22/2024 (tentative)
City Council Public Hearing:	02/12/2024 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received any comment letters from the RNOs.
- **Other Public Comment**
 - To date, staff has received one letter of support and one letter of opposition from community members for the rezoning. The letter of opposition express concerns with the loss of privacy in their backyard and construction noise.

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).

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-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the Berkeley 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.

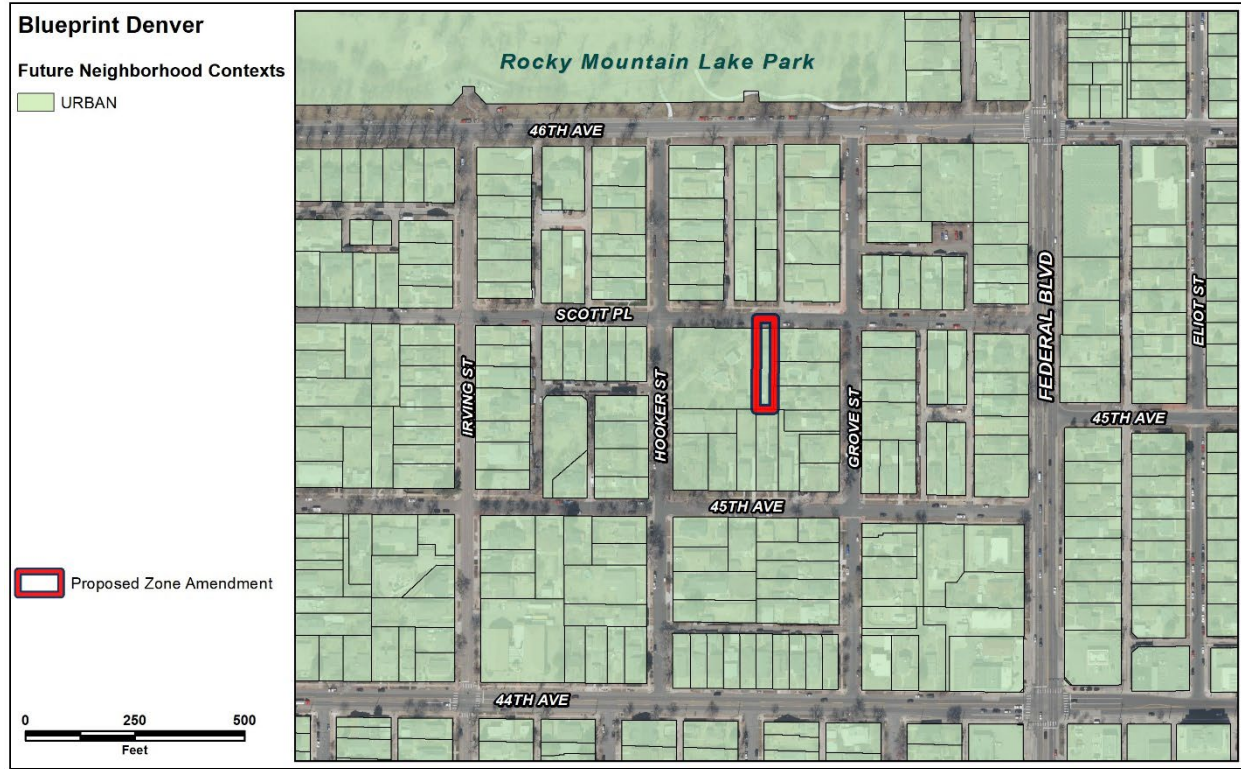
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit 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 future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

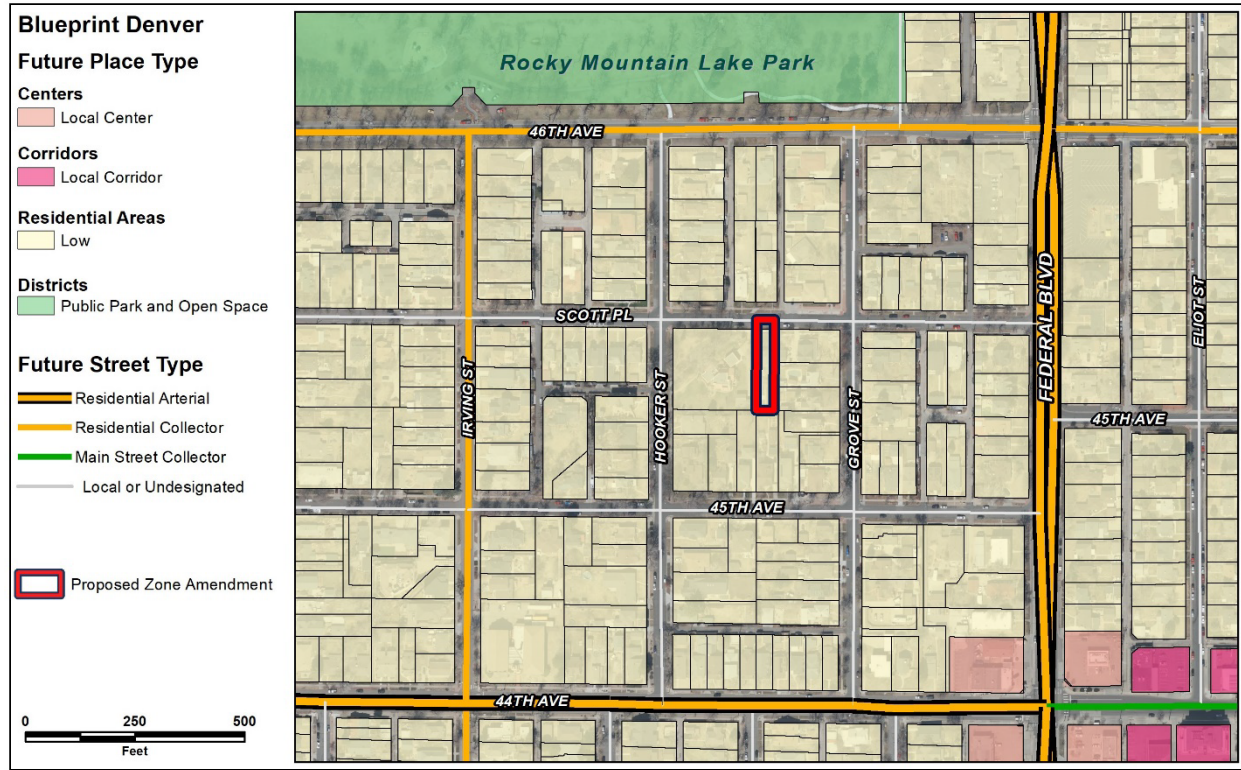
Blueprint Denver Future Neighborhood Context



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-B1 is a zone district within the Urban neighborhood context in the Denver Zoning Code. The Urban residential zone districts are “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-B1 is consistent with the *Blueprint Denver* future neighborhood context of Urban 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 Place

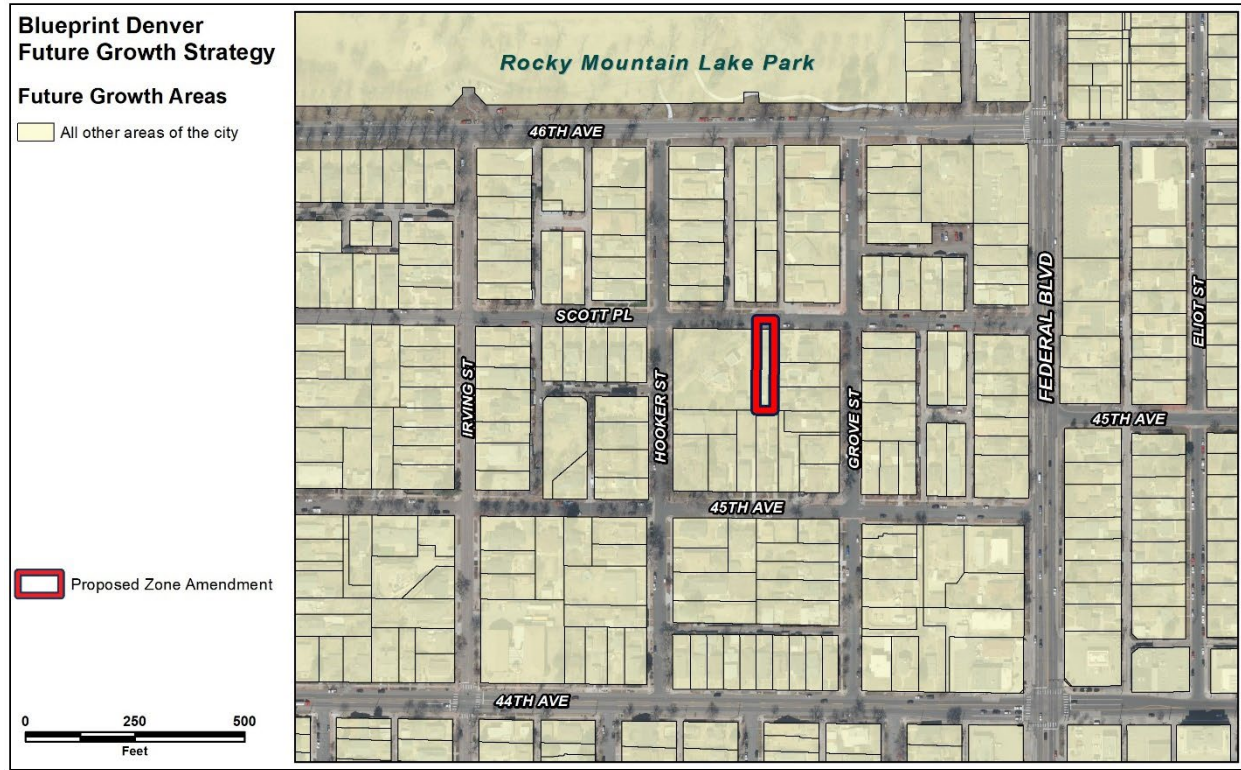


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place type is “predominately single-and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-B1 is a single-unit residential zone 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 Place designation.

Blueprint Denver Future 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 West Scott Place as Local or Undesignated Future Street Type, which are designated as “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-B1 district is consistent with this description because it allows for primarily residential 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 U-SU-B1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

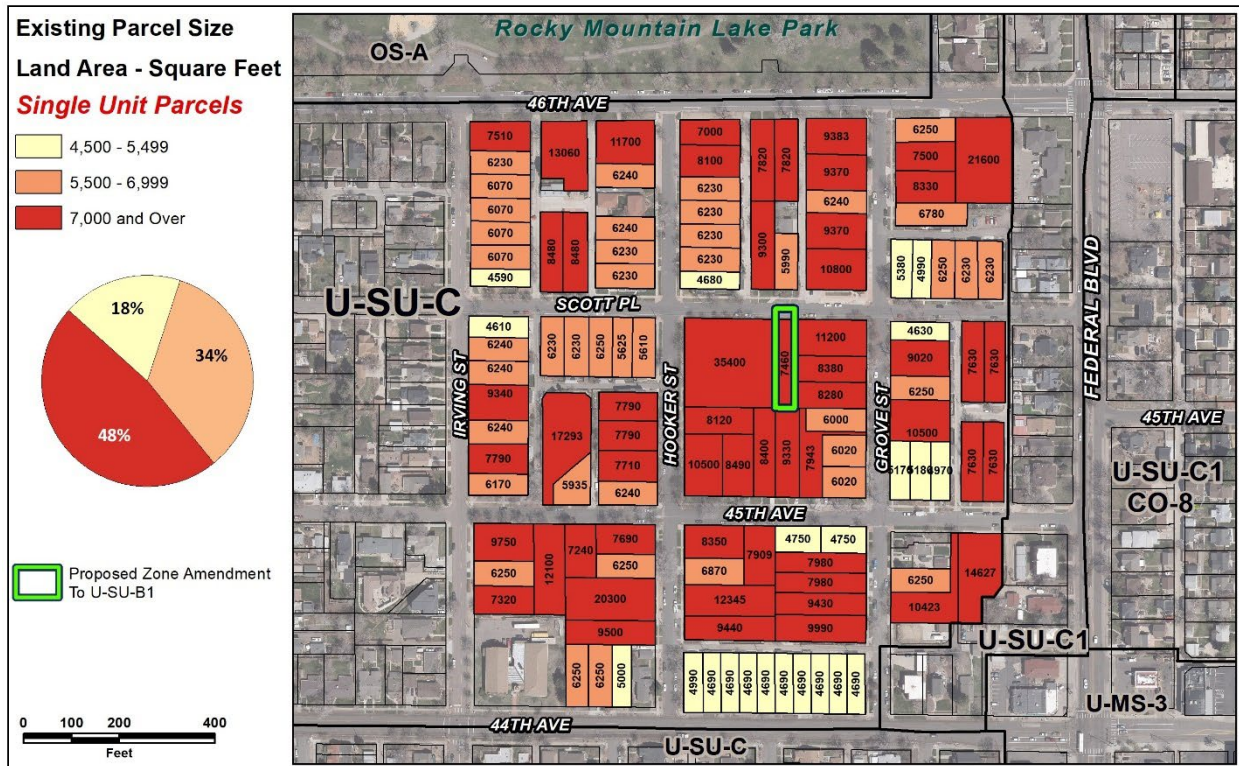
Blueprint Denver Lot Size Guidance for Rezonings

While the subject site is 7,460 square feet, which is more consistent with U-SU-C1, it is only 40 feet wide, which is more consistent with the minimum zone lot width of 37.5 feet for U-SU-B1. This is why the applicant requested to rezone from U-SU-C to U-SU-B1. *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).

As shown in the map below, the subject property is within an area that has a mix of lot sizes with single unit uses. While a large portion of the surrounding blocks have lots sizes of 5,500 sf or greater, there is also an established pattern of single unit lots that are between 4,500 and 5,499 square feet. This pattern can be seen in a few lots facing Scott Place and to the south of the subject site on 45th Avenue and 44th Avenue. This area shows that alleys are not always present, what results in an irregular pattern of lots that in many instances, have smaller widths than the 50 ft minimum width required by U-SU-C1.

While there is a slight pattern of single-unit residential smaller lot sizes in the surrounding blocks, there is clear pattern of lots with widths more consistent with the U-SU-B1 district and that makes the applicants’ proposal of a district with a smaller lot size consistent with the future places map and *Blueprint Denver* guidance for applying the Low Residential future place.

Parcel Size Analysis



Blueprint Denver Strategies

Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

- 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).

In this case, the requested rezoning is a single lot in a residential area located in proximity to frequent bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

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" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is 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, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas and provides guidance for considering the appropriate minimum lot size. 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, Section 5.1.1). This area consists of a “regular pattern of block shapes” (DZC, Section 5.1.2). The Berkeley 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.

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.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 5.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-B1 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 small-scale ADUs in rear yards.

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.E.). The site at 3150 West Scott Place is 7,460 square feet with a width of 40 feet, consistent with the 37.5 feet pattern in U-SU-B. The adopted plan direction recommends allowing smaller lot sizes where a pattern of smaller lot sizes already exists, and there is such a pattern in the surrounding blocks. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Comment letters

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Terry and Charlene Holtzinger	Representative Name	Alisha Hammett, Shopworks Architecture
Address	4540 N Hooker St	Address	310 W. 45th Avenue
City, State, Zip	Denver, CO 80211	City, State, Zip	Denver, CO 80216
Telephone	303.506.5436	Telephone	303.433.4094
Email	tholtzinger@comcast.net	Email	alisha@shopworksarc.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	3150 W Scott Place		
Assessor's Parcel Numbers:	02202-16-011-000		
Area in Acres or Square Feet:	7,460sf		
Current Zone District(s):	U-SU-C		
PROPOSAL			
Proposed Zone District:	U-SU-B1		
PRE-APPLICATION INFORMATION			
Did you receive and review the slide deck: "Constructing an Accessory Dwelling Unit"?	<input checked="" type="checkbox"/> Yes - I have received and reviewed this information <input type="checkbox"/> No - I have not received these slides		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method _____ <input type="checkbox"/> No - if no, describe why not (in outreach attachment)		

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - "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. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): _____</p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including Blueprint Denver which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria.</p> <p>(Check boxes to affirm.)</p> <p>DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-B1</u> Zone District.</p>
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REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of Ownership Document (e.g. Assessor’s record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor’s Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney’s Office.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available)
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- Written Authorization to Represent Property Owner(s) (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Terry Holtzinger and Charlene Holtzinger	4540 N. Hooker St Denver, CO 80211 303.506.5436	100%	<i>Terry Holtzinger</i> <i>Charlene Holtzinger</i>	10/01/2023	A	YES

3150 W SCOTT PL

Owner	HOLTZINGER, TERRY L & CHARLENE E 4540 HOOKER ST DENVER, CO 80211-1342
Schedule Number	02202-16-011-000
Legal Description	GRAND VIEW B8 W 39.95FT OF L2
Property Type	SFR Grade C
Tax District	DENVER

Real Estates Property Taxes for current tax year



System Upgrade Underway:
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy **
Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/24/2023	6/8/2023	
Original Tax Levy	\$1,280.35	\$1,280.35	\$2,560.70
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$1,280.35	\$1,280.35	\$2,560.70
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$2,471.34**

Assessed Value for the current tax year

Assessed Land	\$32,130.00	Assessed Improvements	\$70.00
Exemption	\$0.00	Total Assessed Value	\$32,200.00

October 1, 2023

City and County of Denver Community Planning and Development
201 West Colfax Avenue
Denver, CO 80202

**Re: Letter of Authorization for Zone Map Amendment (Rezoning) Application for 3150 W. Scott Place,
Denver, CO 80211**

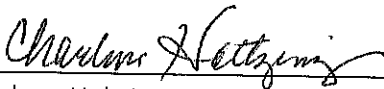
To Whom It May Concern,

Shopworks Architecture, and its representatives, are authorized to represent us (Terry and Charlene Holtzinger) regarding the rezone application for parcel #02202-16-011-000 located at 3150 W. Scott Place, Denver, CO 80211.

By:


Terry Holtzinger

By:


Charlene Holtzinger

October 2, 2023

City and County of Denver
Community Planning and Development
Attn: Planning Services
201 W. Colfax Ave
Denver, CO 80202

**Re: 3150 W Scott Place (Parcel #02202-16-011-000)
Rezoning Request and Letter of Justification**

Dear Planning Services,

Shopworks Architecture, on behalf of Terry and Charlene Holtzinger, respectfully requests the city to consider a rezoning of an approximately 7,460sf parcel located at 3150 W. Scott Place in the Berkeley Neighborhood. The site is currently zoned U-SU-C, and we are seeking a zone map amendment to U-SU-B1 to allow the development of a new single-family home and an accessory dwelling unit.

This request has been created by the following parties:

Applicant

Terry and Charlene Holtzinger
4540 Hooker St.
Denver, CO
303-506-5436
Email: Tholtzinger@comcast.net

Planner

Alisha Hammett, Shopworks Architecture
301 W. 45th Avenue
Denver, CO 80216
720-296-5187
Email: alisha@shopworksarc.com

The subject property is currently non-conforming in its current zone district of U-SU-C, because the minimum lot width is 50 ft, and the existing lot is only 37.5 ft wide. Should the property be rezoned to U-SU-B1, the lot would be brought into conformance with the new zone district, as U-SU-B1 requires a minimum lot width of 35 ft for urban house building forms. Should the zone map amendment be adopted, the Holtzinger's plan to demolish the existing structure onsite and redevelop the site with a new single-family home and ADU for their niece and her family.

The subject property is in the Berkeley Neighborhood which is characterized mostly by single-unit residential uses, with some two-unit residential uses nearby. Generally, there is a pattern of rectangular blocks in a street grid pattern.

The subject property is one block south of W. 46th Avenue, and one block north of W. 45th Avenue, and two blocks west of Federal Boulevard. RTD Bus Route 31 runs north-south along Federal Boulevard, which is the nearest bus stop.

COMMUNITY OUTREACH

Shopworks Architecture, on behalf of Mr. and Mrs. Holtzinger reached out via email to Unite North Metro Denver and the Berkeley-Regis United Neighbors RNOs on September 12, 2023, regarding this rezoning application, but did not hear back from them.

Mr. Holtzinger also went door to door, visiting all neighbors within 200 ft of his property, 18 neighbors in total, with a letter describing this rezoning request, a map of the property along with a photograph of the property and hand-delivered them. He was able to speak with some neighbors directly and others followed up with emails and phone calls. His in-person outreach has been supportive. The Holtzinger have been good neighbors and their neighbors support their desire to redevelop this property with a single-family home and ADU.

CONSISTENCY WITH CITY ADOPTED PLANS

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-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the Berkeley 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 single-unit 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.

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-B1 is a zone district within the Urban Neighborhood Context in the Denver Zoning Code. The urban residential zone districts are “*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-B1 is consistent with the Blueprint future neighborhood context of Urban 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.

The subject site is designated within a Low-Residential future place type on the Blueprint Denver Future Place map. This place type is “*predominately single- and two-unit uses on smaller lots. Accessory Dwelling Units 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-B1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to primary 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 Place designation.

According to *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 N. Hooker Street and W. Scott Place Avenue as Local Future Street Type, along which the land use and built form is described as, “*most often characterized by residential uses*” (p. 160). The proposed U-SU-B1 district is consistent with this description because it allows for primarily residential uses.

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 U-SU-B1, will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver provides additional recommendations related to rezoning to allow for ADUs.

- *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 to minimize impacts to the surrounding residential area (p. 84).*

In this case, the requested rezoning is a single lot in a residential area within walking distance of a bus route. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

The proposed rezoning will result in the uniform application of zone district building form, use and design regulations across the site.

FURTHERING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

The proposed official map amendment furthers the public health, safety, and general welfare of the city primarily through implementation of the city's adopted land use plans.

JUSTIFYING CIRCUMSTANCES

This application identifies the adoption of Blueprint 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 a 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.

CONSISTENCY WITH NEIGHBORHOOD CONTEXT, ZONE DISTRICT PURPOSE, AND INTENT

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-C	Single-unit residential	1-story house	Block patterns are generally regular block shapes, consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Detached garages and on-street vehicle parking.
North	U-SU-C	Single-unit residential	1.5-story house	
South	U-SU-C	Single-unit residential	1.5-story house	
West	U-SU-C	Single-unit residential	1-story house	
East	U-MS-5, G-RH-3	Single-unit residential	1-story house	

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, Section 5.1.1). These areas consist of *“regular pattern of block shapes”* and *“a consistent presence of alleys”* (DZC, Section 5.1.2). The Berkeley 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.

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. The building form standards, design standards and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated”* (DZC, Section 5.2.2). The proposed U-SU-B1 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-B1 zone district is *“U-SU-B1 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. The site at 3150 W. Scott Place is 7,460 square feet with a width of 37.5-feet. 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.*

Thank you,



Alisha Kwon Hammett
Shopworks Architecture

EXHIBIT "A" LAND DESCRIPTION

SHEET 1 OF 2

A PARCEL OF LAND BEING THE WEST 39.95 FEET OF LOT 2, BLOCK 8, BLACK'S GRAND VIEW RESUBDIVISION AND SITUATED IN THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20 BEING A FOUND STONE FROM WHENCE THE WEST 1/4 CORNER OF SAID SECTION 20 BEING A FOUND STONE BEARS SOUTH 00°00'43" EAST, A DISTANCE OF 1297.14 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 76°20'16" EAST, A DISTANCE OF 2037.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING;

THENCE SOUTH 89°23'55" EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 39.95 FEET;

THENCE SOUTH 00°04'11" EAST, A DISTANCE OF 186.68 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2;

THENCE NORTH 89°23'55" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 39.95 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 00°04'11" WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 186.68 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 AND THE POINT OF BEGINNING.

CONTAINING 7,458 SQUARE FEET OR 0.171 ACRES OF LAND, MORE OR LESS.

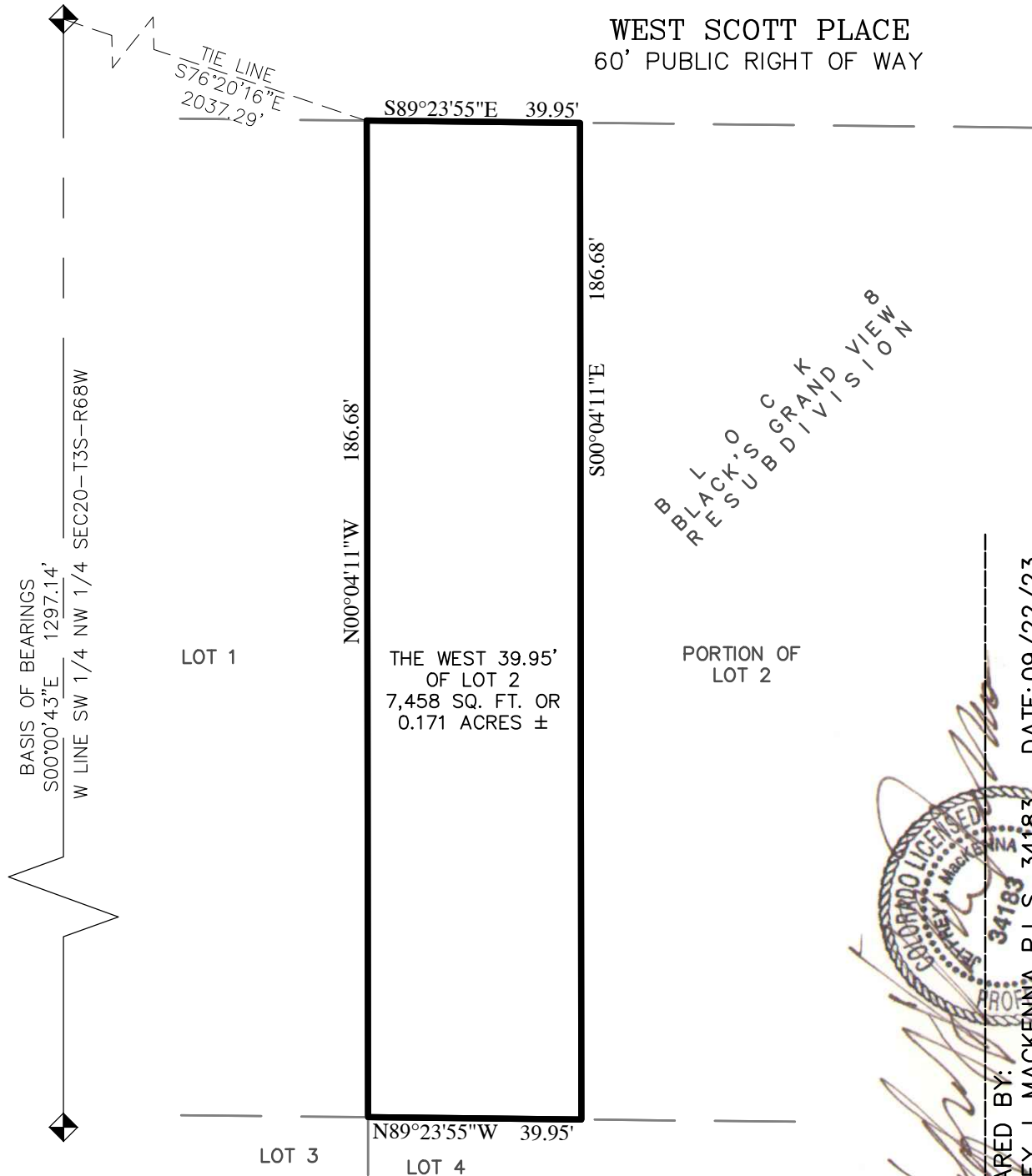

PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 09/22/2023
FOR FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD COLORADO, 80215
(303)202-1560



EXHIBIT "A"

SITUATED IN THE NW 1/4, SECTION 20, T3S, R68W, OF THE 6TH P.M.
CITY AND COUNTY OF DENVER, STATE OF COLORADO

SHEET 2 OF 2



BASIS OF BEARINGS
S00°00'43\"E 1297.14'
W LINE SW 1/4 NW 1/4 SEC20-T3S-R68W

LOT 1

N00°04'11\"W 186.68'

THE WEST 39.95'
OF LOT 2
7,458 SQ. FT. OR
0.171 ACRES ±

S00°04'11\"E 186.68'

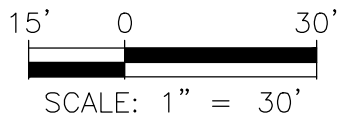
BLACK-SUBDIVISION
C GRAND VIEW 8
BR

PORTION OF
LOT 2

LOT 3

N89°23'55\"W 39.95'

LOT 4



PREPARED BY: *Jeffrey J. Mackenna*
JEFFREY J. MACKENNA P.L.S. 34183
FOR FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD COLORADO, 80215
(303)202-1560

DATE: 09/22/23

THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

[EXTERNAL] FW: 3150 W Scott Place rezone



Alisha Hammett <alisha@shopworksarc.com>

To Penafiel Vial, Maria F. - CPD CE0429 City Planner Senior

↩ Reply
↩ Reply All
➔ Forward
📧
⋮

Tue 12/12/2023 11:26 AM

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Please see below email of support.

ALISHA KWON HAMMETT
 shopworks architecture
[301 W. 45th Ave. Denver, CO. 80216](#)
 M: 720.296.5187
 T: 303.433.4094

From: Chris Geddes <geddeschris71@gmail.com>
Sent: Thursday, September 14, 2023 7:33 PM
To: tholtzinger@comcast.net
Cc: Mary Klute <marymklute@gmail.com>; Alisha Hammett <alisha@shopworksarc.com>
Subject: 3150 W Scott Place rezone



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender geddeschris71@gmail.com

Hi Terry...

My wife Mary and I live at 4525 Grove Street. We received the information you shared today about the proposed rezone of your property abutting our rear lot line - thank you for doing so.

We are in full support of the rezone and the construction of an ADU on the property. As an urban planner, I understand the need for housing that addresses all needs and we have supported Councilwoman (and neighbor) Sandoval's efforts in that regard in this part of the city. If we can provide you with a letter of support, we are happy to do so.

Your neighbor,

Chris Geddes

Sent from my iPhone

Planning Board Comments



Submitted on	13 December 2023, 2:49PM
Receipt number	598
Related form version	3

Your information

Name	Grant Waldie
Address or neighborhood	4535 Grove St.
ZIP code	80211
Email	gjwaldie@gmail.com

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	3150 W Scott PL
Case number	2023I-00162

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project your would like to comment on

Submit your comments

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

My wife and I just bought 4535 Grove st and one of the reasons was the private, quiet, backyard that has a pool.

If our neighbor decides to build some sort of monstrous castle essentially in our backyard, it will destroy our privacy and be loud and noisy for years.

However, if they are able to quietly build a one-story building that will NOT peer down into our pool, then we're ok with that.

I haven't seen any plans for what they are building so if it's a giant townhouse I'm very much opposed, but if it's essentially a replacement of what is already there, then I'm only moderately opposed, because I won't want to listen to construction noise.

Also, if they get to build ADUs on their property, can I build one as well? We have the space for it, so if they are going to annoy me, can I annoy them back?

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.