



TO: Denver City Council
FROM: Libby Kaiser, AICP, Senior City Planner
DATE: August 6, 2020
RE: Official Zoning Map Amendment Application #2019I-00195

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00195.

Request for Rezoning

Address: 516 Newton Street
Neighborhood/Council District: Barnum Neighborhood / Council District 3
RNOs: Community Coalition for Barnum, Inter-Neighborhood Cooperation (INC)
Area of Property: 6020 sq ft square feet or 0.14 acres
Current Zoning: E-SU-Dx
Proposed Zoning: E-SU-D1x
Property Owner(s): Benjamin & Rachel Holtzman
Owner Representative: None

Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1949 and is located between the 6th Avenue Freeway and West 5th Avenue on Newton Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1x, Urban **Edge**, **Single-Unit**, **D1x** district allows suburban houses, urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 6,000 square feet. The 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. Single-unit residential structures are typically the Urban House and Suburban House building forms. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot while the maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

Existing Context



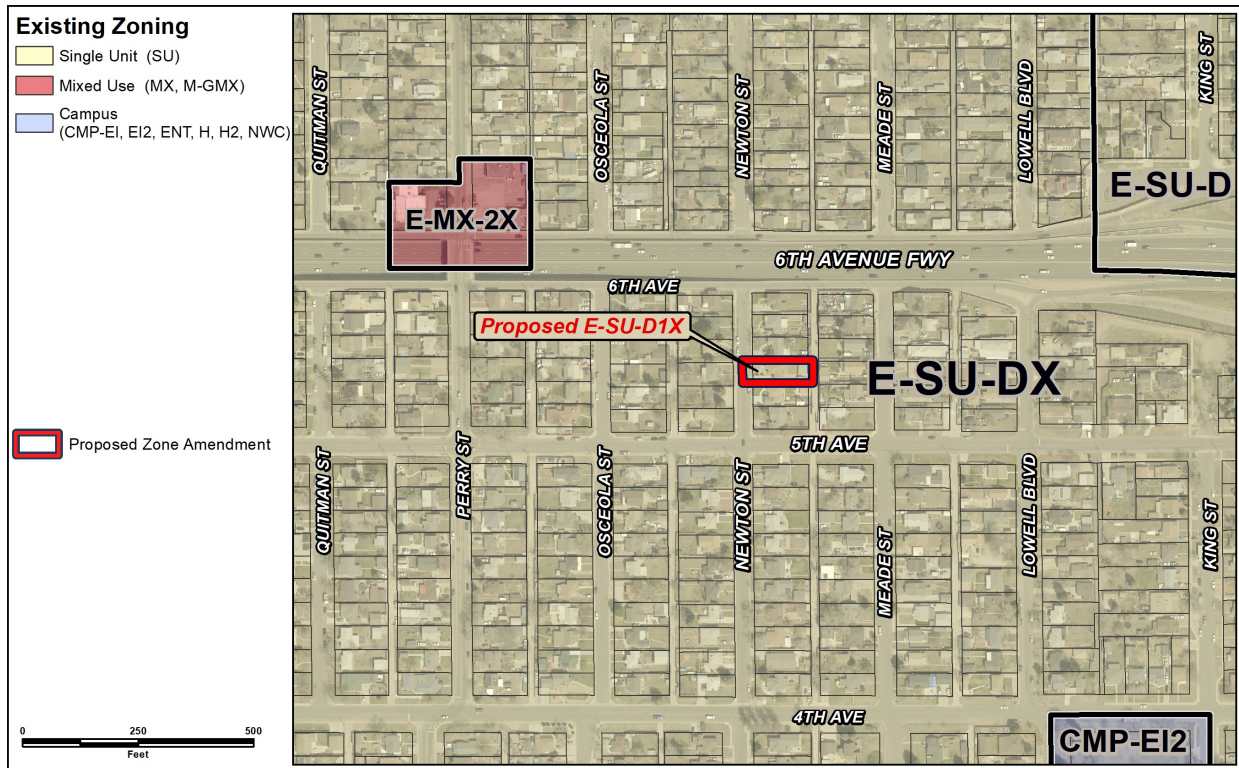
The subject property is in the Barnum statistical neighborhood, which is characterized primarily by single-unit residential uses with two- and multi-unit uses scattered throughout. A mix of uses is concentrated along 1st Avenue, Alameda Avenue and Federal Boulevard. Generally, there is a pattern of rectangular blocks in a street grid with alley access. The 6th Avenue Freeway is one-half block to the north and Barnum Park is approximately one-half mile to the east. Weir Gulch flows through the neighborhood southwest of Barnum Park. The property is less than 1 mile from the nearest West Corridor light rail station and one-quarter mile from the nearest bus route. Bus Route 1 runs along 1st Avenue south of the site and Knox Court east of the site and routes 30 and 31 serve Federal Boulevard further to the east. Bike lanes exist on Knox Court, 1st Avenue and 2nd Avenue and a trail runs through Barnum Park and along Weir Gulch.

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-Dx	Single-unit Residential	1-story Residence	Generally regular grid of streets though interrupted by Barnum Park and Weir Gulch.
North	E-SU-Dx	Single-unit Residential	1-story Residence	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
South	E-SU-Dx	Single-unit Residential	1-story Residence	Block sizes and shapes are consistent and rectangular with alleys. Garages are rear and front loaded with on-street vehicular parking. Sidewalks are generally attached or missing.
East	E-SU-Dx	Single-unit Residential	1-story Residence	
West	E-SU-Dx	Single-unit Residential	1-story Residence	

1. Existing Zoning



The E-SU-Dx is a single unit district allowing Suburban and Urban house forms on a minimum zone lot area of 6,000 square feet and a minimum width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot while the maximum height of the Suburban House building form is 30 to 35 feet. For both building forms, the maximum building coverage per zone lot, including all accessory structures, is 37.5%. The district allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

2. Existing Land Use Map



3. Existing Building Form and Scale (source: Google Maps)



Aerial view of the site looking north.



View of property looking east.



View of the property to the north, looking east.



View of the property to the south, looking east.



View of the property to the west, looking west.

Proposed Zoning

The applicant is requesting to rezone to E-SU-D1x, which allows the Suburban House and Urban House building forms on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The E-SU-D1x district also permits the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot, in addition to a variety of residential and civic uses permitted in the E-SU-Dx district. 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 allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House; Suburban House	Urban House; Suburban House
Height in Stories / Feet, Front 65% of Zone Lot (max.)	2.5 stories / 30 to 35 feet	2.5 stories / 30 to 35 feet
Height in Stories / Feet, Rear 35% of Zone Lot (max.)	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 to 35 feet	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 to 35 feet
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	1.5 stories / 24 feet	1.5 stories / 24 feet
Bulk Plane Vertical Height / Slope	Urban House: 17' in front 65%, 10' in rear 35% of zone lot / 45 degrees at side interior and side street zone lot line Suburban House: 10 feet / 45 degrees at side interior and side street zone lot line	Urban House: 17' in front 65%, 10' in rear 35% of zone lot / 45 degrees at side interior and side street zone lot line Suburban House: 10 feet / 45 degrees at side interior and side street zone lot line
Zone Lot Size (Min.)	6,000 SF	6,000 SF
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)	5 feet	5 feet
Side Interior Setback (Min.)	5 feet	5 feet
Rear 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
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Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – no response.

Asset Management: Approved – no comments.

Denver Public Schools: Approved – no response.

Department of Public Health and Environment: Approved – see comments below.

Notes: DDPHE concurs with the request and is not aware of environmental concerns on this site that should be considered for this rezoning.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4 – Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must always be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver’s Noise Ordinance (Chapter 36 – Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing rezoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks.

Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – no comments.

Public Works – R.O.W. - City Surveyor: Denied – see comments below.

Revise the description to match what is on the attached General Warranty Deed at reception number 209060828, which reads, “Lots 9 and 10, Block 3, Crisp’s Addition to the City of Denver, City and County of Denver, State of Colorado.”

Once change is made, there are no more comments.

Development Services – Project Coordination: Approved – see comments below.

Will require additional information at Site Plan Review.

Development Services – Fire Protection: Approved – no comments.

Development Services – Transportation: Approved – see comments below.

It appears this rezoning is to allow for the construction of an ADU. Be advised that transportation review is included in Residential Building Permit Application reviews when an existing single-family residence adds an ADU. Also note the existing 12' alley is non-standard width. The structure should be placed on the lot incorporating the widened alley. The following notes should be added to the building permit application site plan when you submit:

- A. REPAIR OR REPLACE EXISTING CURB, GUTTER, AND SIDEWALK ALONG THE PROPERTY FRONTAGE THAT IS DAMAGED OR NOT TO CURRENT CITY STANDARDS, AS DIRECTED BY ROW INSPECTOR DURING CONSTRUCTION.
- B. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PROJECT ROW PERMITS ASSOCIATED WITH CONSTRUCTION IN THE RIGHT-OF-WAY. IMPROVEMENTS MADE WITHIN THE PUBLIC RIGHT-OF-WAY TOTALING MORE THAN \$20,000 REQUIRE A PERFORMANCE BOND. CONTACT THE ROW INSPECTOR FOR THIS AREA OF THE CITY AT 303-446-3469 OR PWPERMITS@DENVERGOV.ORG AT LEAST 2 WEEKS BEFORE ANY ROW PERMIT NEEDS.
- C. ALL WORK IN THE ROW SHALL CONFORM TO CURRENT CITY AND COUNTY OF DENVER SPECIFICATIONS, SHALL BE PERFORMED BY A LICENSED AND BONDED RIGHT-OF-WAY CONTRACTOR, AND REQUIRE INSPECTION BY THE CITY PRIOR TO A TEMPORARY CERTIFICATE OF OCCUPANCY (TCO) OR CERTIFICATE OF OCCUPANCY (CO) BEING ISSUED.

- D. CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND MAINTAINING ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT, INCLUDING PROPER TRAFFIC CONTROL DEVICES AND/OR PERSONNEL AS REQUIRED. A TRAFFIC CONTROL PLAN (TCP) IS SUBJECT TO CITY AND COUNTY OF DENVER AND/OR CDOT APPROVAL PRIOR TO COMMENCING WORK ON ROADWAY ROW. A COPY OF APPROVED TCPS MUST BE AVAILABLE ON SITE DURING WORK. TRAFFIC CONTROL TO BE IN ACCORDANCE WITH M.U.T.C.D., SECTION VI.
- E. PER SECTION 49-551.1 OF THE DENVER MUNICIPAL CODE, THE PROPERTY OWNER OR LESSEE OF ANY REAL PROPERTY IS RESPONSIBLE FOR THE CONTINUING CARE, MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL IMPROVEMENTS INSTALLED IN THE PUBLIC ROW BETWEEN THE PROPERTY LINE AND THE CURB LINE ADJOINING THEIR PROPERTY.

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:	3/25/2020
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:	5/18/2020
Planning Board public hearing (voted unanimously to recommend approval):	6/3/2020
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:	6/2/2020
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	6/16/2020
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:	7/20/2020
City Council Public Hearing:	8/10/2020

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received two public comment letters opposing the rezoning because of increased density and visual impacts.

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)
- *Housing an Inclusive Denver* (2018)
- *Barnum / Barnum West Neighborhood Plan* (1986)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for an additional housing option near transit within an established neighborhood consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive: Goal 1, Strategy A – Increase development of units close to transit and mixed-use developments (p. 28).
- Equitable, Affordable and Inclusive: Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive: Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- 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 for compatible infill development in an established neighborhood, consistent with the following strategy from the Environmentally Resilient vision element:

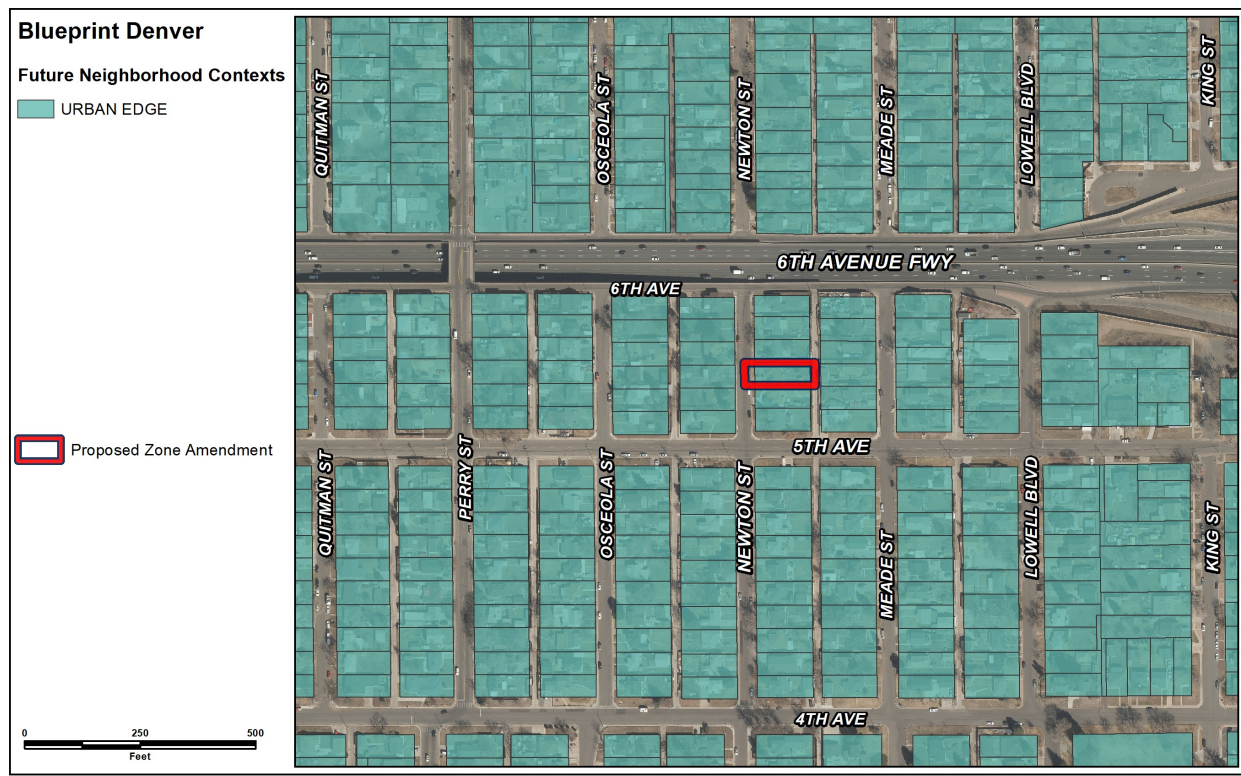
- Environmentally Resilient: Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

In summary, the proposed E-SU-D1x zone district would allow for an additional housing option within the Barnum neighborhood, consistent with the goals of *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 Residential Low place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

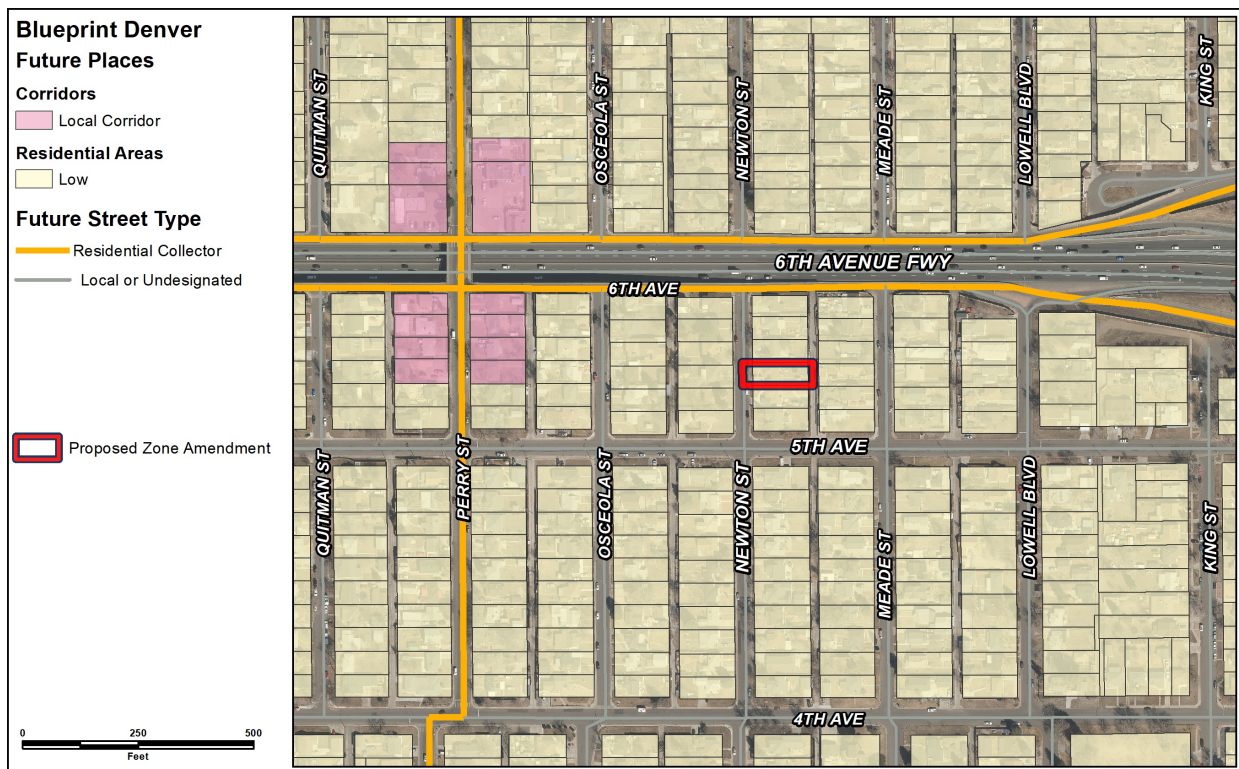


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale

multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206).

E-SU-D1x is a zone district within the Urban Edge Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-D1x is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing a small-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places and Streets



Future Places

Within the Urban Edge Neighborhood Context, the subject property is categorized as a Low Residential Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building

coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-D1x zone district allowing a 1.5-story ADU on the rear of a small lot is compatible with this Future Place type.

Future 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 Newton Street as a Local or Undesignated Future Street Type, which “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 E-SU-D1x district is consistent with this street type 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 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 E-SU-D1x 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.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADU's. Policy 4, Strategy E. says, "A citywide approach to enable ADU's is preferred. Until a holistic approach is in place, individual rezonings to enable ADU's in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADU's, 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 less than 1 mile from the nearest West Corridor light rail station and one-quarter mile from the nearest bus route. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

Small Area Plan: *Barnum/Barnum West Neighborhood Plan*

The *Barnum/Barnum West Neighborhood Plan* was adopted by City Council in 1986 and applies to the subject property. The proposed rezoning to allow an ADU would help implement four of the plan's goals to 1) stabilize, or upgrade where necessary, the present housing stock; 2) maintain the neighborhood's low density residential character; 3) maintain or upgrade the quality of low density residential property; and 4) encourage the construction of new low density housing.

Housing an Inclusive Denver

Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of ADUs, and the proposed rezoning helps implement the following plan goals:

Legislative and Regulatory Priorities, Recommendation 2: *"Expand and strengthen land-use regulations for affordable and mixed-income housing. Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units."*

Attainable Homeownership, Recommendation 1: *"Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners."*

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and recommendations of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near transit.

4. Justifying Circumstance

Per the DZC Section 12.4.10.8, City Council may approve a rezoning if it meets one of several Justifying Circumstances, which include the following circumstance applicable to this particular request: “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.”

Since the approval of the existing E-SU-Dx zone district, the City has adopted the *Comprehensive Plan 2040*, *Blueprint Denver*, and *Housing an Inclusive Denver*. As stated throughout this report, the proposed rezoning meets the intent of these plans and is in the public interest; therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context, which “is primarily single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House and Suburban House building forms” (DZC, Division 4.1). This context “consists of a regular pattern of block shapes” and “a mixed presence of alleys” (DZC, Division 4.1). The Barnum neighborhood consists mostly of single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

The specific intent of the E-SU-D1x 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-Dx and allow a detached accessory dwelling unit in the rear yard” (DZC Section 4.2.2.2.F.). The subject property at 516 Newton Street contains a single-unit dwelling on a lot of 6,020 square feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public Comments

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		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REZONING GUIDE



REVIEW CRITERIA

<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<input 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	<input 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.
	<input 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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <input type="checkbox"/> The existing zoning of the land was the result of an error. <input type="checkbox"/> The existing zoning of the land was based on a mistake of fact. <input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. <input type="checkbox"/> 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: 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. <input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.
	<input 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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:
<input type="checkbox"/> Written Authorization to Represent Property Owner(s) <input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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 or deed of trust, (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
Ben Holtzman Rachel Holtzman	516 Newton Street Denver, CO 80204 (585)752-7673 bpholtzman@gmail.com	100%	<i>BH</i> <i>RH</i> <i>Rachel Holtzman</i>	3/15/2020	A	NO

516 Newton St. Denver, CO 80204 Legal Description:

Lots 9 and 10, Block 3, Crisp's Addition to the City of Denver, City and County of Denver, State of Colorado.

516 N NEWTON ST

Owner	HOLTZMAN,BENJAMIN HOLTZMAN,RACHEL 516 NEWTON ST DENVER , CO 80204-4710
Schedule Number	05071-02-004-000
Legal Description	CRISPS ADD B3 L9 & 10
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description			
Style:	ONE-STORY	Building Sqr. Foot:	749
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1949	Basement/Finish:	749/0
Lot Size:	6,020	Zoned As:	E-SU-DX

Note: Valuation zoning may be different from City's new zoning code.

Current Year				
	Actual	Assessed	Exempt	
Land		\$78,000	\$5,580	\$0
Improvements		\$176,400	\$12,610	
Total		\$254,400	\$18,190	

Prior Year				
	Actual	Assessed	Exempt	
Land		\$72,000	\$5,180	\$0
Improvements		\$133,600	\$9,620	
Total		\$205,600	\$14,800	

Real Estates Property Taxes for current tax year

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	2/12/2020		
Original Tax Levy	\$655.90	\$655.89	\$1,311.79
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$655.90	\$0.00	\$655.90
Due	\$0.00	\$655.89	\$655.89

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) ⓘ	Y	Scheduled to be Paid by Mortgage Company ⓘ	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: **\$1,145.01**

Assessed Value for the current tax year

Assessed Land	\$5,580.00	Assessed Improvements	\$12,610.00
Exemption	\$0.00	Total Assessed Value	\$18,190.00

Consistency with Adopted Plans:

The proposed zoning amendment is consistent with the **Comprehensive Plan 2040:**

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). This proposed zoning change allowing an ADU would provide a greater mix of housing options in the Barnum neighborhood for all individuals and families, including my own.

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 population of Denver is growing, and the population is changing with more multigenerational families living together. An ADU helps foster this type of arrangement with greater ease, accessibility, and convenience.

The proposed zoning amendment is consistent with the **Blueprint Denver 2019:**

Future Neighborhood Context: Urban Edge

Building an ADU maintains the predominantly residential feeling of this context area, while aiding in the transition to higher density urban areas nearby. It maintains the character of a pedestrian friendly area with good walkability

Future Places Designation: Residential Low

The proposed zoning change is compatible with the Barnum neighborhood, the ADU would be tastefully and thoughtfully integrated. Additionally the property would maintain the single family character, as the ADU would be detached and behind the main housing structure on the property.

The proposed zoning amendment is consistent with Land Use & Built Form, Housing Policy 4 - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. It is also consistent with Land Use & Built Form, Housing Policy 5- Remove barriers to constructing accessory dwelling units and create context-sensitive form standards

The proposed ADU would be located in a residential area near busier roads such as 6th Ave., 1st Ave, & Knox Ct. Zoning allowing an ADU will diversify housing choice in the neighborhood, and remove the current barrier which is the property zoning.

The proposed zoning amendment consistent with **Housing an Inclusive Denver.**

Legislative and Regulatory Strategies Recommendation 2: Expand and strengthen land use regulations for affordable and mixed-income housing.

Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units (p. 9). The proposed ADU would do exactly that.

The proposed zoning amendment is consistent with the **Barnum/Barnum West Neighborhood Plan**

8. It is a goal to maintain or upgrade the quality of low density residential property within the neighborhood

9. It is a goal of the neighborhood to encourage the construction of new low density housing within the neighborhood

Zoning allowing an ADU would achieve both goals 8 & 9. It would upgrade the quality of residential property with a brand new construction in Barnum, while maintaining the low density character of the neighborhood.

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.

The proposed amendment of my current zoning of E-SU-DX to E-SU-DX1 is a minor zoning adjustment. The size of my lot exceeds the minimum requirement for an ADU. The lot is already set up in a way that is conducive to building an ADU – the fence runs through the middle of the backyard leaving a large parking space in the back accessible from the alley. This zoning change would simply allow me to convert that parking area into an ADU. The ADU could be accessed through the yard or via the alley, and would be non-visible from the front street view. The addition of this proposed ADU would be in good taste and company the style of current housing in the Barnum neighborhood.

Public Health, Safety and General Welfare:

The proposed official map amendment furthers the public health, safety and general welfare of the city.

The proposed amendment of my current zoning would further the public health, safety and general welfare of the city by providing additional housing where there is currently an empty parking area. The ADU has a variety of uses including multigenerational housing for growing families, and/or increasing the housing supply on the market for the residents of Denver. Moreover, it would increase density near a main highway – 6th Ave, as well as the W line light rail station 5 blocks to the North. Additionally, the nearby businesses on Knox Ct. & 1st Ave would certainly welcome the additional customer base that would be facilitated by more people living in the area.

Justifying Circumstances:

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:

a) Changed, or changing conditions in a particular area, or in the city generally

The Barnum neighborhood has become a desirable area to live due to its close proximity to the city alongside the affordable rentals in the area. This ADU would increase the rental supply and allow residents to live close to downtown.

b) A City adopted plan

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, especially where proximate to transit, are appropriate. This ADU would be built in a residential area very much proximate to transit. Access to the 6th Ave highway as well as the W line light rail are both very convenient from this location.

c) That the City adopted the Denver Zoning Code and the property retained Chapter 59 zoning.

Not applicable

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.

The Barnum neighborhood is an "Urban Edge" neighborhood, which is predominately residential and tend to act as transitions between urban and suburban areas. The E-SU-DX1 zoning maintains the residential character of the neighborhood, while allowing an increase in density and better transitioning the area from suburban to urban.

Section 4.2.2 Residential Districts

4.2.2.1 General Purpose

A. 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.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form.

C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.

D. 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.

4.2.2.2 Specific Intent

D. Single Unit Dx (E-SU-Dx) E-SU-Dx is a single unit district allowing suburban and urban houses with a minimum zone lot area of 6,000 square feet.

F. Single Unit D1x (E-SU-D1x) E-SU-D1x 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-Dx and allow a detached accessory dwelling unit in the rear yard.

From: [Planningboard - CPD](#)
To: [Kaiser, Libby - CPD CE0429 City Planner Senior](#)
Subject: FW: Denver's Planning Board Comment Form #13043842
Date: Monday, June 1, 2020 11:36:17 AM

From: form_engine@fs7.formsite.com <form_engine@fs7.formsite.com>
Sent: Sunday, May 31, 2020 1:31 PM
To: Planningboard - CPD <planningboard2@denvergov.org>
Subject: Denver's Planning Board Comment Form #13043842



Thank you for submitting a comment to the Denver Planning Board. Your input will be forwarded to all board members as well as the project manager. For information about the board and upcoming agenda items, visit www.DenverGov.org/planningboard.

Name	Julie Barcelon
Address	510 Newton St
City	Denver
State	Colorado
ZIP code	80204
Email	ajbarcelon@msn.com
Agenda item you are commenting on:	Rezoning

Address of rezoning	516 Newton St
Case number	2019I-00195
Would you like to express support for or opposition to the project?	Strong opposition
Your comment:	<p>We Have Lived in our home for 21 Years. we have a couple of house on our block that are rentals they have several people that live there not single family's. when we bought our home these houses were sold as single family residents I don't want more property's built on these single family lots we are already over populated on our block. Next door at 500 Newton it is a single family Home and there are at least 20 People from Texas living there. I didn't buy my home to live with multiple family's living in single family homes. If I would have wanted to live next door to multiple family's living in one house hold I would have bought a Condo. I strongly Oppose 516 Newton building another house on there property.</p>

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June 3, 2020

DENVER PLANNING BOARD
City Council Committee Room (#391)
City and County Building
1437 Bannock Street
Denver, CO 80202

Re: Official Map Amendment, Application #2019I-00195 rezoning 516 Newton Street from E-SU-Dx to E-SUD1x.

Dear Board Members,

My name is Teresa A. Rodriquez and I have been a resident of the Barnum Park neighborhood for over twenty years. My home address is 536 Newton Street – I reside two houses north of the 516 Newton Street address.

I vote NO in regards to the applicant's request to rezone the property listed at 516 Newton Street.

Allowing a detached rental unit in the back yard of this single-family home will result in overbuilding and ultimately lead to a lack of street parking.

The addition of rental units in the back yards of single-family plots would not be aesthetically pleasing.

Approving this rezoning request may lead to reduced property values due to the overcrowding, overbuilding and lack of parking in the future.

Thank you for your time.

Best Regards,
Teresa A. Rodriquez
536 Newton Street
Denver, CO 80204
303-257-1750