



TO: City Council
FROM: Edson Ibañez, Associate City Planner
DATE: August 05, 2021
RE: Official Zoning Map Amendment Application #2020I-00199

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00199.

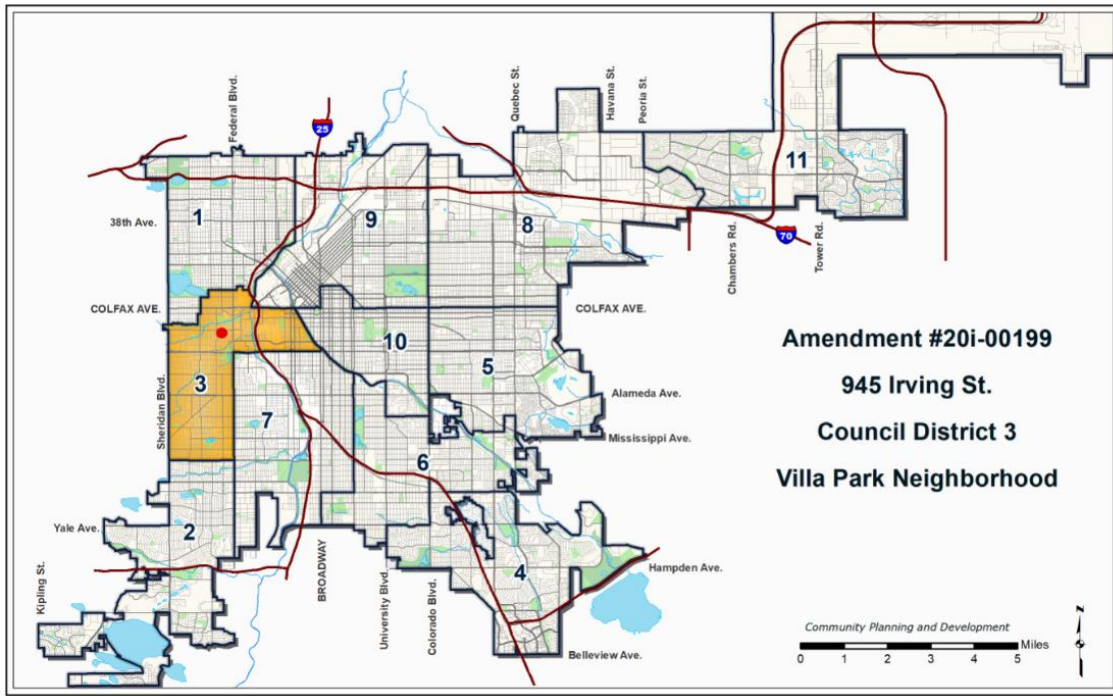
Request for Rezoning

Address:	945 North Irving Street
Neighborhood/Council District:	Villa Park / Council District 3 (Jamie Torres)
RNOs:	District 3 Neighborhood Coalition, Inc., United Northwest Denver, Neighborhood Coalitions of Denver, Inc., Inter-Neighborhood Cooperation (INC), Villa Park Neighborhood Association
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	E-SU-D
Proposed Zoning:	E-SU-D1
Property Owner(s):	Willy Salas
Owner Representative:	None

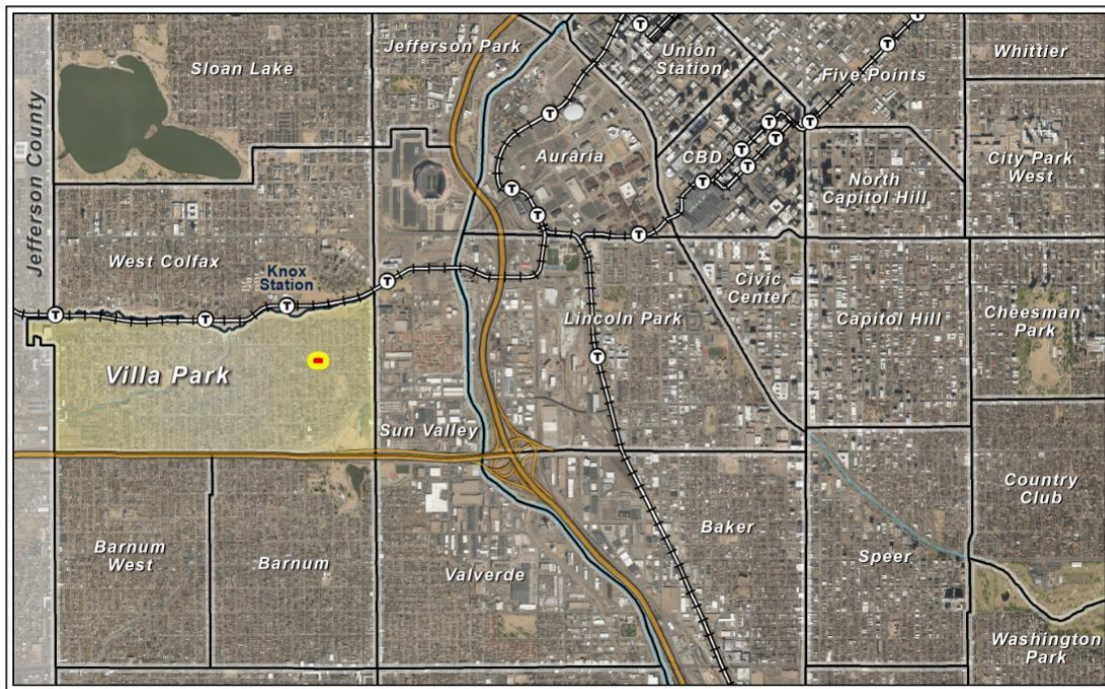
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1928 and is located between West 9th Avenue and West 10th Avenue.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1, Urban Edge, Single-Unit, D1 district allows 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. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot. 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 can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).
- The application was originally scheduled for the May 5, 2021 Planning Board meeting and was continued to the June 2nd Planning Board meeting due to a noticing error,

City Location



Neighborhood Location – Villa Park Neighborhood



Existing Context



The subject property is in the Villa Park neighborhood, which is characterized primarily by single-unit, two-unit, and multi-unit residential uses. Eagleton Elementary School is a block to the southeast across W. 9th Ave. Commercial uses are prominent along North Federal Boulevard four blocks to the east. The subject property is a little more than a quarter mile south of the new “Re-Imagine Play” adventure playground at Paco Sanchez Park. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is located mid-block between West 9th Avenue and West 10th Avenue.

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-D	Single-unit Residential	1-story house with large front setback with front driveway and alley access	Generally regular orthogonal street grid with lots served by alleys between local streets. Block sizes and shapes are consistent and rectangular. Generally, vehicle parking to the rear of
North	E-SU-D	Single-unit Residential	1-story house with moderate front setback with alley access	
South	E-SU-D	Single-unit Residential	1-story house with moderate front setback with front and alley access	

East	E-SU-D	Single-unit Residential	1-story house with moderately front setback with alley access	buildings (alley access); some vehicle parking to the side of residential dwellings interspersed.
West	E-SU-D	Single-unit Residential	1-story house with moderately front setback with alley access	

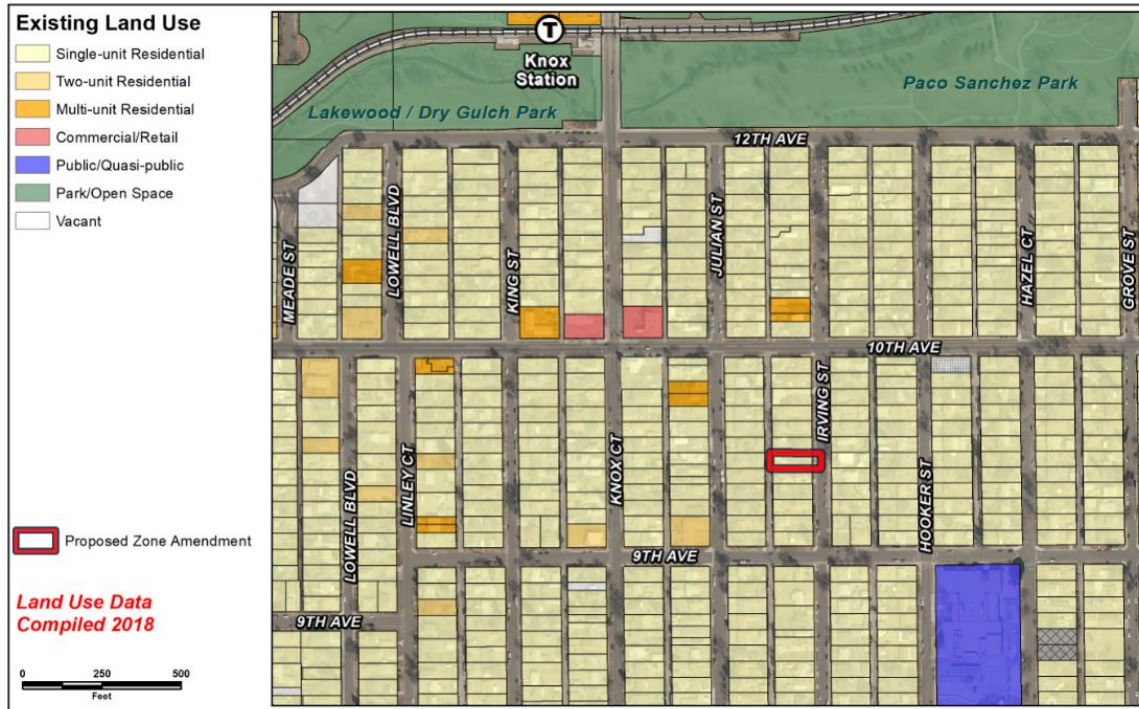
1. Existing Zoning



E-SU-D is a single-unit district allowing the Urban House primary building form on a minimum zone lot area of 6,000 square feet and a minimum zone lot 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. The maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building 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.

Urban Edge (E) Neighborhood Context Zone District		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum							
Single Unit (SU)	E-SU-D		■										

2. Existing Land Use Map



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



View of the subject property looking west.



View of the property to the north, looking west.



View of the property to the east, looking east.

Proposed Zoning

The applicant is requesting to rezone to E-SU-D1, which allows the Urban House building form 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-D1 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-D 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-D (Existing)	E-SU-D1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	Urban House: 1 story / 19 feet	Urban House: 1 story / 19 feet
Bulk Plane	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)	5 feet	5 feet
Side Interior Setback (Min.)	5 feet	5 feet
Rear Setback, Alley / No Alley (Min.)	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

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: No response – Approved.

Asset Management: Approved – No Comments.

Denver Public Schools: No response – Approved.

Department of Public Health and Environment: No response – Approved.

Denver Parks and Recreation: No response – Approved.

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

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review. SDP would not be required for 1-2 Family Dwellings (and addition of ADU). Project would be reviewed by Residential Plan & Zoning Review.

Development Services - Fire Protection: No response – Approved.

Development Services – Transportation: No response – Approved.

Development Services- Wastewater: No response – Approved.

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:	2/18/2021
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:	5/18/2021
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:	6/05/2021
Planning Board public hearing:	6/2/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	6/15/2021
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:	6/28/2021
City Council Public Hearing:	8/9/2021

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comments.
- **Other Public Comment**

- To date, staff has received one comment in support of the rezoning.

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)
- Villa Park Neighborhood Park (1991)

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 within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).

E-SU-D1 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 found in the Villa Park neighborhood.

The proposed rezoning would allow for an additional housing option within an established neighborhood, 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 infill development appropriate for the surrounding neighborhood that broadens the range of housing types available consistent with the following strategy in the Environmentally Resilient vision element:

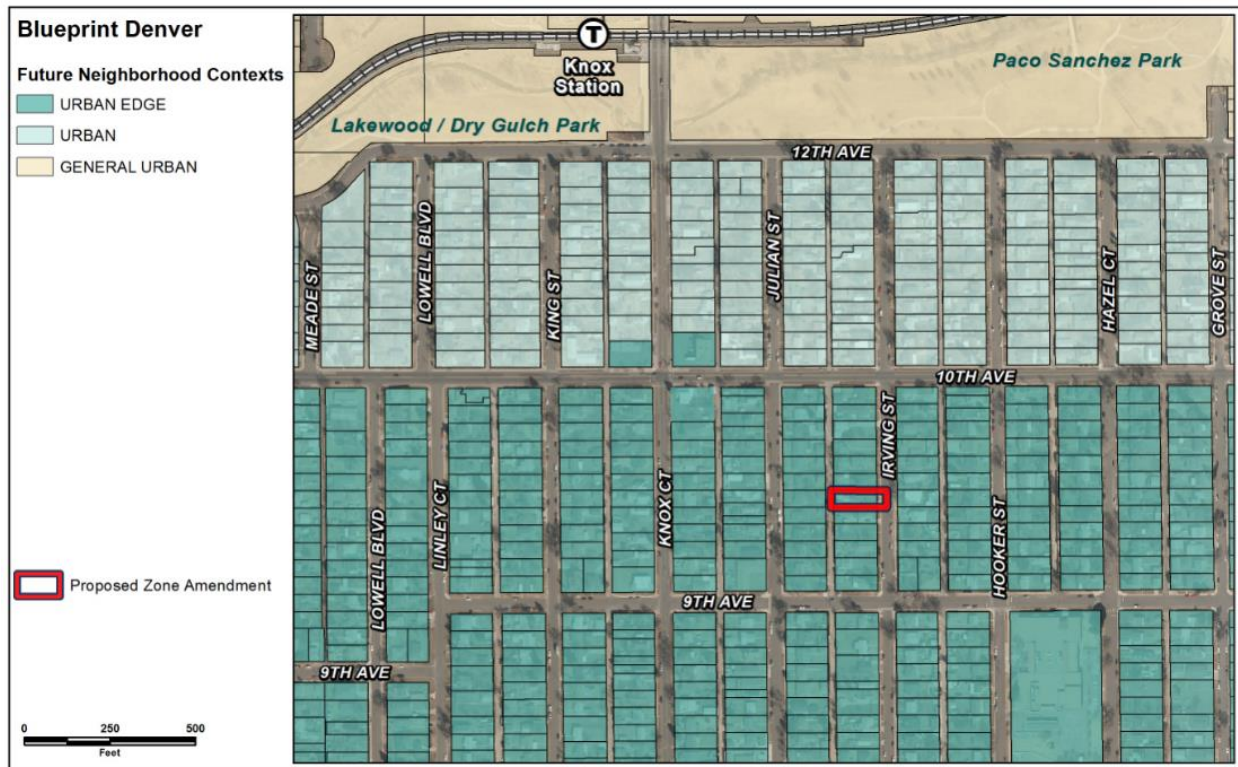
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

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-D1 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 Section 4.2.2.1). E-SU-D1 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

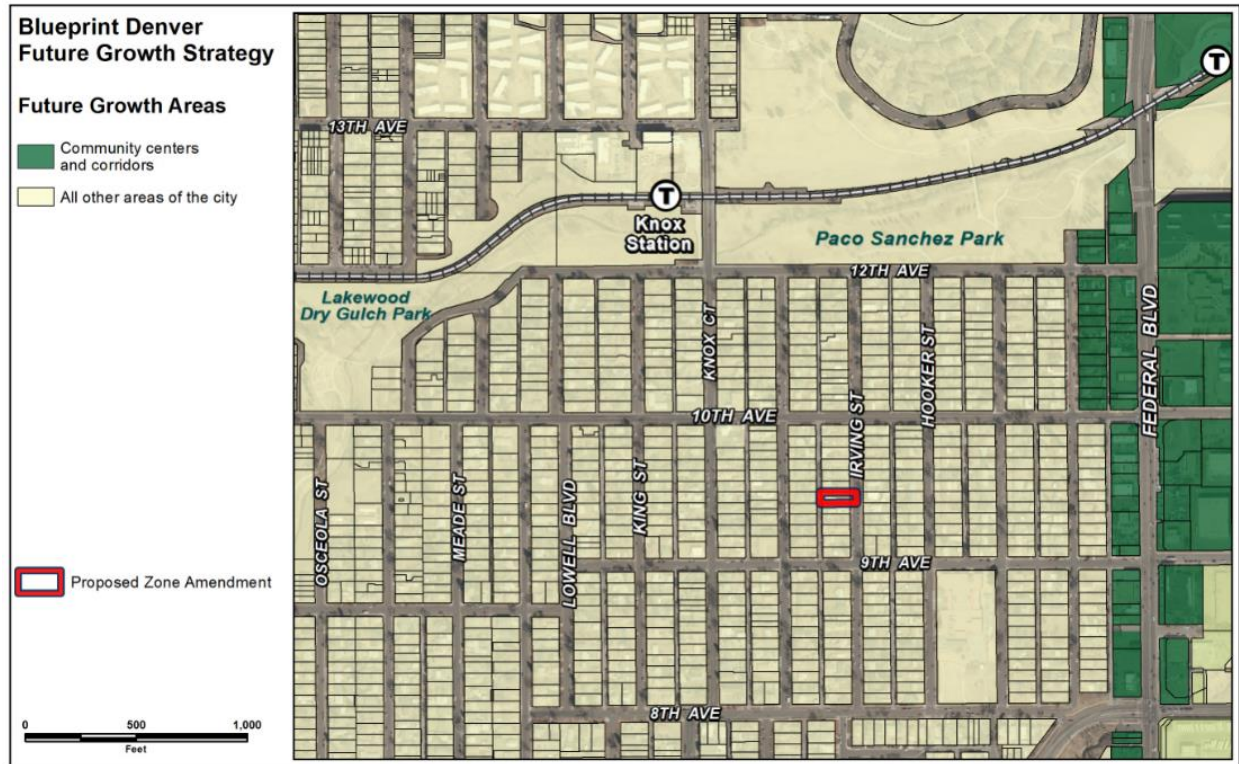


Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low-Medium Future Place with a land use and built form defined by *Blueprint Denver* as “Mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along arterial and collector streets and at some intersections. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form.” (p. 216). The proposed E-SU-D1 zone district, allowing a 1.5-story detached ADU on the rear of a small lot, is compatible with this Future Place type.

Blueprint Denver Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies North Irving 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-D1 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-D1 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-unit residential character.

Blueprint Denver Strategies

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

- Housing Policy 4 Strategy E: "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area" (p. 84).

This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations. In addition, the rezoning of the subject property will remove the prohibition on the construction of accessory dwelling units.

Small Area Plan: *Villa Park Neighborhood Plan (1991)*

The Villa Park Neighborhood Plan was adopted in 1991 and applies to the subject property. The plan describes six types of development in Villa Park and goes on to describe the zoning at the time (p. 14,16).

The land use and zoning vision expressed in the Plan is:

- *Compatibility of zoning to land use*
- *Protection of residential character of the neighborhood*
- *Compatibility between residential and business land uses (p. 18)*

Land Use and Zoning Plan Recommendations include:

Strategy LZ-2: *Discourage development that is incompatible with the scale and quality of the neighborhood.*

The proposed E-SU-D1 zone district complies with the land use and zoning vision of the Villa Park Neighborhood Plan in terms of protecting the residential character of the neighborhood because the proposed zone district is a compatible low-scale residential district. The E-SU-D1 zone district is a district that both respects the character of the existing neighborhood in terms of building height, accessory structure pattern and residential land use and allows for a reasonable, small-scale increase in density.

The housing vision expressed in the Plan is:

- *A strong and vital residential neighborhood*
- *Increase the rate of home ownership*
- *Sound management and a mix of income levels in rental single-family homes and apartments*
- *Renovate and maintain housing (p. 21)*

Housing strategies include:

Strategy H-1a: *Enhance the appearance and quality of neighborhood housing (p.21).*

As the proposed E-SU-D1 zone district will add an additional housing unit to the Villa Park neighborhood, creating additional quality housing stock in the area while supporting affordability and contributing to a mix of income levels. The rezoning is thus consistent with the Villa Park Neighborhood Plan housing vision and strategies.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted in 2019 after the date of approval of the existing zone district in 2010.

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

The requested E-SU-D1 district is within the Urban Edge Neighborhood Context, which is primarily single-unit and two-unit residential uses with small-scale multi-unit residential uses and commercial areas embedded in residential areas. Buildings are generally low in scale, and residential buildings typically have consistent moderate to deep front setbacks. There typically is a regular pattern of block shapes surrounded by orthogonal streets within a grid (DZC 4.1). The subject site is in an area that reflects these characteristics and therefore the proposed rezoning to E-SU-D1 is consistent with the neighborhood context description.

The general purpose of the Urban Edge residential districts is to "promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context...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 patterns of suburban and urban house forms" (DZC 4.2.2.1). The proposed E-SU-D1 district would allow for compatible infill development fitting with the character of the surrounding residential neighborhood and thus is consistent with the Urban Edge Residential District purpose statement.

The specific intent of the E-SU-D1 district is "single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet" (DZC 4.2.2.2.E). The subject site is 6,250 square feet in size and an accessory dwelling unit is intended to be constructed as such the proposed map amendment is consistent with the specific intent of the E-SU-D1 zone district. Furthermore, there is a pattern in the immediate area of detached accessory structures in the rear taking access from the alley.

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Attachments

1. Application
2. Comment Letter