



TO: Denver Planning Board
FROM: Edson Ibañez, Associate City Planner
DATE: January 26, 2022
RE: Official Zoning Map Amendment Application #2021I-00020

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00020.

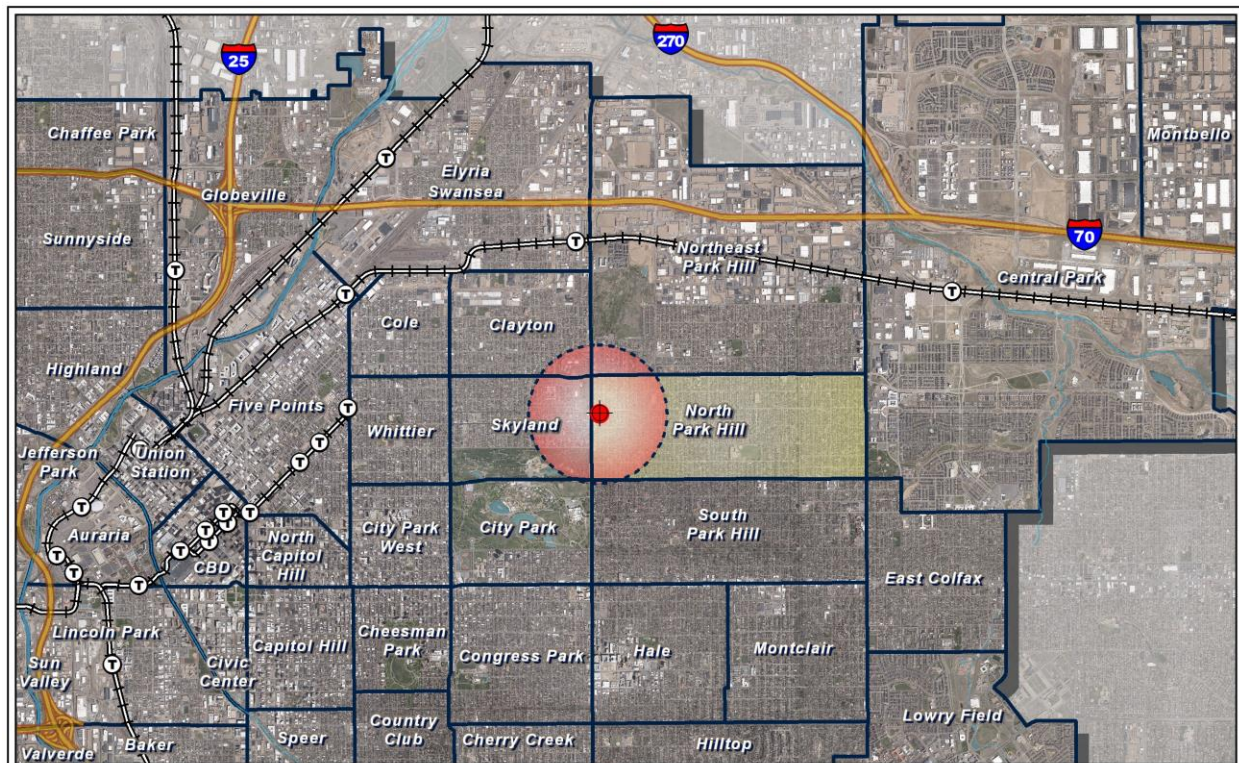
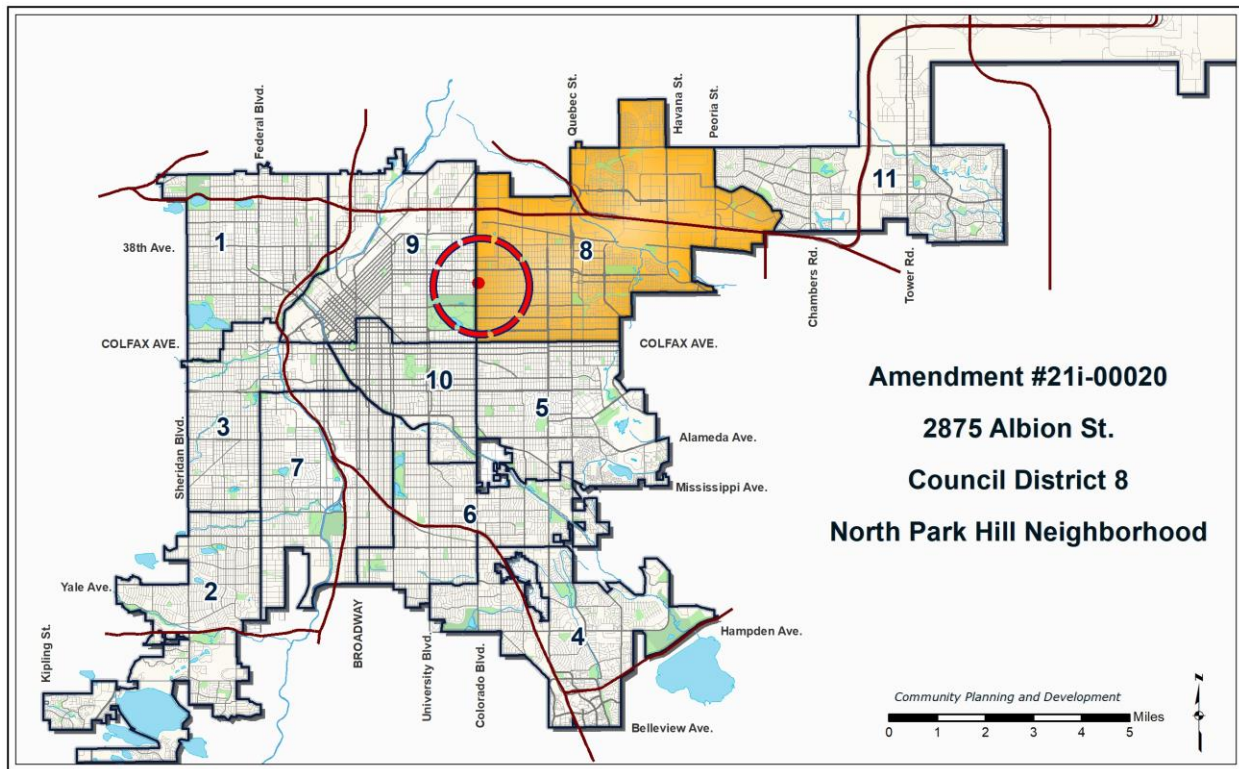
Request for Rezoning

Address: 2875 Albion Street
Neighborhood/Council District: North Park Hill / Council District 8 – CW Chris Herndon
RNOs: The Points Historical Redevelopment Corp, Inter-Neighborhood Cooperation (INC), Greater Park Hill Community, Inc., Opportunity Corridor Coalition of United Residents, City Park Friends and Neighbors (CPFAN), Reclaim the East Side, United Northeast Denver Residents, East Denver Residents Council, District 8 Neighborhood Coalition, Inc., District 9 Neighborhood Coalition, Inc., and Denver For ALL
Area of Property: 5,950 sq ft square feet or 0.14 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Property Owner(s): Daniel Weinschenker
Owner Representative: None

Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling originally built in 1940. The property is located north of 28th Avenue and south of 29th Avenue on Albion Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-C1, **Urban, Single-Unit, C1** district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 5,500 square feet. The district is intended for use in the Urban Neighborhood Context, which is characterized by single-unit and two-unit uses with small-scale multi-unit residential uses and commercial development is typically embedded in residential areas. The maximum height of the Urban House building form is 30 to 35 feet for the front 65 percent of the zone lot and 17 to 19 feet in the rear 35 percent of the zone lot. The Detached Accessory Dwelling Unit (DADU) building 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 5 of the Denver Zoning Code (DZC).

Existing Context





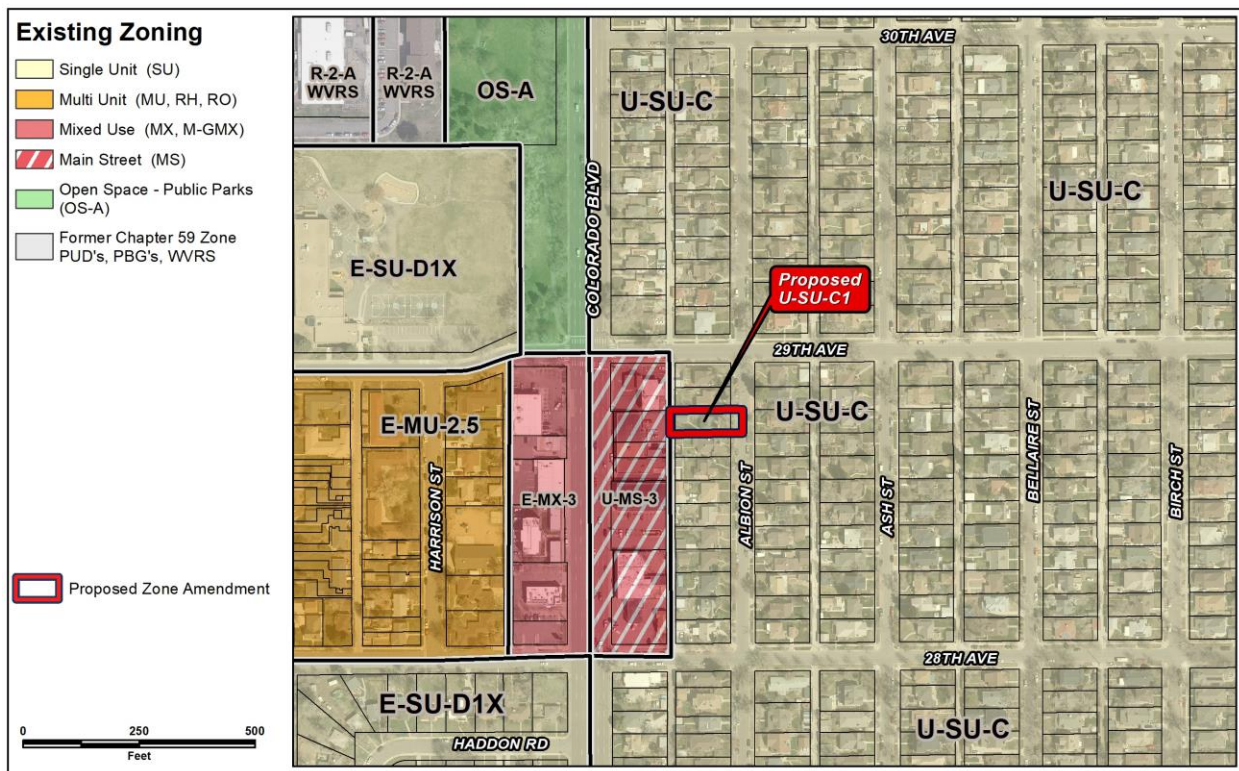
The subject property is located in the North Park Hill statistical neighborhood, which is primarily characterized by single-unit dwellings. The property is located between 28th and 29th avenue along Albion Street. The Colorado Boulevard commercial corridor exists approximately one block to the west with a mix of restaurants, retail and commercial stores. Bus Route 40 traverses Colorado Boulevard, and the property is approximately one block from bus stops on 29th Avenue and Colorado. Bus route 28 travels along 29th and the property is less than 200 feet from the Albion and 29th bus stop.

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 Residence and Detached Garage Accessed from Street | In general, a regular grid of streets. Residential block sizes and shapes are orthogonally oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks in the |
| North | U-SU-C | Single-unit Residential | 1-story Residence and Attached Garage Accessed from Alley | |
| South | U-SU-C | Single-unit Residential | 1-story Residence and Attached Garage Accessed from Alley | |

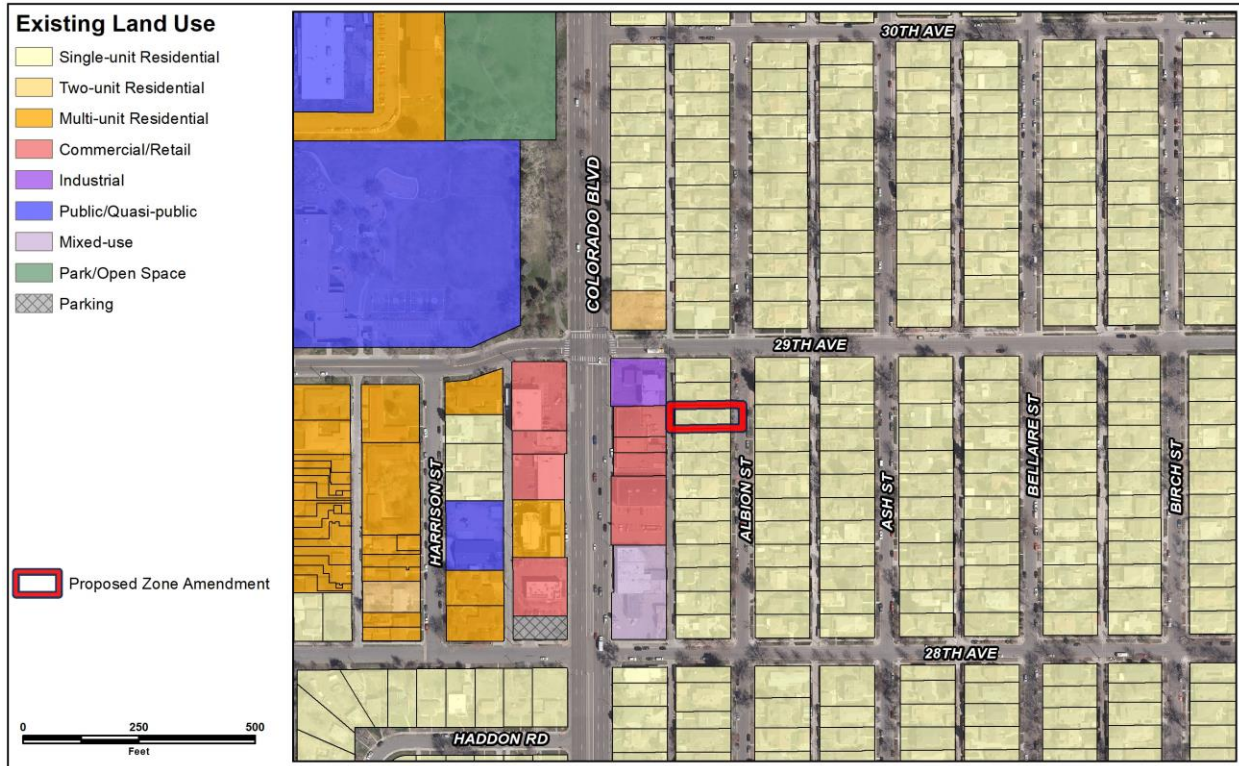
| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|------|-----------------|--------------------------------|---|-------------------------------------|
| East | U-SU-C | Single-unit Residential | 1-story Residence and Detached Garage Accessed from Alley | immediate area are detached. |
| West | U-MS-3 | Retail, Multi-unit Residential | 1-story Retail Commercial Storefront Accessed from Street | |

1. Existing Zoning

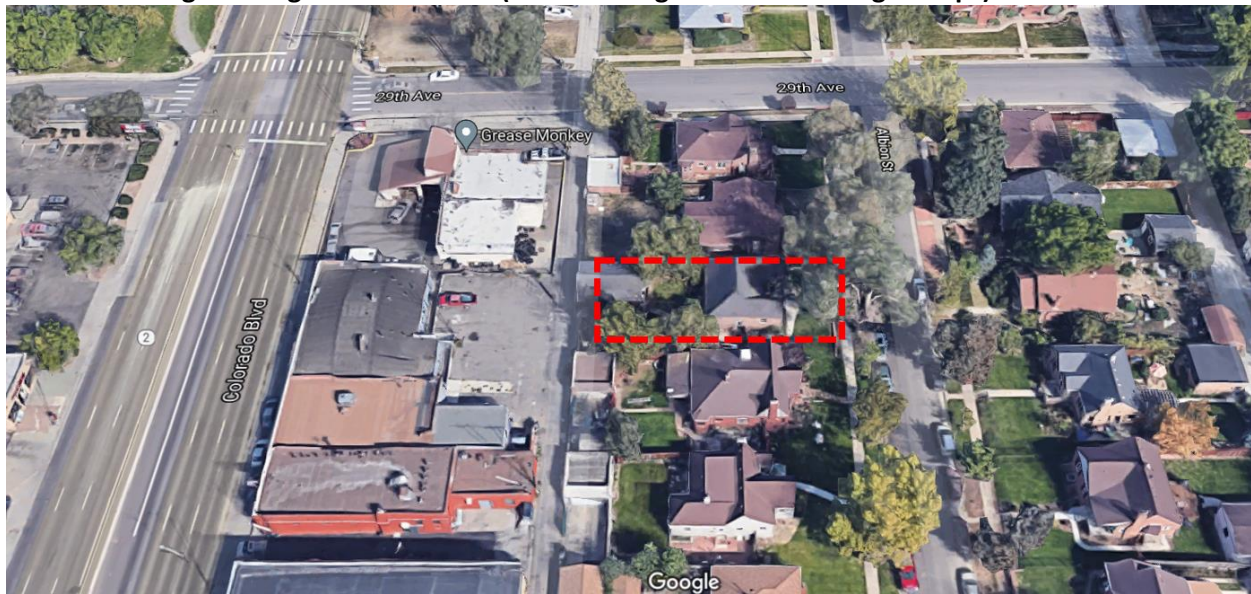


The U-SU-C zone is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65 percent of the zone lot and 1 story / 17 to 19 feet in the rear 35 percent of the zone lot. The maximum building coverage per zone lot, including all accessory structures, is 37.5 percent with allowed exceptions. 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 Earth and Google Maps)



Aerial view of the site looking north.



View of the site (on the right) looking west, with a neighboring home to the north (left).



View of single-unit dwellings across Albion Street, looking east.



View of single unit dwelling to the south, looking west.

Proposed Zoning

The applicant is requesting to rezone to U-SU-C1, which allows only the Urban House primary building form on a zone lot with a minimum area of 5,500 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The U-SU-C1 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 U-SU-C district. The DADU 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 percent building coverage standard, allowing the lesser of 50 percent or 500 square feet. For zone below 6,000 square feet the ADU building footprint may be a maximum of 500 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 | U-SU-C (Existing) | U-SU-C1 (Proposed) |
|--|--|--|
| Primary Building Forms Allowed | Urban House | Urban House |
| Height in Stories / Feet, Front 65% of Zone Lot, Urban House, (max.) | 2.5 stories / 30 feet | 2.5 stories / 30 feet |
| Height in Stories / Feet, Rear 35% of Zone Lot, Urban House, (max.) | 1 story / 17 feet | 1 story / 17 feet |
| Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.) | 1.5 stories / 24 feet | 1.5 stories / 24 feet |
| Zone Lot Size (Min.) | 5,500 SF | 5,500 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 |

*Based on subject property width of 50 feet

Summary of City Agency Referral Comments

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

Assessor: Approved – no response.

Asset Management: Approved – no comments.

Denver Public Schools: Approved – no response.

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

Denver Parks and Recreation: Approved – no comments.

Department of Transportation and Infrastructure – Surveyor: Approved – no comments.

Development Services – Project Coordination: Approve Rezoning Only – Will require additional information at Site Plan Review. Requested revisions to legal description have been made.

Development Services – Fire Protection: Approved – no response.

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 for the detached garage to be an Accessory Dwelling Unit. In 2007 a letter was submitted by the previous property owner noting the addition would have a future toilet and sink, but no kitchen or shower and it would not be used as an Accessory Dwelling Unit. Permit conditions attached reflect this letter. If this now an Accessory Dwelling Unit, sanitary connection fees are required. Commitment to serve the proposed Accessory Dwelling Unit will be based on permit issuance.

Public Review Process

| | Date |
|---|------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners: | 8/3/2021 |
| 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: | 1/18/2022 |
| Planning Board public hearing: | 2/2/2022 |

| | |
|---|----------------------------------|
| 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: | 2/05/2022 (tentative) |
| Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward: | 2/15/2022 (tentative) |
| 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: | 3/14/2022 (tentative) |
| City Council Public Hearing: | 4/4/2022 (tentative) |

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one comment letter of support from the Greater Park Hill Community, Inc. Registered Neighborhood Organization.
- **Other Public Comment**
 - To date, staff has received one supportive comment and one email opposing the rezoning for non-specific reasons.

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)
- *Park Hill Neighborhood Plan* (2000)

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 and a mix of uses 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).

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:

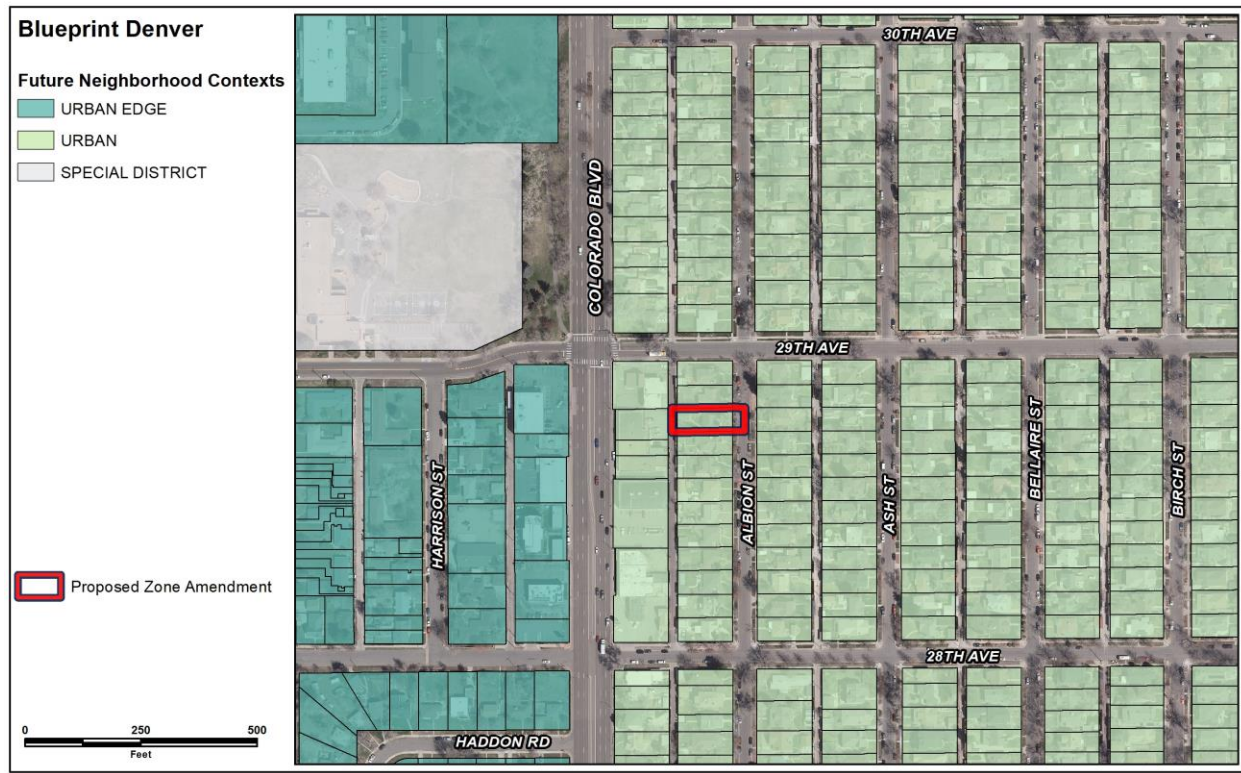
- Environmentally Resilient: Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

In summary, the proposed U-SU-C1 zone district is 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 Neighborhood Context and provides guidance on the future growth strategy for the city.

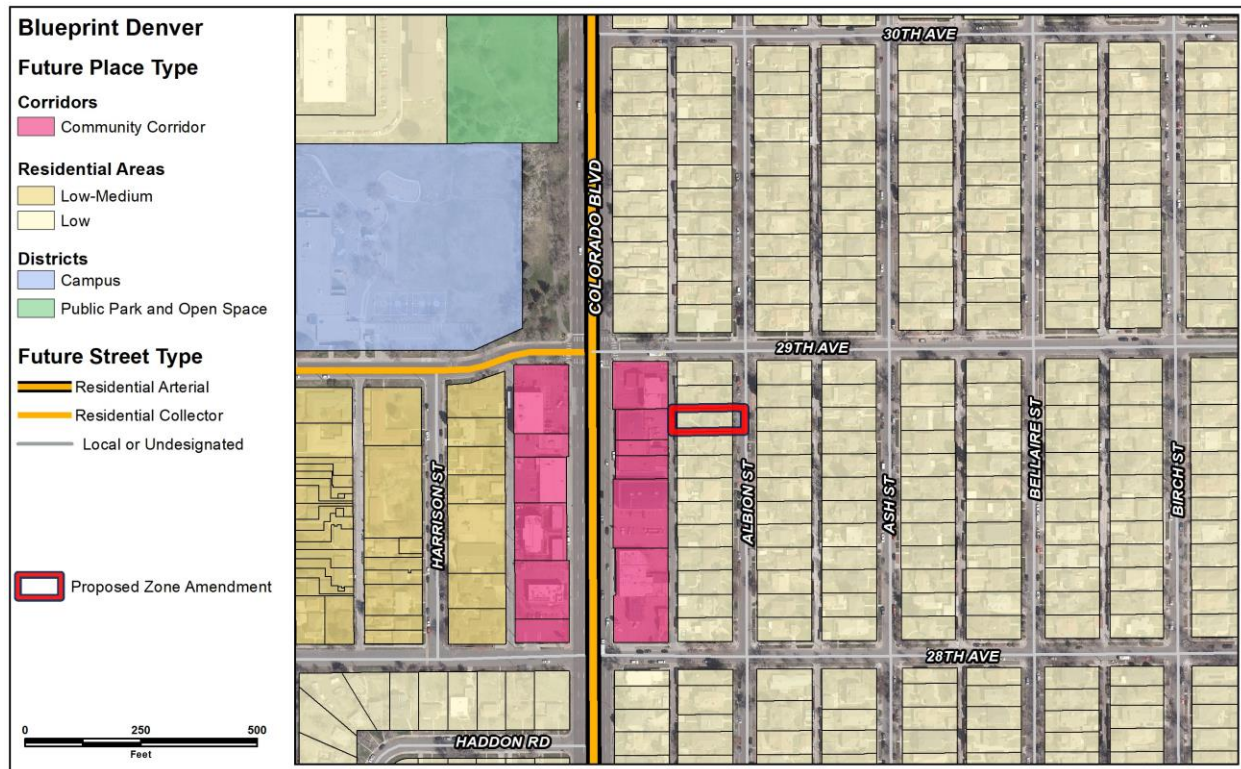
Blueprint Denver Future Neighborhood Context



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 Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-SU-C1 is a zone district within the Urban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-C1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban 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



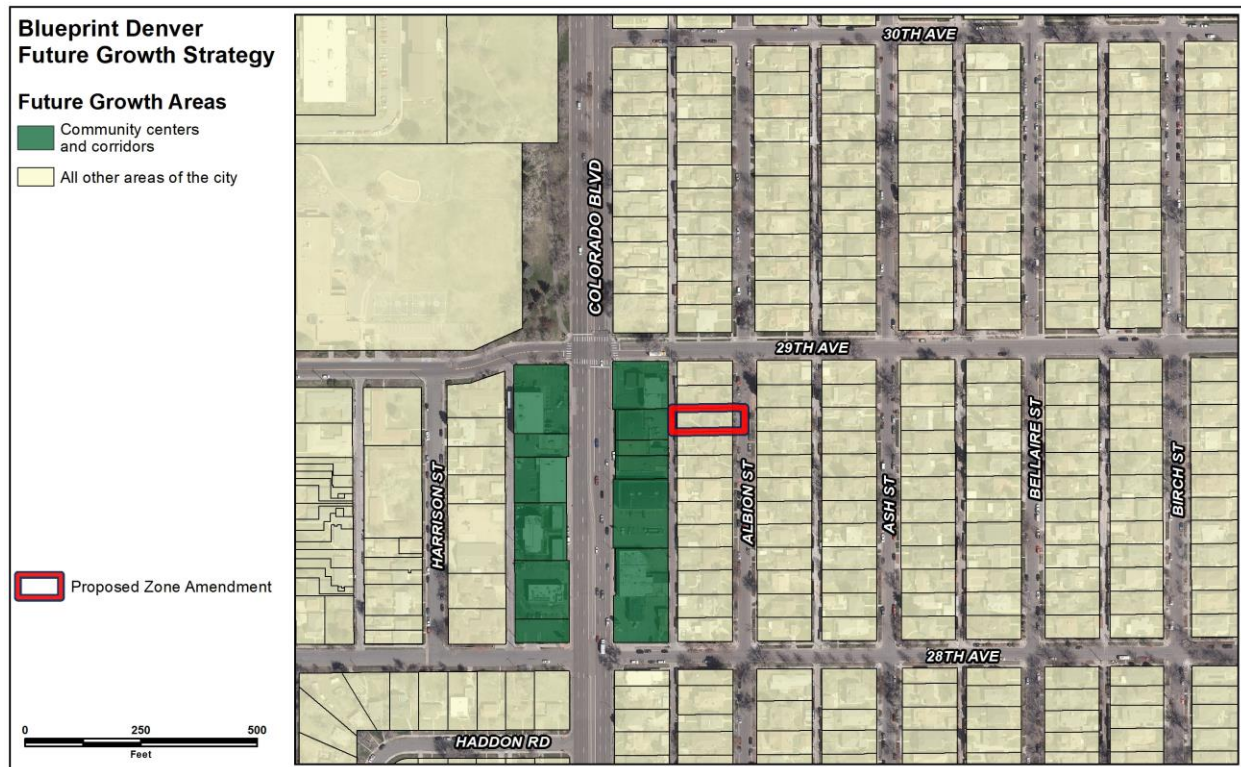
Future Places

Within the Urban Neighborhood Context, the subject property is categorized as a Residential Low 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 U-SU-C1 zone district allowing a 1.5-story detached 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 both 28th Avenue and Albion 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 U-SU-C1 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 approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed U-SU-C1 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

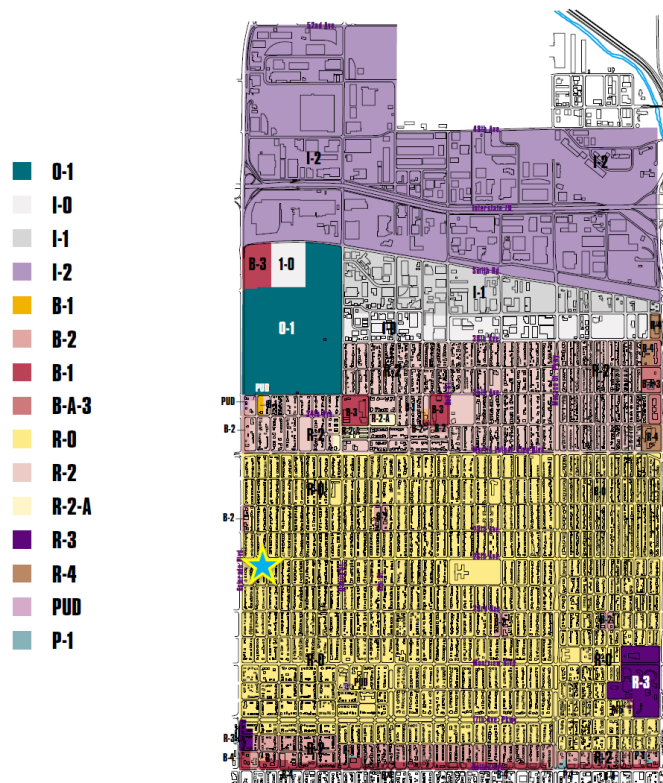
Blueprint Denver supports rezonings to allow for ADUs via one key policy:

- **Land Use and Built Form, 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).

In this case, the requested rezoning is a single lot in a residential area within a half mile from two bus routes. 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.

Park Hill Neighborhood Plan

The Park Hill Neighborhood Plan includes a goal in the Land Use and Zoning section to “Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities” (p. 32). Action Number LZ3 states, “Create and maintain a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household types, sizes and cultural backgrounds” (p.34). The Land Use map from this plan identifies the subject property as part of an area designated R-0. This mapping referred to a residential zone district in the Former Chapter 59 Zoning Code; this map defines these areas as “a stable residential area” (p. 30).



The proposed U-SU-C1 is consistent with this plan direction as it maintains the single-unit residential character of the area while compatibly introducing a new housing type to the area.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-C1 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, which could encourage active transportation. The addition of housing near a park, commercial center and medical jobs also increases access to opportunity.

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 U-SU-C zone district, the City has adopted the *Comprehensive Plan 2040, Blueprint Denver*, and the *East Area Plan*. 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 U-SU-C1 zone district is within the Urban Neighborhood Context, which “is primarily characterized by single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Division 5.1). This context “consists of a regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The North Park Hill neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The specific intent of the U-SU-C1 zone district “is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H.). The subject property at 2875 Albion Street contains a single-unit dwelling on a lot of 6,250 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