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3601, 3603, 3605, 3607 N. Race Street

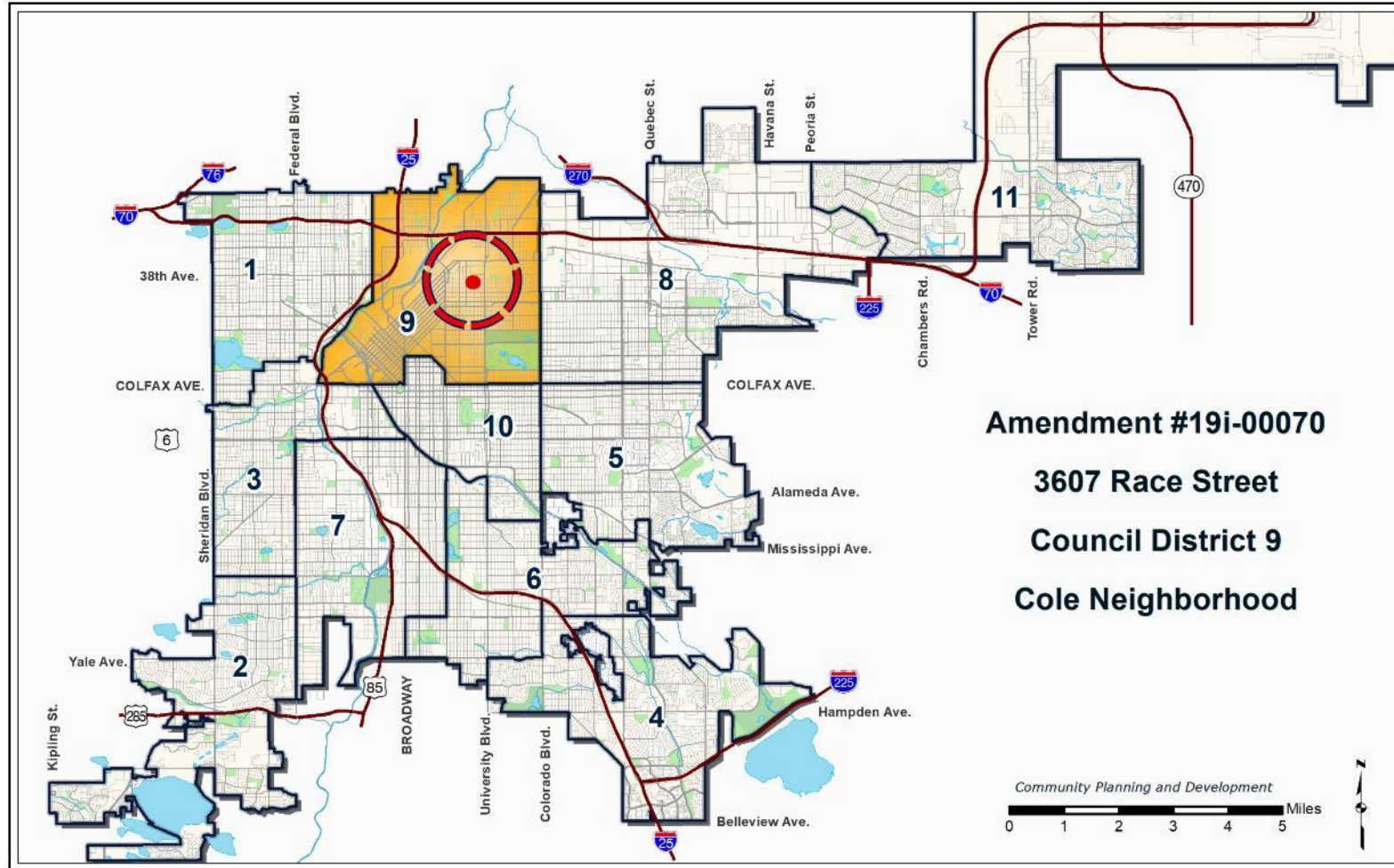
2019I-00070

Request: U-SU-A1 to U-RH-2.5

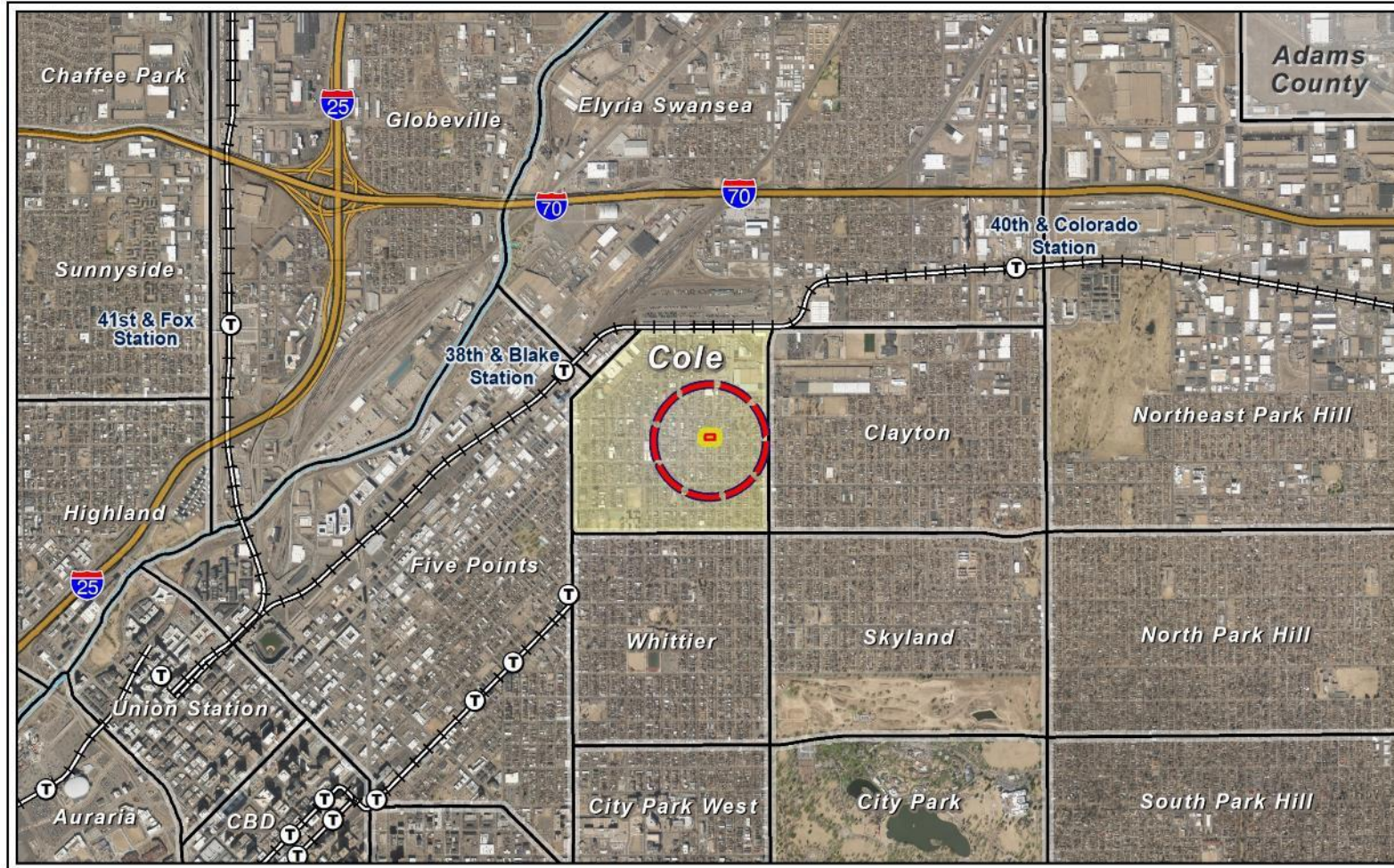
Denver City Council

Date: 12/14/2020

# Council District 9 – Councilwoman CdeBaca



# Cole Neighborhood



# Request: U-SU-A1 to U-RH-2.5



## Property

- Approx. 10,400 square feet
- 0.24 acres
- One-story multi-unit residential (4 units)

	EXISTING	PROPOSED
<i>Zone District</i>	U-SU-A1	U-RH-2.5
<i>Building Forms</i>	Urban House, Detached Accessory Dwelling Unit	Urban House, Detached Accessory Dwelling Unit, Duplex, Tandem House, Row House

# Existing Zoning: U-SU-A1



- Zoning: U-SU-A1
- Surrounding Zoning:
  - U-SU-A1
  - OS-A
  - U-MX-2x

# Existing Land Use



Land Use: Multi-Unit Residential

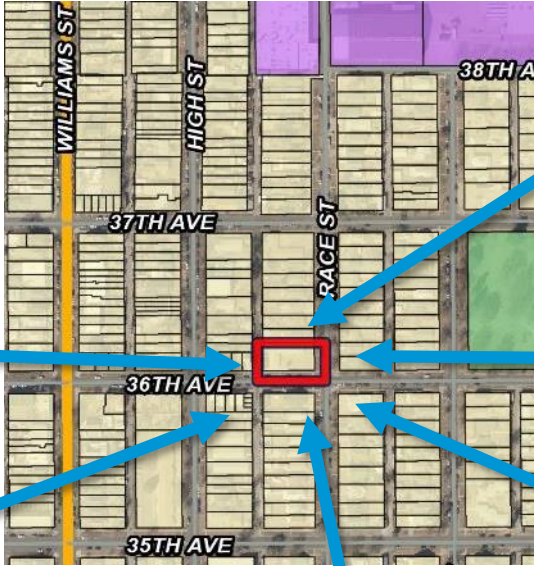
Surrounding Land Uses:

- Multi-Unit Residential
- Two-Unit Residential
- Single-Unit Residential

# Existing Building Form/Scale

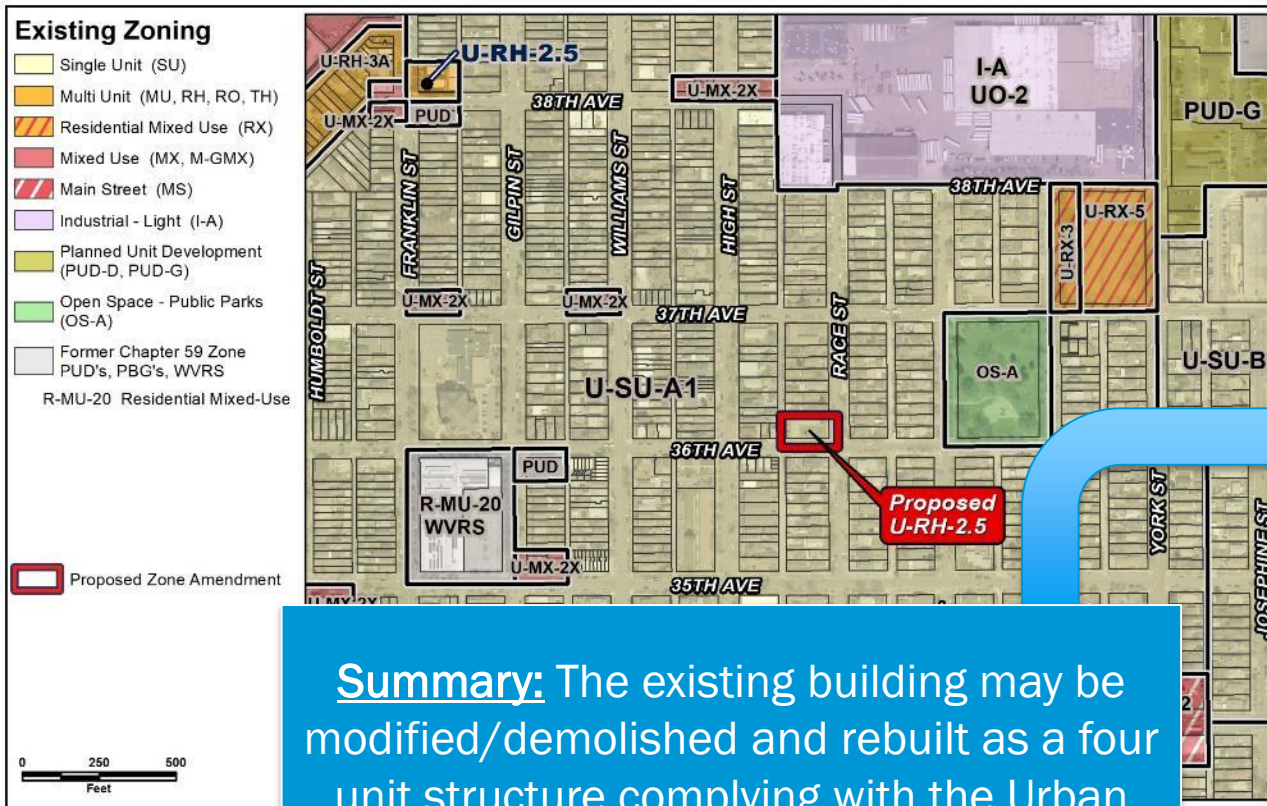


# Existing Building Form/Scale





# Existing Zoning: U-SU-A1



## SECTION 11.2.3 DWELLING, MULTI-UNIT

### 11.2.3.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations:

- Multi-Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.
- A structure containing such a Multi-Unit Dwelling use may be modified or demolished and rebuilt according to the following limitations:
  - In a SU zone districts, the rebuilt structure shall comply with either the building form standards in the subject SU zone districts without regard to the building form's use restrictions, or with the duplex building form standards in the U-TU-C zone districts without regard to the building form's use restrictions.
  - In a TU zone districts, the rebuilt structure shall comply with the building form standards allowed in the subject TU zone districts without regard to the building form's use restrictions.
  - The zone lot shall not be reduced, expanded or enlarged.
  - The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.
- Variations may be granted according to Section 12.4.7, Variations, except the number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

# Existing Zoning: U-SU-A1



Zone lot amendment could be done to create three lots with urban houses and detached accessory dwelling units (6 units total)

Lot Size	10,400 sf
Urban House Minimum Zone Lot Size	3,000 sf

# Process

- Informational Notice: 2/3/2020
- Planning Board Notice Posted: 10/6/2020
- Planning Board Public Hearing : 10/21/2020
  - *Planning board voted 6 to 4 at the public hearing to recommend denial*
- LUTI Committee: 11/3/20
- City Council Public Hearing: 12/14/2020
  
- Public Comment
  - Cole Neighborhood Association (RNO) – letter of support
  - 1 letter of opposition
  - 5 letters of support
  - 1 letter indicating support of the project with no mention of the proposed rezoning

# Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Review Criteria

1. Consistency with Adopted Plans
  - *Comprehensive Plan 2040*
  - *Blueprint Denver (2019)*
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Consistency With Adopted Plans

## Comprehensive Plan 2040 **Consistent**

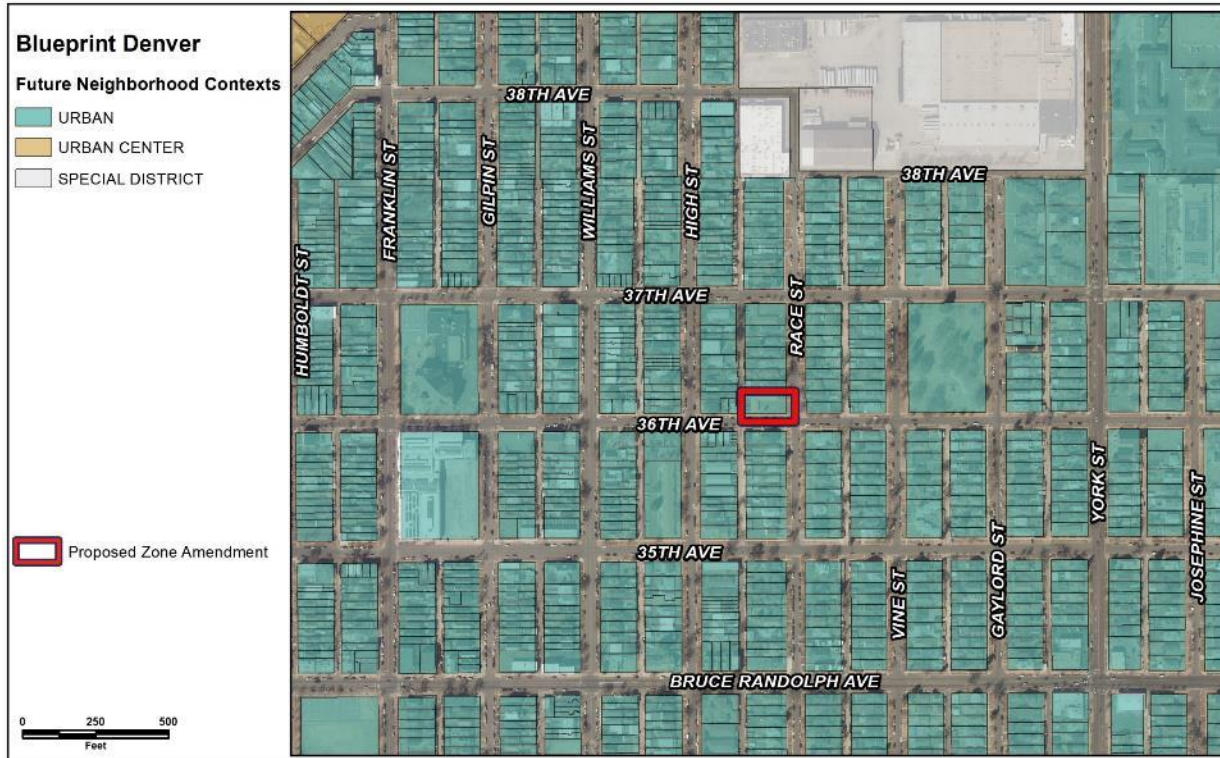
- **Strong and Authentic Neighborhoods Goal 1, Strategy B** – *Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).*
- **Environmentally Resilient Goal 8, Strategy A** – *Promote infill development where infrastructure and services are already in place (p. 54).*

## Comprehensive Plan 2040 **Inconsistent**

- **Strong and Authentic Neighborhoods Goal 1, Strategy D** – *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).*

# Consistency With Adopted Plans

## Blueprint Denver (2019)



## Future Context: Urban

Consistent

- Varies from multi-unit to compact single unit residential
- Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas

# Consistency With Adopted Plans

## Blueprint Denver (2019)



## Future Place: Residential Low

Inconsistent

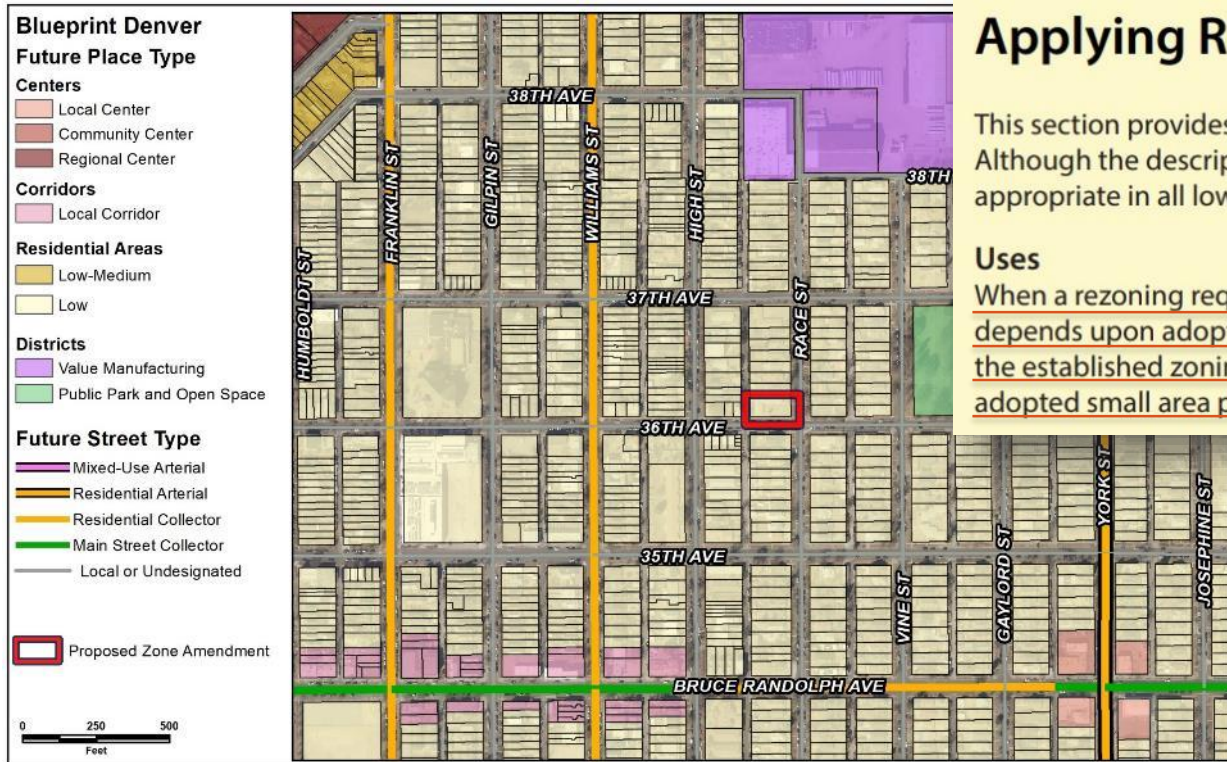
- Single- and two-unit uses on smaller lots
- Accessory dwelling units and duplexes are appropriate
- Buildings up to 2.5 stories (page 230)
- *Current zone district aligns well with the place type*
- *Proposed zone district would allow multi-unit residential uses at a scale and building coverage that is not consistent with this place type*



# Consistency With Adopted Plans

## Blueprint Denver (2019)

Inconsistent



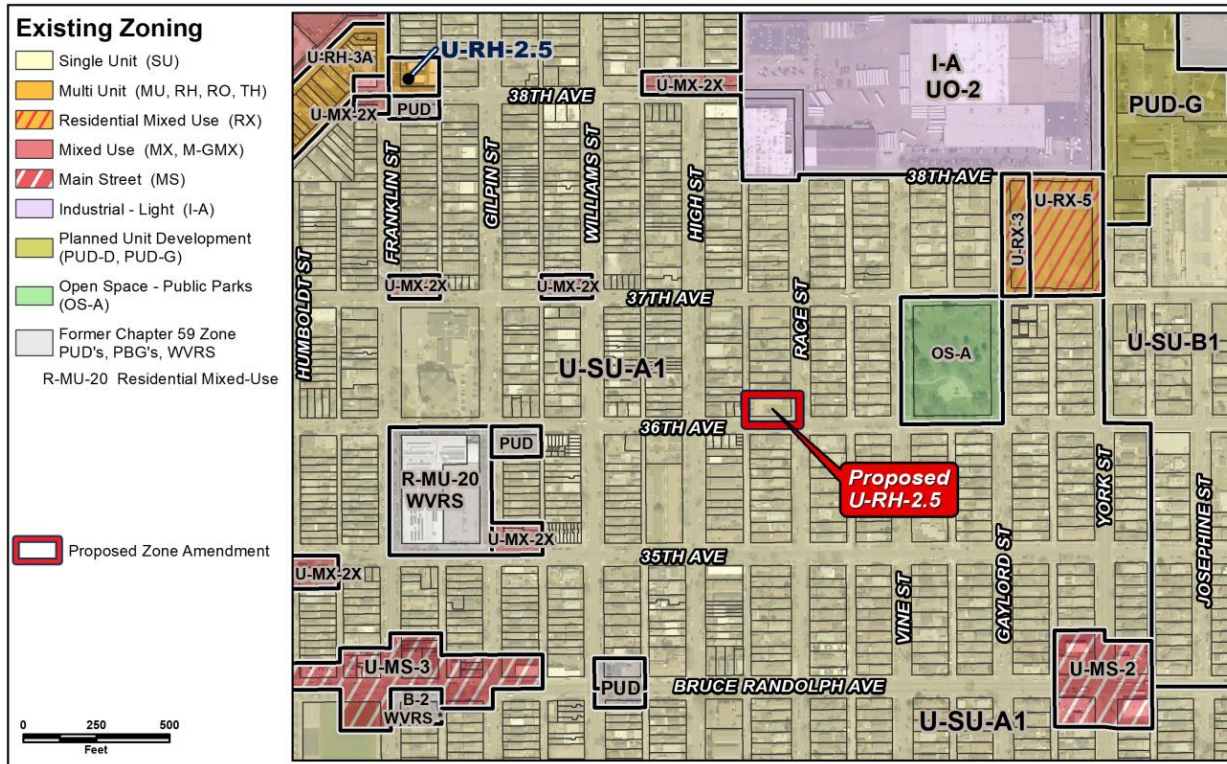
### Applying Residential “Low” Guidance to Proposed Rezoning

This section provides guidance for evaluating potential rezoning, or map amendment requests, in low residential areas. Although the description of the low residential places includes both single-unit and two-unit uses, two-unit uses are not appropriate in all low areas.

#### Uses

When a rezoning request is made to change the zoning to allow two-unit uses, the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns. A departure from the established zoning pattern may be appropriate if the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input.

# Consistency With Adopted Plans



## Evaluating Rezoning Requests in Residential Low:

1. Small area plan guidance – None
  2. Significant neighborhood input – Neutral
  3. Existing zoning patterns – Existing zoning pattern of U-SU-A1
- *Land use patterns are not a consideration when evaluating appropriateness of zoning changes in the Residential Low Place Type*
  - *Evaluation is for a request to change the zoning to allow two-unit uses*

# Consistency With Adopted Plans

## Blueprint Denver (2019)



## Growth Areas Strategy

Inconsistent

- All Other Areas of the City
- Anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040
- *The proposed zone district of U-RH-2.5 would allow additional housing types that would allow for significantly more housing growth on the site than what Blueprint Denver anticipates*

# Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations **Consistent**
  - Proposed rezoning will result in uniform application of zone district building form, use and design regulations
3. Furthers the Public Health, Safety and General Welfare of the City
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose & Intent

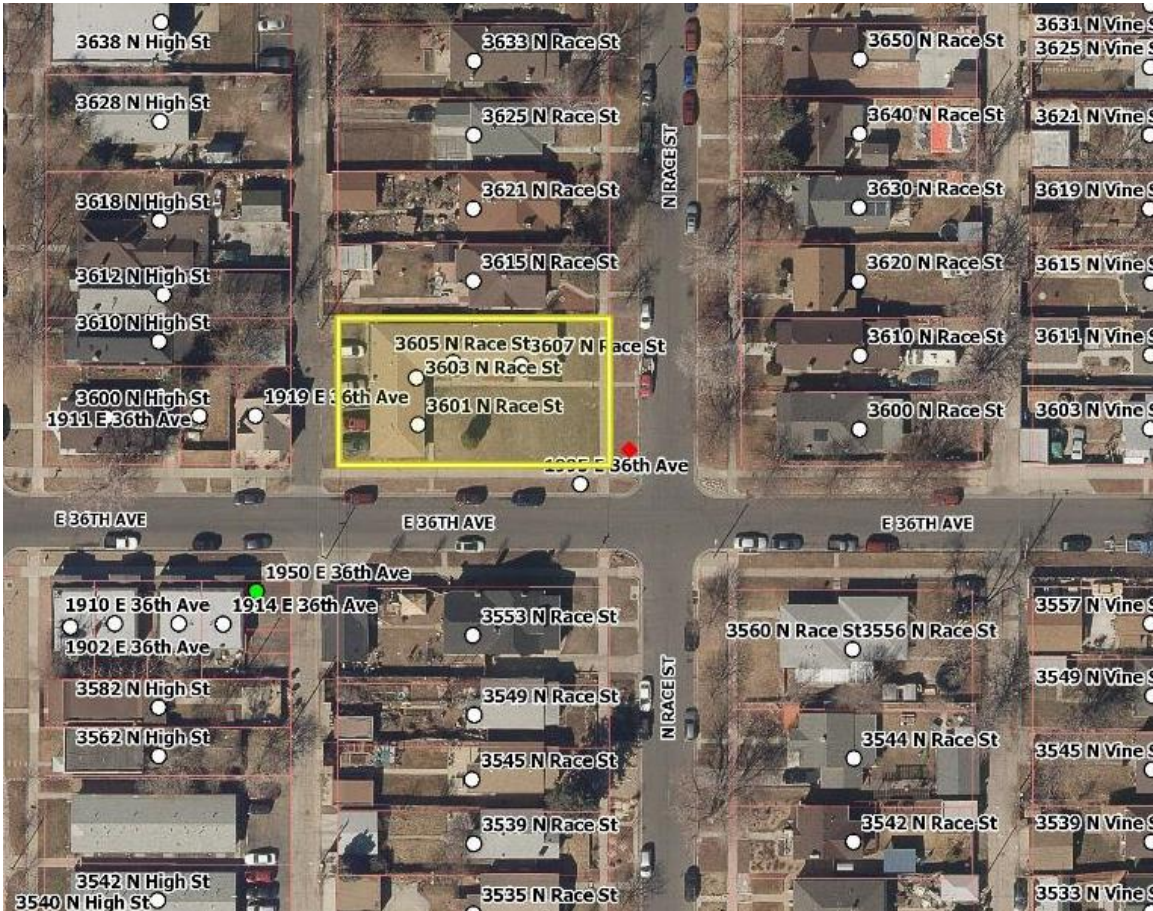
# Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
  - The proposed zone district furthers public health, safety and welfare. **Consistent**
  - The proposed zone district is inconsistent with *Blueprint Denver's* plan policies, and therefore does not contribute to implementing the City's adopted land use plan. Because of this, it does not further the public health, safety and general welfare of the City through implementation of the city's adopted land use plan. **Inconsistent**
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose & Intent

# Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
- 4. Justifying Circumstances**
  - Change to such a degree that the proposed rezoning is in the public interest
5. Consistency with Neighborhood Context, Zone District Purpose & Intent

# Justifying Circumstances

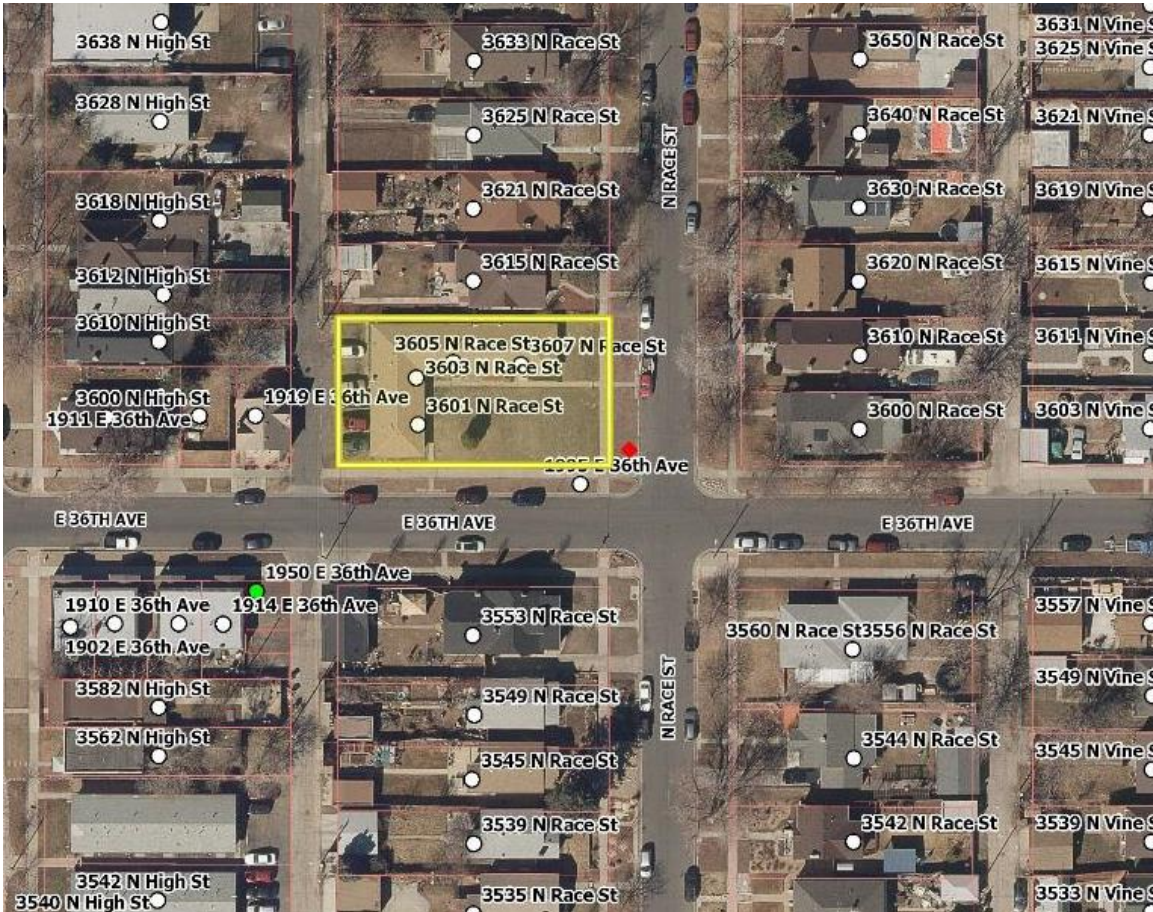


## Changed or changing conditions:

Inconsistent

- Application references that the rezoning would allow the property owner to redevelop an underutilized property, and place modest rental homes that provide for families, families with children, and multi-generational living opportunities
- *The existing zoning and entitlement allows for the property to respond to changing conditions and to be redeveloped to better utilize the land*
- *A new four-unit structure, or three houses and three detached accessory dwelling units could be built with additional amenities that better serve a wider range of potential residents*

# Justifying Circumstances



## Changed or changing conditions:

- Application references other properties in the neighborhood with row houses
- *Most of those properties have the same zoning of U-SU-A1 and are structures that have existed for some time*
- *There has not been a changed condition in the area*



# Justifying Circumstances



Blueprint Denver (2019)

## City Adopted Plan:

Inconsistent

- Application references the adoption of *Blueprint Denver* as a justifying circumstance
- *Blueprint Denver does not call for a different context, place type, or street type than what already exists*
- *For a city adopted plan to be used as a justifying circumstance, the plan should specifically call for a change in an area that would then justify a new zone district*

# Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent

# Consistency with Neighborhood Context, Zone District Purpose and Intent

## Urban Neighborhood Context:

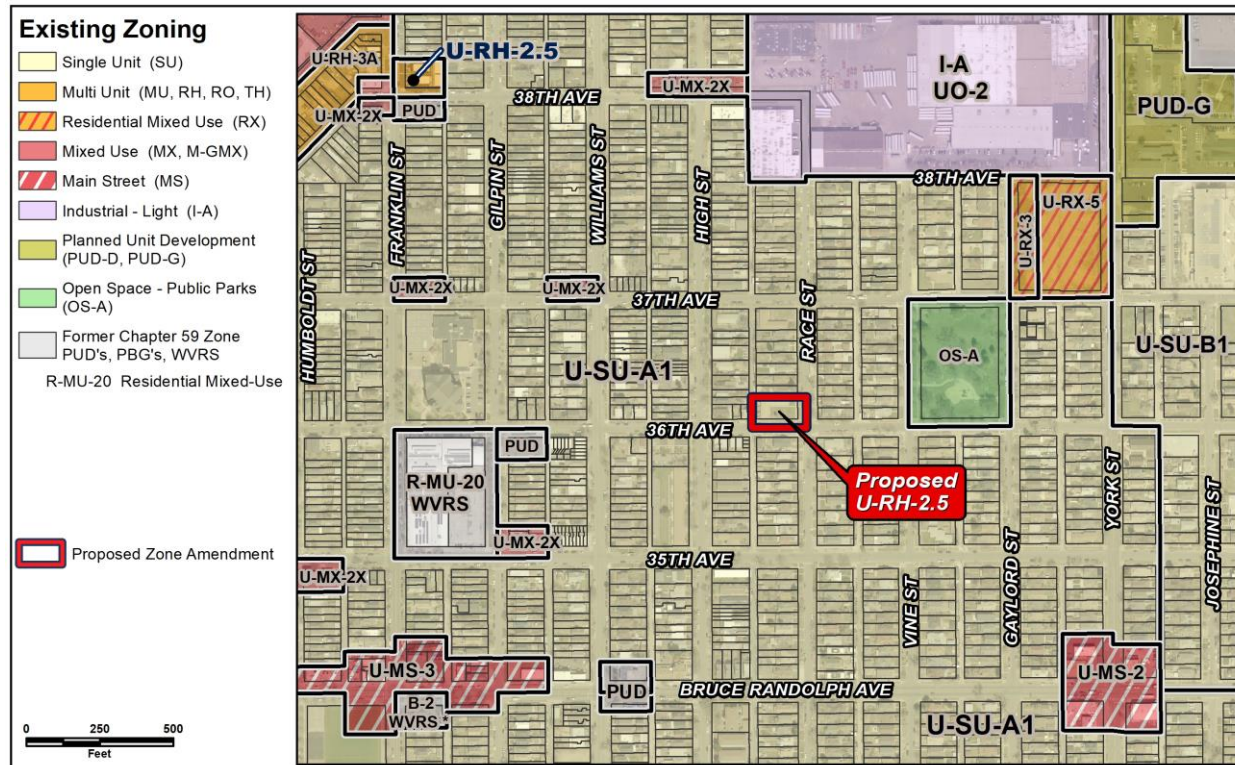
Consistent

- Characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas

## Zone District Intent:

Consistent

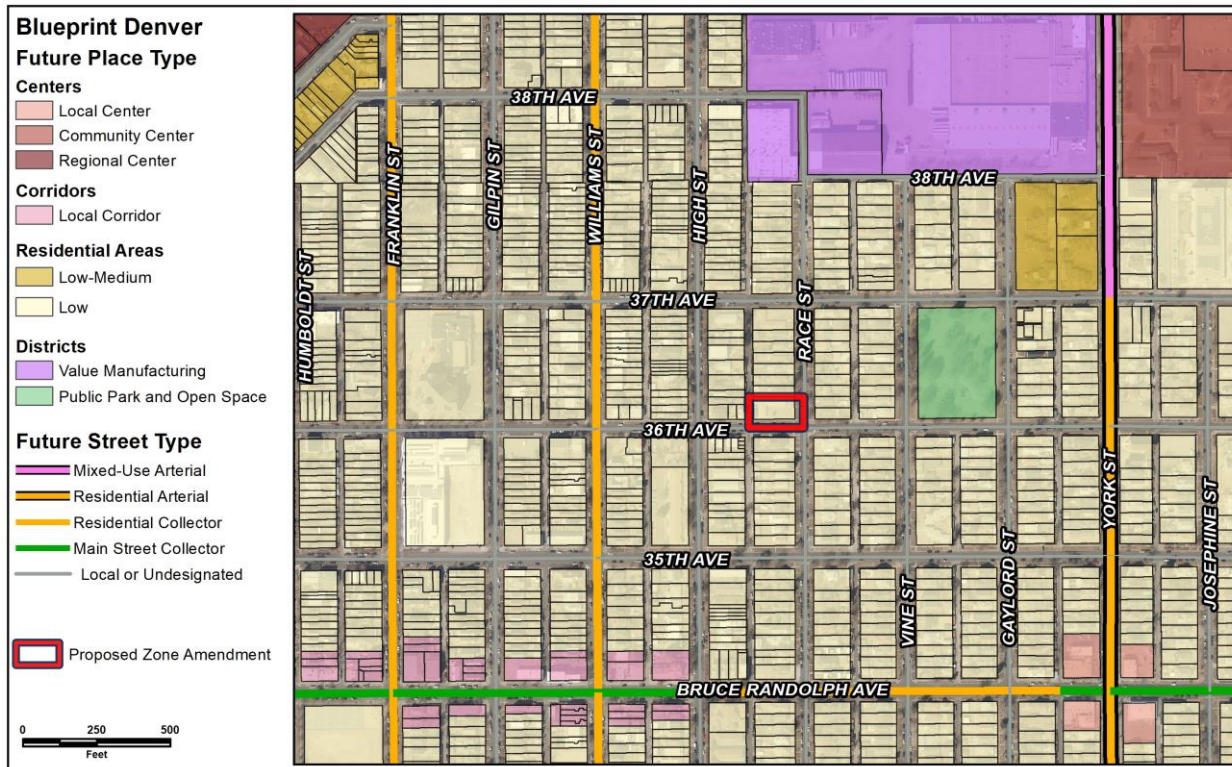
- The U-RH-2.5 zone district intent is to allow up to a two and a half story row house building form, as well as the urban house, detached accessory dwelling unit, duplex, and tandem house building forms



# Consistency with Neighborhood Context, Zone District Purpose and Intent

## Zone District Purpose:

Inconsistent



- “These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.”
- Blueprint Denver provides guidance for the desired development pattern of the Residential Low Place Type

# CPD Recommendation

CPD recommends **denial**, based on finding that not all review criteria have been met:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Furthers the Public Health, Safety and General Welfare of the City
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose and Intent