



TO: Denver City Council
FROM: Ella Stueve, Senior City Planner
DATE: December 17, 2020
RE: Official Zoning Map Amendment Application #2020I-00111

Staff Report and Recommendation

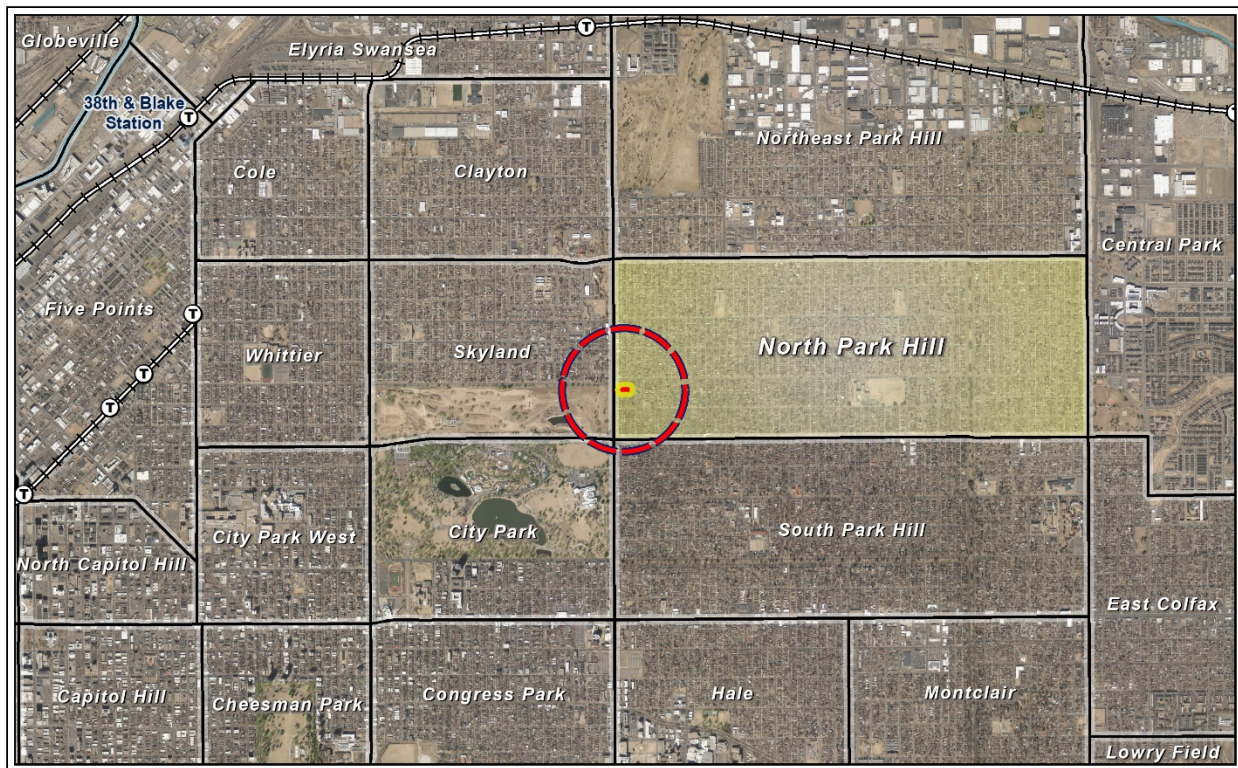
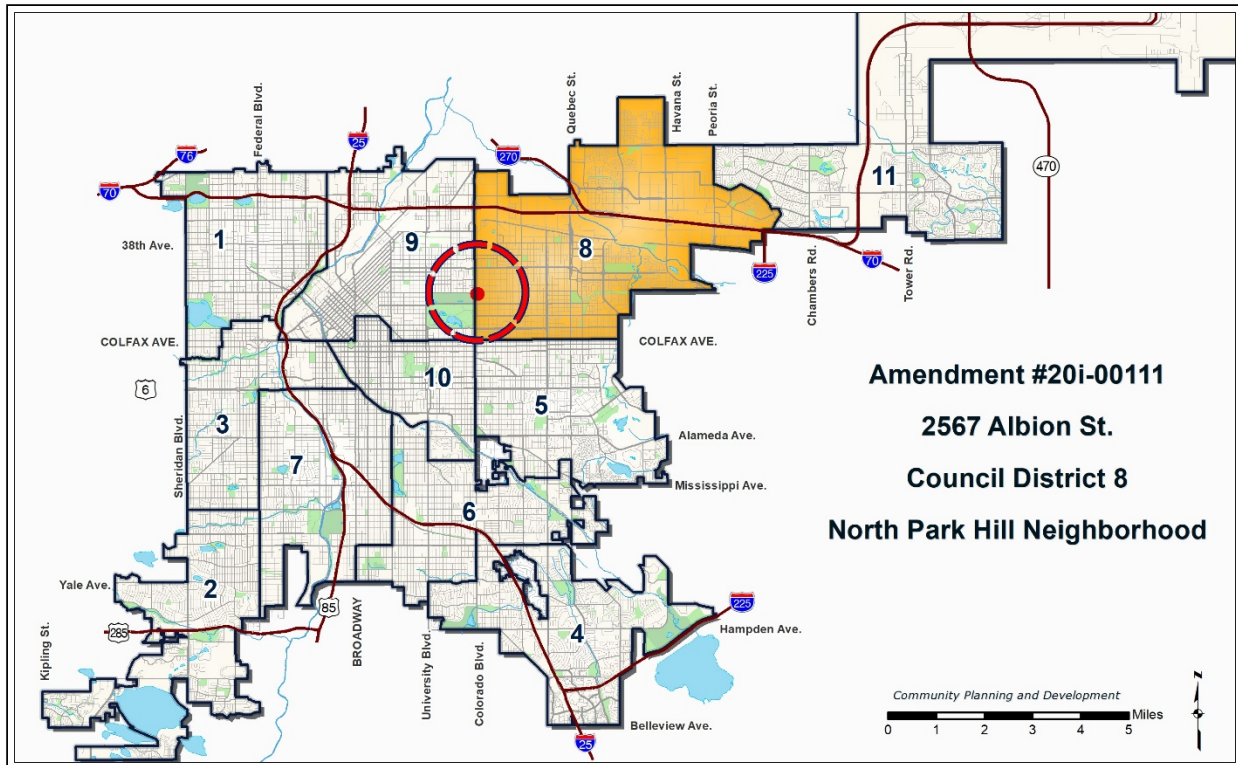
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00111.

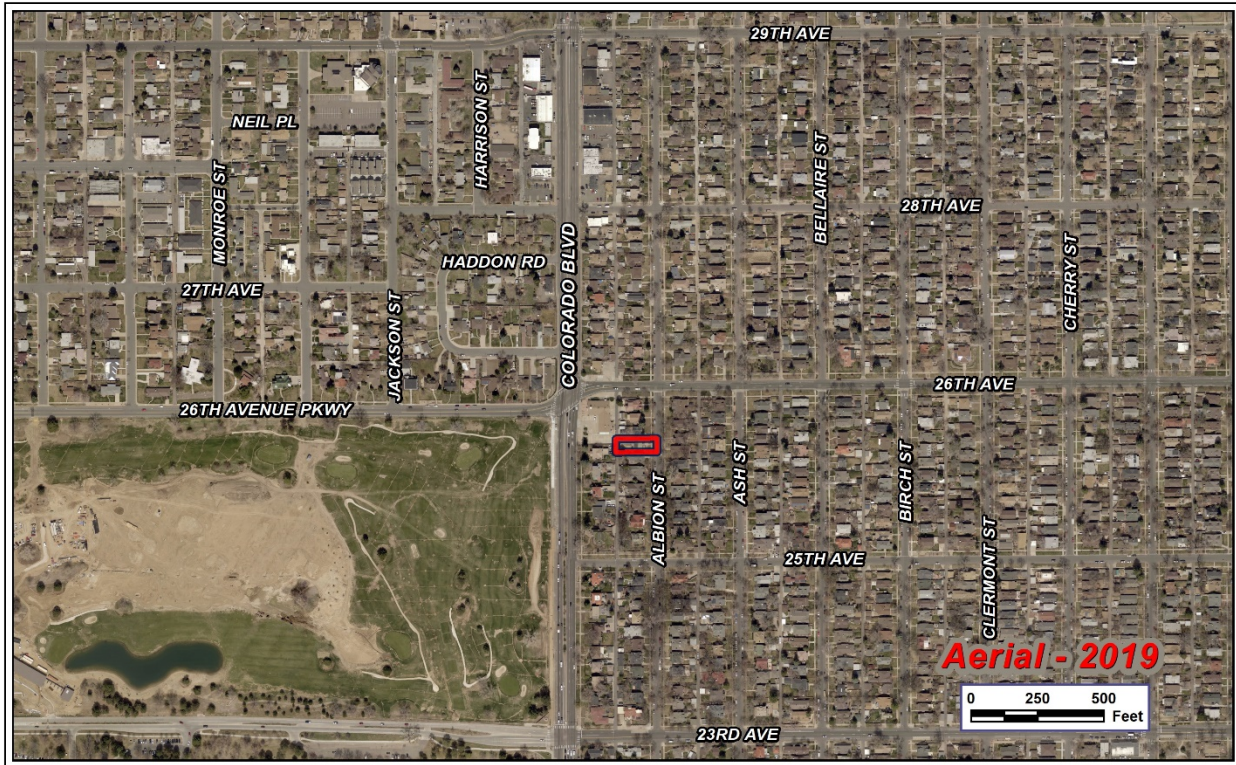
Request for Rezoning

Address: 2567 Albion Street
Neighborhood/Council District and CM: North Park Hill / Council District 8, CM Herndon
RNOs: The Points Historical Redevelopment Corp, Reclaim the East Side, United Neighbors of Northeast Denver Residents (UNNDR), Greater Park Hill Community, Inc., Inter-Neighborhood Cooperation (INC), Opportunity Corridor Coalition of United Residents, City Park Friends and Neighbors (CPFAN), Denver Arts and Culture Initiative, Northeast Denver Friends and Neighbors (NEDFANS)
Area of Property: 5,950 square feet or 0.14 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Property Owner(s): Jesse Gross
Owner Representative: Grant Manka, Manka Design Build

Summary of Rezoning Request

- The proposed rezoning is in the North Park Hill neighborhood on the west side of Albion Street between 25th Avenue and 26th Avenue.
- The subject property currently has a one-story, single-unit house with a detached garage with alley access. The owner is requesting a rezoning to build an accessory dwelling unit (ADU) for his mother to move to Denver and provide childcare.
- The proposed U-SU-C1, Urban neighborhood context, Single-Unit residential, 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 Detached Accessory Dwelling Unit building form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).





Existing Context

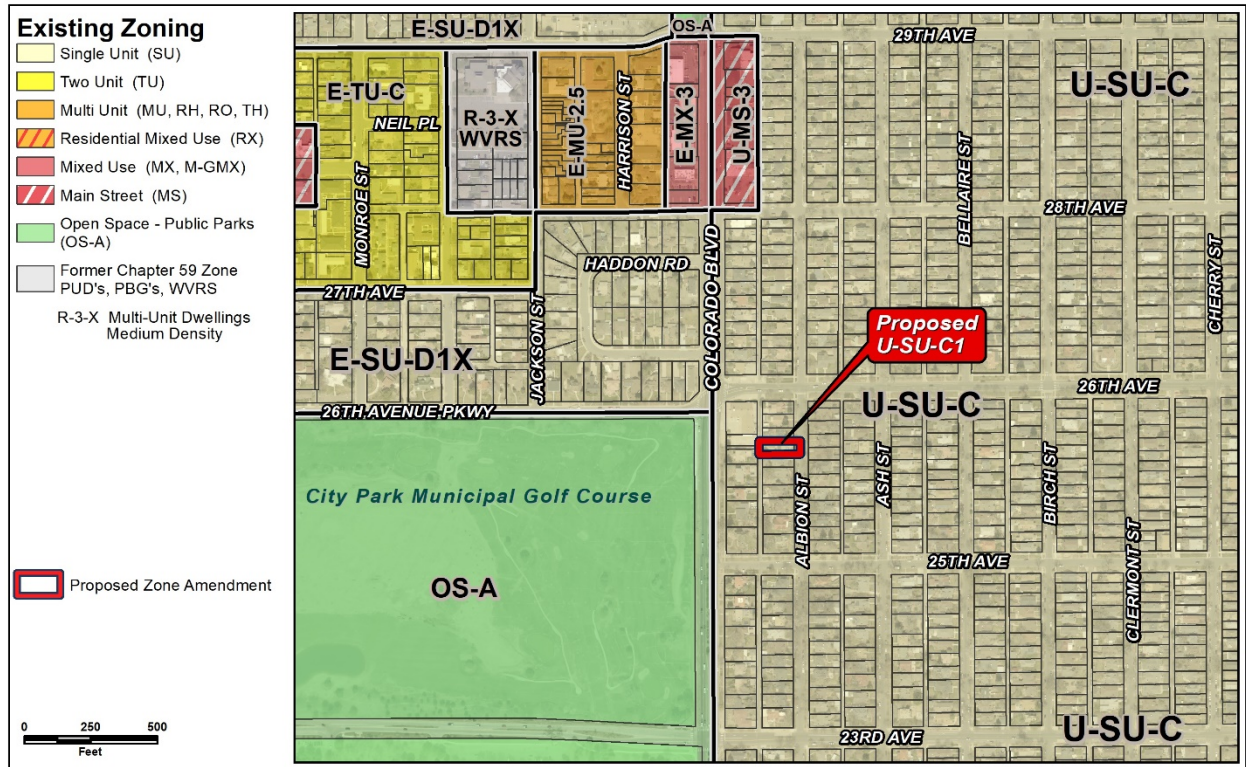
The subject site is in the North Park Hill neighborhood, which is characterized by single-unit residential uses within a standard grid of streets with alley access. Colorado Boulevard, one block to the west, separates the site from the City Park Golf Course due west and City Park to the southwest. A bus stop on RTD route 20 is less than a quarter mile to the south on 23rd Avenue, and a bus stop on RTD route 40 is less than a quarter mile west on Colorado Boulevard at 26th 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	U-SU-C	Single-unit residential	1-story single-unit residential, large setbacks with detached sidewalks	Generally regular grid of streets, interrupted by City Park and the City Park Golf Course west of Colorado Boulevard; Block sizes and shapes are consistent and rectangular.
North	U-SU-C	Single-unit residential	1.5-story single-unit residential, large setbacks with detached sidewalks	
South	U-SU-C	Single-unit residential	2-story single-unit residential, large setbacks with detached sidewalks	

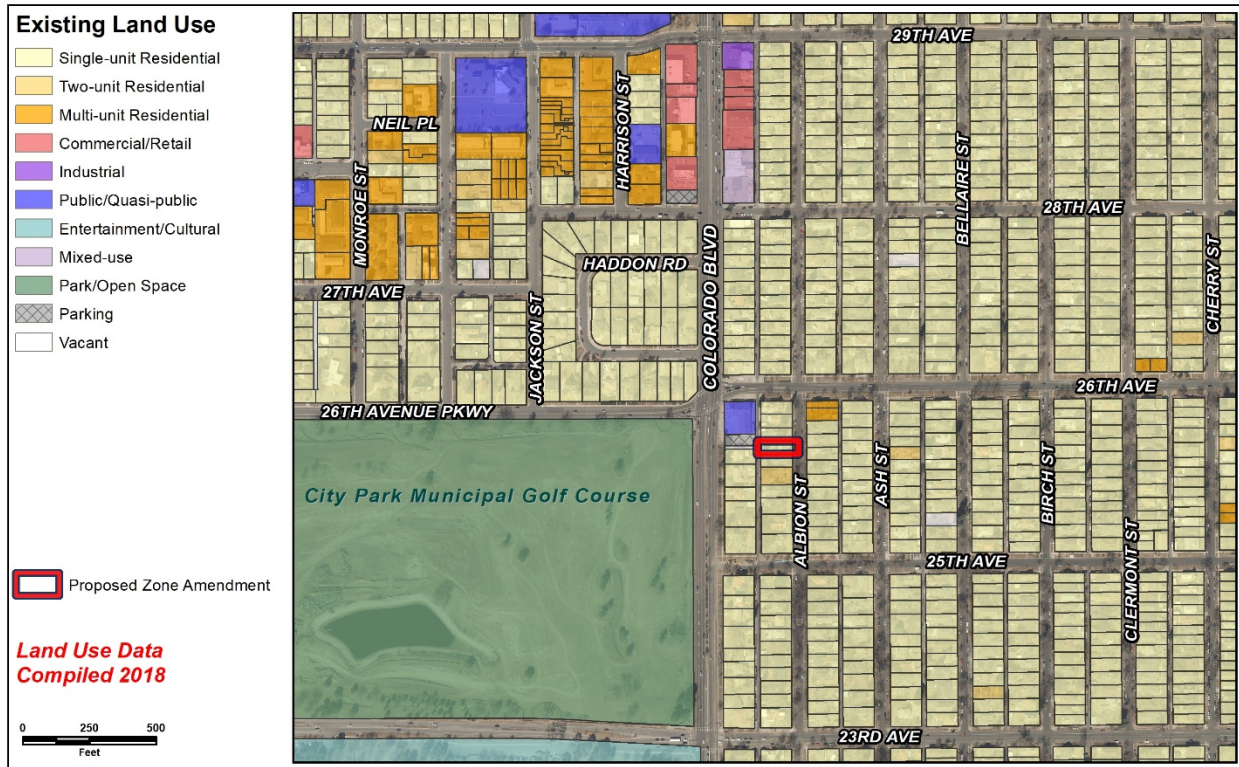
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C	Single-unit residential	1- to 2-story single-unit residential, large setbacks with detached sidewalks	Vehicle parking to the side or rear of buildings (alley access).
West	U-SU-C	Single-unit residential, Public/Quasi-public (church), parking	1.5-story church and parking lot with large setbacks, parking between the building and the street, large attached sidewalks; 2-story residential, large setbacks with detached sidewalk	

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

All images are from Google Street View.



Subject property facing west on Albion Street between 25th Avenue and 26th Avenue.



View facing northeast on the corner of Albion Street and 26th Avenue



View facing west on Ash Street south of 25th Avenue



View facing east on Colorado Boulevard south of 26th Avenue

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 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	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

Design Standards	U-SU-C (Existing)	U-SU-C1 (Proposed)
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.

Public Works – R.O.W. - City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review

Development Services – Transportation: Approved – No Response

Development Services – Wastewater: Approved – see comments below.

No objection to rezone. A building permit and Sewer Use and Drainage Permit (SUDP) will be required for the conversion. Sanitary service line must be independent of existing residence, or a Covenant will be required. Contact WastewaterPermits@DenverGov.Org with any questions

Development Services – Project Coordination: Approved – No Response

Development Services – Fire Prevention: 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:	8/31/2020
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:	10/5/2020
Planning Board voted to recommend approval on the consent agenda by a vote of 9-0:	10/21/2020
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:	10/12/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	10/27/2020
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:	11/30/2020
City Council Public Hearing:	12/21/2020

No public comments have been received on this application.

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 property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Park Hill Neighborhood Plan (2000)*
- *Housing an Inclusive Denver (2018)*

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).
- 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).

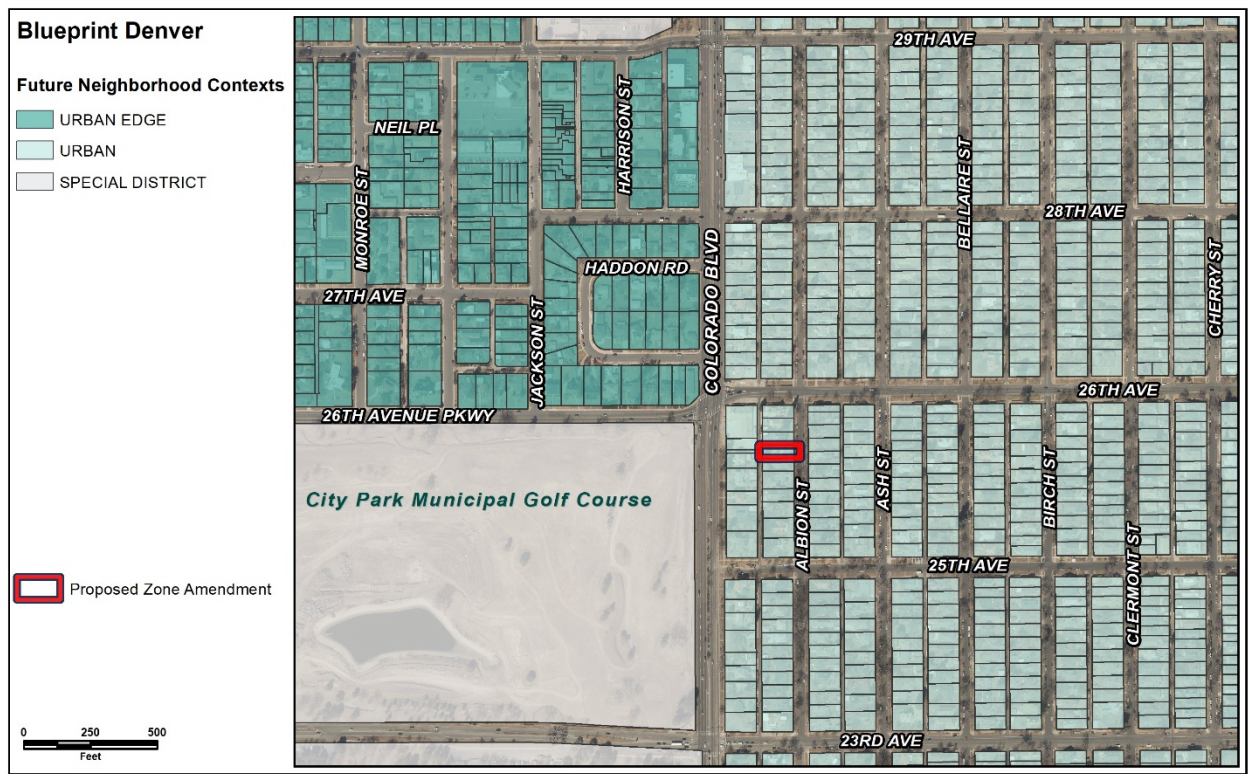
The proposed rezoning would allow for compatible infill development in an established neighborhood, consistent with the following strategy from the Environmentally Resilient vision element:

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

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.

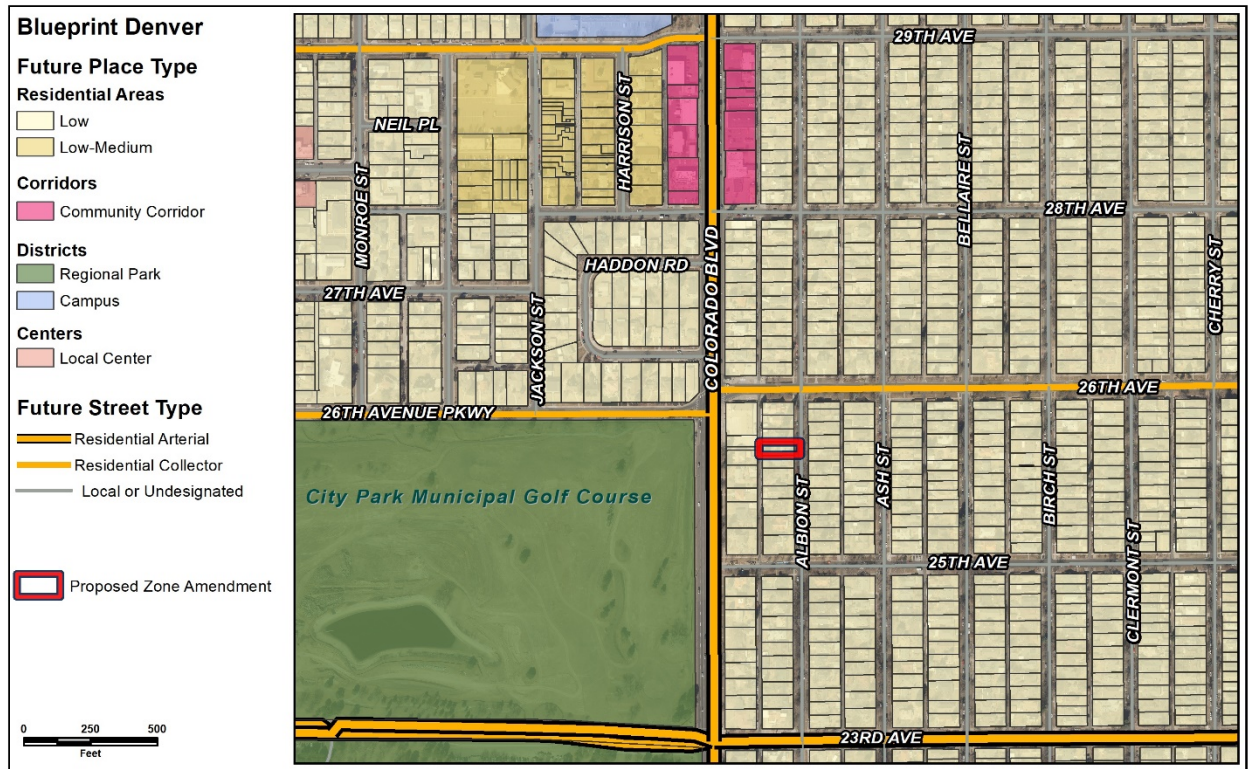
Blueprint Denver Future Neighborhood Context



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 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... 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 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.

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 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-family residential character.

Blueprint Denver Strategies

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

- **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).

- **Land Use and Built Form: Housing Policy 5:** “Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.” (p. 84).

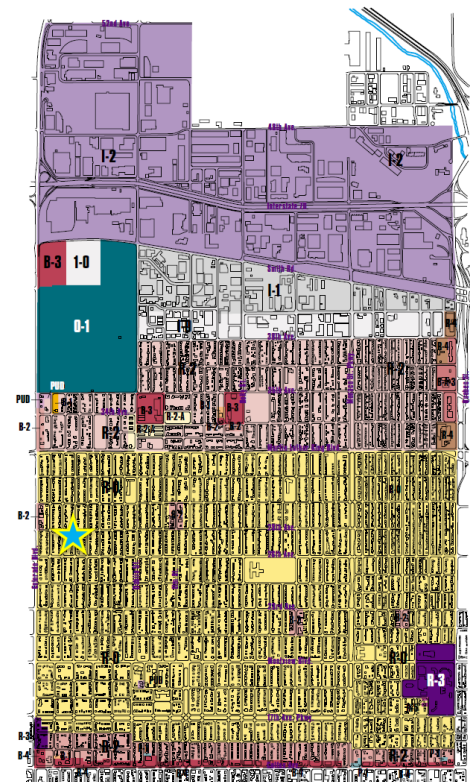
In this case, the requested rezoning is a single lot in a residential area within two blocks of two bus routes. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations. In addition, the rezoning of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

Park Hill Neighborhood Plan (2000)

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.

- O-1
- I-0
- I-1
- I-2
- B-1
- B-2
- B-1
- B-A-3
- R-0
- R-2
- R-2-A
- R-3
- R-4
- PUD
- P-1



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 accessory dwelling units; however, some of its

recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goals are applicable:

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.”

The proposed map amendment to U-SU-C1 is consistent with these Housing an Inclusive Denver recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this site.

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 official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near a mix of uses and transit, which have been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

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.”

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. 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 2567 Albion Street contains a single-unit dwelling on a lot of 5,950 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