



TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: February 17, 2022
RE: Official Zoning Map Amendment Application #2021I-00206

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00206.

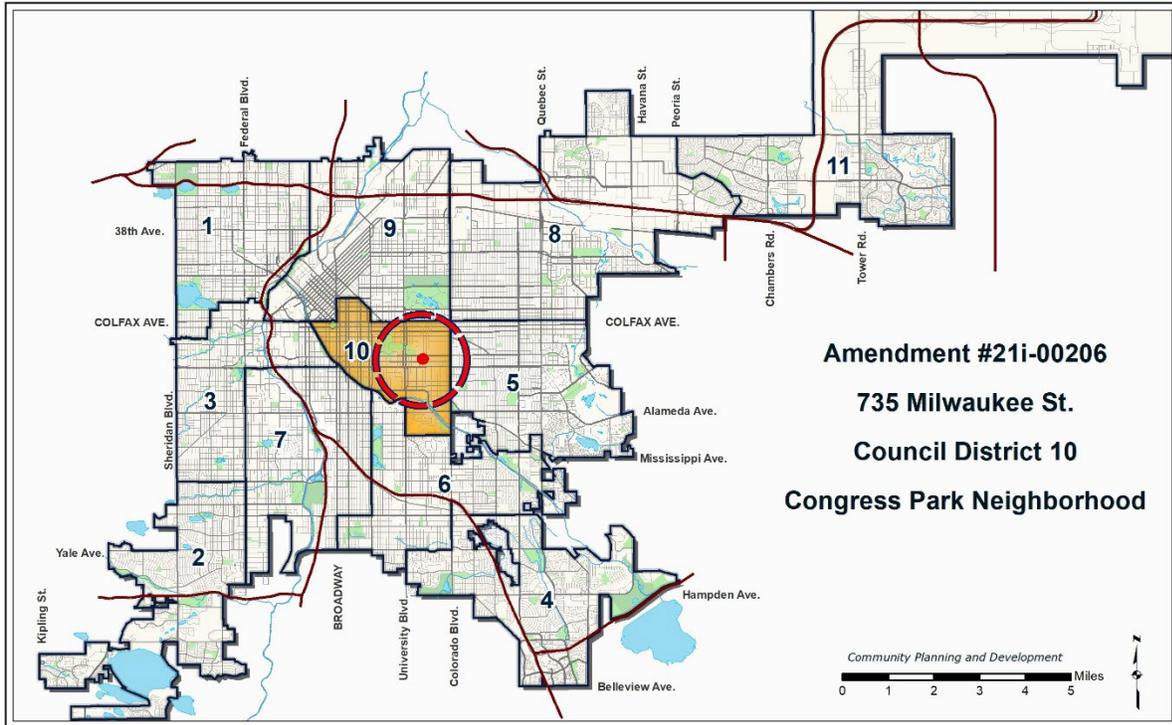
Request for Rezoning

Address:	735 North Milwaukee Street
Neighborhood/Council District:	Congress Park / Council District 10 – Chris Hinds
RNOs:	Denver for all, Inc., Inter-Neighborhood Cooperation (INC), 7 th Avenue Neighborhood Association, Congress Park for ALL, Inc., District 10 Neighborhood Coalition, Inc., Capitol Hill United Neighborhoods, Inc., Congress Park Neighbors, Inc.,
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-C1
Property Owner(s):	Deana and Charles Macdonald

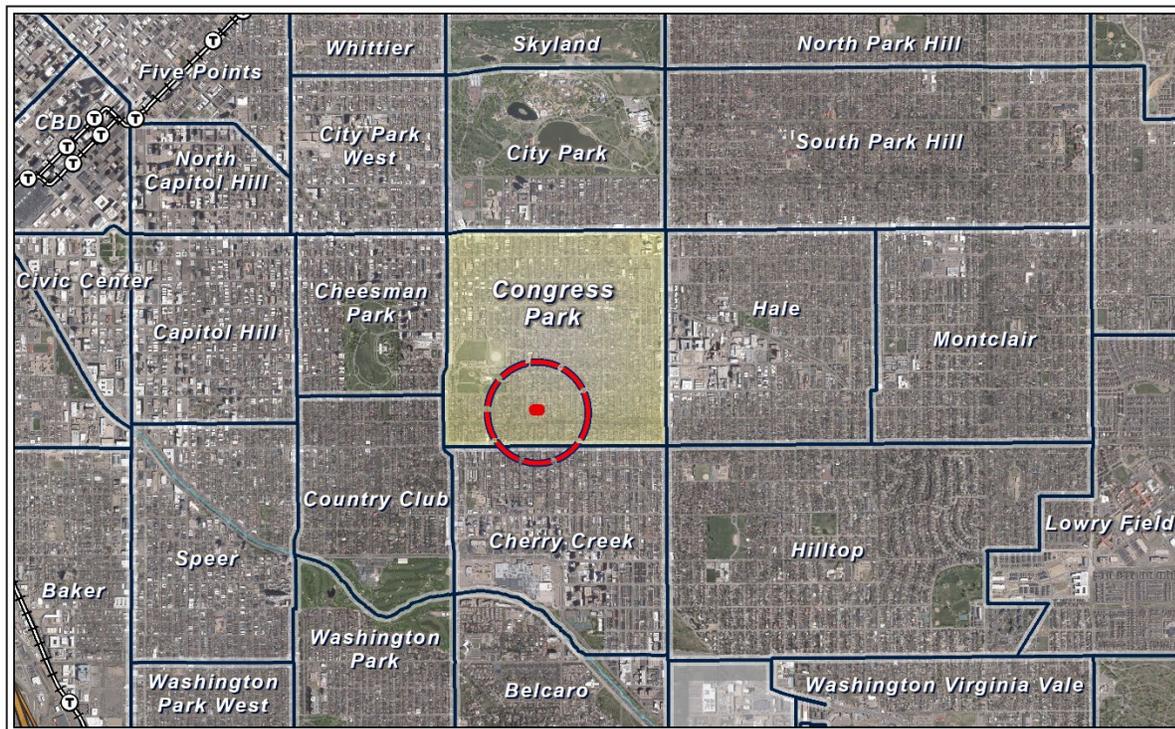
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1924 located mid-block between East 8th Avenue and East 7th Avenue Parkway, along North Milwaukee Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit.
- The subject property is located within the East Seventh Avenue historic district
- The proposed U-SU-C1, Urbane, Single-Unit, C1 (5,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually 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, 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. 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).

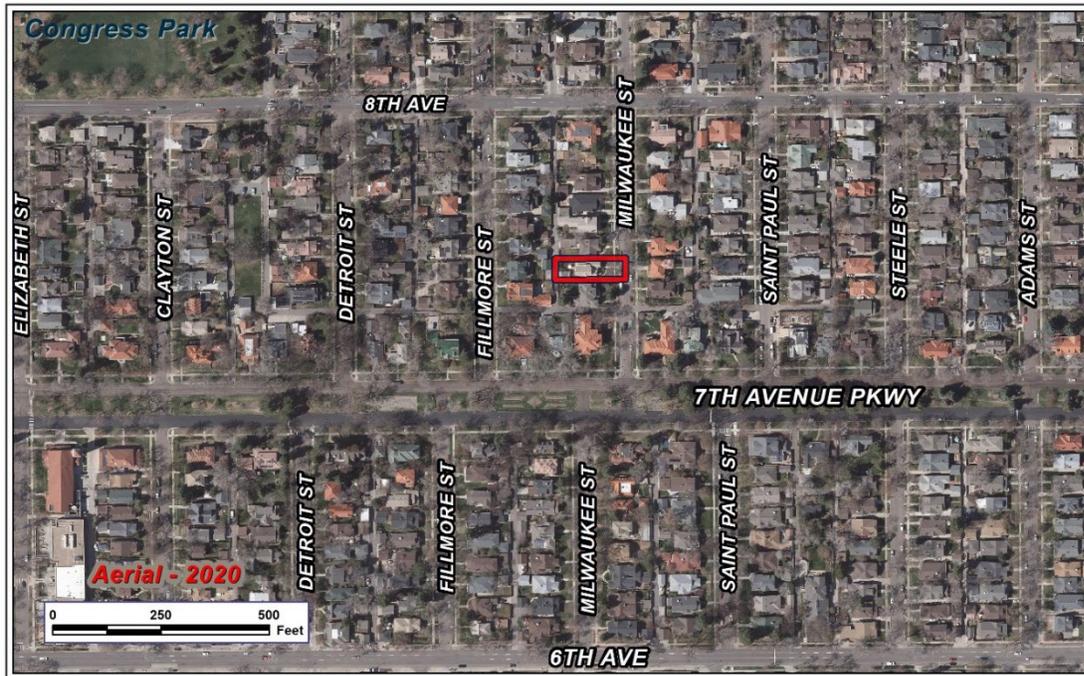
City Location



Neighborhood Location – Congress Park



1. Existing Context

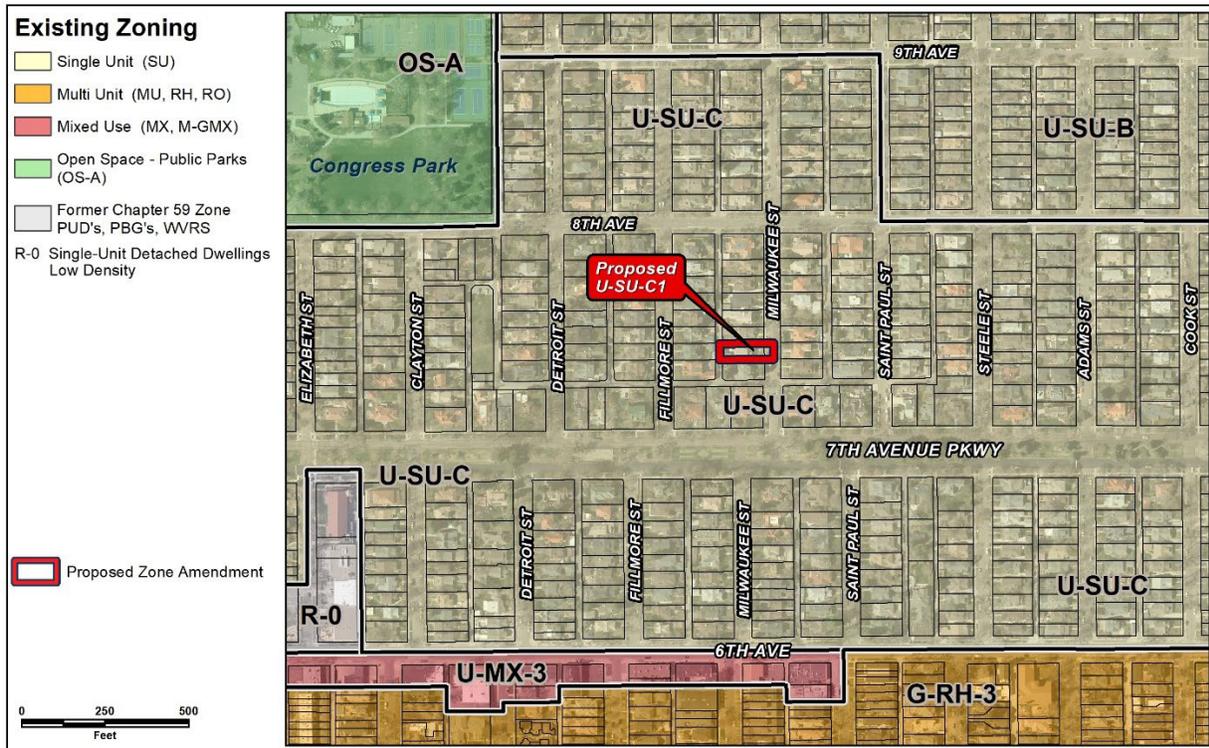


The subject property is in the Congress Park statistical neighborhood, which is characterized mostly by single-unit and two-unit residential uses with some multi-unit residential and commercial/retail uses along East 6th Avenue. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. REACH Elementary School is two blocks north and is the elementary school that serves the neighborhood. The subject property is only two blocks east from Congress Park and is half block south from East 8th Avenue, where RTD bus route 6 runs west. East 7th Avenue Parkway is designated as a neighborhood bike lane.

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	1.5-story house with detached garage and alley access	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C	Single-unit Residential	1-story brick bungalow with detached garage and alley access	
South	U-SU-C	Single-unit Residential	2-story house with curb cut and driveway on North Milwaukee Street	
East	U-SU-C	Single-unit Residential	2-story four square style house with detached garage and alley access	
West	U-SU-C	Single-unit Residential	2-story brick house with detached garage and alley access	

2. Existing Zoning

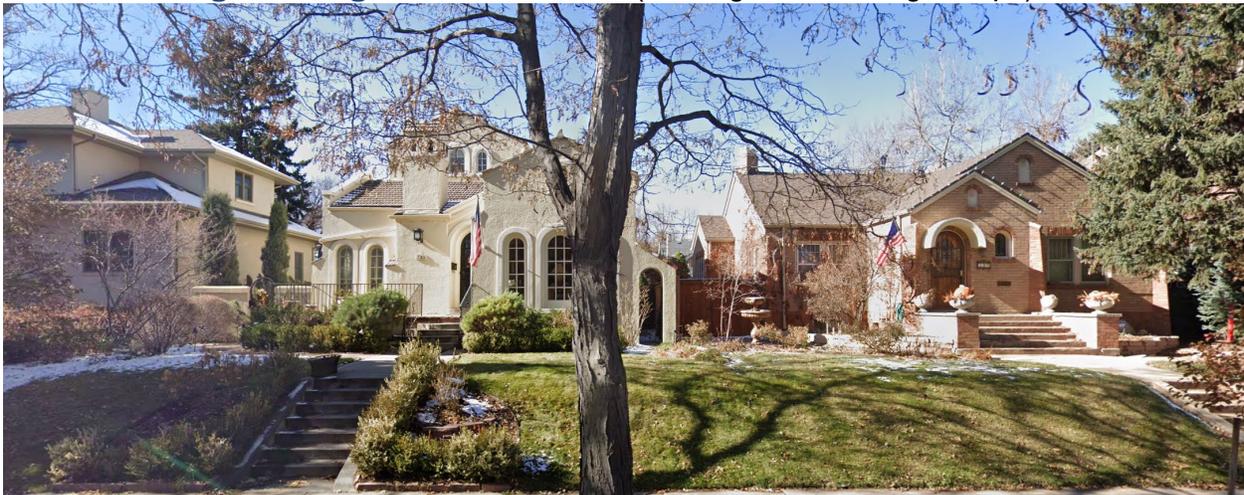


The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 to 19 feet in the rear 35% of the zone lot. It allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

3. Existing Land Use Map



4. Existing Building Form and Scale (all images from Google Maps)



Subject Site - View of the subject property, looking west.



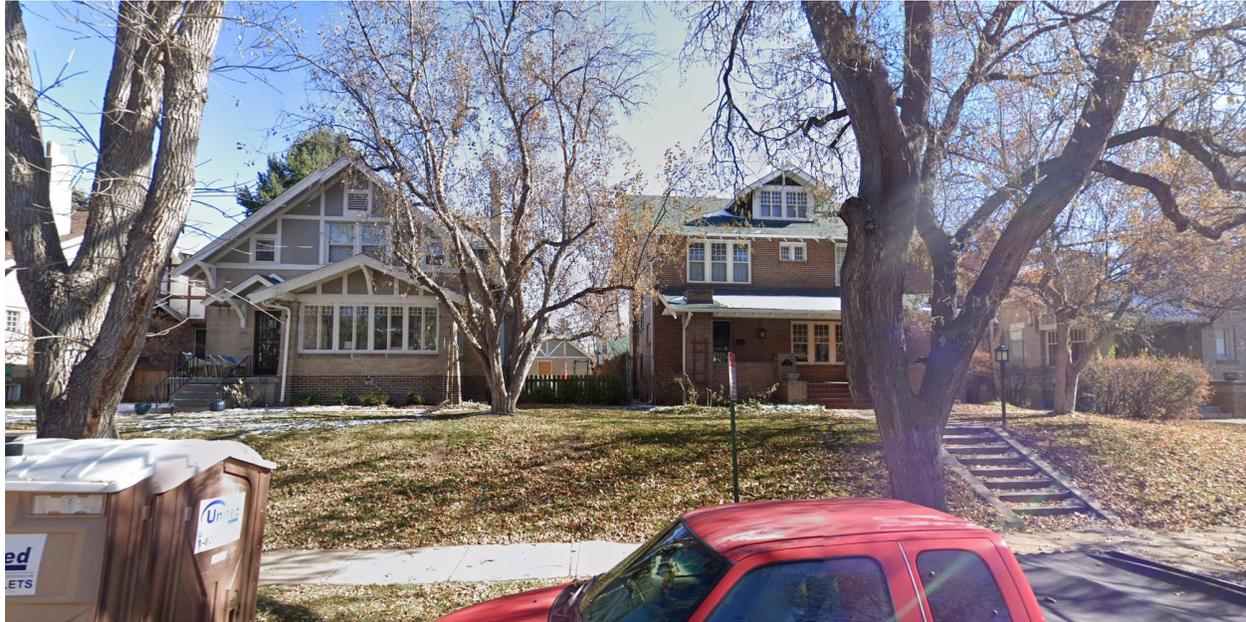
North - View of the properties to the north, looking west.



South - View of the property to the south, looking west.



East - View of the property to the east, looking east.



West - View of the properties to the west (across the alley, on North Fillmore Street), looking east.

5. View Plane

The subject site is within the *Cranmer Park View Plane*. The intent of this view plane is to preserve the view of the Rocky Mountains (west of the subject site) from Cranmer Park (east of the subject site). No part of any structure within the view plane may exceed an elevation of 5,434 feet above mean sea level. Therefore, the subject site is subject to a maximum height restriction of roughly 125 feet. However, the proposed zone district of U-SU-C1 has a much lower maximum height of 30 feet for primary structures.

6. Historic Landmark District

The site is located within the East Seventh Avenue historic district. CPD staff, in coordination with the Landmark Preservation Commission, perform design review for all projects that require building permits for properties locally designated as historic landmarks or inside locally designated historic districts. Design review ensures that exterior alterations preserve the properties' key historic character-defining features and qualities. If the site is rezoned and an ADU is proposed it would be subject to review by the Landmark Preservation Commission.

Proposed Zoning

The U-SU-C1 is a single unit zone district with a minimum zone lot of 5,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-C1 district. Compared to the U-SU-C district, U-SU-C1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 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 also 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 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
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 feet	2.5 stories / 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story / 17 feet	1 story / 17 feet
DADU Maximum Height in Stories/Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot (Min.)	5,500 square feet	5,500 square feet
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 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.

Development Services - Fire: Approved – No Response.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Response

Development Services - Transportation: Approved – No Response.

Development Services - Wastewater: Approved – See Comments Below.

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approved – No Response.

Public Works – City Surveyor: 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:	10/25/2021
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:	11/29/2021
Planning Board Public Hearing (recommended for approval unanimously):	12/15/2021
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:	12/21/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	01/04/2022
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:	01/31/2022
City Council Public Hearing:	02/22/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received one letter of support and two letters of opposition from the public. The letter of support refers to how ADU’s can help provide affordable housing options into communities. The letters of opposition express multiple concerns including a potential increase in population density, scale of a 2-story ADU, preservation of historic character and decreasing property values. The letter is attached to this staff report.

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)
- East Central Area Plan (2020)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- 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).

U-SU-C1 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 that currently dominate the Congress Park neighborhood.

- 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.

- 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 single-unit 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

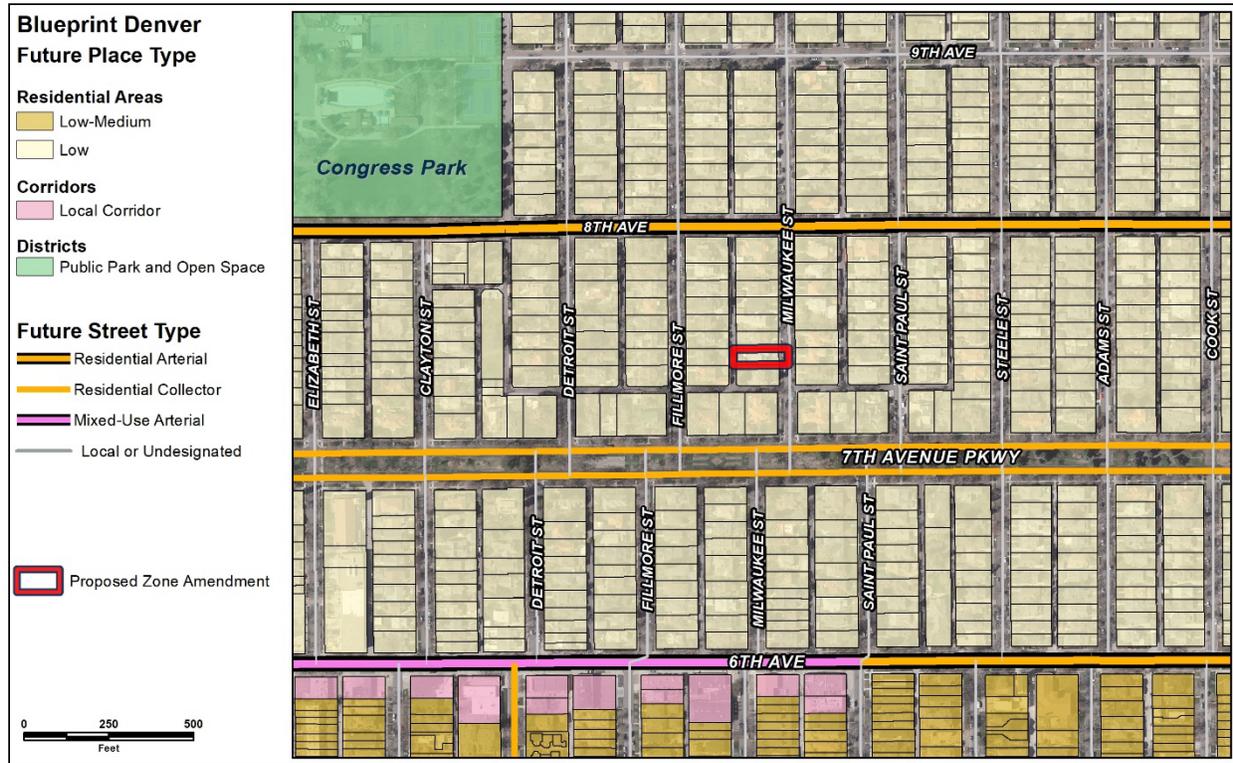
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and 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 site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (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 the Blueprint future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

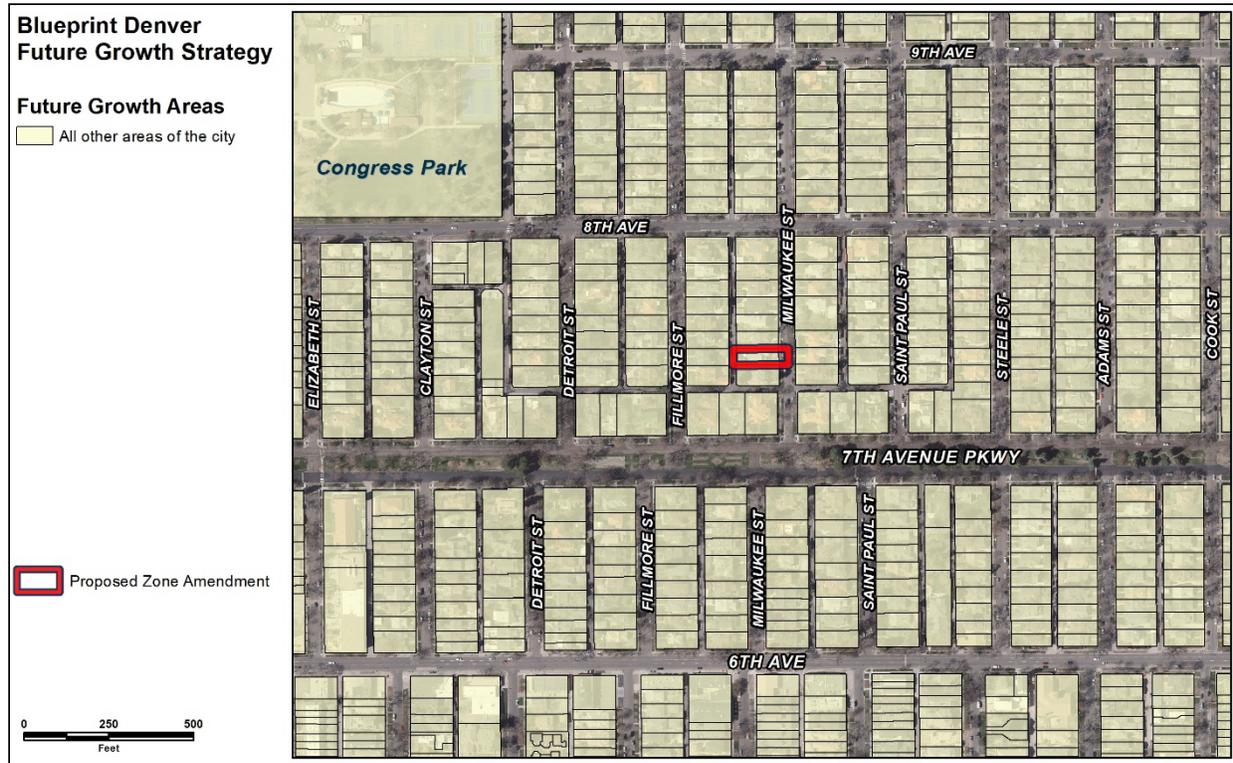


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-C1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to a primary single-unit residential use, which is consistent with the Low Residential future place type description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Milwaukee Street as 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 description 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 is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-SU-C1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

Blueprint Denver Strategies

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

- 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 few blocks of a bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

East Central Area Plan (2020)

The East Central Area Plan was adopted by City Council in 2020 and applies to the subject property. The plan includes general recommendations and neighborhood-specific recommendations and utilizes the same context and place framework as Blueprint Denver. The subject property is designated Urban Low Residential, the same as Blueprint Denver, and the place description is very similar: *“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”* (p. 30). The Maximum Building Heights map on page 35 indicates the maximum height for the subject property is 2.5 stories.

Section 2.1 *The Land Use and Build Form*, includes specific recommendations on rezonings for ADU’s. L5 Strategy C: *“Implement adopted citywide policies in Blueprint Denver to diversify housing choice through expansion of accessory dwelling units (ADUs) throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction. 1. ADUs should be allowed in all low residential forms, including duplex and rowhouse. 2. Until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs”* (page 39).

Also Section 2.2 *Economy and Housing*, recommendation E11 Strategy E *“Integrate accessory dwelling units (ADUs) and missing middle housing in appropriate locations (See Policy L5) with strategies for affordability and wealth building for low- and moderate-income residents, such as: 1. Providing technical assistance and reducing barriers in permitting and construction for existing homeowners. 2. Exploring an adaptation of the WDSF+ ADU pilot program (see sidebar) that provides technical assistance and financial incentives to help existing homeowners build ADUs. An East Central pilot program should offer forgivable loans or grants in exchange for a long-term affordability commitment, pre-approved prototype designs (with universal design features) and streamlined access to lenders and builders. 3. Partnering with local organizations to create and administer programs to advance this policy”* (page 67).

The proposed map amendment is consistent with the East Central Area Plan’s context and place designations and would allow for an accessory dwelling unit that is appropriate for this location in the Congress Park neighborhood, making it consistent with the plan.

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 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.

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 after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-C1 zone district is within the Urban Neighborhood Context. The neighborhood context 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). These areas consist of “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Congress Park neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-C1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

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 5.2.2.2.H.) The subject site is in an area where Urban houses 50-foot wide lots are common. The site at 735 North Milwaukee Street is 6,250 square feet with a width of 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public Comment Letters

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Charles R & Deana T Macdonald	Representative Name	
Address	735 N. Milwaukee St.	Address	
City, State, Zip	Denver, CO 80206	City, State, Zip	
Telephone	303.815.7932	Telephone	
Email	chuck@crmacdonaldcompany.com	Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	735 N. Milwaukee St., Denver, CO 80206		
Assessor's Parcel Numbers:	05016-13-020-000		
Area in Acres or Square Feet:	6,250		
Current Zone District(s):	U-SU-C		
PROPOSAL			
Proposed Zone District:	U-SU-C1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <input type="checkbox"/> No - if no, describe why not	9-14-2021	_____
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <input type="checkbox"/> No - if no, describe why not (in outreach attachment)	Met with Galia Halpern Mar 3, 2020 at 735 Milwaukee St.	_____

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" 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.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - "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. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): _____</p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" 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.</p> <p><input checked="" 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> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including <i>Blueprint Denver</i> which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: 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:</p> <ul style="list-style-type: none"> 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. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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.</p> <p><input checked="" 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.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-C1</u> Zone District.</p>
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REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of Ownership Document (e.g. Assessor’s record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor’s Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. 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.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available) **See below**
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- Written Authorization to Represent Property Owner(s) (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

ILC for property by Colorado Engineering & Surveying, Inc.
Our Landmark application with site plan, plans, model of house and garage

REZONING GUIDE

ADU Rezoning Application Page 4 of 4



PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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, (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
Charles R. Macdonald and Deana T. Macdonald	735 N. Milwaukee St. Denver, CO 80206 303.815.7932 chuck@crmacdonaldcompany.com	100%	<i>Charles R. Macdonald</i> <i>Deana T. Macdonald</i>	09/15/21	(A)	NO

Legal Description for

735 N. Milwaukee St., Denver CO 80206

Lots 33 and 34, Block 13, Fisher's Cheesman Park Addition

City and County of Denver, State of Colorado

735 N MILWAUKEE ST

Owner	MACDONALD,DEANA T MACDONALD,CHARLES R 735 MILWAUKEE ST DENVER, CO 80206-3901
Schedule Number	05016-13-020-000
Legal Description	L 33 & 34 BLK 13 FISHERS CHEESMAN PARK ADD
Property Type	SFR Grade B
Tax District	DENVER

Print Summary

Property Description			
Style:	14: 1.5 STORY	Building Sqr. Foot:	2434
Bedrooms:	3	Baths Full/Half:	3/1
Effective Year Built:	1924	Basement/Finish:	1578/1341
Lot Size:	6,250	Zoned As:	U-SU-C

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

Current Year			
	Actual	Assessed	Exempt
Land		\$687,100	\$49,130 \$0
Improvements		\$529,900	\$37,890
Total		\$1,217,000	\$87,020

Prior Year			
	Actual	Assessed	Exempt
Land		\$531,000	\$37,970 \$0
Improvements		\$810,200	\$57,930
Total		\$1,341,200	\$95,900

Real Estates Property Taxes for current tax year

System Upgrade Underway:

Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Mill Levy * 74..195 *

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	2/28/2021	6/15/2021	
Original Tax Levy	\$3,557.63	\$3,557.66	\$7,115.29
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$3,557.63	\$3,557.66	\$7,115.29
Due	\$0.00	\$0.00	\$0.00

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		
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: **\$6,915.92**

Assessed Value for the current tax year

Assessed Land	\$37,970.00	Assessed Improvements	\$57,930.00
Exemption	\$0.00	Total Assessed Value	\$95,900.00

Narrative for Proposed New 1 ½ story garage and ADU at 735 Milwaukee St.

We wish to demolish the existing antiquated garage and construct a new garage with an ADU above.

The existing garage floor is cracked and heaving, the roof and gutters leak, and the existing masonry has deteriorated such that the mortar is falling out (has been pointed up multiple times). Additionally, the garage was originally entered from the east with full width sliding doors, and at some point, a full width garage door to the alley was also installed, therefore it is doubtful that the garage would meet standards for lateral stability in the event of significant wind or seismic activity.

The new garage would be four feet wider and longer to allow for modern vehicles, bikes, and lawn implements. The new garage would be located slightly north of the existing, as the existing garage is within 3' of the property line,

We wish to construct an ADU above the garage, in accordance with the height and bulk plane restrictions. The ADU would be a studio type unit suitable for use by no more than two people.

The garage and ADU will be constructed using materials and design consistent with our primary house so that at completion the new will blend with the old seamlessly. Our property is within the 7th Avenue Neighborhood Landmark District and we are working with Abigail Christman at Landmark.

Narrative of Outreach regarding ADU at 735 Milwaukee St.

We met with Galia Halpern of Councilman Chris Hinds office and discussed our project on March 3, 2020

We met with Svein Reichborn-Kjennerud of the Seventh Ave Neighborhood Association to discuss our project and he stated that SANA would not object.

We have reviewed our plans with our adjacent neighbors on Milwaukee

Dan Braun, 735 Milwaukee

Everett Schneider and Robert Phifer, 745 Milwaukee

And our neighbors on the west side of the alley

Andrew & Bartley Dutton, 740 Fillmore

Scott & Jessie Terry, 732 Fillmore

Dennis and Elizabeth Coughlin, 724 Fillmore

July 6, 2021

Landmark Preservation
Community Planning and Development
City and County of Denver

Reference: Proposed Reconstruction of Garage with ADU at
735 Milwaukee St., Denver, CO 80206

Dear Ms. Christman,

We are submitting our complete Landmark application for the demolition of our existing garage and construction of a new garage with an ADU. The existing garage is in poor shape - brick mortar is deteriorating (has been pointed up several times), flat roof has leaked and deteriorated the garage door fascia as well as structure, OVH garage door in need of replacement, numerous cracks and heaving floor.

The proposed construction will match the existing home. We have reviewed our drawings with our immediate neighbors on either side and across the alley, our RNO (SANA), and Councilman Chris Hines' office, no objections have been expressed to us.

We have made the changes suggested in the pre-application process / review with one exception. The exception is that Landmark had suggested that the garage incorporate eaves, we did not include eaves as the existing main house does not eaves and we desire for the two to match.

We wish to have concurrence with Landmark prior to our rezoning application.

Please accept this application and let us know of any additional items we need to include.

Regards,



Charles R. Macdonald
Homeowner

Enclosures:

Application
Drawings
Photos

Via Email: November 4, 2021

Francisca Peñafiel
Associate City Planner Urban Design Community Planning and Development
City and County of Denver

RE: Application for Rezoning
Chuck and Deana Macdonald
735 N. Milwaukee Street
Denver, CO 80206
Case No: 20211-00206

Ms. Peñafiel,

On October 29, 2021 we received a notice from the City and County of Denver that the property owners located at the above listed address have applied for rezoning that will allow them to construct a garage/ADU structure at the rear of their property. As the neighbor that lives to the north of the home directly behind the subject property, we will certainly be negatively impacted if rezoning is approved.

The application states that the proposed building plans were reviewed and supported by my husband, Andy, and me. Not only have we never seen these plans, we have never even heard anything about an ADU structure. Deana mentioned something to me several years ago about redoing their garage, and that is all that has ever been mentioned to us. In speaking with several other neighbors whose names are mentioned as having been supportive of the ADU structure, they too were not informed and are not on board. The Macdonald's did not follow the process, and in my opinion, were deceitful on this rezoning application.

There are other points I would like to share regarding this rezoning request, which we would have mentioned to the Macdonald's had we been asked. They are as follows:

1. We are completely opposed to rezoning or zoning variance that would allow the inclusion of an ADU with the proposed garage replacement. Therefore, we cannot support the proposed garage/ADU structure as depicted on the architectural drawings.
2. The Macdonald's also have an existing Airbnb on their property which allows up to six occupants. Adding two more residents in addition to anyone living/staying at their main home allows for at least 10 people on a 6250 lot, greatly increasing density of the property.
3. The scale of the proposed building is much too large and will change the neighbors' views and amount of light in their homes and yards.
4. We will fully support the replacement of the existing garage with an appropriately sized single-story structure that provides storage, added garage parking space and is sized similarly to other garages in the neighborhood.

Deana and I have been friends and I have enjoyed having her as a neighbor. I am frankly disappointed that we were not informed of the Macdonald's intentions and that they put our names on a legal document without our permission.

We want to keep the integrity of the 7th Avenue Historic District intact. We have paid a premium to live in the neighborhood knowing that our homes have been protected from zoning changes that as a result have led increased population density, inappropriate construction designs, and development. There are many other places in Denver where one can obtain an ADU permit; why begin to destroy the unique beauty and historical architecture of this section of Denver that Landmark has worked so hard to keep intact. What precedent will this set for the future?

We truly hope you consider our concerns and help to keep the future of this small piece of Denver history the way it is. Thank you very much and please do not hesitate to contact me with any questions.

Andrew and Elizabeth Dutton
740 N. Fillmore St.
Denver, CO 80206
(303)549-4340 (Elizabeth)
(303-884-8980 (Andrew)

cc: Jesse Morreale, 7th Avenue Neighborhood Association (SANA)
Svein Reichborn-Kjennerud, 7th Avenue Neighborhood Association (SANA)
Abigail Christman, Sr. City Planner, Landmark - East 7th Avenue Historic District
Chris Hinds, Denver City Councilman, District 10
Debbie Ortega, Denver City Councilwoman, At-Large

Via Email: November 3, 2021

Francisca Peñafiel
Associate City Planner Urban Design Community Planning and Development
City and County of Denver

RE: Application for Rezoning
Chuck and Deana Macdonald
735 N. Milwaukee Street
Denver, CO 80206
Case No: 2021I-00206

Ms. Peñafiel,

On October 29, 2021 we received a notice from the City and County of Denver the property owners located at the above listed address have applied for rezoning that will allow them to construct a garage/ADU structure at the rear of their property. As the neighbor that lives directly behind the subject property, we will be the most negatively impacted if rezoning is approved.

Upon first learning of a potential rezoning request, I contacted Ms. Heidi Tippets with the City's Community Planning and Development Department via email in early April 2020 to make her aware of our intention to oppose the rezoning. At that time Ms. Tippets indicated the best recourse was to wait until the rezoning application had been filed and at that time present our opposition.

The application mentions the proposed building plans were reviewed with my wife Jessie and me and implies we are somehow supportive of the garage/ADU structure. This is not at all true. In March 2020 we did receive a call from Deana Macdonald indicating her desire to meet with us to review their building plans to construct a garage replacement. We never received plans from them and were only able to see the proposed structure plans after a neighbor shared them with us. To date, there has been no follow-up from the Macdonald's asking for our review comments which are as follows:

1. We are completely opposed to rezoning or a zoning variance that would allow the inclusion of an ADU with the proposed garage replacement. Therefore, we cannot support the proposed garage/ADU structure as depicted on the architectural drawings.
2. Allowing for the ADU in addition to the short-term rental (i.e., Airbnb) currently being operated out of the subject property will potentially triple the density of the property (from two to potential six or more residents at times).
3. Generally, the design of the structure appears to match the architectural style of the existing home.
4. Driven by the proposed upper level ADU the scale of the building is much too large.
5. We will fully support the replacement of the existing garage with an appropriately sized single-story structure that provides storage, added garage parking space and is sized similarly to the other garages in the neighborhood.

We enjoy Chuck and Deana as back-fence neighbors and appreciate the level of care they provide for their property. However, each property owner in the East 7th Avenue Historic District has paid a premium for, and enjoys the many benefits of, home ownership in the District knowing that we have historically been protected from zoning changes that result in increased population density, inappropriate construction designs, and protection from development.

As our property owner since 1997, we believe we owe the original founders of the East 7th Avenue Historic District (including Jim and Janette Sheehan that owned our home for over 35 years before we purchased our property from them) our collective gratitude for the protections afforded our neighborhood which allow it to keep its property values, unique beauty and architectural integrity intact.

Carrying on the vision of the District's original founders is an obligation each homeowner in the District and the City of Denver has for our fellow neighbors and the generations of homeowners that follow.

Thank you for your consideration and please contact me with any questions.

Scott and Jessie Terry
732 N. Fillmore Street
Denver, CO 80206
(423) 470-5977
scotty37743@gmail.com

cc: Jesse Morreale, 7th Avenue Neighborhood Association (SANA)
Svein Reichborn-Kjennerud, 7th Avenue Neighborhood Association (SANA)
Abigail Christman, Sr. City Planner, Landmark - East 7th Avenue Historic District
Chris Hinds, Denver City Councilman, District 10
Debbie Ortega, Denver City Councilwoman, At-Large

December 6, 2021

To the attention of the Denver Planning Board and City Council,

On the behalf of Deana and Chuck MacDonald's rezoning application# 20211-00206 for an ADU on their property at 735 Milwaukee Street, I am writing to show our support for their application and plans.

The Macdonalds moved to Milwaukee street around the corner from us a few years ago and have been wonderful neighbors as well as thoughtful members of the community.

As residents in the Congress Park neighborhood, we realize that reasonable housing costs are becoming increasingly difficult, and that additional creative solutions to provide affordable housing needs to be incorporated into our communities. I am fully supportive of ADUs in the Congress Park neighborhood, and trust that Deana and Chuck will be responsible and conscientious in building their ADU if the application is approved. Chuck is in the construction business and is very knowledgeable about these building principles.

Thank you,

Dina Bleecker & Jon Thompson

2945 E 7th Avenue Avenue
Denver CO 80206