



**TO:** Denver City Council  
**FROM:** Francisca Penafiel, Senior City Planner  
**DATE:** April 14, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-000218

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00218.

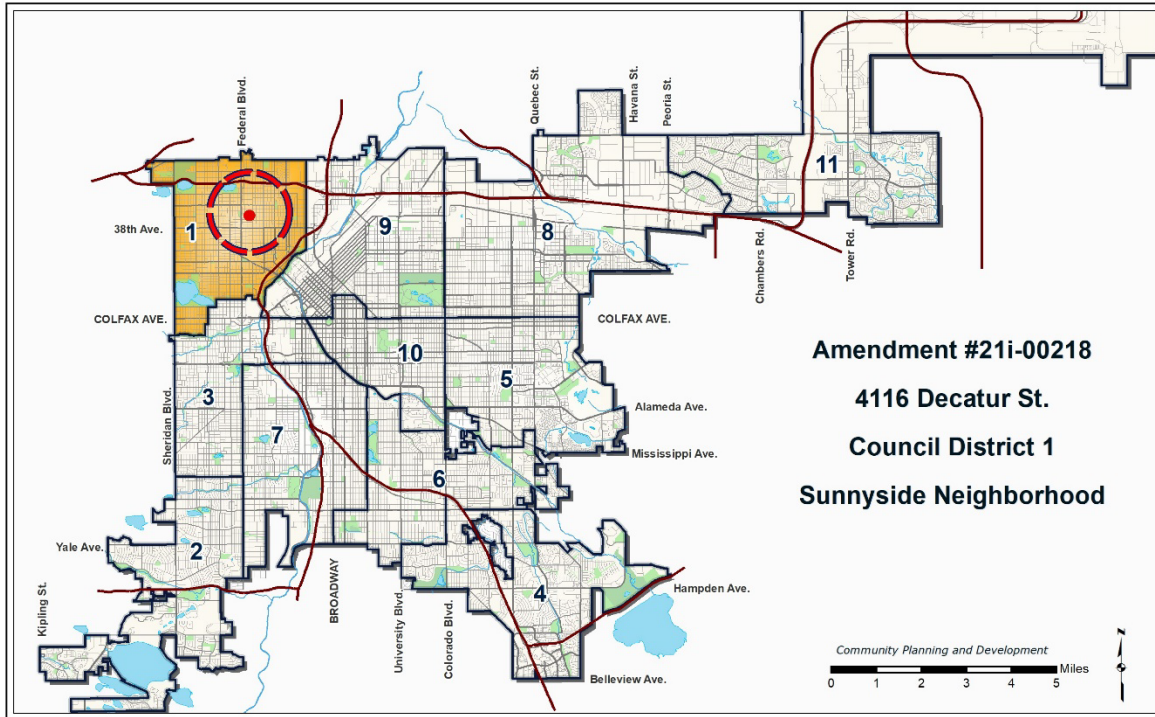
### Request for Rezoning

Address:	4116 Decatur Street
Neighborhood/Council District:	Sunnyside Neighborhood/ Council District 1 – Amanda Sandoval
RNOs:	Inter-Neighborhood Cooperation (INC), Unite North Metro Denver, District 1 Neighborhood Coalition, Inc., Denver for ALL, Sunnyside United Neighbors, Inc. (SUNI)
Area of Property:	4,690 or 0.1 acres
Current Zoning:	U-SU-C1
Proposed Zoning:	U-SU-B1
Property Owner(s):	Hayley Clark and Christina Johnson
Owner Representative:	Rodney Kazenske

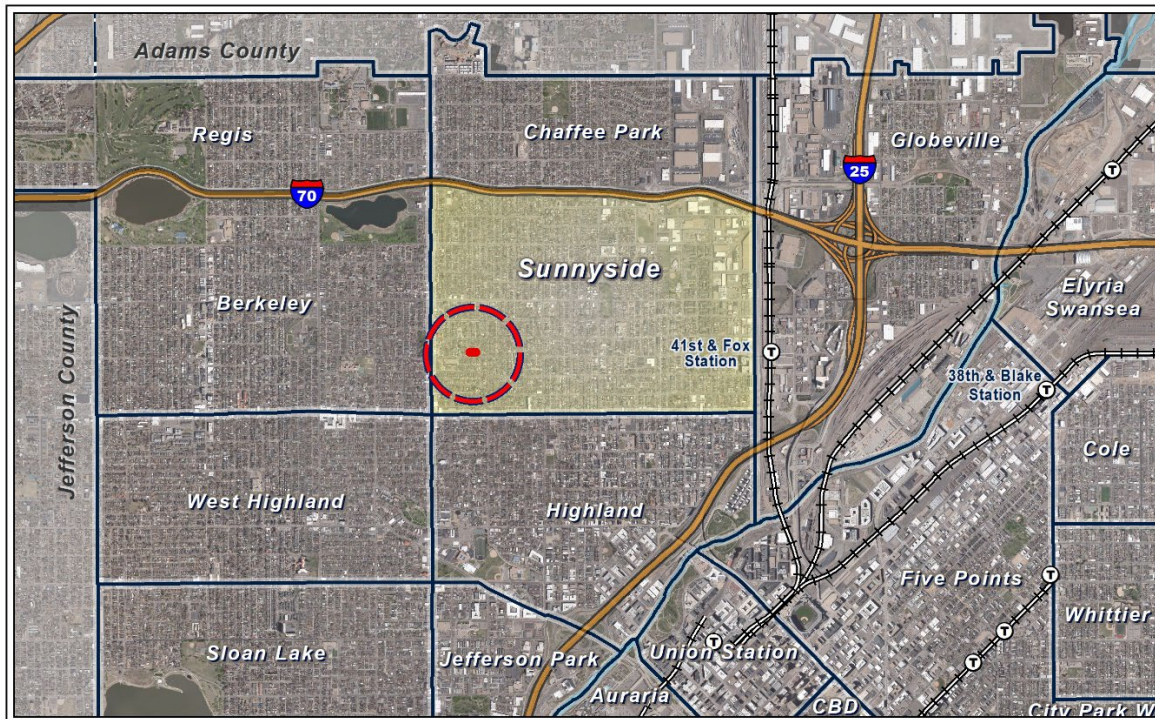
### Summary of Rezoning Request

- The property owner is proposing to rezone their property to a district with a smaller minimum zone lot size to build a detached accessory dwelling unit. While an attached accessory dwelling unit is allowed under the existing zoning, a detached accessory dwelling unit is not allowed in the existing zoning because the lot is smaller than the minimum 5,500 square feet required in the U-SU-C1 zone district.
- The subject property contains a single-unit dwelling built in 1925 and is located between West 41<sup>st</sup> and West 42<sup>nd</sup> Avenue, along North Decatur Street.
- The proposed U-SU-B1, **U**rbane, **S**ingle-**U**nit, **B1** district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 4,500 square feet. The 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 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).

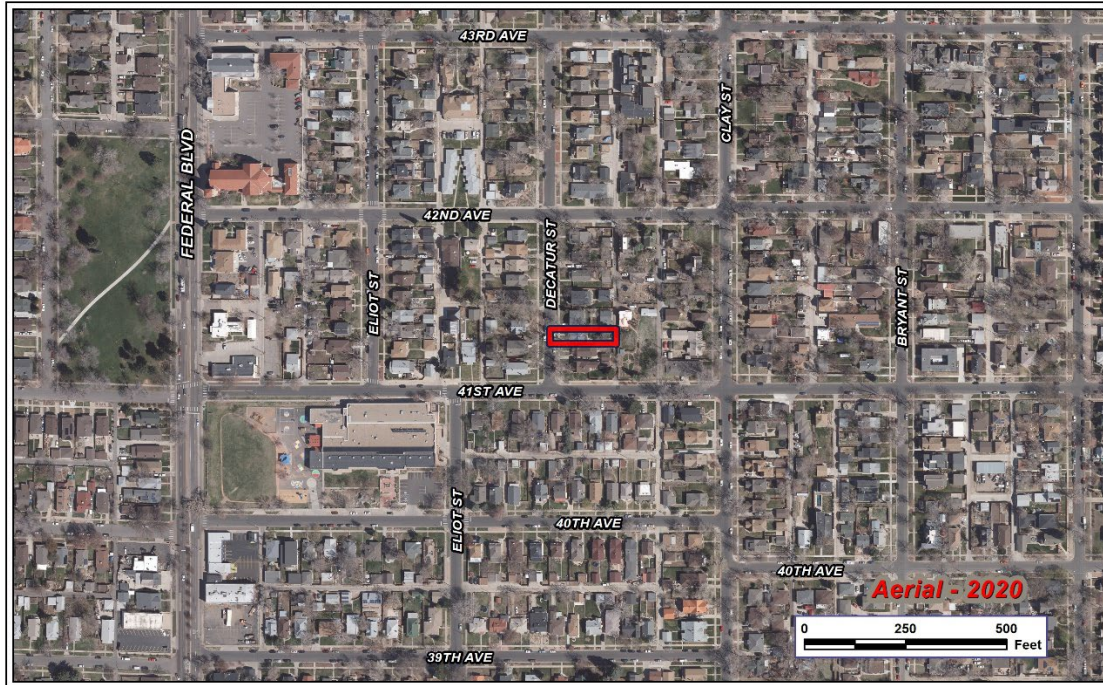
### City Location



### Neighborhood Location – Sunnyside Neighborhood



### Existing Context

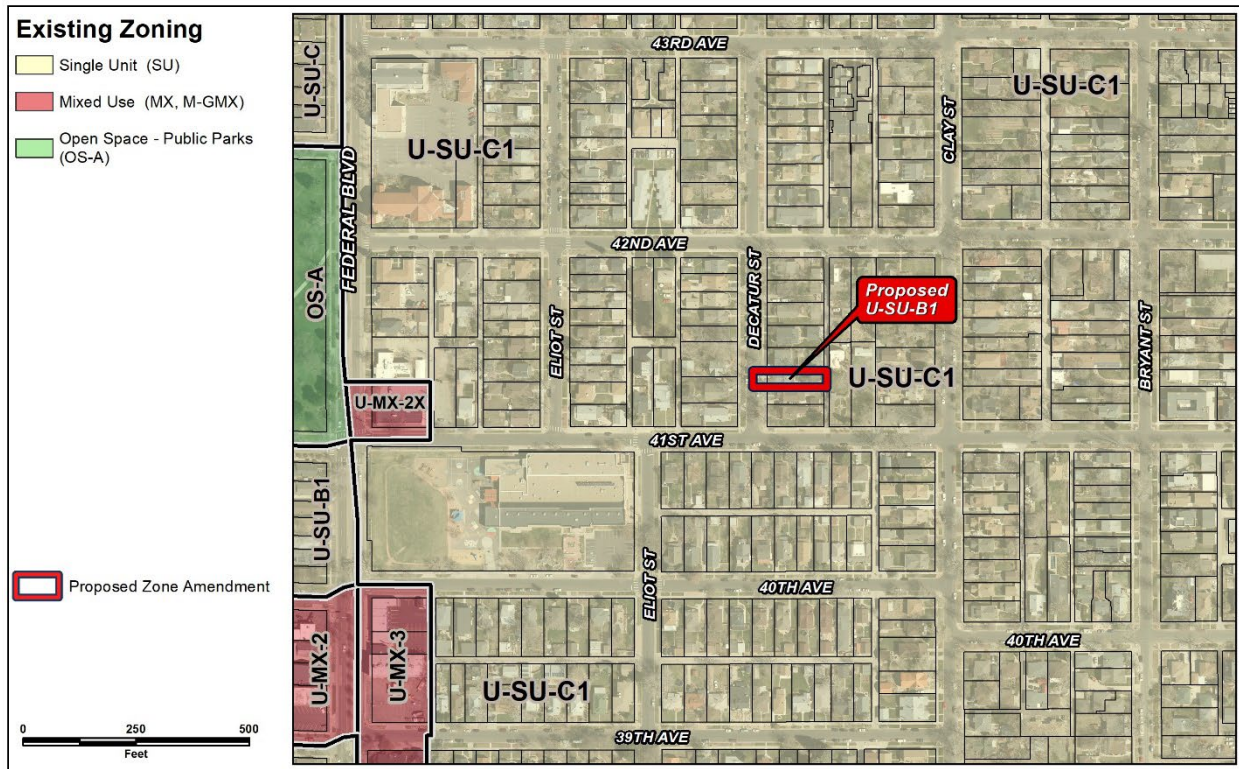


The subject property is in the Sunnyside neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses at the intersection of 41<sup>st</sup> Avenue and Federal Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. Columbian Elementary School is one block to the west and is the elementary school that serves the neighborhood. The subject property is 0.7 miles south of I-70 and 0.2 miles east of North Federal Boulevard where RTD bus route 31 runs north-south. Also, RTD bus route 44 runs east-west on West 44<sup>th</sup> Avenue and route 38 runs east-west on West 38<sup>th</sup> Avenue.

The following table summarizes the existing context proximate to the subject site:

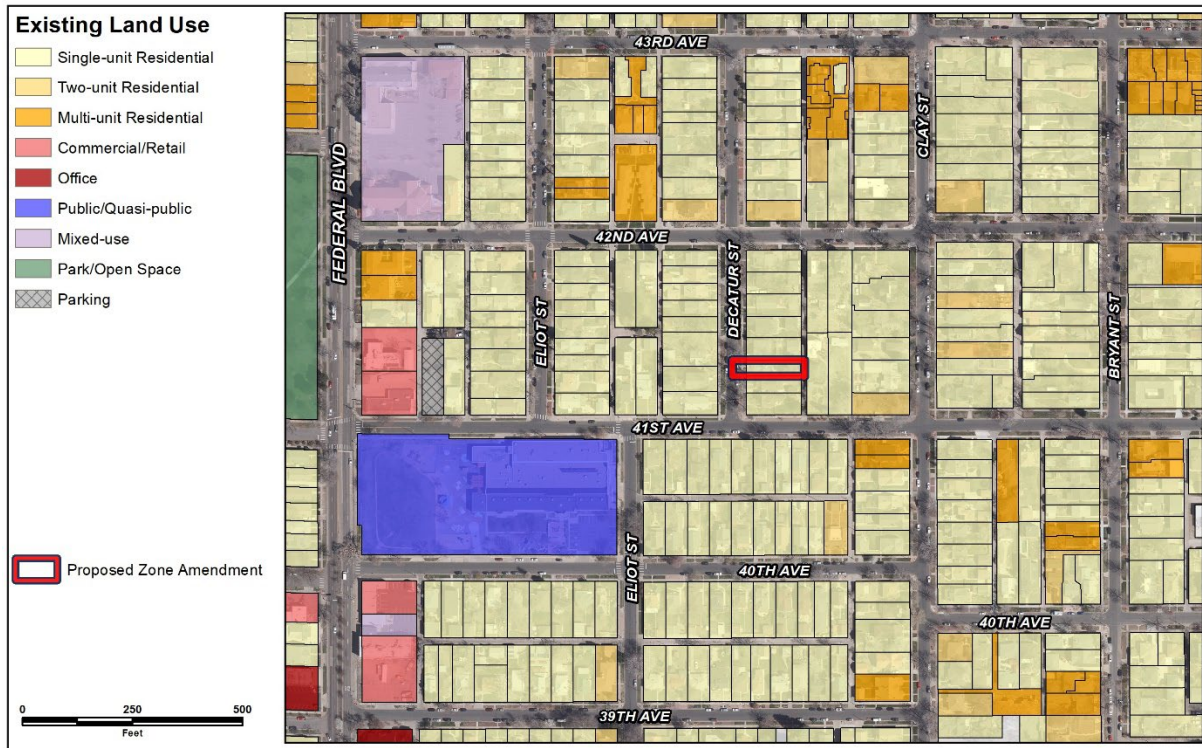
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C1	Single-unit Residential	1-story bungalow with driveway on North Decatur Avenue and alley access	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C1	Single-unit Residential	Tri-level house with driveway on North Decatur Avenue and alley access	
South	U-SU-C1	Single-unit Residential	1 story bungalow with driveway on North Decatur Avenue and alley access	
East	U-SU-C1	Single-unit Residential	2 -story house set at the back of a north-south oriented lot, with access on West 41 <sup>st</sup> Avenue	
West	U-SU-C1	Single-unit Residential	2-story house with alley access	

### Existing Zoning



The U-SU-C1 zone district is a single-unit district allowing urban houses and detached accessory dwelling units 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 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Units, 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.

### Existing Land Use Map



### Existing Building Form and Scale (source: Google Maps)



View of the subject property looking east.

Rezoning Application #20211-00218

4116 Decatur Street

April 14, 2022

Page 6



View of the property to the north, looking east.



View of the property to the south, looking east

Rezoning Application #2021I-00218

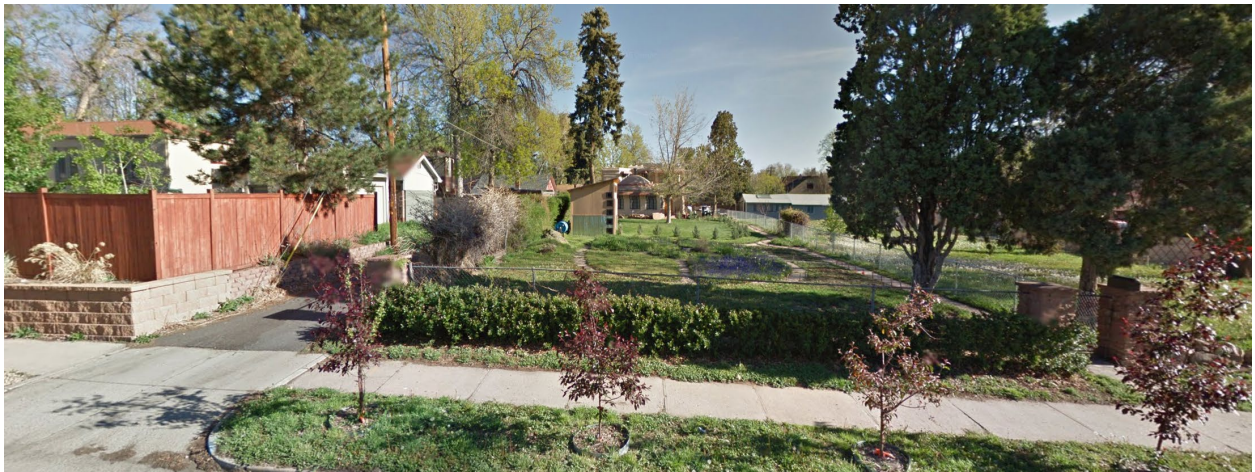
4116 Decatur Street

April 14, 2022

Page 7



View of the properties to the west, on the other side of North Decatur Street, looking west



View of the property to the east, on the other side of the alley, looking north

### Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 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-B1 district. The Detached Accessory Dwelling Unit (DADU) 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. The subject site has a lot size of 4,690 square feet, allowing a maximum building footprint of 650 square feet for the DADU's.

The building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	U-SU-C1 (Existing)	U-SU-B1 (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	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 square feet	4,500 square feet
Zone Lot Width (Min.)	50 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet*
Side Interior Setback (Min.) *	3' min one side/ 10' min combined	3' min one side/ 10' min combined
Rear Setback, Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	5 feet	5 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit **, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit**, Detached Garage, Other Detached Accessory Structures

\*Based on subject property lot width of 37.5 feet

\*\* DADU are only allowed based on certain minimum lot size



### **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:** Approve – No Response.

**Development Services - Wastewater:** Approved – No Response.

**Parks and Recreation:** Approved – No Comments.

**Public Health and Environment:** Approved – No Comments.

**Department of Transportation and Infrastructure – City Surveyor:** Approved – See Comments Below.  
Please see attached approved Legal Description

Lot 11 and the North 1/2 of Lot 12, Block 16, Boulevard Heights-Second Filing, City and County of Denver, State of Colorado.

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>12/08/2021</b>
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:	<b>01/18/2022</b>
Planning Board public hearing: (Recommended for approval on consent agenda)	<b>02/02/2022</b>
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:	<b>02/01/2022</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>02/15/2022</b>
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:	<b>03/28/2022</b>
City Council Public Hearing:	<b>04/18/2022</b>

- **Registered Neighborhood Organizations (RNOs)**  
 Attached to the application, the applicant provided a letter of support from Sunnyside United Neighbors Inc. (SUNI) where the RNO agrees that the ADU will be a great enhancement to the Sunnyside neighborhood.  
 To date, staff has not received any other letters of support or opposition from other RNO's.
- **Other Public Comment**  
 To date, staff has not received any letters from the community.

## **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)
- Sunnyside Neighborhood Plan

### ***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-B1 will allow the subject properties to build 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 homes found in the Sunnyside 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.

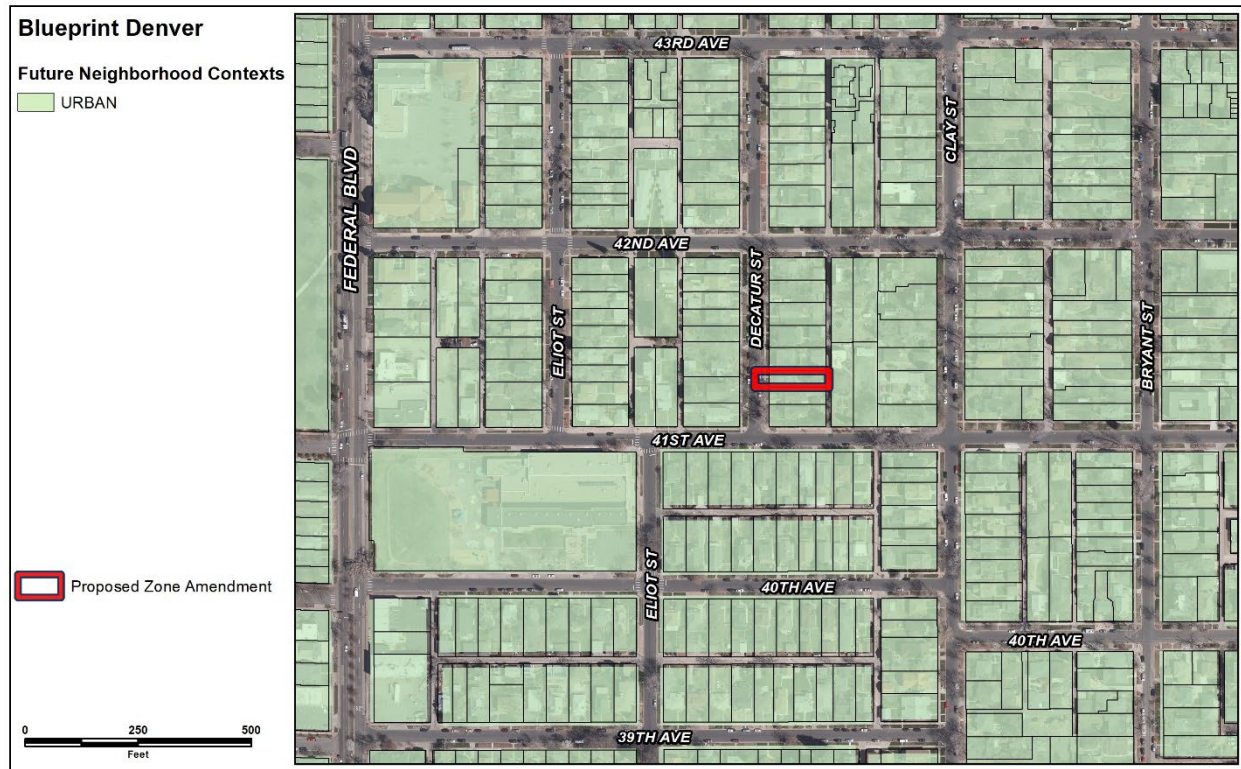
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing 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**

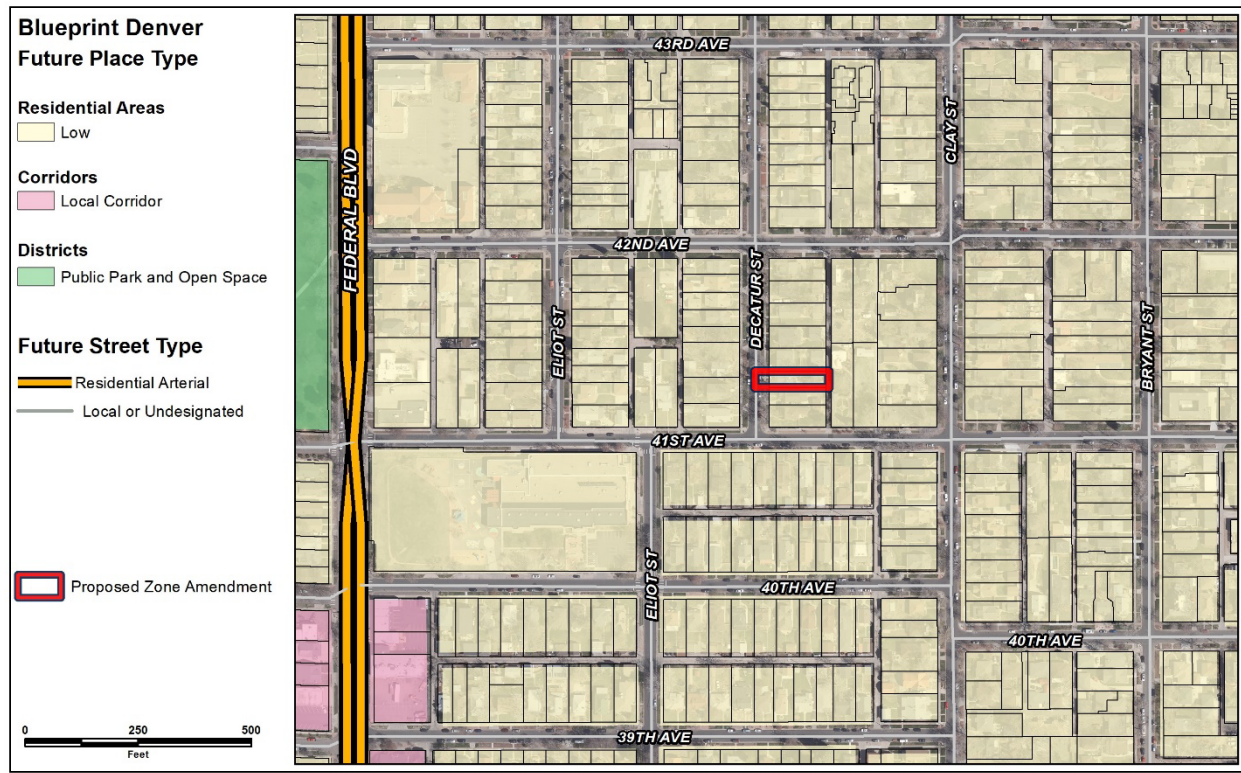
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential future place within the Urban future neighborhood 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-B1 is a zone district within the Urban Neighborhood Context in the Denver Zoning Code. The Urban residential zone districts are “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 Section 5.2.2.1). U-SU-B1 is consistent with the *Blueprint Denver* 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**

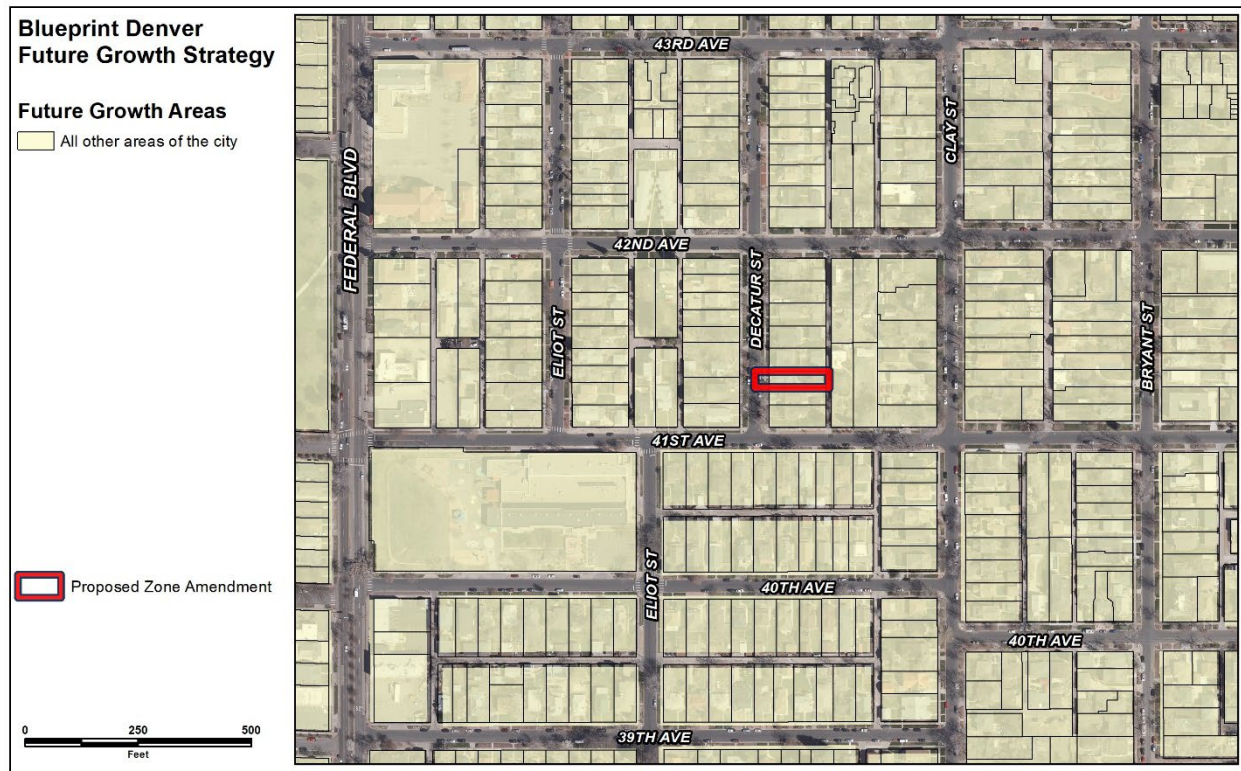


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-B1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, which is consistent with the Low Residential future place 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 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 Decatur 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-B1 district is consistent with this street type because it allows for primary residential 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 properties are 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). These growth areas are “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 map amendment to U-SU-B1 will strengthen the existing character of the residential neighborhood by allowing a zone district that is more consistent with the size of the zone lot and the average lot size of the area. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each lot.

**Blueprint Denver Lot Size Guidance for Rezonings**

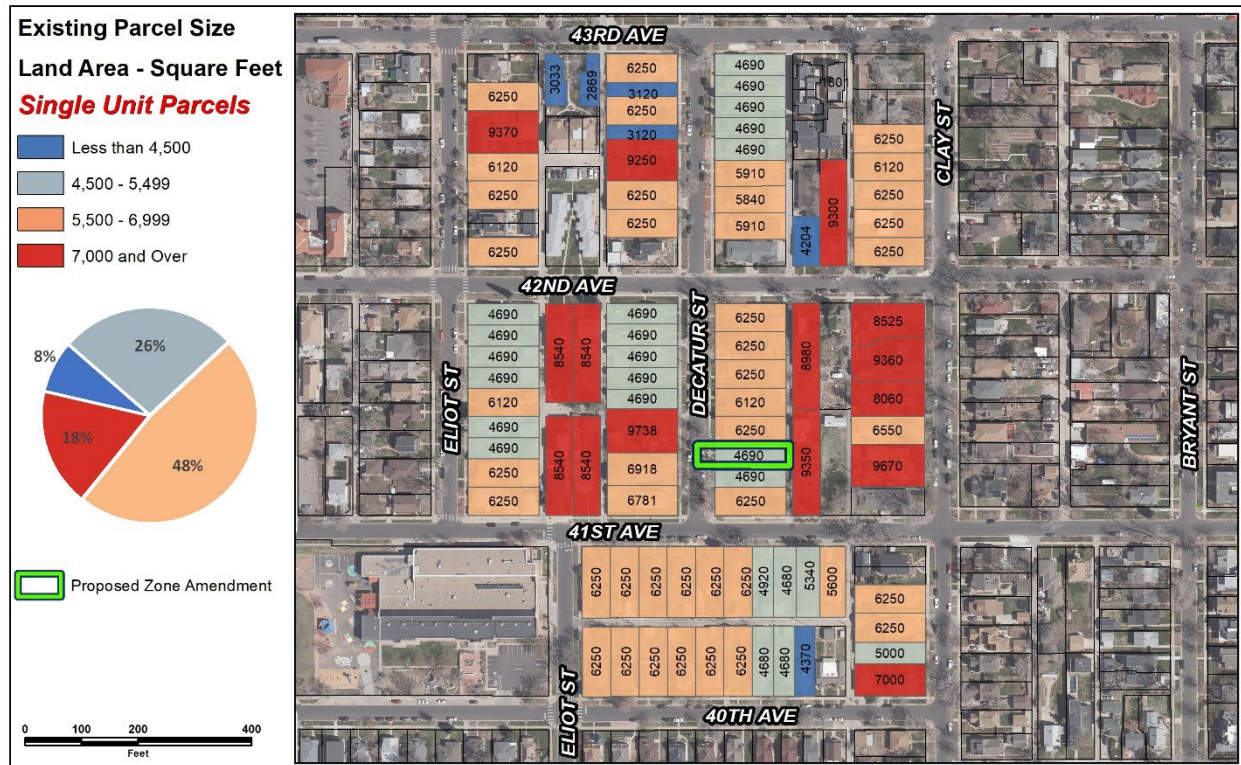
The applicant is proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet to a district with a smaller lot size, U-SU-B1, with a minimum zone lot size of 4,500 square feet. *Blueprint Denver* provides guidance for these situations stating, “it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request” (p. 231).

While most of the single-unit residential lots contained in the same block than the subject property have a lot size consistent with the existing U-SU-C1 district and are 5,500 square feet or greater, on the block to the west of the subject property more than 50% of the lots are 4690 square feet, more consistent

with U-SU-B1. Likewise, more than half of the single-unit residential lots in the block to the north of the subject site have a lot size less than 5,500 square feet. The lot sizes contained in the blocks south of the proposed rezoning are more consistent with the U-SU-C1 district and are over 5,500 square feet but still have a considerable amount of smaller lots in the middle of the block.

Therefore, there is a pattern of single-unit residential smaller lot sizes in the area and the applicants' proposal of a district with a smaller lot size is consistent with the future places map and *Blueprint Denver* guidance for applying the Low Residential future place.

**Parcel Size Analysis**



**Blueprint Denver Strategies**

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

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

In this case, the requested rezoning is a single lot in a residential area less than one-quarter mile from a bus stop. 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 will allow for additional opportunities to accommodate an ADU by allowing for the construction of a detached ADU on a smaller minimum lot size.

### ***Sunnyside Neighborhood Plan***

This neighborhood plan was adopted in 1993 and is applicable to the subject site. The plan is silent on residential rezonings specifically. However, the proposed rezoning is consistent with a Residential Land Use Goal, “Maintain and stabilize the residential character of Sunnyside” (p.18) and a Housing Goal, “Stabilize and upgrade the housing stock by encouraging long term residency and increasing home-ownership” (p.47). The proposed rezoning is consistent with the residential character of Sunnyside and will support opportunities to upgrade the housing stock and age in place by allowing a detached ADU.

### **Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

### **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 “smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses” (p. 231, *Blueprint Denver*). The proposed rezoning would also provide the benefit of an additional housing unit on the zone lot that would be detached from the single-unit homes and compatibly integrated into the surrounding neighborhoods.

### **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, according to *Blueprint Denver* it is appropriate to rezone to a district with a smaller lot size than the current district if a pattern of smaller lots with similar uses exists in the surrounding blocks. It also specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. This plan was adopted after the date of approval of the existing zone districts. Therefore, these are appropriate justifying circumstances for the proposed rezoning.



### **Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement**

The requested U-SU-B1 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, Section 5.1.1). This area consists of a “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Section 5.1.2). The Sunnyside neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 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.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 5.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-B1 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 small-scale ADUs in rear yards.

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E.). The subject site is in area where urban houses and lots ranging from 30 feet to 50 feet are common, with most lots having a width over 37.5 feet. The site at 4116 North Decatur Street is 4,690 square feet with a width of 37.5 feet. The adopted plan direction recommends allowing smaller lot sizes where a pattern of smaller lot sizes already exists. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

### **Attachments**

1. Application



## Zone Map Amendment (Rezoning) - Application

<b>PROPERTY OWNER INFORMATION*</b>		<b>PROPERTY OWNER(S) REPRESENTATIVE**</b>	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	CLARK,HAYLEY A JOHNSON,CHRISTINA R	Representative Name	RODNEY J. KAZENSKE
Address	4116 DECATUR ST	Address	2732 W. 42ND AVE.
City, State, Zip	DENVER, CO 80211-1718	City, State, Zip	DENVER, CO 80211
Telephone	(303) 994-5727 (303) 356-7384	Telephone	(720) 270-2141
Email	hayleycj@strykerbydesign.com tinaj@strykerbydesign.com	Email	RODK@YARDSTICKSTUDIO.COM
*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. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
<b>SUBJECT PROPERTY INFORMATION</b>			
Location (address):	4116 DECATUR ST DENVER, CO 80211-1718		
Assessor's Parcel Numbers:	0220416006000		
Area in Acres or Square Feet:	4,690 SF		
Current Zone District(s):	U-SU-C1		
<b>PROPOSAL</b>			
Proposed Zone District:	U-SU-B1		
<b>PRE-APPLICATION INFORMATION</b>			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input type="checkbox"/> Yes - State the contact name & meeting date _____ <input checked="" type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application ?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>09/21/2021 - EMAIL</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)	
<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm <b>and</b> include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p>Please provide a review criteria narrative attachment describing <b>how</b> the requested zone district is consistent with the policies and recommendations found in <b>each</b> of the adopted plans below. Each plan should have its' own subsection.</p> <p><b>1. Denver Comprehensive Plan 2040</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p><b>2. Blueprint Denver</b></p> <p>In this section of the attachment, describe <b>how</b> the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p><b>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</b> SUNNYSIDE</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B &amp; C</p> <p>Check boxes to the right to affirm <b>and</b> include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> <b>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.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>In the review criteria narrative attachment, please provide an additional section describing <b>how</b> the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box <b>and</b> include a section in the review criteria narrative attachment.</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input checked="" type="checkbox"/> 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> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> <b>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.</b></p> <p>In the review criteria narrative attachment, please provide a separate section describing <b>how</b> the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

**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 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.
- Review Criteria Narratives. See page 2 for details.

**ADDITIONAL ATTACHMENTS (IF APPLICABLE)**

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged )
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- 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 a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

Pre-Application Information - Developmental Services Meeting: I did have a Pre-Application Planning meeting via Zoom with Edson Ibanez on 10/28/2021 to review this zone map amendment application. I was not aware of a Pre-Application meeting with Developmental Services as well. I did however have several email discussions with Bridgette Trujillo, in the early in the design process, concerning the form of the detached garage and ADU structure.

**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)
<b>EXAMPLE</b> 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>	01/12/20	(A)	YES
CLARK, HAYLEY A JOHNSON, CHRISTINA R	4116 DECATUR ST DENVER, CO 80211-1718	100%	<i>HA Clark</i> <i>CR Johnson</i>	11/01/21	(A)	YES
						YES
						YES
						YES

# 4116 N DECATUR ST

**Owner** CLARK,HAYLEY A  
 JOHNSON,CHRISTINA R  
 4116 DECATUR ST  
 DENVER, CO 80211-1718

**Schedule Number** 02204-16-006-000

**Legal Description** L 11 & N 1/2 OF L 12 BLK 16 BOULEVARD HEIGHTS 2ND FLG

**Property Type** SFR Grade C

**Tax District** DENVER

**Print Summary**

Property Description

<b>Style:</b>	13: 1 STORY	<b>Building Sqr. Foot:</b>	647
<b>Bedrooms:</b>	2	<b>Baths Full/Half:</b>	1/0
<b>Effective Year Built:</b>	1925	<b>Basement/Finish:</b>	647/278
<b>Lot Size:</b>	4,690	<b>Zoned As:</b>	U-SU-C1

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

Current Year

<b>Actual</b>	<b>Assessed</b>	<b>Exempt</b>	
Land	\$206,000	\$14,730	\$0
Improvements	\$193,400	\$13,830	
<b>Total</b>	<b>\$399,400</b>	<b>\$28,560</b>	

Prior Year

<b>Actual</b>	<b>Assessed</b>	<b>Exempt</b>	
Land	\$206,000	\$14,730	\$0
Improvements	\$187,900	\$13,440	
<b>Total</b>	<b>\$393,900</b>	<b>\$28,170</b>	

2021I-00218

## 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.

	<b>Installment 1 (Feb 28 Feb 29 in Leap Years)</b>	<b>Installment 2 (Jun 15)</b>	<b>Full Payment (Due Apr 30)</b>
<b>Date Paid</b>	2/28/2021	6/15/2021	
<b>Original Tax Levy</b>	\$1,045.01	\$1,045.06	\$2,090.07
<b>Liens/Fees</b>	\$0.00	\$0.00	\$0.00
<b>Interest</b>	\$0.00	\$0.00	\$0.00
<b>Paid</b>	\$1,045.01	\$1,045.06	\$2,090.07
<b>Due</b>	\$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.

<b>Additional Assessment</b> ⓘ	N	<b>Prior Year Delinquency</b> ⓘ	N
<b>Additional Owner(s)</b> ⓘ	Y		
<b>Adjustments</b> ⓘ	N	<b>Sewer/Storm Drainage Liens</b> ⓘ	N
<b>Local Improvement Assessment</b> ⓘ	N	<b>Tax Lien Sale</b> ⓘ	N
<b>Maintenance District</b> ⓘ	N	<b>Treasurer's Deed</b> ⓘ	N
<b>Pending Local Improvement</b> ⓘ	N		

Real estate property taxes paid for prior tax year: **\$2,031.50**

## Assessed Value for the current tax year

<b>Assessed Land</b>	\$14,730.00	<b>Assessed Improvements</b>	\$13,440.00
<b>Exemption</b> 2021I-00218	\$0.00	<b>Total Assessed Value</b>	\$28,170.00

December 3, 2021 fee pd CC

Real Property Records

Date last updated: Monday, April 19, 2021

 [Real Property Records Search](#)

If you have a question about the value, ownership, or characteristics of this property, or any other property in Denver, please call the Assessor at 720-913-4162.

[Link to real property information for this property.](#)

[Link to comparable sales information for this property.](#)

[Link to chain of title information for this property.](#)

[Link to property sales information for this neighborhood](#)

[Back to Property List](#)

[Link to property tax information for this property.](#)

[Link to property sales information for all Denver neighborhoods](#)

[Link to map/historic district listing for this Property.](#)

**The property description shown is data from the Assessor's active, in-progress 2021 file. The "current year" values are from the 2021 tax year for real property tax due in 2022. These values are based on the property's physical status as of January 1, 2021.**

PROPERTY INFORMATION

Property Type: SFR Grade C

Parcel: 0220416006000

Name and Address Information

Legal Description

CLARK,HAYLEY A  
JOHNSON,CHRISTINA R  
4116 DECATUR ST  
DENVER, CO 80211-1718

L 11 & N 1/2 OF L 12 BLK 16 BOULEVARD HEIGHTS  
2ND FLG

Property Address: 4116 N DECATUR ST

Tax District DENVER

Assessment Information

	Actual	Assessed	Exempt	Taxable
Current Year				
Land	206000	14730		
Improvements	193400	13830		
Total	399400	28560	0	28560
Prior Year				
Land	206000	14730		
Improvements	187900	13440		
Total	393900	28170	0	28170

Style: Other  
Year Built: 1925  
Building Sqr. Foot: 647  
Bedrooms: 2  
Baths Full/Half: 1/0  
Basement/Finished: 647/278  
Lot Size: 4,690

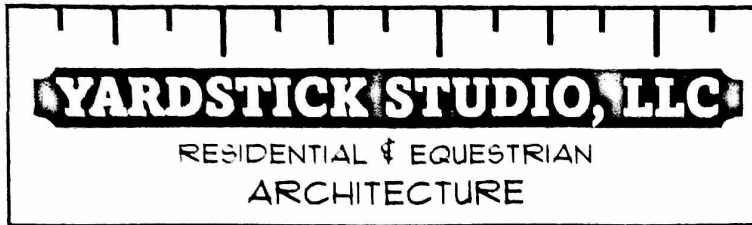
Reception No.: 2020084696  
Recording Date: 5/16/05  
Document Type: Quit Claim  
Sale Price: 10  
Mill Levy: 0.074195

[Click here for current zoning](#)

Zoning Used for Valuation: U-SU-C1

*Note: Valuation zoning maybe different from City's new zoning code.*





Representative Authorization Form

This Form provides the property owner with the opportunity to designate a representative.

We, Hayley Clark and Christina Johnson
have appointed Rodney Kazenske, Architect - Yardstick Studio, LLC

as our representative to act in our name, and in our stead, and on our behalf - in connection with any actions required and necessary to apply for:

Applications, Permits, Submittals, and Other Actions for the
Purposes of Planning, Architecture, and Construction

For the proposed project:
Renovation, Addition, and ADU Project

On certain real property, described as follow:
4116 Decatur St.
Denver, CO 80211

- I, AS PROPERTY OWNER:
1. UNDERSTAND THAT IT IS MY RESPONSIBILITY TO MAKE SURE THAT MY DESIGNATED REPRESENTATIVE IS AWARE OF AND RESPONSIBLE FOR ALL REQUIREMENTS NECESSARY TO COMPLY AND COMPLETE WITH THE ABOVE AFOREMENTIONED ACTION.
2. UNDERSTAND THAT ANY REQUIREMENTS PLACED ON THE PROPERTY WHICH CONTAIN RESTRICTIONS OR CONDITIONS WHICH MAY BE IMPOSED ON, AND MAY BURDEN, THE SUBJECT PROPERTY SHALL RUN WITH THE LAND REGARDLESS OF OWNERSHIP OF THE PROPERTY.
3. TAKE FULL RESPONSIBILITY FOR NONCOMPLIANCE OF ANY REQUIREMENT ASSOCIATED WITH THE ABOVE AFOREMENTIONED ACTION.

Agreed:
[Signature]
Signature of Property Owner
[Signature]
Signature of Property Owner

Hayley Clark
Print Name
Christina Johnson
Print Name

10.28.2021
Date
10.28.2021
Date



October 28<sup>th</sup>, 2021

RE: Rezoning Application – 4116 Decatur St. – Criteria Narrative

TO: Denver Community Planning and Development  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202  
[rezoning@denvergov.org](mailto:rezoning@denvergov.org)

FROM: Rodney J. Kazenske  
Yardstick Studio, LLC  
2732 W. 42<sup>nd</sup> Ave  
Denver, CO 80211

### Review Criteria

The accompanying Zone Map Amendment Application is requesting a rezoning for the property located at 4116 Decatur Street from its current U-SU-C1 designation to a U-SU-B1 designation. The 4690 square foot property currently does not conform to the minimum 5500 square foot lot size requirement of its existing U-SU-C1 zoning designation. A U-SU-B1 designation would bring the lot into conformance, be consistent with lot's character and size, and allow the property to have building form standards consistent with those the surrounding neighborhood context.

### Consistency with Adopted Plans

The requested zone map change is consistent with the **Denver Comprehensive Plan 2040** in that ADUs are designated as one method for Denver to meet its equity goals through the promotion of additional affordable housing options. ADUs also contribute to meeting the climate goals of the 2040 Plan by utilizing already in-place infrastructure and utilities, reducing the use of additional resources.

The U-SU-B1 designation would also be consistent with **Blueprint Denver** by promoting smart growth consistent with the surrounding neighborhood context, increasing density and diversity necessary for complete neighborhoods and viable transportation networks, and by furthering social equity goals through the creation of addition housing options within the community.

This requested change is also consistent with the **Sunnyside Neighborhood Plan** vision, by promoting growth and diversity, while still maintaining the neighborhood's existing residential character with the form, size, and scale of building elements within the U-SU-B1 zoning designation.

Yardstick Studio LLC  
2732 W. 42<sup>nd</sup> Ave  
Denver, CO 80211



### **Public Health, Safety, and Welfare**

The requested zone map change, to U-SU-B1, would create a conforming lot and allow for improvements consistent with, and preserving, the intended character of the neighborhood. This promotes the public health, safety, and general welfare of the city in several ways. First, neighborhoods with consistency in building form and character have been shown to create more walkable and user-friendly communities, promoting overall health and welfare of its residents. Also, more walkable communities have been shown to promote safer street environments. Utilizing existing infrastructure saves resources and is a more sustainable and ecologically sound form of growth within a community – promoting overall environmental health and conservation of natural resources. Neighborhoods with a variation in housing options, including affordable housing options, and are rich in diversity and have been shown to contribute to the overall welfare of communities by creating dynamic and vibrant places to live.

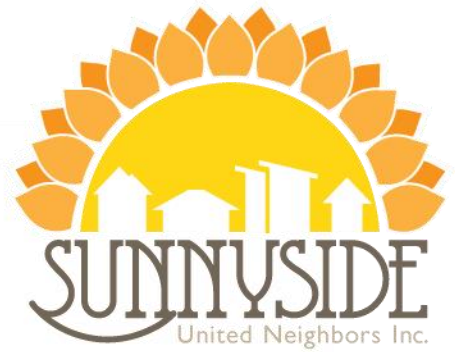
### **Justifying Circumstances**

When the U-SU-C1 designation was adopted for the neighborhood, the process did not account for lot variations, such as lots that did not meet the 5500sqft minimum zone lot size requirement. This creates a non-conforming lot condition that restricts these lots from making improvements to the property that are allowed and intended within surrounding neighborhood context. Since the date of the approval of the adopted zone district, there has been a desire for measured and common-sense growth within the Urban Neighborhood Context zoning district. This includes the typical Urban House and the accompanying Detached Accessory Unit building forms. The requested zone lot change, to U-SU-B1 would bring the lot into conformance and be consistent with the intended character and building forms of the neighborhood.

### **Purpose and Intent**

The proposed map amendment for this property is consistent with the description of the neighborhood context which is primarily characterized by single-unit and two-unit residential uses, and with the stated purpose to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context, and with the intent of allowing urban houses and detached accessory dwelling units.

Yardstick Studio LLC  
2732 W. 42<sup>nd</sup> Ave  
Denver, CO 80211



Sunnyside United Neighbors, Inc | P.O. Box 11381 | Denver, CO 80211

Planning & Community Development Committee

November 11, 2021

Community Planning and Development  
City and County of Denver

**Re: Rezoning of 4116 Decatur St.**

Sunnyside United Neighbors offers this letter of support for the Zone Map Amendment Application, from the current U-SU-C1 zoning designation to the U-SU-B1 zoning designation, at 4116 Decatur Street. On October 14<sup>th</sup>, 2021 at our monthly Sunnyside United Neighbors Planning and Community Development meeting, Rod Kazenske presented plans for Yardstick Studio's project at Decatur St. There was broad agreement that both the addition and the ADU would be great enhancements to the Sunnyside neighborhood. The vote of support amongst the residents, property owners and business owners in attendance was unanimous; 8 – 0.

In conclusion, I am glad to offer Sunnyside United Neighbor's formal support for the project given the plans that have been submitted.

Best regards,

Bill Hare

Co-Chair, SUNI Planning and Community Development Committee

cc: Rod Kazenske Yardstick Studio

Sunnyside United Neighbors, Inc. (SUNI) is the registered neighborhood organization for Sunnyside. The SUNI Planning and Community Development Committee is a standing committee authorized by the SUNI bylaws to act for the Association on matters of zoning, development, and neighborhood planning. The SUNI PCD Committee holds regular monthly public meetings, announced by our website.



[www.SunnysideDenver.org](http://www.SunnysideDenver.org)

Sunnyside United Neighbors Inc. (SUNI) is a registered non-profit 501(c)(3)