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TO: Land Use, Transportation, Infrastructure Committee
FROM: Rob Haigh, Senior City Planner
DATE: January 18, 2023
RE: Official Zoning Map Amendment Application #2022I-00149

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2022I-00149 forward for consideration by the full City Council.

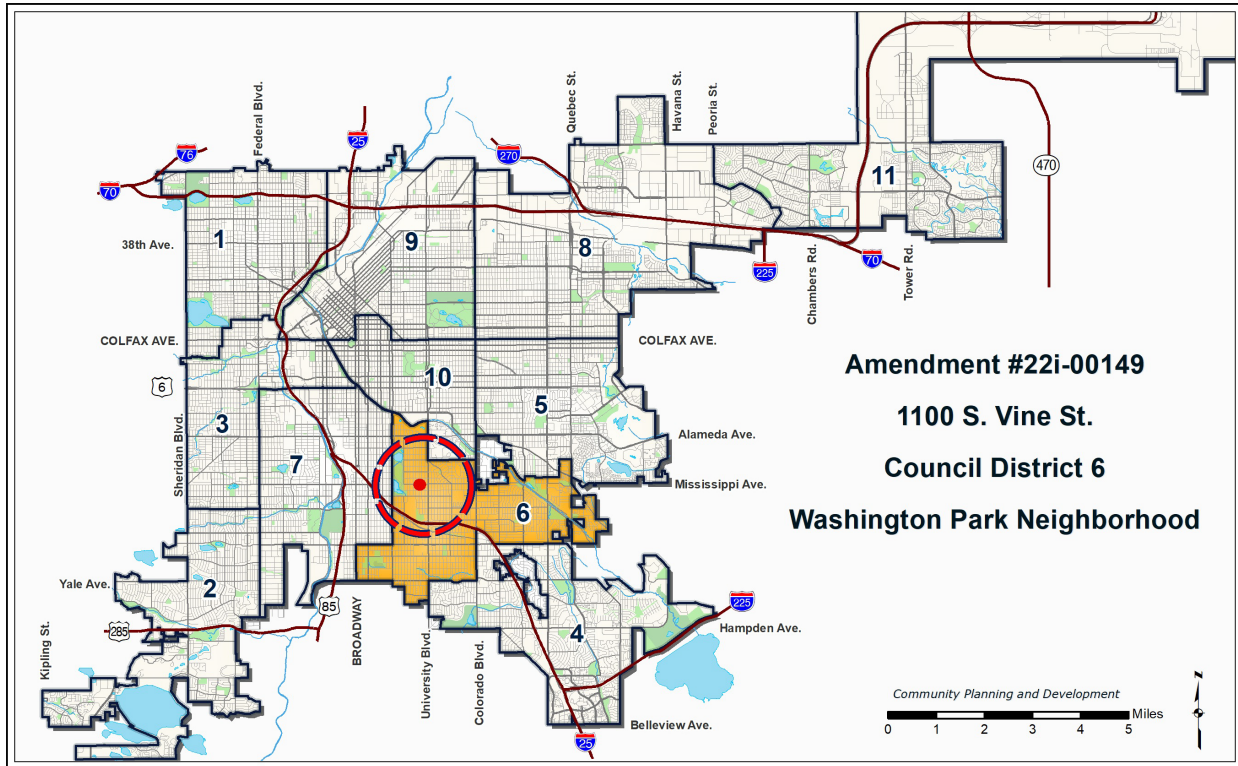
Request for Rezoning

Address: 1100 South Vine Street
Neighborhood/Council District: Washington Park Neighborhood / Council District 6 – CM Paul Kashmann
RNOs: Inter-Neighborhood Cooperation (INC), and Washington Park East Neighborhood Association
Area of Property: 6,300 square feet or 0.14 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Property Owner(s): Paul Guthrie, Amy Guthrie

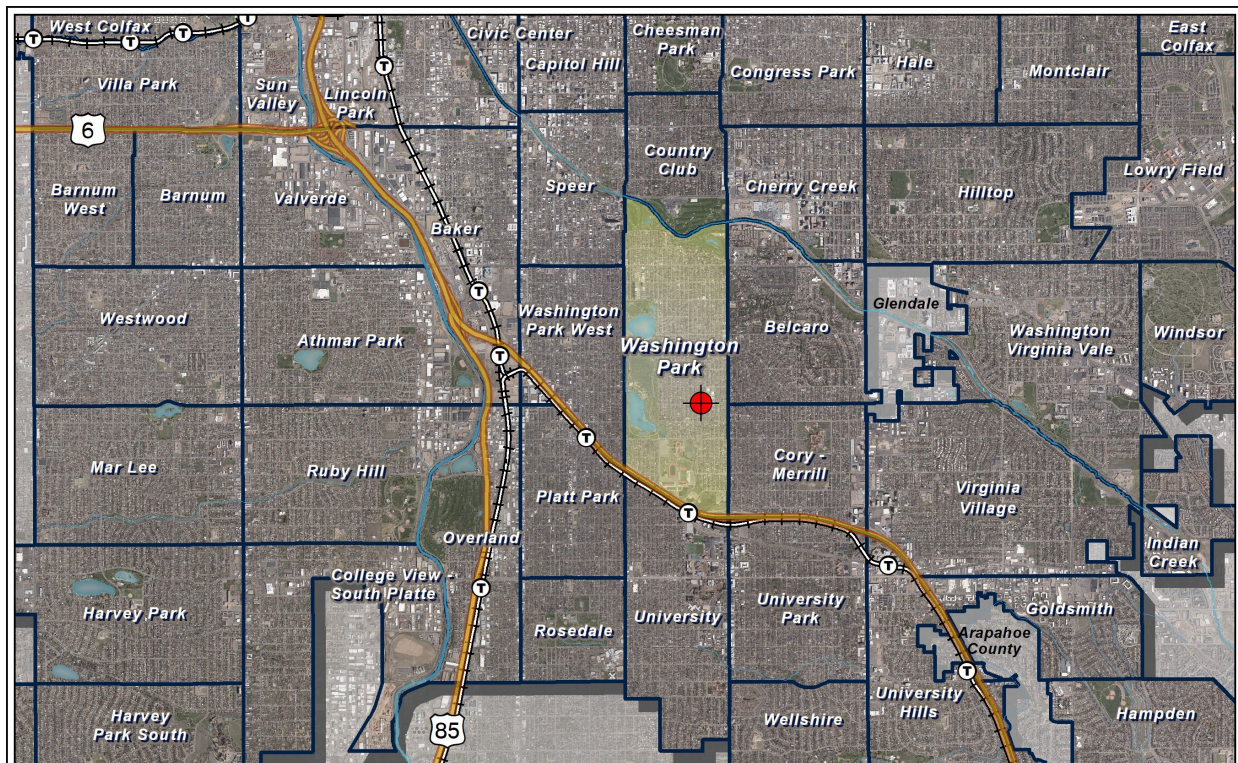
Summary of Rezoning Request

- The property owner is proposing to rezone the subject property to allow an attached accessory dwelling unit.
- The subject property contains a 2-story single unit dwelling with an attached garage completed in 2022. The property is located at the intersection of East Mississippi Avenue and South Vine Street.
- The property is proposed to be rezoned from U-SU-C to U-SU-C1. The proposed U-SU-C1, **U**rbane, **S**ingle-**U**nit, **C**1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 5,500 square feet. The U-SU-C1 zone district also allows for an ADU to be located within the primary urban house building form.
- The district is intended for use in the Urban Neighborhood Context, which is characterized by single-unit and two-unit uses with small-scale multi-unit residential uses and commercial development is typically embedded in residential areas. The maximum height of the Urban House building form is 30 to 35 feet for the front 65 percent of the zone lot and 17 to 19 feet in the rear 35 percent of the zone lot. The Detached Accessory Dwelling Unit (DADU) building form can be a maximum height of 24 feet. Single and two-unit residential uses are primarily located along local and residential arterial streets. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

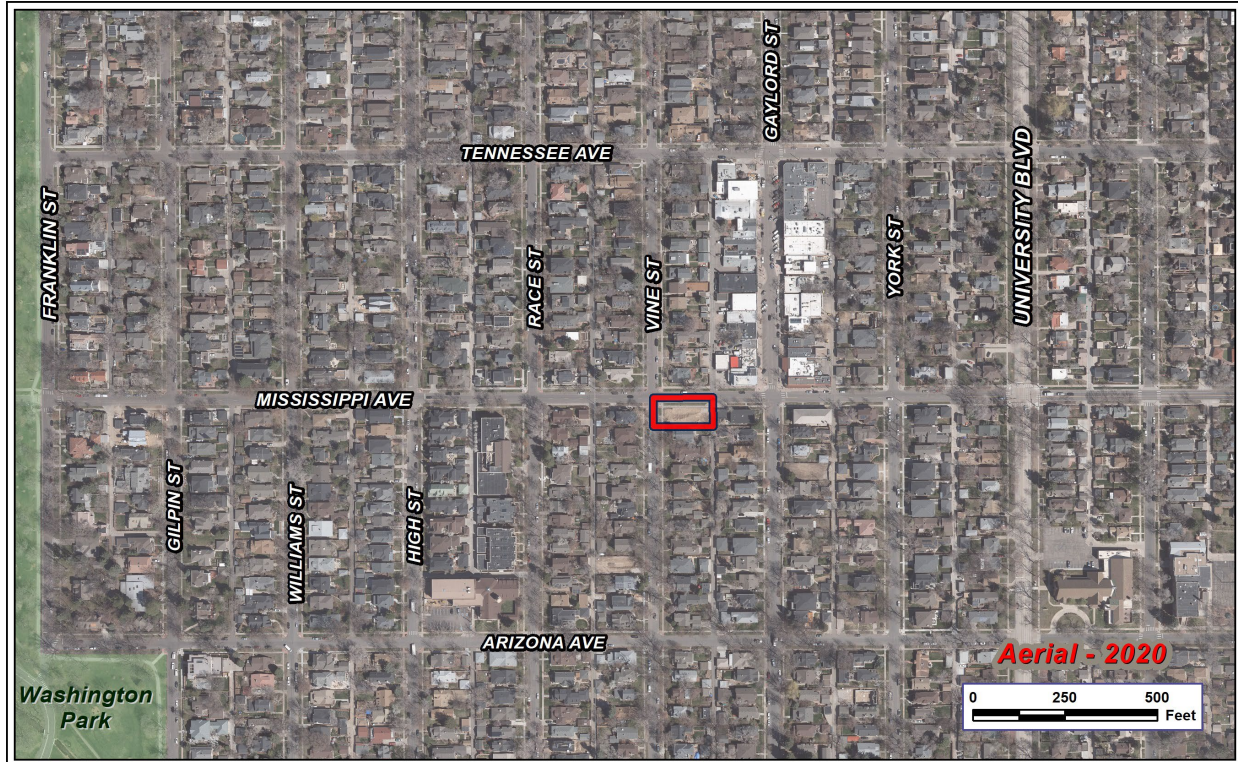
Council District Location – Council District 6



Neighborhood Location – Washington Park



Aerial View



Existing Context

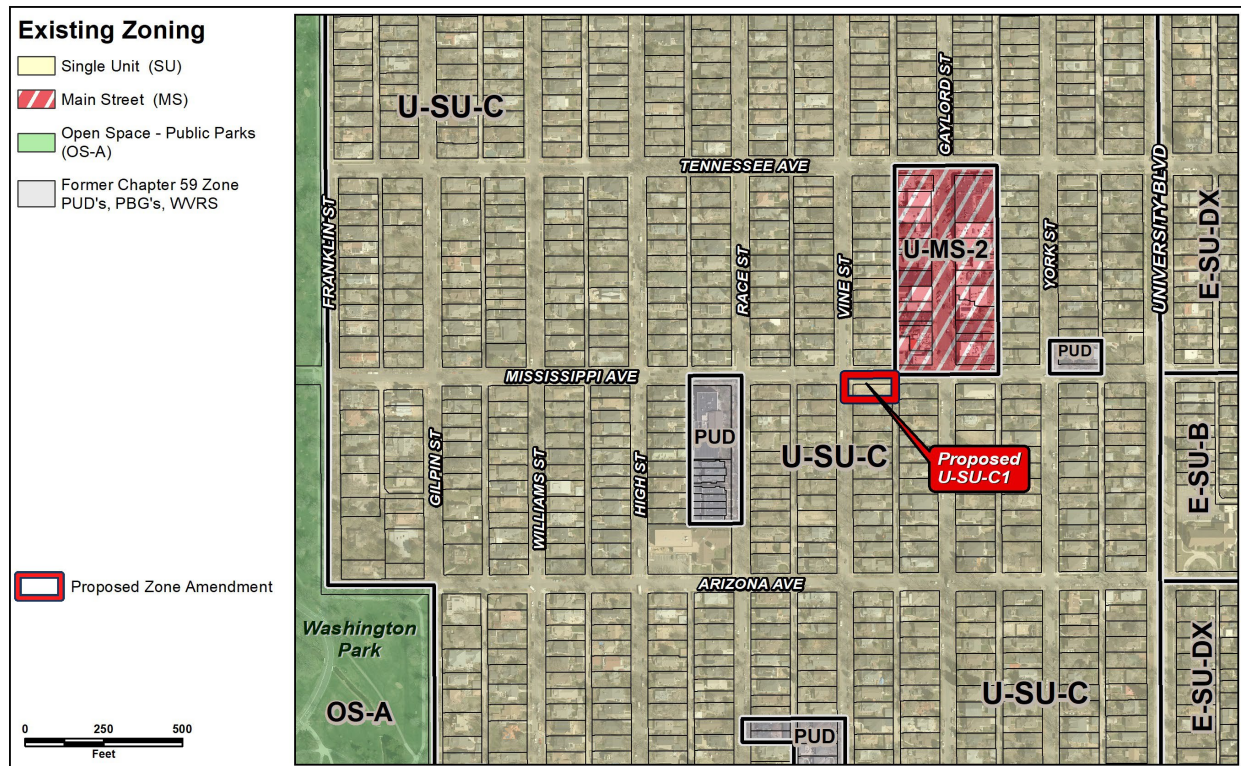
The subject property is located in the Washington Park statistical neighborhood, which is primarily characterized by single-unit dwellings with embedded neighborhood serving commercial and retail uses along University Boulevard and South Gaylord Street. The subject property is on the southeast corner of the intersection between South Vine Street and East Mississippi Avenue and has easy access to Washington Park 5 blocks to the west, and the Old South Gaylord main street corridor less than one block to the northeast. Additionally, Denver South High School is located 3 blocks southwest of the subject property.

RTD Bus Route 24 traverses University Blvd, and the property is approximately three blocks from bus stop on South University Blvd. RTD Bus Route 11, which stops at the intersection of East Mississippi Avenue and South Gaylord Street one block away, connects to the Louisiana/Pearl Light Rail Station.

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

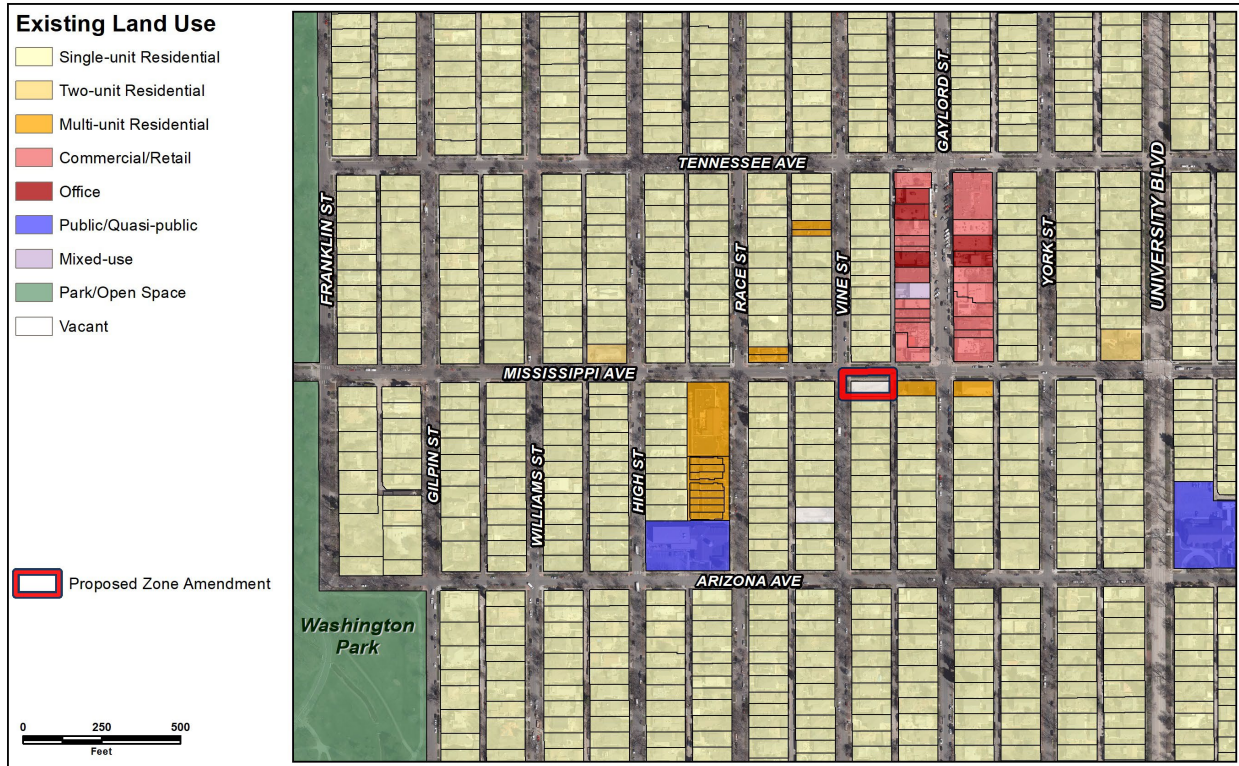
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Subject Property	U-SU-C	Single-unit Residential	2-story single-unit dwelling with an attached garage	In general, a regular grid of streets. Residential block sizes and shapes are orthogonally oriented north/south with alleys. Garages are generally rear-loaded with on-street vehicular parking. Sidewalks in the immediate area are detached.
North	U-SU-C	Single-unit Residential	1-story single-unit dwelling with a detached garage	
South	U-SU-C	Single-unit Residential	2-story Residence with a detached Garage	
East	U-SU-C	Multi-unit Residential	2-story Multi-unit dwelling with a detached garage	
West	U-SU-C	Single-unit Residential	2-story single-unit dwelling with an attached garage	

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.

Existing Land Use



Existing Building Form and Scale



View of the subject property, looking southeast.



View of single-unit homes across South Vine Street of the subject property, looking west.



View of single-unit home to the north, looking east.



View of properties south of the subject property, looking east.

Proposed Zoning

U-SU-C1 is a single-unit zone district with a minimum zone lot size 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-B1 district. Accessory Dwelling Units are permitted to be located within the primary building form. Primary Urban House structures that contain an ADU must meet all Urban House building form standards. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms.

The 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 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. At 6,300 square feet, the subject property is more than the 5,500 square feet minimum zone lot size of the requested U-SU-C1.

The primary building forms allowed in the existing zone districts and the proposed zone districts 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 Depth*	2.5 stories / 35 feet	2.5 stories / 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot Depth*	1 story / 19 feet	1 story / 19 feet
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 SF	5,500 SF
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	DADUs not permitted	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 Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

* Based on zone lot 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 – No Response.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application 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:	11/03/2022
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:	12/19/2022
Planning Board public hearing: <i>Forwarding Recommendation of Approval</i>	1/04/2023
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:	1/9/2023
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	1/24/2023
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:	2/13/2022 (tentative)
City Council Public Hearing:	3/06/2022 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one position letter from the Strong Denver RNO who voted to support the application.
- **Other Public Comment**
 - To date, staff has not received any public comment regarding this request.

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)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

- *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 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 characterize most of the Washington Park West 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 electricity, natural gas, sewer, waste collection, 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 Residential Low place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the land use and built form of the Urban Neighborhood Context as follows: “Small multi-unit residential and low-intensity mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low-scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-SU-C1 is a zone district within the Urban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-C1 is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the residential character of the neighborhood by allowing single-unit residential units with a low-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places and Streets



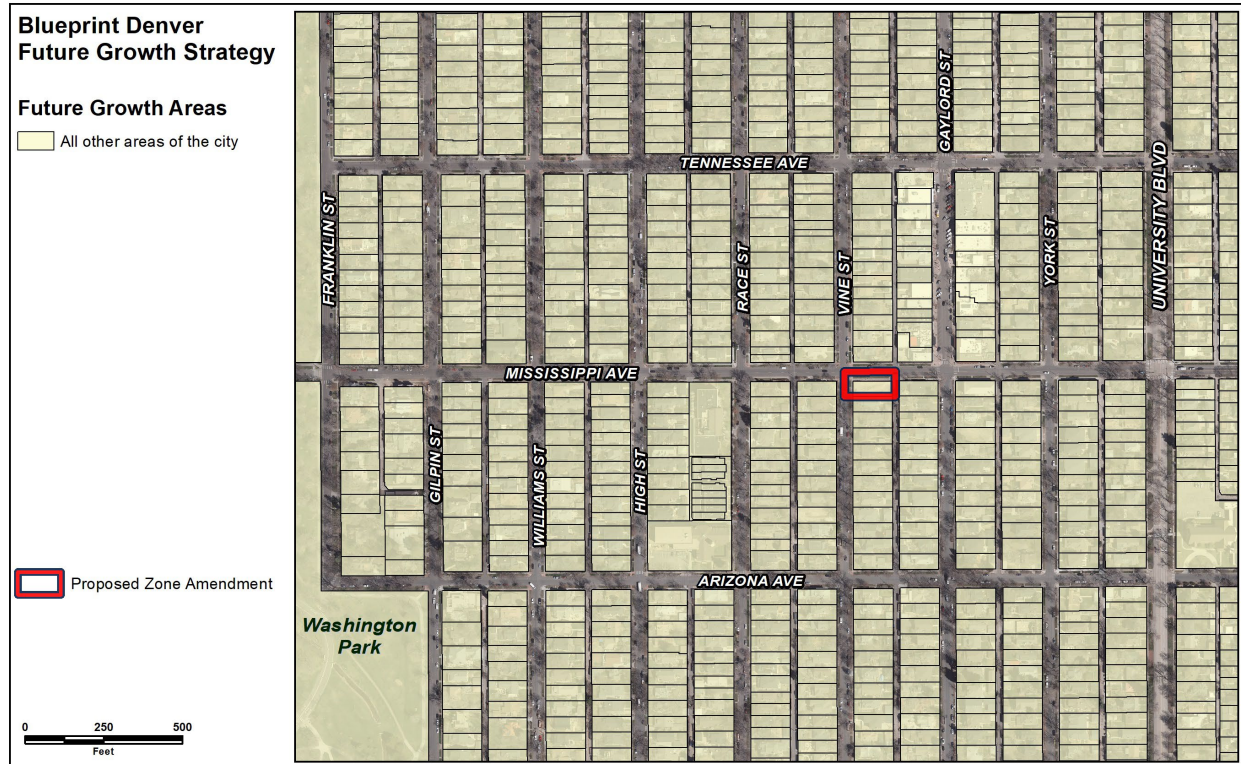
Future Places

Within the Urban Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed U-SU-C1 zone district would allow a 1.5-story detached ADU on the rear of a small lot is compatible with this Future Place type.

Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies South Vine Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 161). *Blueprint Denver* classifies East Mississippi Avenue as Residential Collector Future Street Type. As described in *Blueprint Denver*, Collector Streets “collect movement from local streets and convey it to arterial streets.” (p. 155). Additionally, Residential Street Types include “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback.” (p.161) The proposed U-SU-C1 district is consistent with this street type because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject properties are part of the “All other areas of the city” growth area. These areas anticipate approximately 20 percent of new housing growth and 10 percent of new employment growth by 2040 (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed U-SU-C1 zone district allows an ADU which are appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s single-unit residential character.

Blueprint Denver Strategies

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

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

In this case, the requested rezoning would enable ADU construction on an individual zone lot in a residential area and has good access to transit due to the proximity to multiple bus routes with connections to the larger RTD system. This rezoning to a zone district allowing an ADU will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-C1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City by allowing a moderate level of reinvestment in the area consistent with the desired character and recommendations of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near bus lines, which could encourage active transportation. The addition of housing near a park and local commercial corridors also increases access to opportunity.

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.

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

The requested U-SU-C1 zone district is within the Urban Neighborhood Context. 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 Washington Park West 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.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-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 small-scale ADUs in rear yards.

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

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yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E.). The site at 1100 S Vine Street is 6,300 square feet with a width of 50 feet. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. RNO Comment