



3255 Newton St. & 3254 Osceola St.

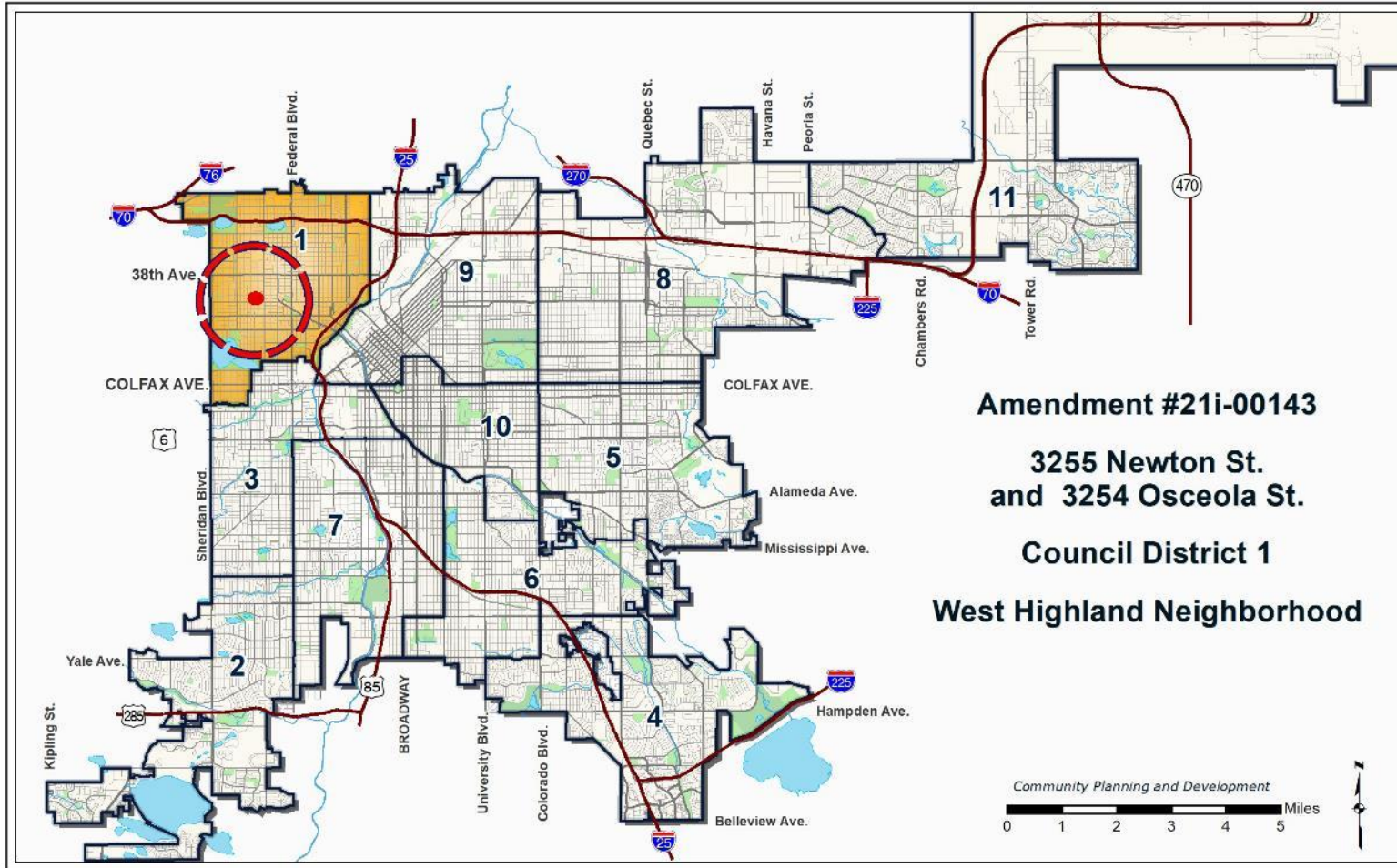
2021I-00143

Request: U-SU-B to U-SU-B1

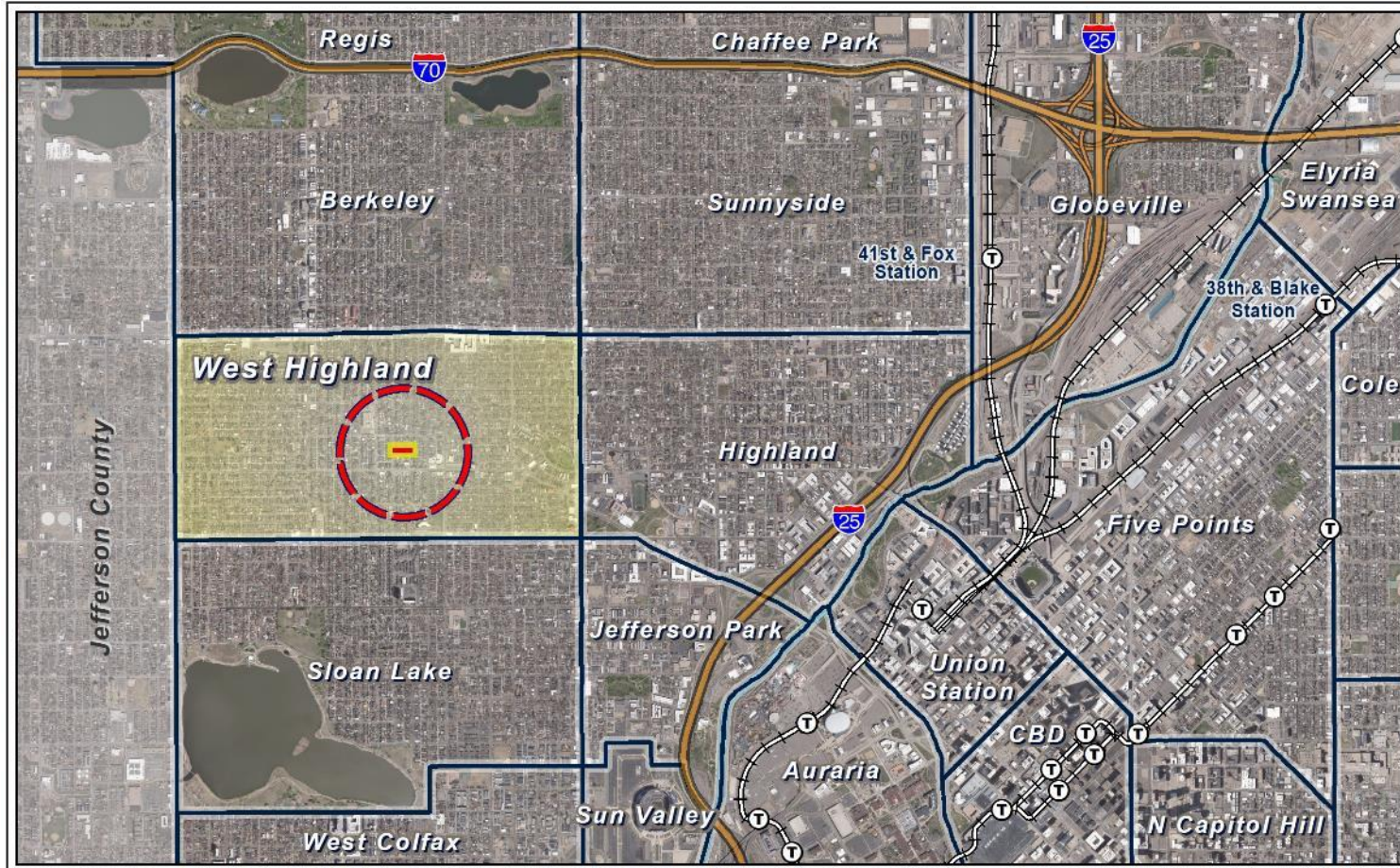
City Council: November 8, 2021

Presenter: Fran Penafiel

Council District 1 (Amanda Sandoval)



In the West Highland Neighborhood



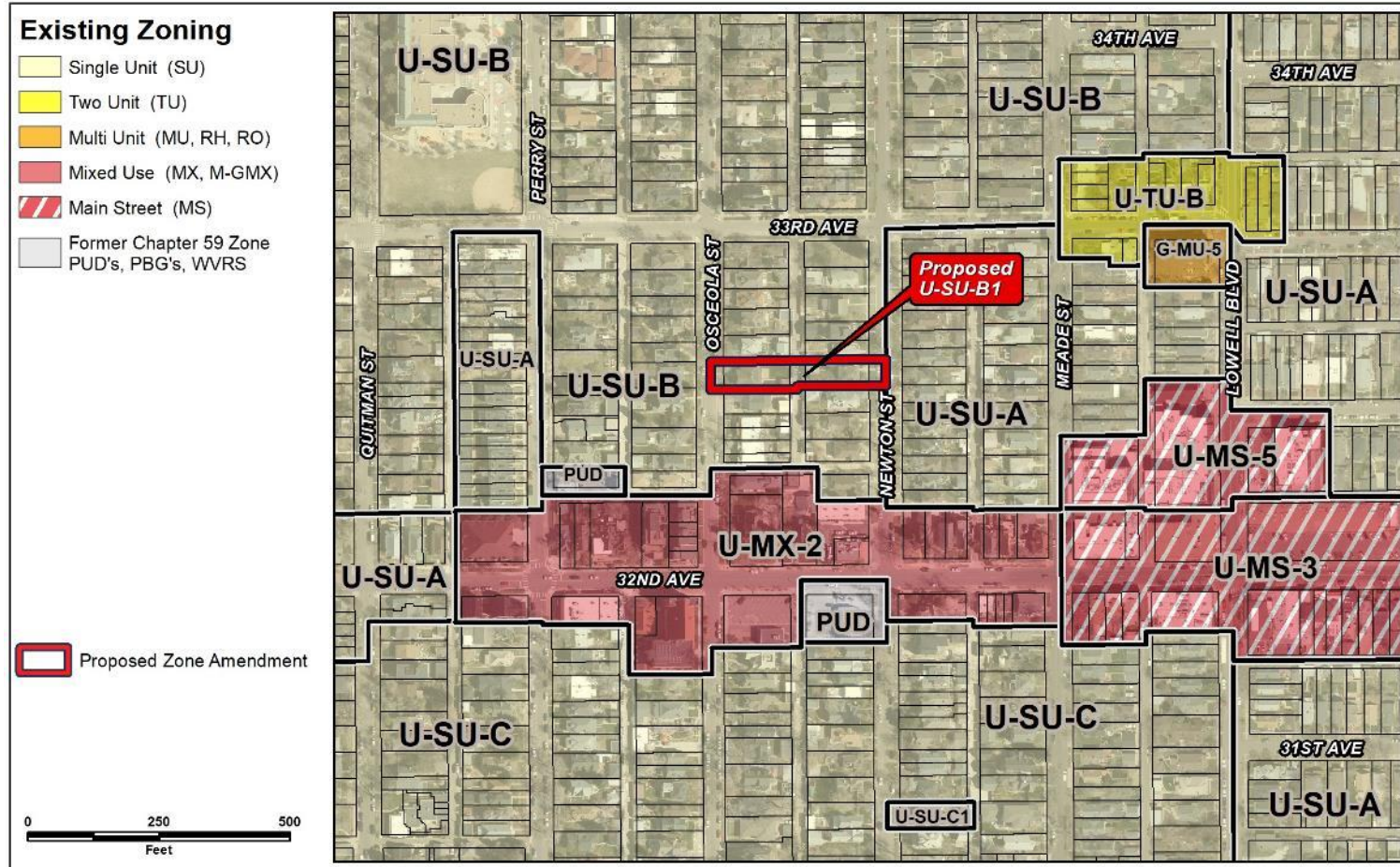
Request: U-SU-B1



Proposal: U-SU-B to U-SU-B1

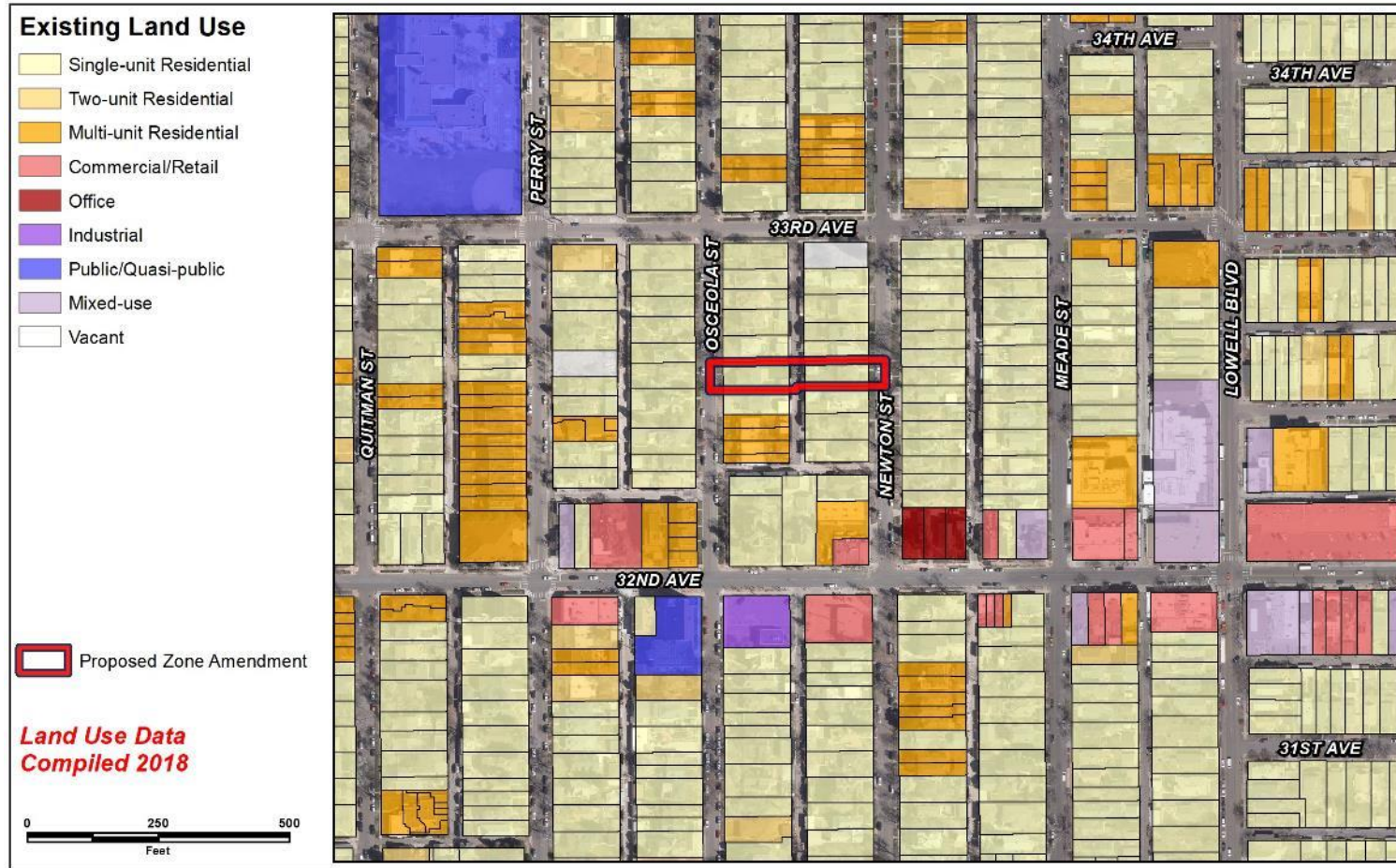
- Allows Urban House and Detached Accessory Dwelling Unit building forms
- Max. building height 30-35 feet, 24 feet for ADU
- Min. lot size of 4,500ft²

Existing Zoning



- Current Zoning: U-SU-B
- Surrounding Zoning: U-SU-B
U-SU-A

Existing Land Use



Land Use: Single-Unit Residential

Surrounding Land Uses:

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

Existing Building Form/Scale:



Process

- Informational Notice: 07/22/2021
- Planning Board Notice: 08/31/2021
- Planning Board Public Hearing: 09/15/2021
- LUTI Committee: 09/21/21
- City Council Public Hearing: 11/08/21
- Public Comment
 - One letter of opposition

Short Term Rental

- "The Denver Zoning Code and associated licensing regulations allow the resident of the primary dwelling unit to conduct a short-term rental either in the primary dwelling unit or in a legally-permitted accessory dwelling unit. The resident must live on the property"

Short Term Rental

Section 11.8.10.1 Denver Zoning Code

I. Shall not include simultaneous rental to more than one party under separate contracts. This limitation is intended to prevent more than one Short-term Rental contract operating within the same Dwelling Unit at the same time, or within an Accessory Dwelling Unit and its associated primary Single-Unit Dwelling use at the same time. This limitation applies even where there are multiple Short-term Rental license holders who maintain the same primary Dwelling Unit as their primary residence.

Review Criteria

Denver Zoning Code Review Criteria

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

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver: A Land Use and Transportation Plan (2019)*

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

Consistency with Adopted Plans: Comprehensive Plan 2040

Equity

- 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).



Climate

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



Consistency with Adopted Plans: Blueprint Denver 2019



Urban (U-) Neighborhood Context

- Small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas.
- Block patterns are generally regular with a mix of alley access.
- High degree of walkability, bikeability, and good access to transit with less reliance on cars.

Consistency with Adopted Plans: Blueprint Denver 2019



Low Residential

Predominantly single- and two-unit uses

Accessory dwelling units are appropriate

Future Street Type

- Newton and Osceola St: Local or Undesignated

Consistency with Adopted Plans: Blueprint Denver 2019



- **Growth Areas Strategy: All other areas of the city**
 - 10% jobs by 2040
 - 20% housing by 2040

Consistency with Adopted Plans: Blueprint Denver 2019

Policy 4: Diversity housing choice through the expansion of accessory dwelling units throughout all residential areas.

Strategy E: A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezoning to enable ADUs in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impact to the surrounding residential area.

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

2. Uniformity of District Regulations

- Proposed rezoning will result in uniform application of zone district building form, use and design regulations

3. Further Public Health, Safety and Welfare

- Implements adopted plans
- Provides two additional housing units that are compatibly integrated into the surrounding neighborhood

4. Justifying Circumstances

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

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

- 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:
 - 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.**

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

Review Criteria

Denver Zoning Code Review Criteria

1. Consistency with Adopted Plans

- Comprehensive Plan 2000
- Blueprint Denver: A Land Use and Transportation Plan (2002)
- Small Area Plans
- Others, as applicable: e.g., General Development Plan

2. Uniformity of District Regulations

3. Further Public Health, Safety and Welfare

4. Justifying Circumstances

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

- Urban Neighborhood Context primarily consists of single-unit and two-unit residential uses
- Residential Districts are intended to
 - Promote and protect residential neighborhoods within the character of the Urban Neighborhood context
 - The building form standards, design standards, and uses work together to promote desirable residential areas
- U-SU-B1 is a single-unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B and allow a detached accessory dwelling unit in the rear yard.

CPD Recommendation

CPD recommends approval, based on finding all review criteria have been met

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