



TO: Denver Planning Board
FROM: Francisca Penafiel, Associate City Planner
DATE: December 8, 2020
RE: Official Zoning Map Amendment Application #2020I-000146

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00146.

Request for Rezoning

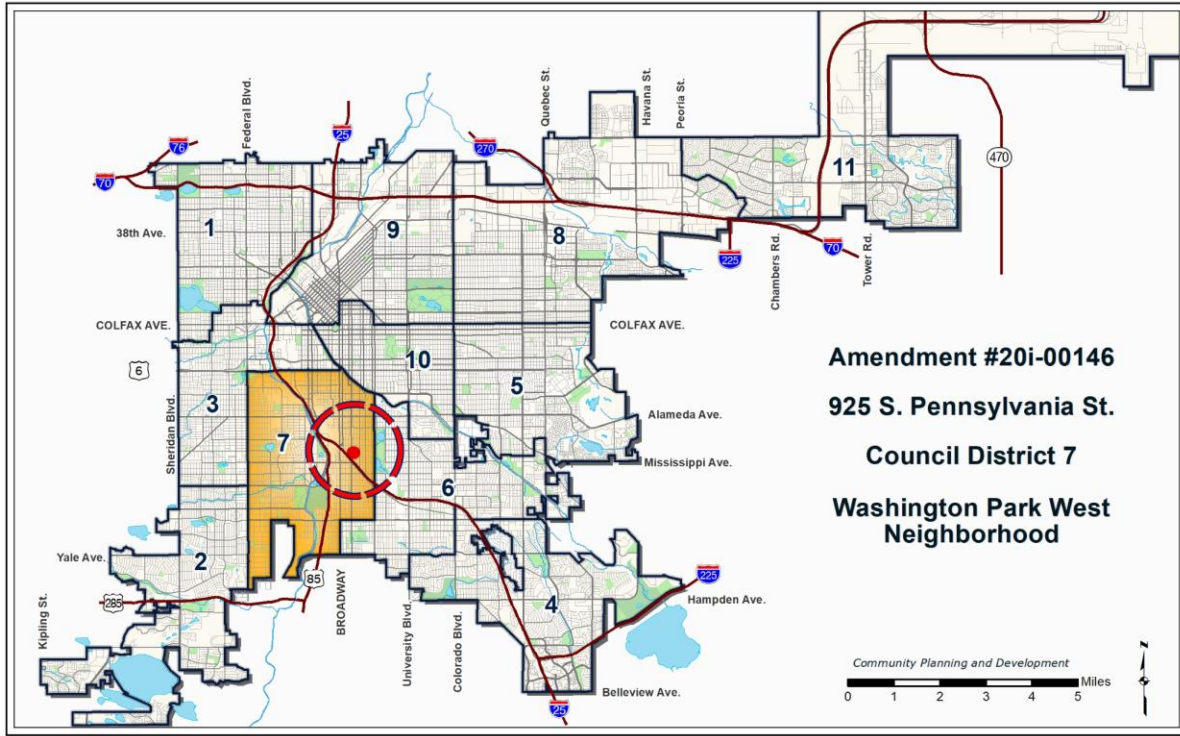
Address:	925 S. Pennsylvania Street
Neighborhood/Council District:	Washington Park West / Council District 7 – Jolon Clark
RNOs:	West Washington Park Neighborhood Association, Inter-Neighborhood cooperation (INC)
Area of Property:	4,440 square feet or 0.14 acres
Current Zoning:	U-SU-B
Proposed Zoning:	U-SU-A1
Property Owner(s):	Adam Hevenor
Owner Representative:	None

Summary of Rezoning Request

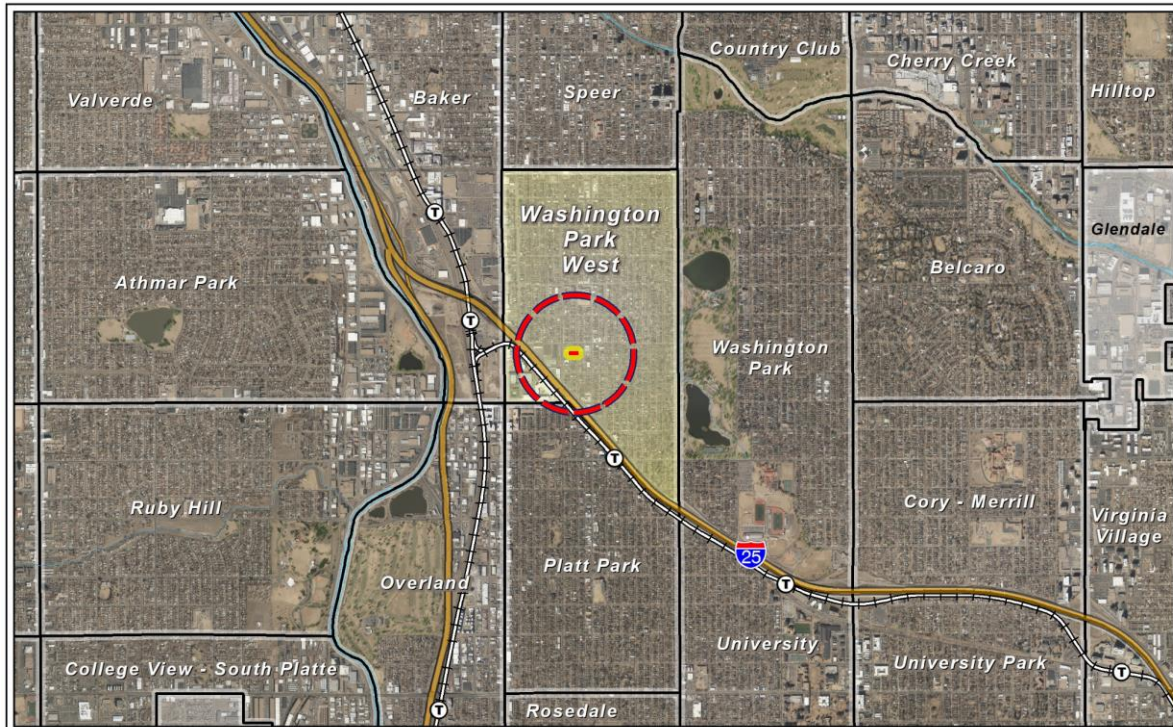
- The subject property contains a single-unit dwelling built in 1903 and is located between E. Kentucky Ave. and E. Tennessee Ave., along S. Pennsylvania St., only a couple blocks east from I-25.
- The property owner bought the house in 2015 and it already had an unpermitted habitable space above the existing detached garage. The property owner is proposing to rezone the property to U-SU-A1 to comply with the minimum zone lot requirement and to allow for the accessory dwelling use.

The proposed U-SU-A1, **U**rbane, **S**ingle-**U**nit, **A1** (3,000 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).

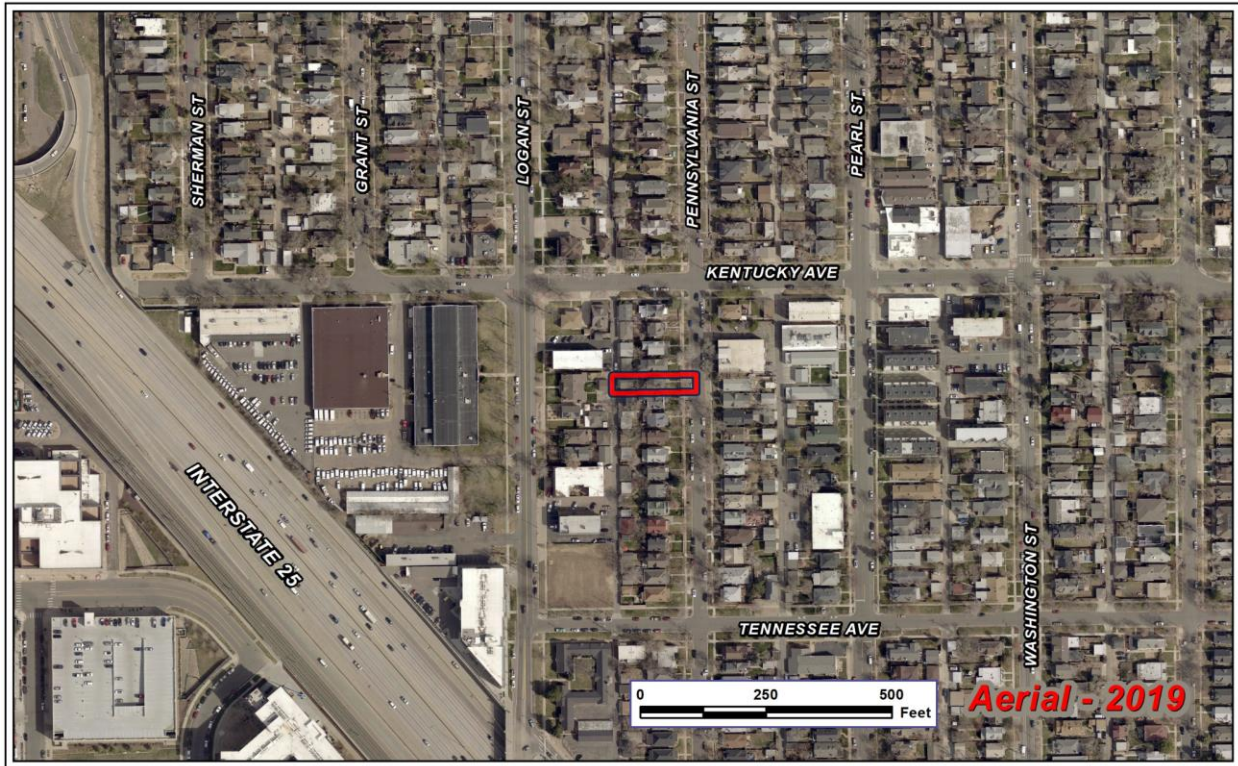
City Location



Neighborhood Location – Washington Park West Neighborhood



Existing Context

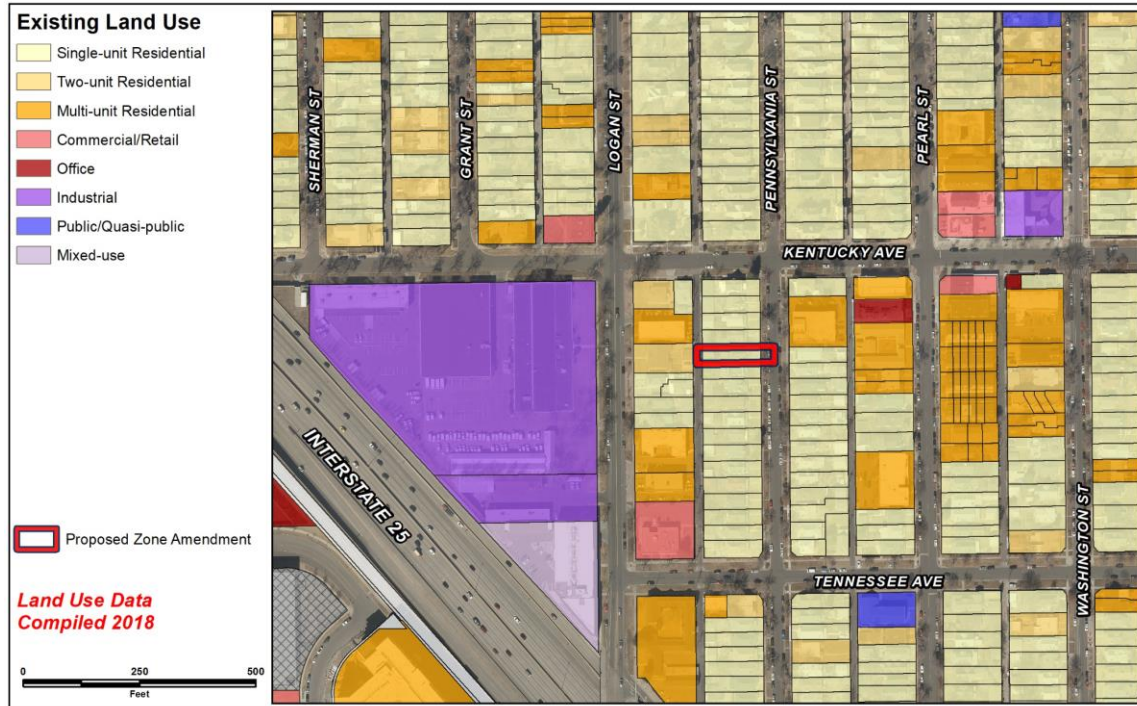


The subject property is in the Washington Park West Neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses along Broadway and some industrial uses around where I-25 intersects the neighborhood. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between Kentucky Ave. and Tennessee Ave. and is 0.5 miles from the Louisiana-Pearl light rail station. It is also only 0.3 miles from Lincoln St. where the 0L and 0 bus lines run. A bike lane traverses on Emerson St, only 4 blocks to the east of the property.

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-B	Single-unit Residential	2-story House	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Attached and detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-B UO-3	Single-unit Residential	2-story House	
South	U-SU-B	Single-unit Residential	2-story House	
East	U-SU-B UO-3	Single-unit Residential	2-story House	
West	U-RH-3A UO-3	Single-unit Residential	1-story House	

2. Existing Land Use Map



3. Existing Building Form and Scale (source: Google Maps)



Aerial view of the site looking southwest.



View of property looking west.



View of the property to the north, looking west.



View of the property to the west looking east (other side of the alley, on Logan St.)



View of the existing structure above the garage, looking east (from the alley)

Proposed Zoning

The U-SU-A1 is a single unit zone district with a minimum zone lot size of 3,000 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-A1 district. Compared to the U-SU-B district, U-SU-A1 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. The subject site has a lot size of 4,440 square feet, allowing a maximum building footprint of 650 square feet for the DADU.

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

Design Standards	U-SU-B (Existing)	U-SU-A1 (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 Size (Min.)	4,500 square feet	3,000 square feet
Zone Lot Width (Min.)	35 feet	25 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.) *	5 feet	5 feet
Rear Setback, Alley / No Alley (Min.)	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 with width of 35 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: Approve – No Response.

Development Services - Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Response.

Public Health and Environment: Approved – No Comments.

Department of Transportation and Infrastructure – City Surveyor: Approved – See Comments Below.

Revise to read:

LOT 42 AND THE SOUTH 5 FEET OF LOT 43 AND THE NORTH 5 FEET OF LOT 41,
BLOCK 16,
LINCOLN SUBDIVISION,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO.

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:	10/26/2020
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	12/01/2020
Planning Board public hearing:	12/16/2020
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	12/22/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	01/05/2021
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:	01/25/2021
City Council Public Hearing:	02/15/2021

- **Registered Neighborhood Organizations (RNOs)**
 To date, staff has not received any letters from Registered Neighborhood Organizations.

- **Other Public Comment**
 To date, staff has received 3 letters from the public supporting the application given the proximity to multi-unit dwellings to the west and east and 1 letter of opposition given the potential use of the ADU for short term rentals.
Staff response: According to Denver licensing regulations, an ADU may be used as a short-term rental by a property owner or long-term renter who is living in the primary structure on the property. However, only one STR license will be allowed per property, so a long-term renter of an ADU may only apply for an STR license if the owner/renter of the primary structure does not also have one.

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

Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- West Washington Park Neighborhood Plan (1991)

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-A1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to the neighborhood. 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 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.

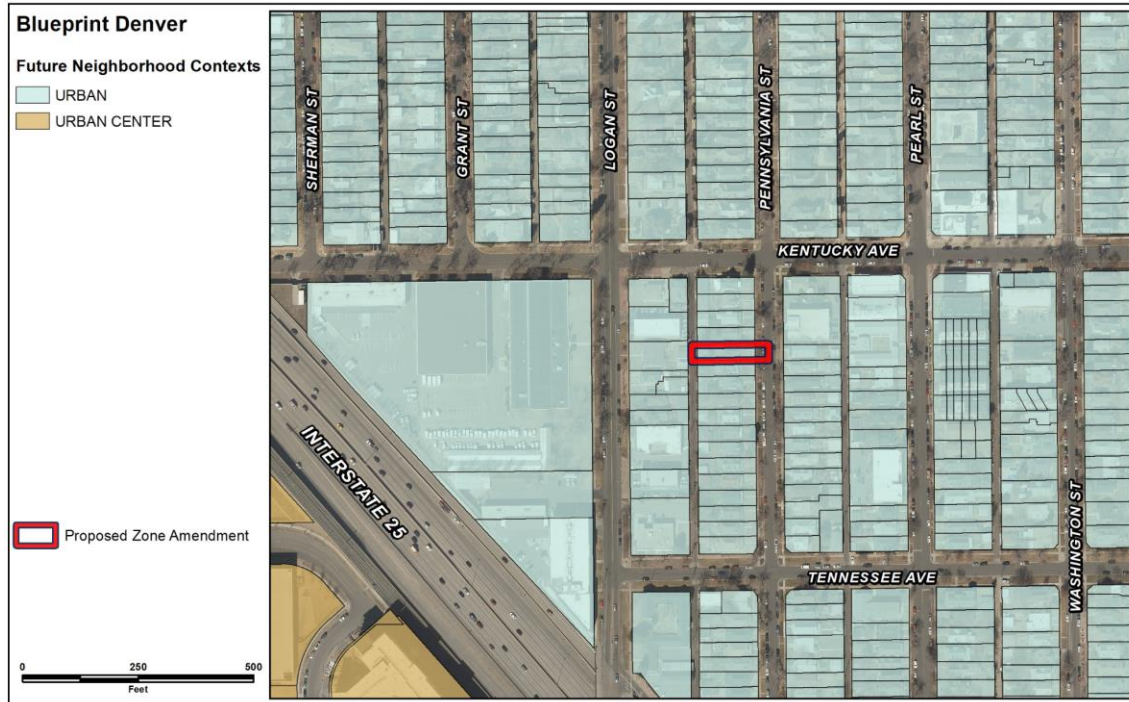
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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

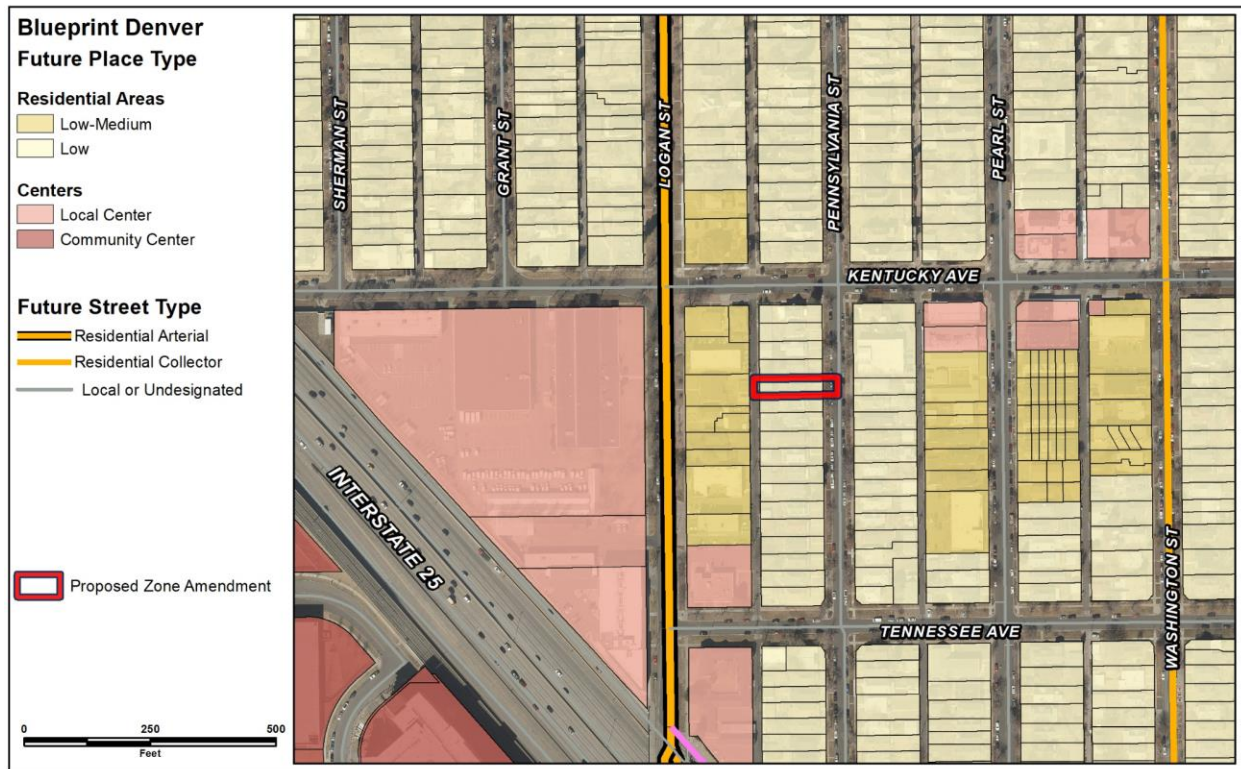
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and 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-A1 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 Section 5.2.2.1). U-SU-A1 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

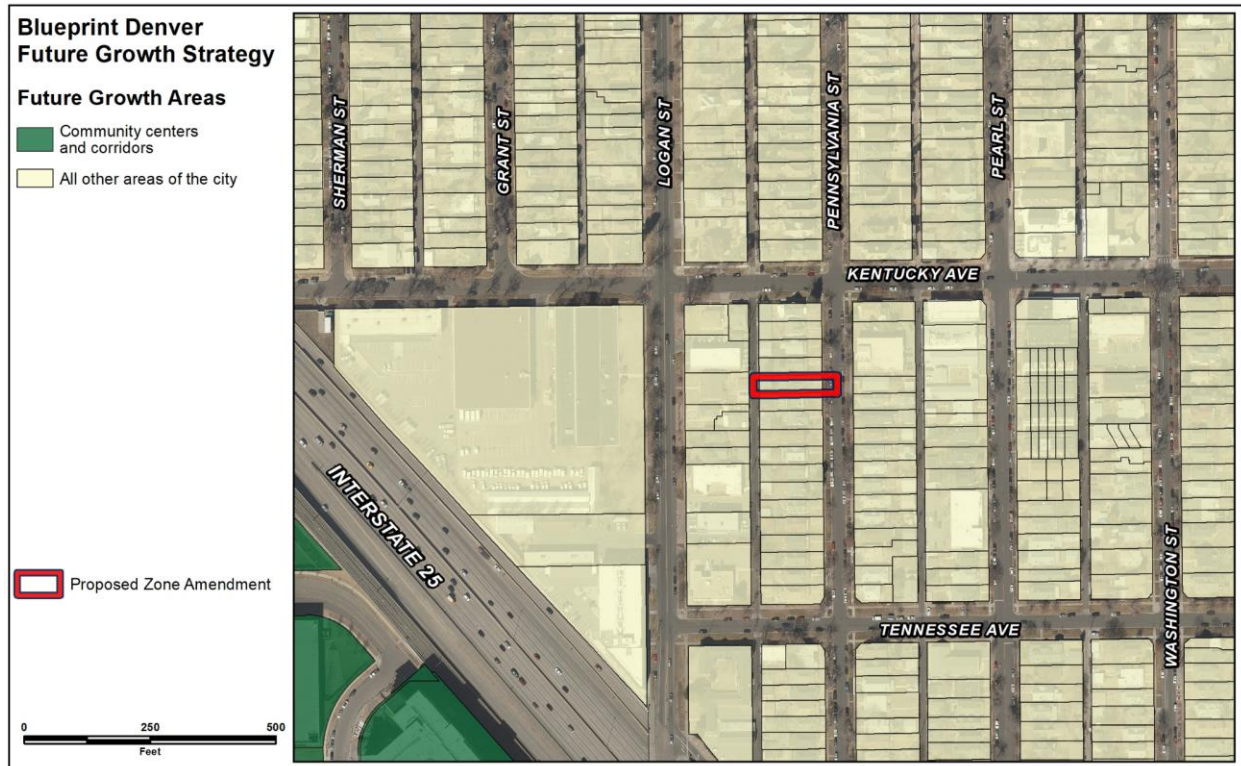


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-A1 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 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*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Pennsylvania Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-A1 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 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 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-A1 zone district allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-unit residential character.

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-third mile from a bus route. 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.

Additionally, the applicant is proposing to rezone from U-SU-B with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 35 feet to a district with a smaller lot size, U-SU-A1, with a minimum zone lot size of 3,000 square feet and minimum zone lot width of 25 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). More than half of the lots that have single-unit residential uses in the subject property block are smaller than 4,500 square feet. In the block to the east, the block to the south and the block to the southeast of the subject property more than half of the lots are smaller than 4,500 square feet. The lot sizes contained in the blocks north of the proposed rezoning are more consistent with the U-SU-B district and are over 4,500 square feet. The lot sizes contained in the blocks to the west of the subject property, are bigger than 3,000 square feet given their multi-unit residential use, and industrial use. Therefore, there is an established pattern in the surrounding blocks of smaller lots with similar uses, and the applicants' proposal to a district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

Parcel Size Analysis



West Washington Park Neighborhood Plan (1991)

This neighborhood plan was adopted in 1991 and is applicable to the subject property. This plan is silent on ADUs specifically, however, the proposed rezoning is consistent with Residential Land Use Recommendation #4, “Include compatible setbacks, significant buffering, and landscaping in site plans for new moderate density residential development to ensure compatibility with adjacent low-density residential uses” (p.18). The detached ADU building form was developed to specifically take these types of concerns into consideration and provides for appropriate setbacks between structures.

Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1 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 “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. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-A1 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 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-A1 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-A1 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-A1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a consistent pattern of 25-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H). The site at 925 S. Pennsylvania Street is 4,440 square feet with a width of 35 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. Legal description
3. Comment Letters