



**TO:** Denver Planning Board  
**FROM:** Chandler Van Schaack, Senior City Planner  
**DATE:** March 27, 2019  
**RE:** Official Zoning Map Amendment Legislative Proposal #2017I-00186

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for legislative rezoning proposal #2017I-00186.

### Legislative Request for Rezoning

Address: All properties within the University Park statistical neighborhood currently zoned E-SU-Dx (see legal description)

Neighborhood/Council District: University Park / Council District 6

RNOs: Inter-Neighborhood Cooperation (INC), Southside Unified, University Park Community Council

Area of Property: Approximately 183 acres

Current Zoning: E-SU-Dx

Proposed Zoning: E-SU-D

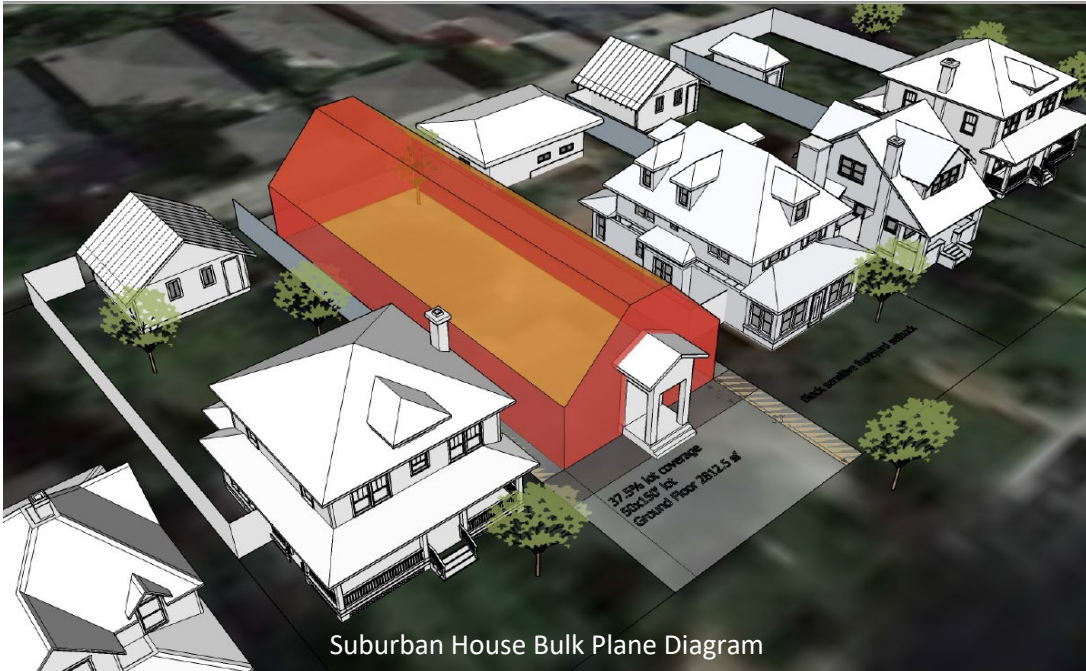
Property Owner(s): Various, see application

Owner Representative: Paul Kashmann

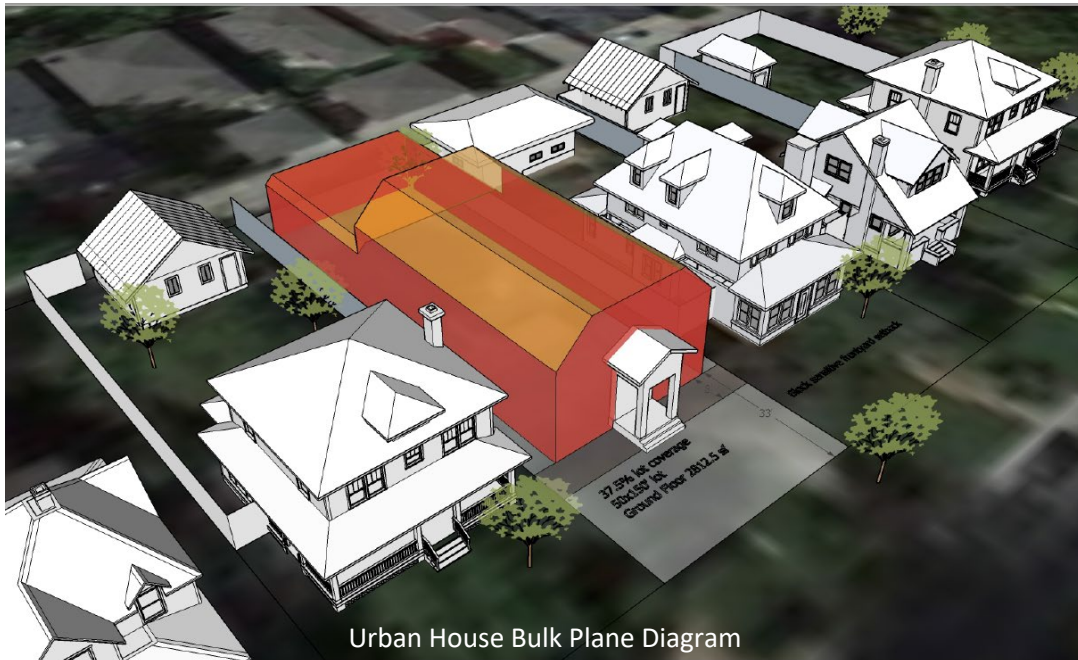
### Summary of Rezoning Request

- The subject area consists of 1,051 properties located in the University Park statistical neighborhood, generally split between a large group of properties on the north and a large group of properties on the south side of the neighborhood. The southern properties are generally bounded by Jackson St. and University Blvd. to the east and west, and Iliff Ave. and Yale Ave. to the north and south, respectively. The northern properties are generally bounded by Garfield St. and Columbine St. to the east and west, and Interstate 25 and Evans Ave. to the north and south, respectively.
- The subject area consists primarily of single unit dwellings with a few multi-unit structures in the northern area. The majority of lots are between 6,000 and 12,000 sq. ft. in size.
- Councilman Paul Kashmann is requesting the rezoning to remove the suburban house building form from the allowable building forms in order to address concerns raised by the University Park Community Council regarding potential impacts to privacy and solar access.
- The proposed E-SU-D (Urban Edge Neighborhood Context, Single Unit, 2.5-story maximum height) zone district is a single unit district allowing only the urban house building form with a minimum zone lot area of 6,000 square feet. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC).
- Under the current E-SU-Dx zoning, which is a single unit district with a 6,000 square foot minimum lot size, there are two primary building forms allowed: suburban house and urban house. The primary difference between these two building forms in this context is that the

suburban house form is allowed to go up to 2.5 stories or 30 feet in height for the entire length of the building, with a 10-foot vertical bulk plane height at the side interior and side street zone lot lines and a 45° bulk plane slope from those lot lines (See image below for Suburban House bulk plane)

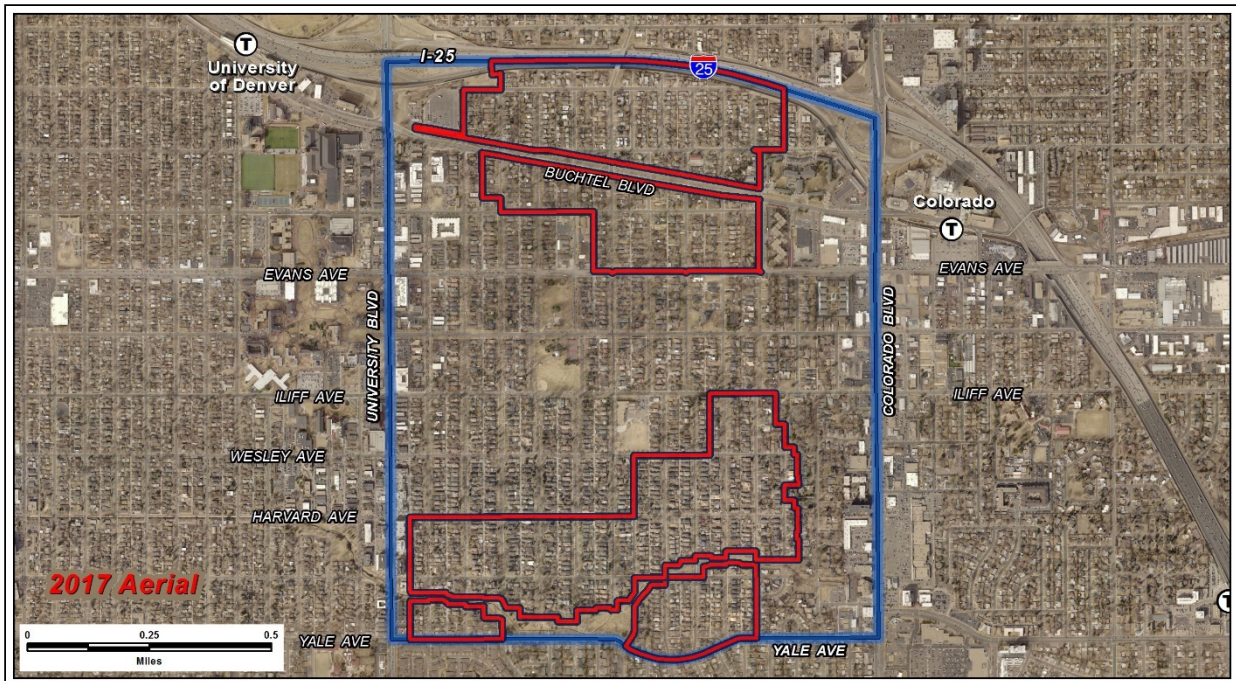
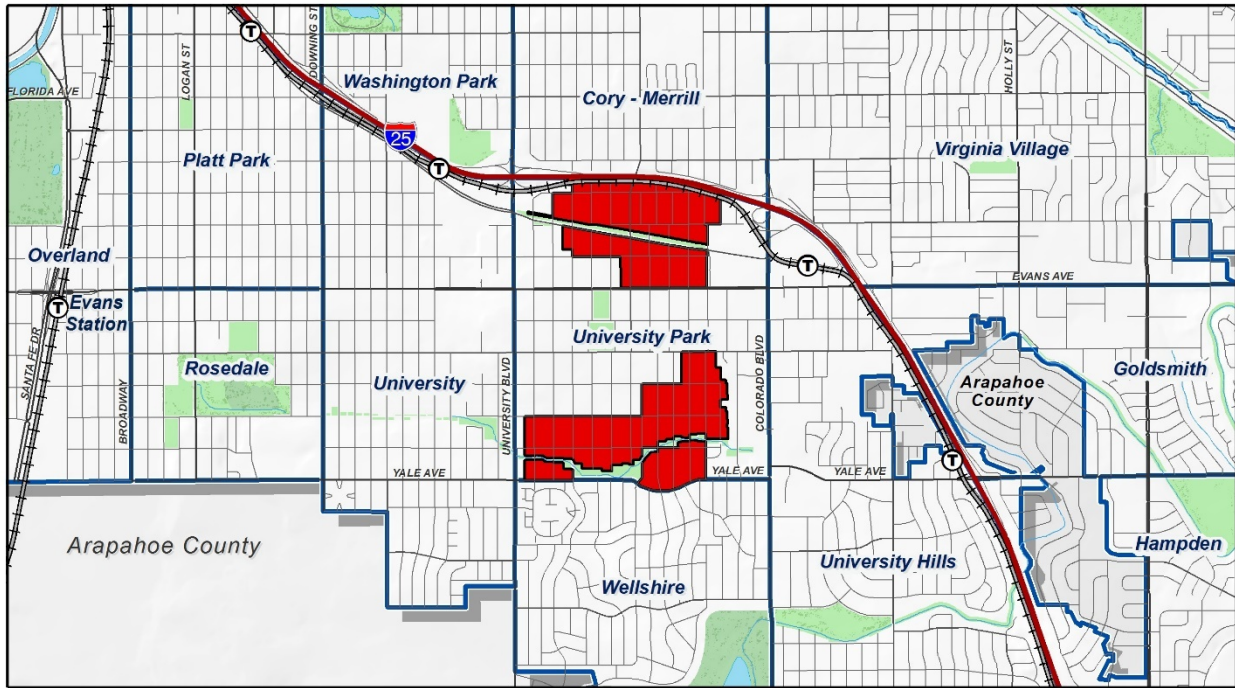


- By contrast, the urban house is allowed to have 2.5 stories or 30 feet in height for the front 65% of the lot depth and must then step down to one story or 17 feet for the rear 35% of the lot depth, with a 17-foot vertical bulk plane height at the side interior and side street zone lot lines for the front 65% of the lot and a 10-foot vertical bulk plane height at the side interior and side street zone lot lines for the rear 35% of the zone lot depth, with a 45° bulk plane slope from those lot lines (See image below for Urban House bulk plane)



Urban House Bulk Plane Diagram

- Under the proposed zoning, E-SU-D, which is also a single unit district with a 6,000 square foot minimum lot size, only the urban house form would be allowed. Councilman Kashmann and the UPCC are pursuing this outcome due to concerns expressed by University Park residents that the Suburban House building form creates privacy concerns, blocks solar access in certain rear yards, and negatively impacts existing neighborhood character, because it is inconsistent with the predominant form of houses, which more closely conform to the Urban House building form.

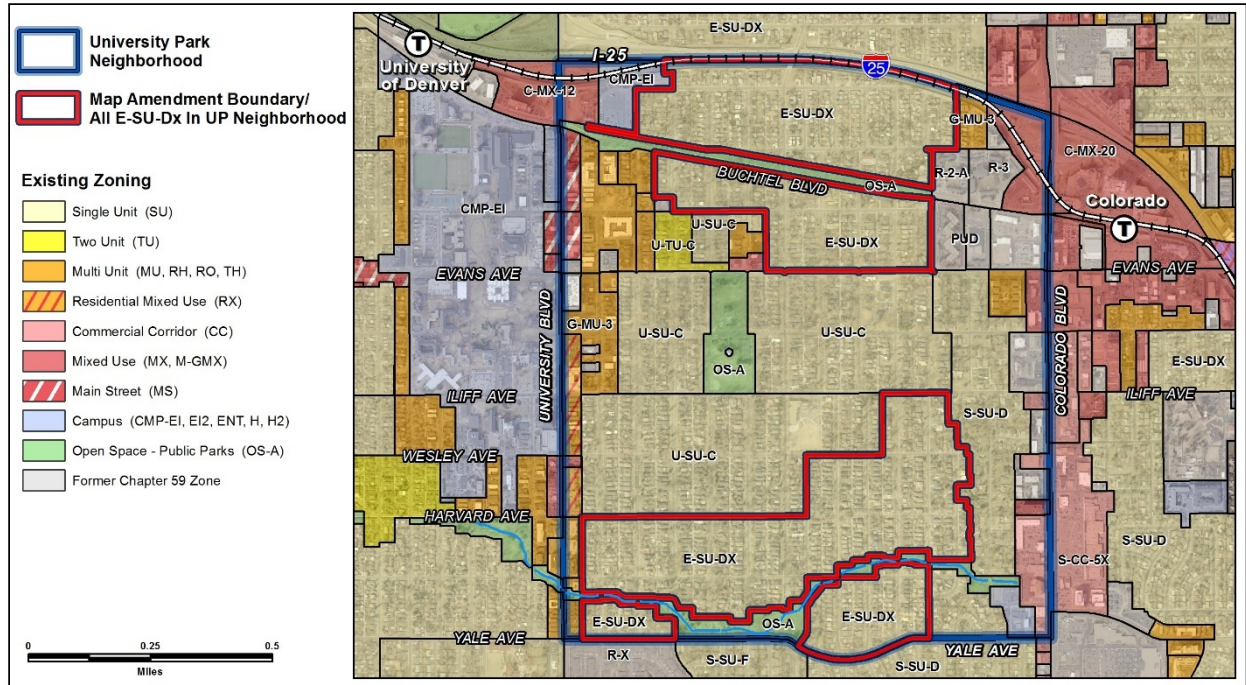


## Existing Context

The subject properties are in a residential neighborhood composed of predominantly single-unit uses with a few two-unit and religious assembly uses in the northern area. There are a variety of multi-unit residential uses located along Colorado Blvd. and University Blvd., to the east and west of the rezoning area, respectively. The University of Denver is located just across University Blvd to the west. Portions of the east side of the rezoning area are located within ½ mile of the Colorado Light Rail Station, and roughly one block of the northwestern portion of the rezone area is within ½ mile of the University of Denver Station. 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	E-SU-Dx	Single- and two-unit residential; religious assembly	One to 2.5-story residential structures, context-sensitive primary street setbacks	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Alleys are of mixed presence and sidewalks are often attached to the street. Vehicle parking to the rear of buildings (alley access) and on-street.
South of Buchtel Blvd., North of Harvard Ave.	U-SU-C	Single- and Two-unit residential	One to 2.5-story residential structures, 20' primary street setbacks	
South	S-SU-D, S-SU-F, R-X	Single- unit residential	One to 2.5-story residential structures, 20' primary street setbacks	
East	G-MU-3, PUD, S-SU-D, variety of Suburban commercial, mixed use and multi-unit zones	Single and multi-unit residential, mixed use, commercial	Colorado Blvd.: mix of residential, service, office and retail; 3 to 12 stories; varied setbacks	
West	G-MU-3 to -12, CMP-EI UO-3	Multi-unit residential, mixed use, commercial, campus	University Blvd: mix of residential, mixed use, commercial uses, 3 to 12 story buildings, varied setbacks	

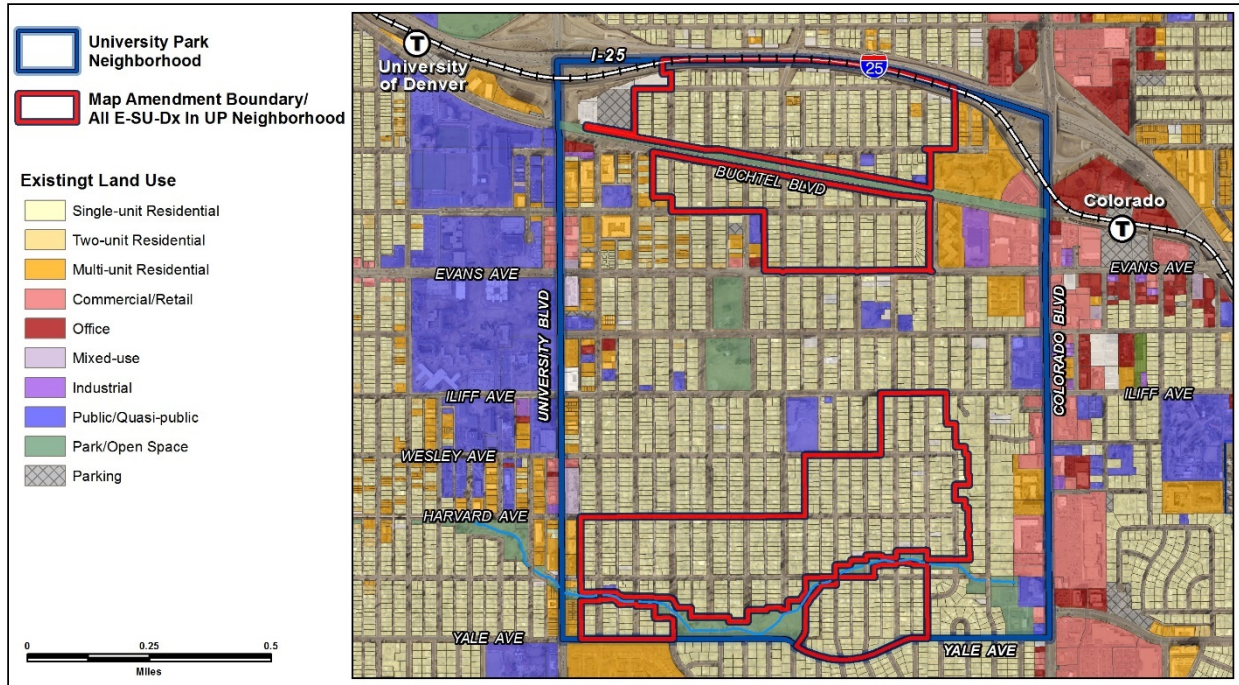
### 1. Existing Zoning



The current E-SU-Dx zone district is a single-unit residential district in the Urban Edge Neighborhood context. It allows suburban and urban houses with a minimum zone lot area of 6,000 square feet. Allowed accessory building forms are the detached garage and other detached accessory structures building forms. The maximum allowed height for primary structures is 30 to 35 feet, and setback requirements are 3 to 10 feet for the sides and 12 to 20 feet for the rear. The maximum building coverage per zone lot is 37.5%. Primary street setbacks are block sensitive, depending on the setbacks of nearby structures. There is no minimum parking requirement for single-unit residential uses. Detached accessory garages and other structures are allowed and may be up to 17 feet tall, must be located at least 10 feet behind the primary street facing façade of the primary structure, set back 0 to 5 feet on the sides and rear, and cannot be larger than 1,000 square feet. For additional details of the zone district, see DZC Article 4.

	Applicable Building Forms			
	Suburban House	Urban House	Detached Garage	Detached Accessory Structures
Existing Zoning: E-SU-Dx	X	X	X	X
Proposed Zoning: E-SU-D		X	X	X

## 2. Land Use Map



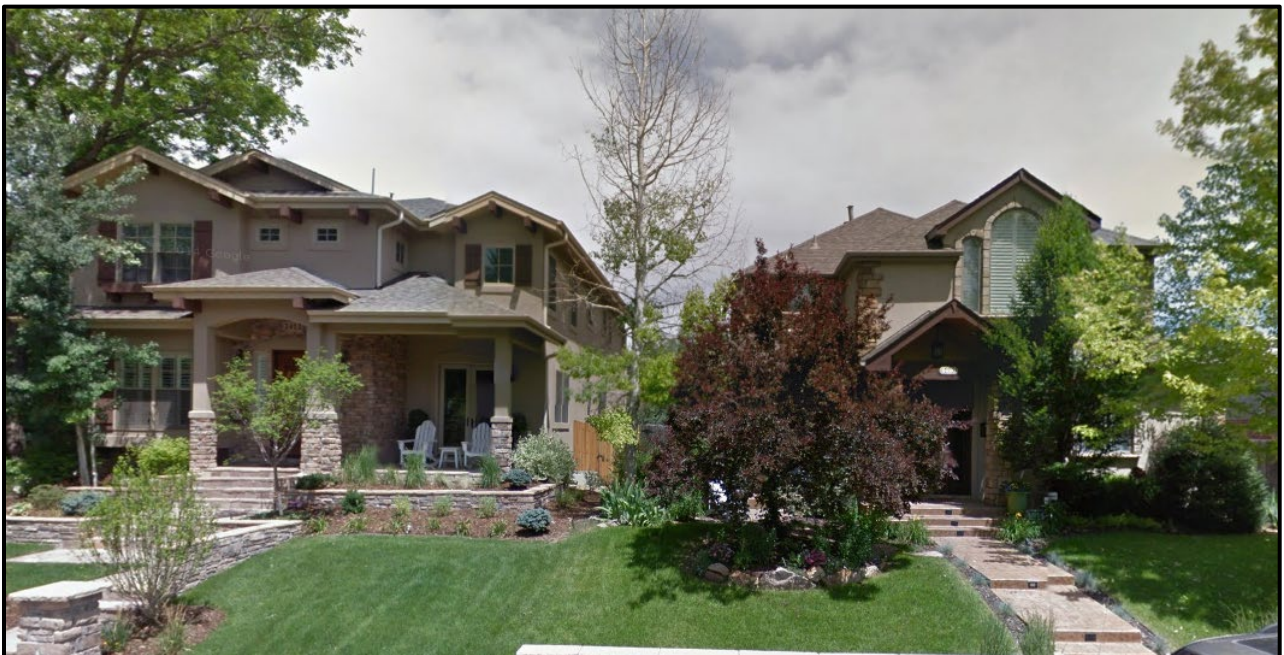
## 3. Existing Building Form and Scale (images from Google Maps)



View of properties on Cook St. north of Jewell Ave.



View of properties on Adams St. north of Evans Ave.



View of properties on Adams St. south of Wesley Ave.





View of properties on Adams St. north of Yale Ave.



View of properties on Clayton St. north of Vassar Ave.

### **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 – Response

**Denver Public Schools:** Approved – No Response

**Denver Department of Public Health and Environment:** Approved - See Comments Below

Notes. The Denver Department of Public Health and Environment (DDPHE) is aware of isolated environmental concerns in the project area that should be evaluated during future development of individual projects; DDPHE concurs with the rezoning request.

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

**Parks and Recreation:** Approved – No Response

**Public Works – ROW - City Surveyor:** Approved – No Comments

#### **Development Services – Transportation**

Approved – See Comments below

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

#### **Development Services – Wastewater**

Approved – See Comments Below

There is no problem to the rezone, however applicant should be under notice that the Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity and access (easements may be necessary). A sanitary study and drainage study

may be necessary. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient.

**Development Services – Project Coordination:** Approved – No Comments

**Development Services – Fire Prevention:** Approved – No Response

**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>12/27/18</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>3/16/19</b>
Planning Board hearing:	<b>4/03/19</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 (tentative):	<b>TBD</b>
Land Use, Transportation and Infrastructure Committee review (tentative):	<b>4/23/19</b>
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	<b>TBD</b>
City Council Public Hearing (tentative):	<b>6/03/19</b>

- **Registered Neighborhood Organizations (RNOs)**
  - The University Park Community Council has been involved in this rezoning request from the beginning, and has provided a letter of support (attached).
  
- **Other Public Comment**
  - As of the date of this staff report, staff has received comments from several neighbors in support of the proposed rezoning.

- **Public Outreach**
  - Staff presented information on the proposed zoning change at a UPCC general meeting on May 2, 2018
  - UPCC representatives discussed the proposed change at another general meeting on October 3, 2018
  - The UPCC worked with Councilman Kashmann’s office to create an information flyer on the proposed rezoning, which was mailed to all property owners within the rezoning area on October 8, 2018
  - The UPCC, along with Councilman Kashmann and city staff, held two open houses to provide information to residents on the proposed rezoning on October 18 and 20, 2018.
  - The UPCC created a survey on their website to gather feedback on the proposed rezoning. There were 67 total responses, 65 of which were in favor and 2 of which were opposed.
  - Additional outreach efforts included talking to individual property owners and providing additional notice of the April 3 hearing date via the UPCC news blast.

### **Criteria for Review / Staff Evaluation**

The criteria for review of this legislative rezoning request are found in DZC, Section 12.4.10.7 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

#### **1. Consistency with Adopted Plans**

The following adopted plans currently apply to this property if the rezoning is approved prior to the anticipated adoption of the Denverright plans (April 22, 2019):

- *Denver Comprehensive Plan 2000*
- *Blueprint Denver (2002)*

If the proposed map amendment is approved by City Council after the adoption of the Denverright plans (anticipated April 22, 2019), the following plans would apply instead:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

The following plan will apply to this property both before and after April 22, 2019:

- *University Park Neighborhood Plan (2008)*

#### **Denver Comprehensive Plan 2000**

The proposal is consistent with many Denver Comprehensive Plan strategies, including:

- *Land Use Strategy 3-B* Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

- *Legacies Strategy 2-C* Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

The proposal to rezone the subject area from E-SU-Dx to E-SU-D is consistent with the above Comprehensive Plan strategies in that it is intended to address a community design and development issue while ensuring that future infill development is consistent with the character of the surrounding neighborhood.

#### ***Denver Comprehensive Plan 2040***

Although the Comprehensive Plan is not yet adopted, it is anticipated to be considered by City Council by the time this map amendment would be at council for public hearing and would be relevant to this request. As such, this staff report provides an analysis of the most current public draft of the plan (Planning Board Draft; March 13, 2019) and the proposed rezoning is consistent with several of the draft *Denver Comprehensive Plan 2040* strategies, including:

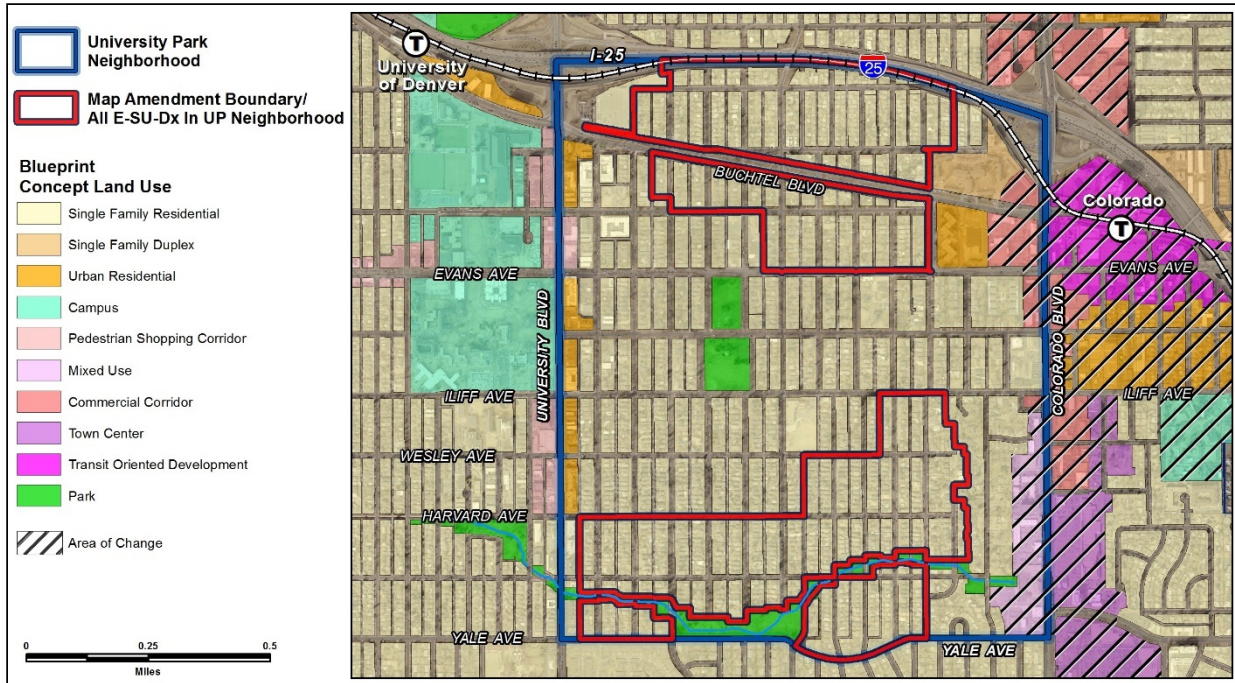
- Goal 2.2 Enhance Denver's neighborhoods through high quality urban design
  - Strategy D. Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.
- Goal 2.3 Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture and culture

The proposal to rezone the subject area from E-SU-Dx to E-SU-D is consistent with the above Comprehensive Plan 2040 strategies in that it is intended to address a community design and development issue while ensuring that future infill development is consistent with the character of the surrounding neighborhood.

#### ***Blueprint Denver 2002***

According to the 2002 Plan Map adopted in Blueprint Denver, this area has a concept land use of Single Family Residential and is located in an Area of Stability.

**Future Land Use**



Blueprint Denver describes Single Family Residential areas as those with “densities fewer than 10 units per acre, often less than six units per acre neighborhood-wide,” and “an employment base significantly smaller than the housing base” with “single family homes as the predominant residential type”. The existing land use in the area proposed for rezoning is comprised almost entirely of single family residential uses, with a small number of zone lots containing small-scale multi-unit residential or religious assembly uses. Overall, the area is consistent with the concept land use description, and would remain consistent following the proposed rezoning to E-SU-D, which is still a single family zone district with the same overall allowable density and land uses.

**Area of Change / Area of Stability**

The subject site is located in an Area of Stability. The goal for Areas of Stability is “to maintain the character of an area while accommodating some new development and redevelopment” at appropriate locations (p. 127). In terms of the area character, the University Park neighborhood is comprised almost exclusively of single unit residential uses. The proposed rezoning from E-SU-Dx to E-SU-D would maintain the area character in that it would remain a single unit zone district with the same minimum lot size requirements while removing the suburban house building form, which has been identified by area residents as being out of character with existing development. As most buildings appear to be constructed nearer to the front of the lot and suburban house-style houses are not common, staff agrees that the urban house building form is more typical of this area and will better promote stability in character and form

**Street Classifications**

The area proposed for rezoning includes primarily undesignated local streets as well as residential collectors and a mixed-use arterial. The northern area is bounded by I-25 on the north, and is

intersected by two collector streets, S. Saint Paul St. and Buchtel Ave., with Evans Ave., a Mixed Use Arterial, forming the southern boundary. The southern area is bounded by two residential collectors: Iliff Ave. to the north and Yale Ave. to the south. In both areas, local access is provided by undesignated local streets, with the collector and/or arterial streets providing connections through the neighborhood to the surrounding area.

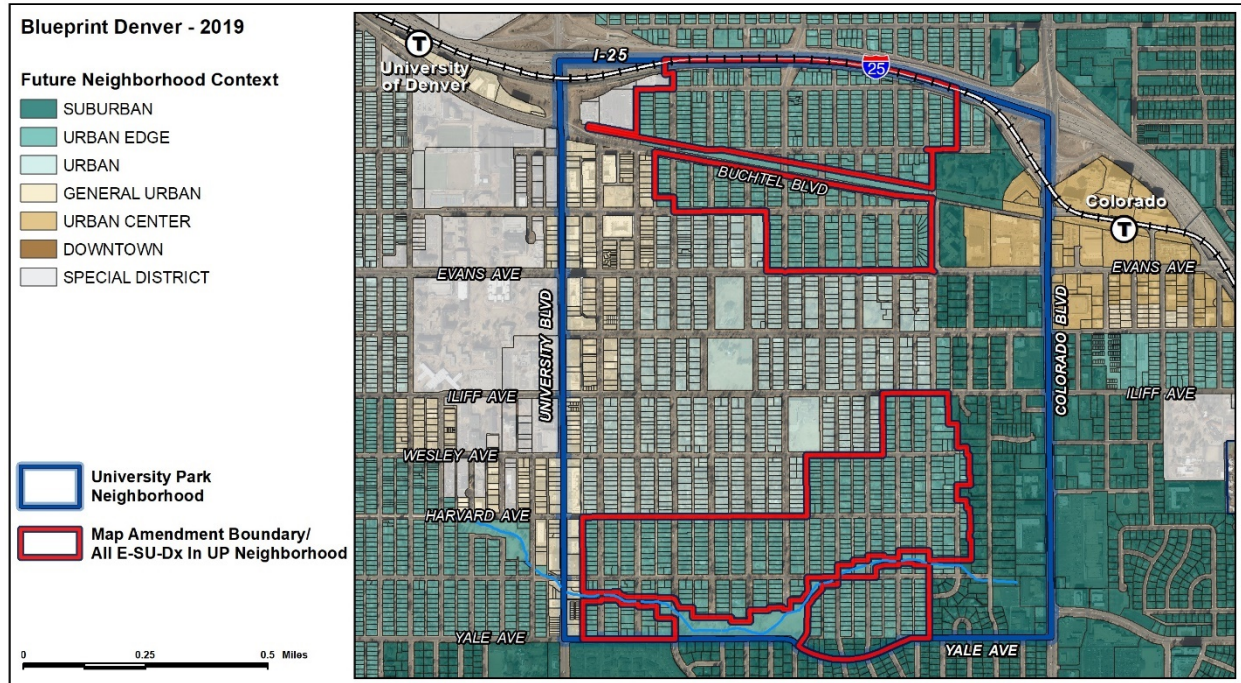
Blueprint Denver states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). Anticipated traffic volumes on local streets are less than 2,000 vehicles per day. Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings” (p. 51).

Given that the proposed rezoning would not affect the overall development potential of the area in terms of density or intensity of uses, there would be no notable impact to the existing streets. Since the neighborhood is well-served by arterial and collector streets, with local access provided by an established grid of local streets, the proposed rezoning would remain consistent with the street classifications for the area.

***Blueprint Denver (2019)***

Although not yet adopted by City Council, *Blueprint Denver 2019* is anticipated to be adopted by City Council by the time this map amendment will be at council for public hearing, therefore it is relevant to this request. The proposed rezoning was reviewed for consistency with the March 13, 2019, Planning Board Draft of *Blueprint Denver (2019)*. The draft *Blueprint Denver* identifies the subject property as part of a Residential Low place within the Urban Edge Context and provides guidance from the future growth strategy for the city.

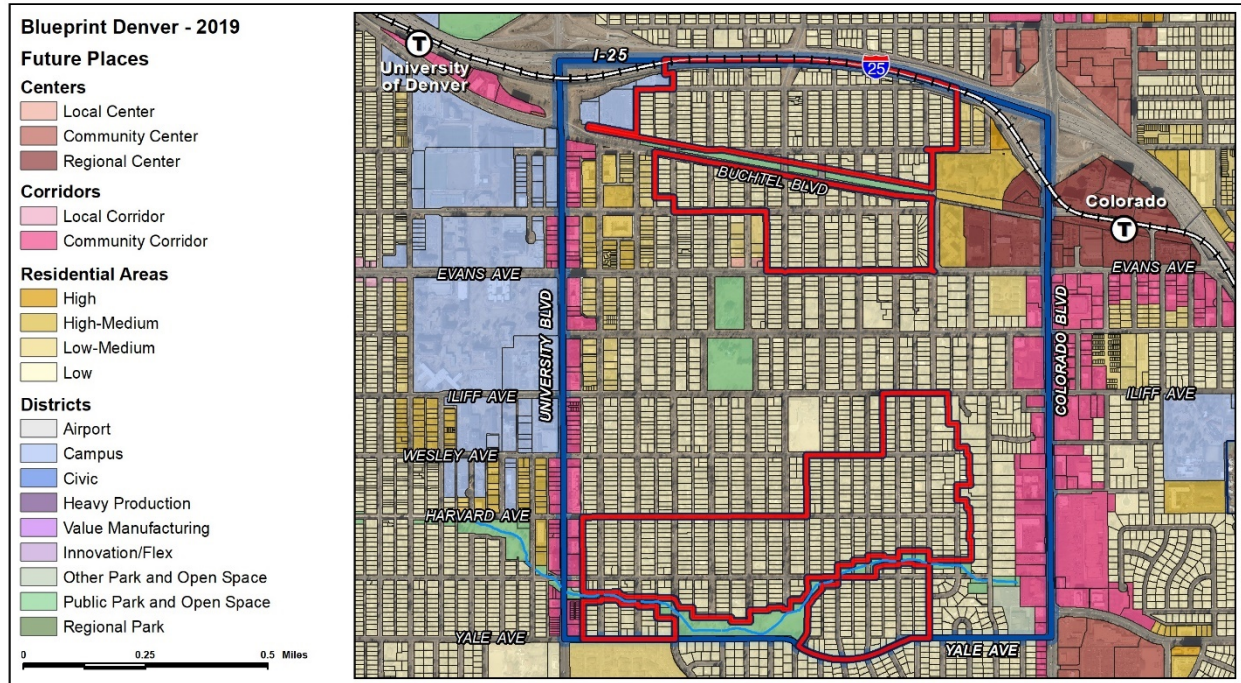
### Future Neighborhood Context



The subject area is within the Urban Edge Neighborhood Context. “The urban edge context areas are predominately residential and tend to act as a transition between urban and suburban areas. Homes in this context are typically low-scale single- and two-unit residential with some small scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development (p. 205). The proposed E-SU-D zone district is part of the Urban Edge context and is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context [and] to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC 4.2.2.1). Given that the proposed E-SU-D zone district would maintain the predominately low-scale single unit residential character of the area, the proposed rezoning is appropriate and consistent with the neighborhood context recommended by the plan.

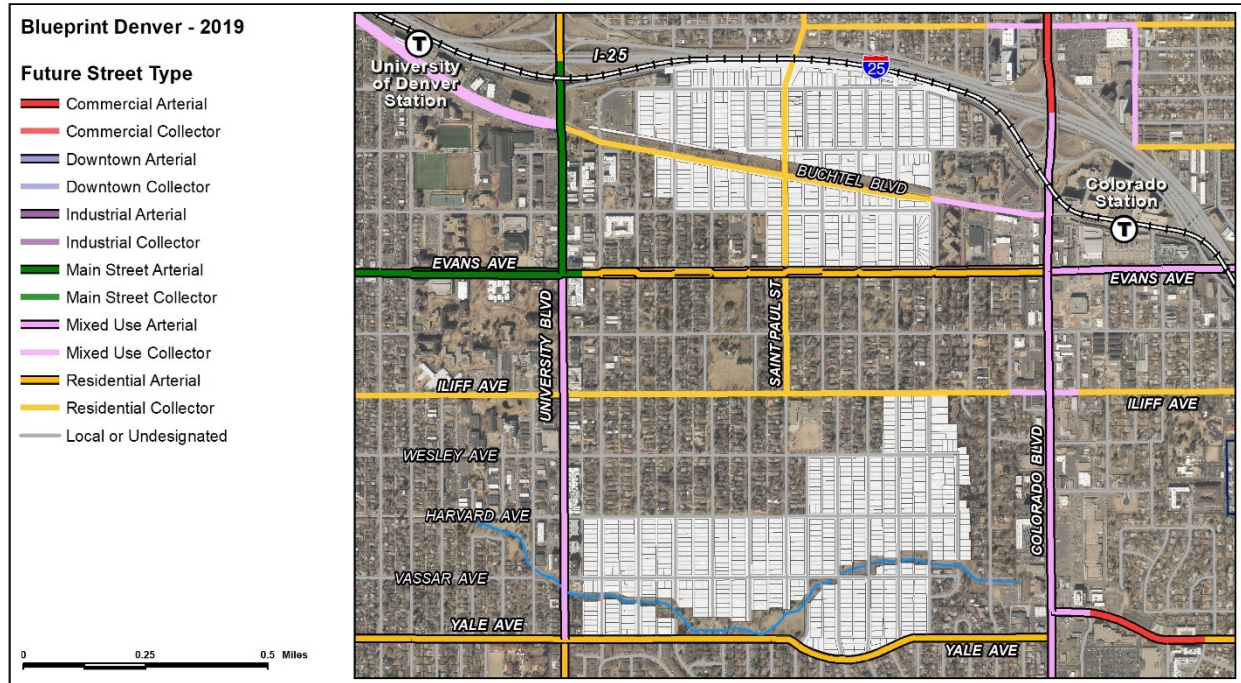


### Future Places



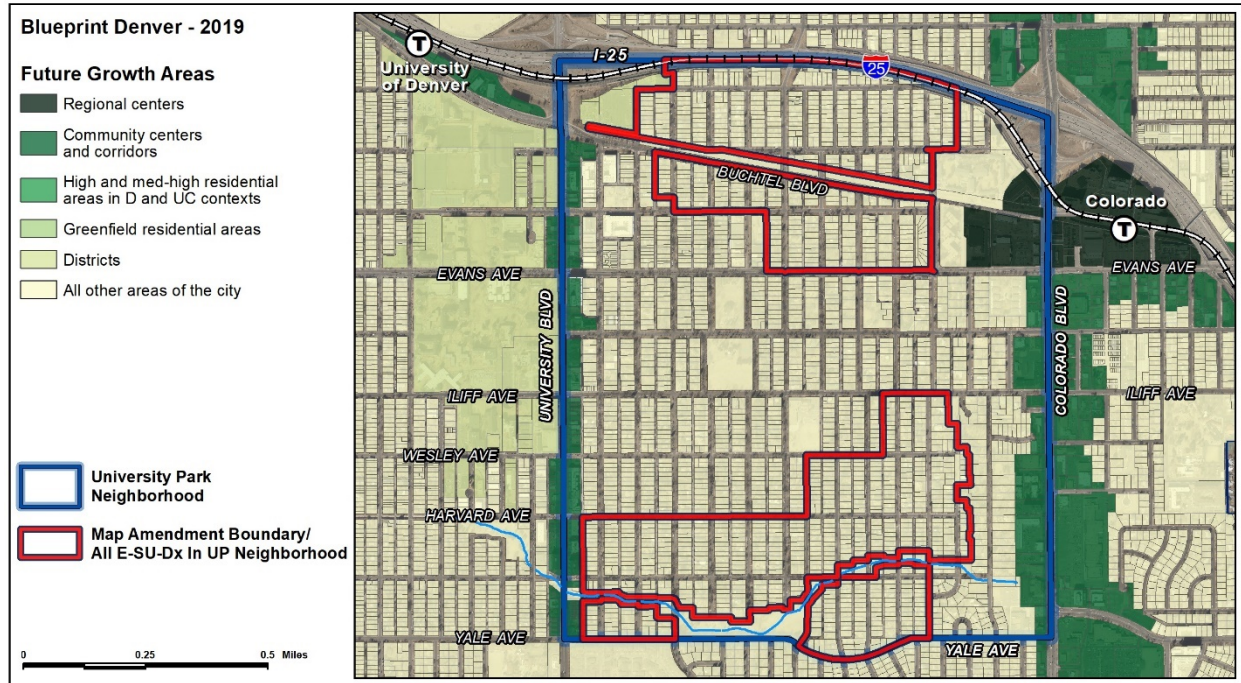
The Future Places map shows the subject area as Residential Low. *Blueprint Denver* describes the aspirational characteristics of the Residential Low areas in the Urban Edge context as “Predominately single- and two-unit uses on small or medium lots [with] low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-D zone district is consistent with the Residential Low place type in that it maintains the existing 6,000 square foot minimum zone lot size while allowing for 37.5% total building coverage and 2.5 stories in height for urban houses.

### Street Types



The majority of streets within the proposed rezoning area are classified in *Blueprint Denver* as undesignated or local streets, which are “most often characterized by residential uses [and] provide the lowest degree of through travel but the highest degree of property access.” Yale Ave. and Evans Ave. are classified as Residential Arterials, which “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Saint Paul St., Buchtel Blvd., and Iliff Ave. are all classified as Residential Collectors, which “are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets.” The proposed E-SU-D zone district is consistent with these street classifications, as it allows only single unit residential uses and would not significantly alter the existing traffic patterns.

## Growth Strategy



The subject area is part of “All other areas of the city” within the *Blueprint Denver* Future Growth Areas map. These areas, “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49) and are anticipated to see around 10% of new job growth and 20% of new housing growth by the year 2040. The proposed E-SU-D zone district is consistent with the growth strategy for the area, as it maintains the existing growth potential for the area while strengthening the character of the neighborhood as envisioned by local residents.

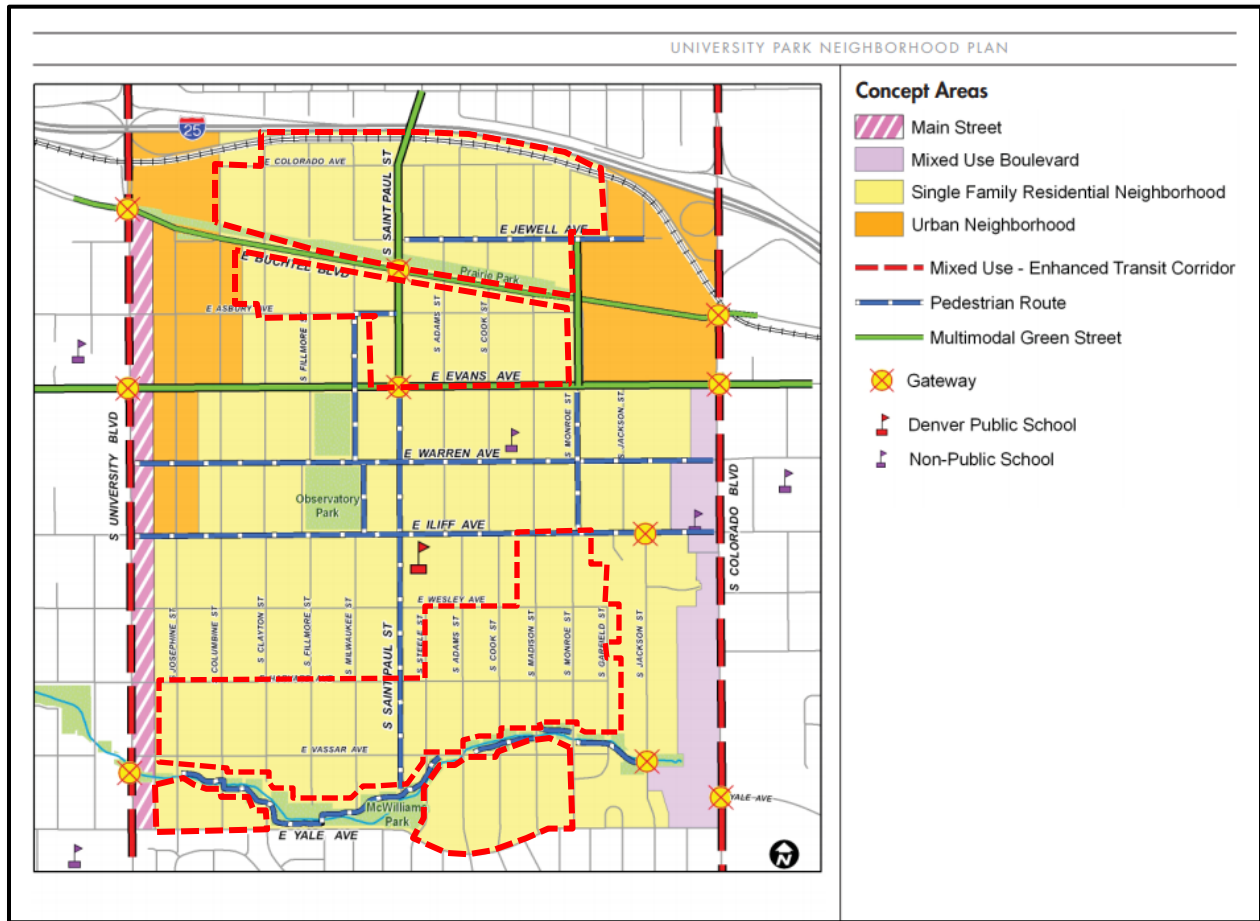
### **University Park Neighborhood Plan (2008)**

The stated vision of the University Park Neighborhood Plan is “*To perpetuate and enhance the integrity of the University Park neighborhood,*” with the overriding theme of the plan being “to create and nurture a community that accommodates a wide variety of uses and people in an environment that enhances the quality of life for residents and the vitality of businesses.” The plan largely promotes maintaining and strengthening the existing single family residential character, and includes a recommendation to create “a greater sense of certainty and trust among the neighborhood, the development community and the city in terms of new development and redevelopment.” (p. 51)

The Urban Design & Land Use section of the plan states: “University Park has always been home to a variety of architectural styles, but there is concern that these new homes are not consistent with the overall neighborhood fabric in terms of open space, tree canopy, lot coverage/building orientation (i.e. amount of the lot occupied by building(s) and their placement on the lot), building mass (i.e. the perceived size of buildings) and building heights.” These concerns are further reflected in Urban Design & Land Use Goal 2, Residential Neighborhood Character Stability, which states: “Preserve the single-

family nature of University Park’s residential neighborhood, and respect the urban design and the architectural character of established and preferred residential forms.”

Regarding intended future land use, the Plan includes a Concept Land Use map based on four “urban design districts.” The entire area included in the proposed rezoning is shown on this map as “Single Family Residential Neighborhood,” as shown below (rezoning area boundaries, shown in red, are approximate):



University Park Neighborhood Plan Concept Areas Map (P. 62)

As mentioned in the letter from Councilman Kashmann, this request is based on a robust public outreach process wherein residents largely agreed that the suburban house form is an undesirable building form for the area, both in terms of its impacts to privacy and solar access as well as its incompatibility with the existing architectural character of the area. The proposed rezoning from E-SU-Dx to E-SU-D is consistent with the goals of the University Park Neighborhood Plan in that it would maintain the existing single family residential character of the area while also reducing perceived impacts associated with the suburban house building form.

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

The proposed map amendment would rezone all properties within University Park currently zoned E-SU-Dx to E-SU-D, and would thus result in uniform regulations across the area. No waivers or conditions are requested.

## **3. Public Health, Safety and General Welfare**

University Park residents have been concerned that the Suburban House building form creates privacy concerns, blocks solar access in certain rear yards, and negatively impacts existing neighborhood character, because it is inconsistent with the predominant form of houses, which more closely conform to the Urban House building form. Therefore, in addition to furthering the public health and safety by implementing the City's adopted plans, the proposed rezoning also furthers the general welfare of University Park residents by removing a building form that they have identified as being problematic while protecting the overall single family residential character of the neighborhood.

### **Attachments**

1. Rezoning Proposal
2. Letters of support

## Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION		REPRESENTATIVE*	
Property Owner Name	Multiple owners	Representative Name	Councilman Paul Kashmann - legislative rezoning
Address		Address	1437 Bannock Street, #451
City, State, Zip		City, State, Zip	Denver, CO 80202
Telephone		Telephone	720-337-6666
Email		Email	paul.kashmann@denvergov.org
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	All properties zoned E-SU-Dx located in the University Park Neighborhood between I-25 and Harvard Gulch. See attached exhibits and legal descriptions.		
Assessor's Parcel Numbers:	Multiple		
Area in Acres or Square Feet:	Approximately 275.8 acres		
Current Zone Districts:	E-SU-Dx		
PROPOSAL			
Proposed Zone Districts:	E-SU-D		
REVIEW CRITERIA			
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	<input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan	Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.	
	<input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.		
	<input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.		



THE HONORABLE  
*Paul Kashmann*  
 COUNCILMAN DISTRICT 6

*City and County of Denver*  
 CITY COUNCIL

City and County Building  
 1437 Bannock Street, Room 451  
 Denver, CO 80202  
 p: 720.337.6666  
 paul.kashmann@denvergov.org

Chandler VanSchaack  
 Community Planning and Development

Dear Chandler,

As Councilman for District 6, I am requesting that Community Planning and Development prepare a legislative map amendment that would eliminate the option to construct the suburban “long house” form for the properties shown within the yellow boundaries on the map below. As you know the suburban form allows for two-story construction from front to back on a lot, while the urban form limits two-stories to the front 65% percent of the lot. The motivation for this change is to maximize privacy and solar access in back yards throughout the rezoning area.

This proposal is the result of a robust community engagement process that included mailings to every property owner in the area to be considered, as well as two public meetings held in the District to answer any questions and an on-line survey designed to collect property-owner concerns.

The only negative issue I have heard from residents has been a concern that by eliminating the suburban house form in favor of the urban form CPD would be limiting the square footage that could be built on a parcel. It turns out that modeling indicates the urban house form actually allows for more square feet due to the second story setbacks that bulk plane restrictions force on second story construction in the suburban form.

I ask for your support of this legislative rezoning that I am putting forward.

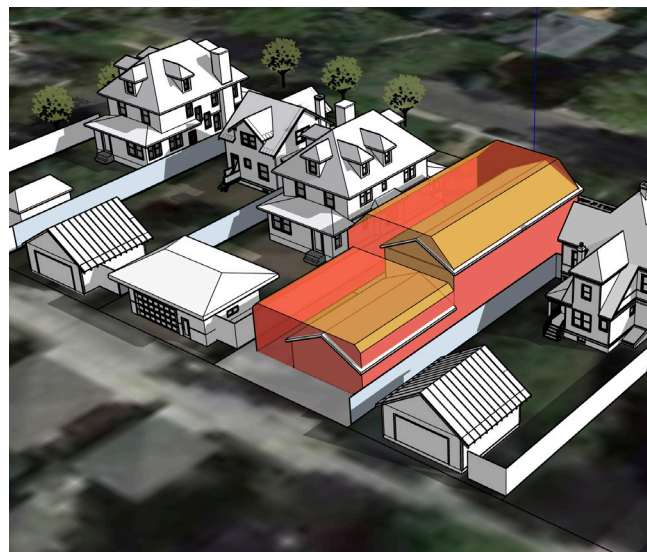
Regards,

Paul

Paul Kashmann  
 Denver City Council, District 6  
 720-260-0638



**E-SU-Dx** — Dx is a zone district that allows both the “Suburban ‘LONG’ House” and “Urban House” building forms.



**E-SU-D** — D is a zone district that allows the “Urban House” building forms but prohibits the “Suburban ‘LONG’ House.”

# E-SU-Dx Zone Districts Outlined in Yellow



**University Park**

 University Park Neighborhood  
E-SU-Dx Zone Districts

 Parcels

January 2017



**Zone Map Amendment 17i-00122  
DRAFT Legal Description**

A part of Sections 24, 25, and 36, Township 4 South, Range 68 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado.

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from

**E-SU-DX to E-SU-D**

**(Area North of Evans Ave. See Exhibit A)**

**COLUMBIA PARK SUBDIVISION OF BLOCK 8 MAPLEWOOD SUBDIVISION**

Block 8, Lots 19 to 30

**CORNELL PARK SUBDIVISION OF BLOCK 6 MAPLEWOOD SUBDIVISION**

Block 6, Lots 22 to 26

**DOUGLAS PARK BEING A SUBDIVISION OF BLOCK 13 MAPLEWOOD SUBDIVISION**

Block 13, Lots 1 to 46

**FIRST ADDITION TO UNIVERSITY PARK**

Block 3 , The portion of Lot 30 Defined in RCP #2001063759 4/26/2001

Blocks 4 to 6, Lots 17 to 32

Block 7, Lots 17 to 24

Block 8, Lots 1 to 24

Block 9, Lots 1 to 48

Block 10, Lots 1 to 24 And that portion of Vacated Jewell Ave. Adjoining Lot 24

Block 10, Lots 25 to 48

Block 11, Lots 1 to 23 and Lots 25 to 48

Block 12, Lots 1 to 48

**HARVARD PARK SUBDIVISION OF BLOCK 12 MAPLEWOOD SUBDIVISION**

Block 12, Lots 1 to 48

**Observatory Terrace Subdivision Filing No.1**

Block 1, Lots 1 to 11 and Tract A

**RESUBDIVISION OF LOT 11 MAPLEWOOD SUBDIVISION**

Block 11, Lots 1 to 48

**SCOTT PARK SUBDIVISION OF BLOCK 10 MAPLEWOOD**

Block 10, Lots 1 to 48

### **University Park Amended Map**

Block 6, Lots 27 to 44

Block 7, Lots 3 to 41

Block 8, Lots 6 to 38

Block 9, Lot 1, and Lots 9 to 35, and Lots 42 to 44

Block 10, Lots 1 to 4, and Lots 12 to 32, and lots 39 to 44

Block 11, Lots 1 to 7, and Lots 15 to 29, and Lots 36 to 44

Block 12, Lots 1 to 10, and Lots 18 to 26, and Lots 33 to 44

Block 13, Lots 1 to 13, and Lots 21 to 23, and Lots 30 to 44

Block 20, Lots 1 to 22

Block 21, Lots 1 to 44

Block 22, Lots 1 to 44

Block 23, Lots 1 to 44

Block 24, Lots 23 to 44

### **WEAVER PARK SUBDIVISION OF BLOCK 7 MAPLEWOOD**

Block 7, Lots 21 to 28

### **YALE PARK SUBDIVISION OF BLOCK 9 MAPLEWOOD**

Block 9, Lots 1 to 48

### **(Area South of Iliff Ave. See Exhibit B)**

#### **ARAPAHOE GARDENS**

Block 1, Lots 1 to 12

Block 2, Lots 1 to 12

#### **ASBURY PARK**

Block 1, Lots 1 to 48

Block 2, Lots 1 to 20, and Lots 31 to 48

Block 3, Lots 1 to 16

Block 3, That part of the East 68' of Lot 21, South of a line extending from a point 5' South of the Northeasterly corner of Lot 21 to a point 8' North of the Southwesterly corner of said Lot 21 Block 3

Block 3, The East 68' of Lots 22 to 24

Block 3, Lots 25 to 28, and Lots 32 to 48

Block 4, Lots 1 to 14,

Block 4, That part of Lot 20, South of a line extending from a point 63.75' East of the Northwesterly corner of Lot 20 to a point 5' South of the Northeasterly corner of said Lot 20

Block 4, Lots 21 to 28 and Lots 35 to 48

Block 5, Lots 1 to 48

Block 6, Lots 1 to 24 And that portion of Vacated Yale Ave. Adjoining Lot 24

Block 6, Lots 25 to 48

Block 7, Lots 1 to 24 And that portion of Vacated Yale Ave. Adjoining Lot 24

Block 7, Lots 25 to 48

Block 8, That part of Lots 5 to 10, Southeast of a line extending from the Northeast corner of Lot 5 to the Southwest corner of Lot 10

Block 8, Lots 11 to 24 And that portion of Vacated Yale Ave. Adjoining Lot 24

Block 8, Lots 25 to 46

#### **ASBURY PARK 2ND FILING**

Block 9, Lots 1 to 48

Block 10, Lots 1 to 48

Block 11, Lots 1 to 48

Block 12, Lots 1 to 48

Block 13, Lots 15 to 34

Block 14, Lots 25 to 34

And all of Vacated College Place Adjacent to Block 13 and 14

#### **FIRST ADDITION TO UNIVERSITY GARDENS**

Block 1, The West 125' of the South 82.5' of the East 300'

Block 1, The West 108' of the South 165' of the East 300' excluding the South 82.5'

Block 1, The West 115' of the South 247.5' of the East 300' excluding the South 165'

Block 1, The West 109.17' of the North 77.5' of the East 300'

Block 2, The West 250' of the North 150'

Block 2, The West 125' of the East 300' of the north 150'

#### **Iliff's University Addition**

Block 15, Lots 1 to 24

Block 16, Lots 1 to 48

Block 17, Lots 1 to 48

Block 18, Lots 1 to 48

Block 19, Lots 1 to 48

Block 20, Lots 1 to 48

Block 21, Lots 25 to 48

Block 22, Lots 25 to 39 and Lots 44 to 48

Block 23, Lots 1 to 5

Block 23, Lots 9 to 38, Excluding part of Lot 9 Beginning at the Northeast corner then South 20' then Northwesterly to a point 28' West of the Northeast corner then East to the POB

Block 23, Lots 42 to 48, Excluding part of Lot 42 Beginning at the Northwest corner then Southeasterly to a point 60' of the East of the Southwest corner then West 60' then North to the POB

Block 24, Lots 1 to 7, and Lots 12 to 32

Block 24, North 10' of Lot 41 and Lots 42 to 48

Block 25, Lots 1 to 12, and Lots 33 to 48

Block 26, Lots 1 to 16, and Lots 31 to 48

Block 27, Lots 1 to 13, and Lots 37 to 48

Block 28, Lots 1 to 9, Excluding parts of Lots 8 and 9 Beginning at the Southeast corner of Lot 9 then North to the Northeast corner of Lot 8 then Southwesterly to a point 30' west of the Southeast corner of Lot 9 then East to the POB

**SHAKESPEAR ADDITION TO DENVER COLORADO**

Block 1, Lots 13 to 24

Block 2, Lots 1 to 24

**UNIVERSITY GARDENS**

Block 1, The West 225.5' appx

Block 2, The West 1/2 and the West 100' of the South 82.5' of the East 1/2

Block 3, The South 302.5' of the West 250'

Block 3, The West 115' of the East 300' of the North 230'

Block 3, The West 120' of the East 300' of the South 100'

Block 4, The West 109.17' of the South 82.5' of the East 300'

Block 4, The West 75' of the South 165' of the East 300' excluding the South 82.5'

**WELLSHIRE HILLS FILING NO 1**

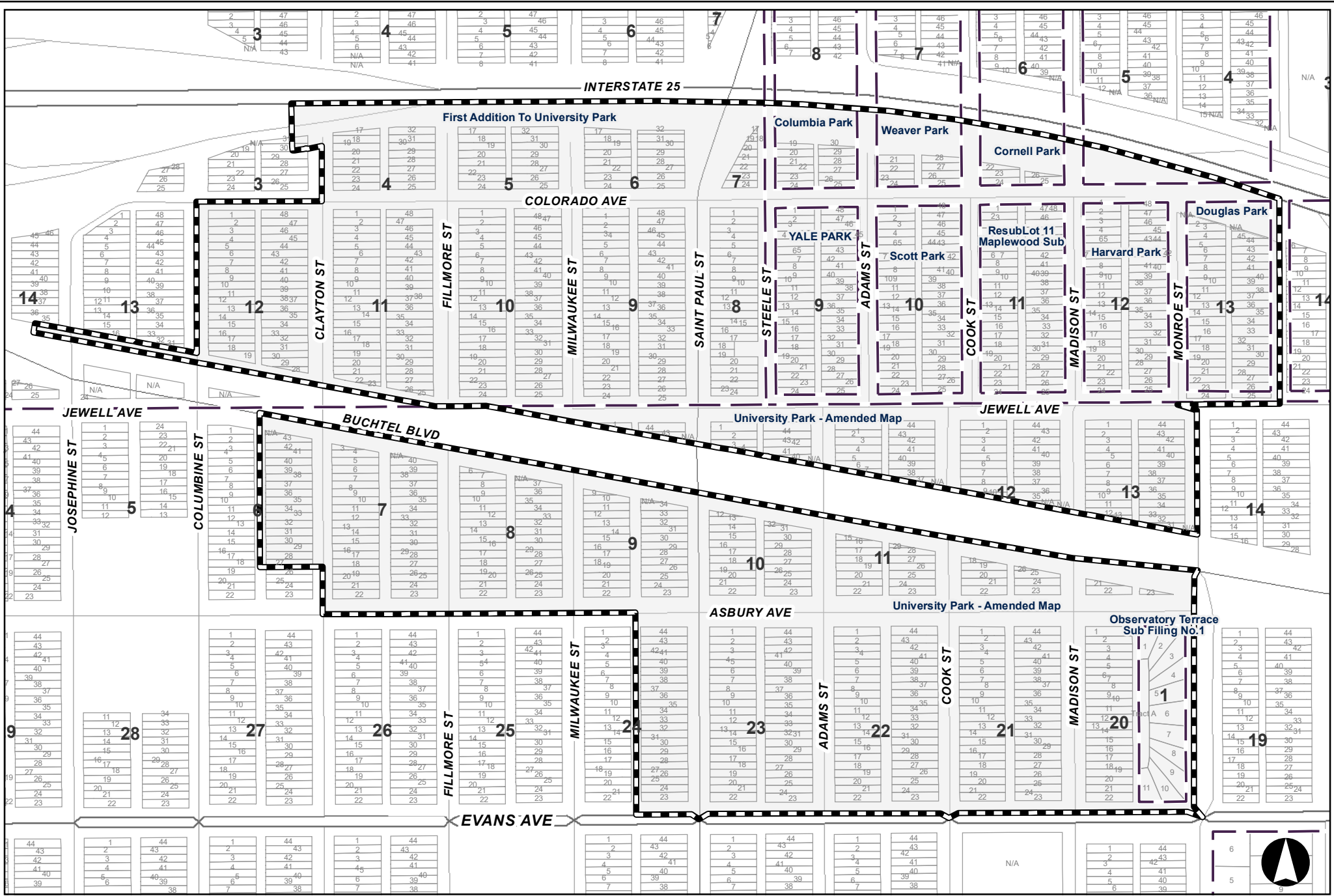
Block 1, Lots 1 to 6

Block 2, Lots 1 to 6

Block 3, Lots 1 to 4

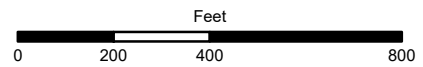
**All Vacated Street or Alley Rights of Way lying adjacent to described areas.**

**In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.**



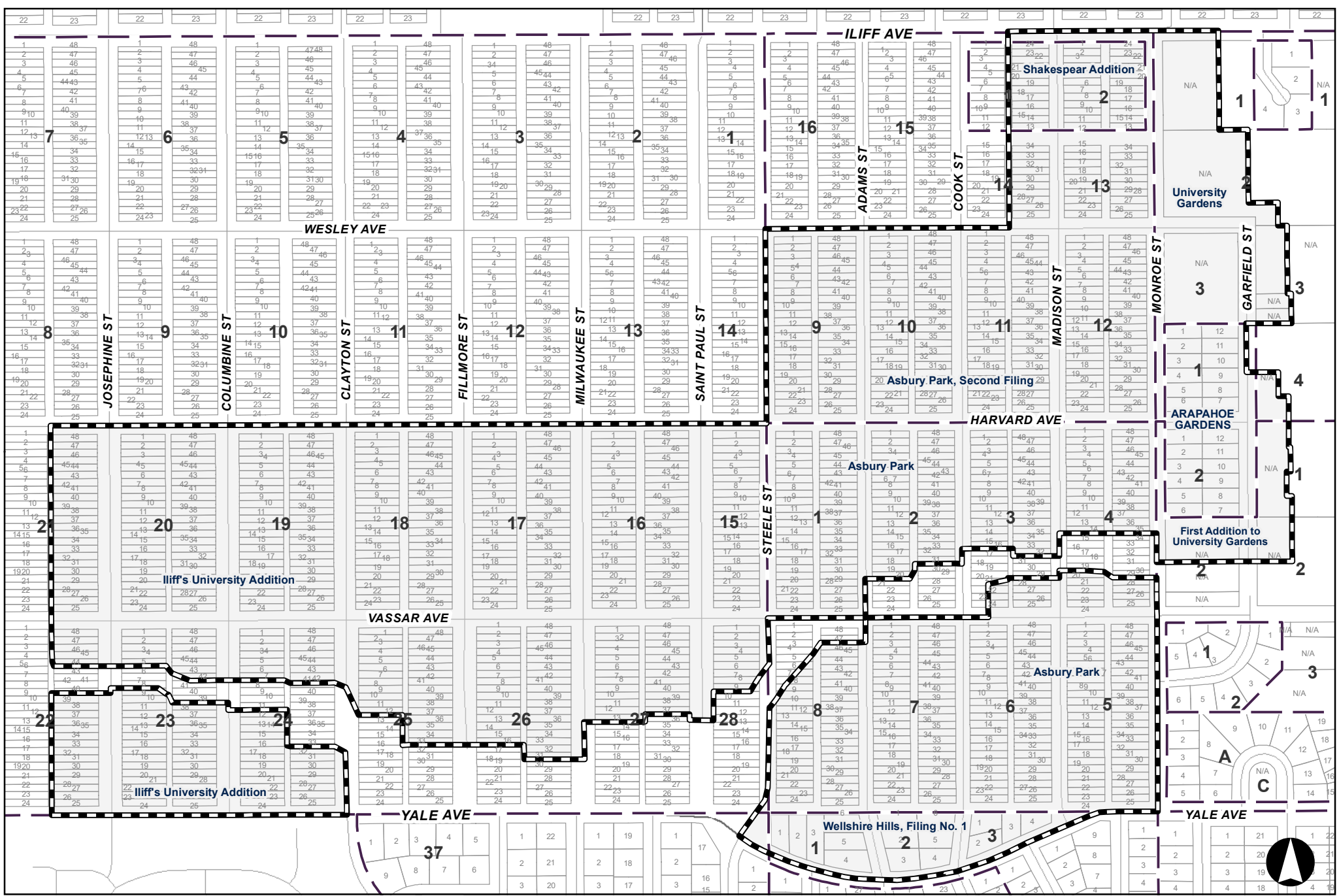
**University Park  
Statistical Neighborhood**

**EXHIBIT A  
Zone Map Amendment 17i-00186**



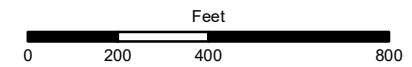
 **Area to be changed from Zone District E-SU-Dx To E-SU-D**

**November 2018**



**University Park  
Statistical Neighborhood**

**EXHIBIT B  
Zone Map Amendment 17i-00186**



 **Area to be changed from Zone District E-SU-Dx To E-SU-D**

**November 2018**

#### **A. 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 the adoption of the City's plan.**

There are three adopted plans that apply to the subject area: Comprehensive Plan 2000, Blueprint Denver and The University Park Neighborhood Plan (2008). Consistency with each of these plans is discussed below.

##### **Comprehensive Plan 2000**

- *Land Use Strategy 3-B* Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.
- *Legacies Strategy 2-C* Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

The proposal to rezone the subject area from E-SU-Dx to E-SU-D is consistent with the above Comprehensive Plan strategies in that it is intended to address a community design and development issue while ensuring that future infill development is consistent with the character of the surrounding neighborhood.

##### **Blueprint Denver (2002)**

According to Blueprint Denver, the area proposed to be rezoned has a concept land use of Single Family Residential and is located in an Area of Stability.

##### **Future Land Use**

Blueprint Denver describes Single Family Residential areas as those with “densities fewer than 10 units per acre, often less than six units per acre neighborhood-wide,” and “an employment base significantly smaller than the housing base” with “single family homes as the predominant residential type”. The existing land use in the area proposed for rezoning is comprised almost entirely of single family residential uses, with a small number of zone lots (10), containing small-scale multi-unit residential uses. Overall, the area is consistent with the concept land use description, and would remain consistent following the proposed rezoning to E-SU-D, which is still a single family zone district with the same overall allowable density and land uses.

##### **Area of Change/ Area of Stability**

The subject site is located in an Area of Stability. The goal for Areas of Stability is “to maintain the character of an area while accommodating some new development and redevelopment” at appropriate locations (p. 127). In terms of the area character, the University Park neighborhood is comprised almost exclusively of single family residential uses. The proposed rezoning from E-SU-Dx to E-SU-D would maintain the area character in that it would remain a single family zone

district with the same minimum lot size requirements while removing the suburban house building form, which has been identified by area residents as being out of character with existing development.

### **Street Classifications**

The area proposed for rezoning includes undesignated primarily local streets as well as residential collectors and a mixed use arterial. The northern area is bounded by I-25 on the north, and is intersected by two collector streets, S. Saint Paul St. and Buchtel Ave., with Evans Ave., a Mixed Use Arterial, forming the southern boundary. The southern area is bounded by two residential collectors: Iliff Ave to the north and Yale Ave to the south. In both areas, local access is provided by undesignated local streets, with the collector and/or arterial streets providing connections through the neighborhood to the surrounding area.

Blueprint Denver states “the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets” (p. 51). Anticipated traffic volumes on local streets are less than 2,000 vehicles per day. Blueprint Denver states “collectors are designed to provide a greater balance between mobility and land access within residential, commercial and industrial areas. The makeup of a collector street largely depends on the density, size and type of nearby buildings” (p. 51).

Given that the proposed rezoning would not affect the overall development potential of the area in terms of density or intensity of uses, there would be no notable impact to the existing streets. Since the neighborhood is well-served by arterial and collector streets, with local access provided by an established grid of local streets, the proposed rezoning would remain consistent with the street classifications for the area.

### **University Park Neighborhood Plan (2008)**

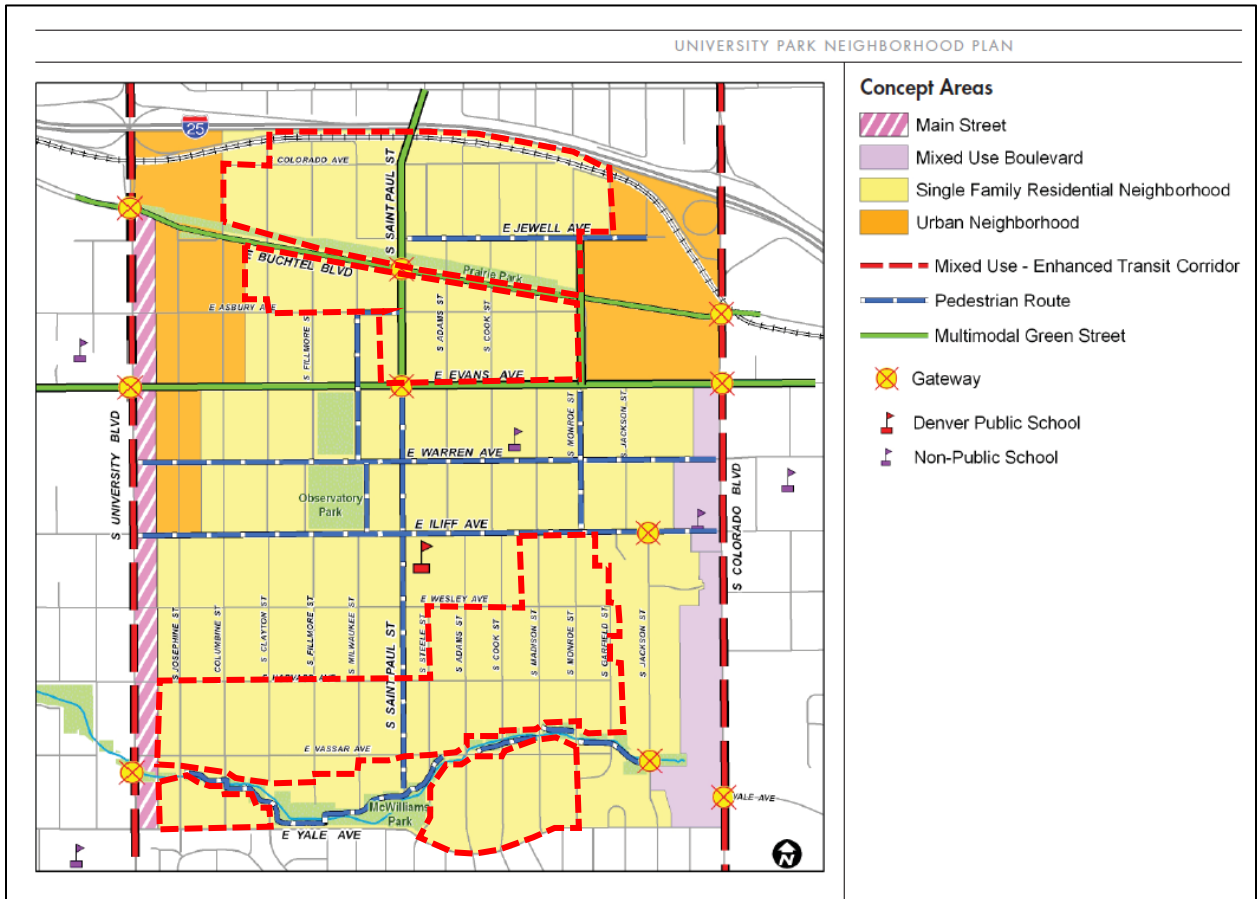
The stated vision of the University Park Neighborhood Plan is “*To perpetuate and enhance the integrity of the University Park neighborhood,*” with the overriding theme of the plan being “to create and nurture a community that accommodates a wide variety of uses and people in an environment that enhances the quality of life for residents and the vitality of businesses.” The plan largely promotes maintaining and strengthening the existing single family residential character, and includes a recommendation to create “a greater sense of certainty and trust among the neighborhood, the development community and the city in terms of new development and redevelopment.” (P. 51)

The Urban Design & Land Use section of the plan states: “University Park has always been home to a variety of architectural styles, but there is concern that these new homes are not consistent with the overall neighborhood fabric in terms of open space, tree canopy, lot coverage/building orientation (i.e. amount of the lot occupied by building(s) and their placement on the lot), building mass (i.e. the perceived size of buildings) and building heights.” These concerns are further reflected in Urban Design & Land Use Goal 2, Residential Neighborhood Character Stability, which states: “Preserve the single-family nature of University Park’s residential



neighborhood, and respect the urban design and the architectural character of established and preferred residential forms.”

Regarding intended future land use, the Plan includes a Concept Land Use map based on four “urban design districts.” The entire area included in the proposed rezoning is shown on this map as “Single Family Residential Neighborhood,” as shown below (rezoning area boundaries, shown in red, are approximate):



**University Park Neighborhood Plan Concept Areas Map (P. 62)**

As mentioned in the letter from Councilman Kashmann, this request is based on a robust public outreach process wherein residents largely agreed that the suburban house form is an undesirable building form for the area, both in terms of its impacts to privacy and solar access as well as its incompatibility with the existing architectural character of the area. The proposed rezoning from E-SU-Dx to E-SU-D is consistent with the goals of the University Park Neighborhood Plan in that it would maintain the existing single family residential character of the area while also reducing perceived impacts associated with the suburban house building form.

**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.**

The proposed map amendment would rezone all properties within University Park currently zoned E-SU-Dx to E-SU-D, and would thus result in uniform regulations across the area. No waivers or conditions are requested.

**C. Public Health, Safety and General Welfare**

**The proposed official map amendment furthers the public health, safety and general welfare of the City.**

As mentioned above, this rezoning request is based on extensive public outreach within the University Park Neighborhood. The request is sponsored by Councilman Paul Kashmann and has been endorsed by the University Park Community Council. The request to “X the x,” as it has become known, came as a result of various neighbors expressing concerns with the Suburban House building form, which is allowed by the E-SU-Dx zone district. Specifically, University Park residents complained that the Suburban House building form was creating privacy concerns, blocking solar access in certain rear yards, and negatively impacting existing neighborhood character. Therefore, in addition to furthering the public health and safety by implementing the City’s adopted plans, the proposed rezoning also furthers the general welfare of University Park residents by removing a building form that they have identified as being problematic while protecting the overall single family residential character of the neighborhood.

Mar. 27, 2019

Dear Members of Planning Board,

University Park Community Council (UPCC) urges Planning Board to support the request by Councilman Paul Kashmann and the University Park Registered Neighborhood Association to rezone all E-SU-Dx zone districts in University Park to E-SU-D.

We were alarmed when we became aware that several new “long houses” had been constructed in our neighborhood. Our intent is to prevent more from being built. The “long house” name applies to two story homes which extend the full depth of the buildable area, blocking privacy and a feeling of open space to adjacent homes. The Quick Wins II zoning ordinance, adopted in 2002, eliminated the long house option until 2010, when the Zoning Code was updated in a massive overhaul throughout the entire city.

Now, in areas zoned E-SU-Dx in University Park, homes can be built using either the Urban House form or the Suburban House form. Although we actively participated in the update process, we and CPD overlooked the possibility that this could be a way to re-create the long house in our neighborhood. Although both house forms provide similar square footage potential, the Urban House form restricts two story development to the front 65% of the lot and requires a step-down to one story on the rear 35% of the lot. The Suburban House form doesn't have this restriction and allows two stories to extend the full depth of the buildable area.

UPCC sent information packets to every property owner in all E-SU-Dx zone districts to inform them about UPCC's request. We included a link to a survey on our web site for property owners to tell us if they agreed or disagreed with our proposal. We received 67 responses, 65 in favor, two not in favor. This proposal was discussed at several neighborhood general meetings with presentations by Councilman Kashmann and city staff. Councilman Kashmann and city staff also held two open houses about the proposal, and no opposition was voiced.

UPCC hopes Planning Board members agree with this proposed rezoning to remove the Suburban House form option, and therefore eliminate the possibility of additional “long houses” in our neighborhood. We are very grateful to Councilman Paul Kashmann for supporting this through a legislative rezoning.

Sincerely,

Debbie Harrington, UPCC President

Pat Cashen, UPCC Zoning Chair

Rosemary Stoffel, UPCC Community Preservation Chair