



TO: City Council
FROM: Edson Ibanez, Associate City Planner
DATE: July 29, 2021
RE: Official Zoning Map Amendment Application #2020I-00129

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00129.

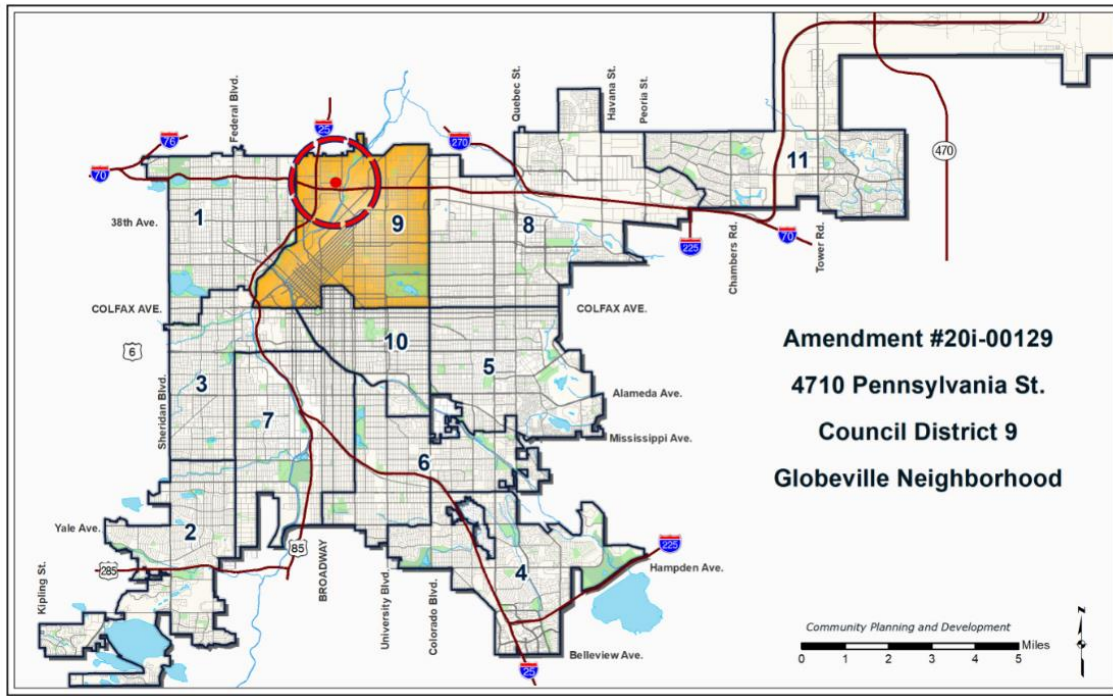
Request for Rezoning

Address:	4710 N. Pennsylvania St.
Neighborhood/Council District:	Globeville / Council District 9 (CdeBaca)
RNOs:	Globeville First, Denver North Business Association, Globeville Civic Partners, Reclaim the East Side, Unite North Metro Denver, Neighborhood Coalitions of Denver, Inc., Inter-Neighborhood Cooperation (INC), UCAN, District 9 Neighborhood Coalition, Inc.
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	E-SU-D
Proposed Zoning:	U-SU-C1
Property Owner(s):	Eric Dahm
Owner Representative:	None

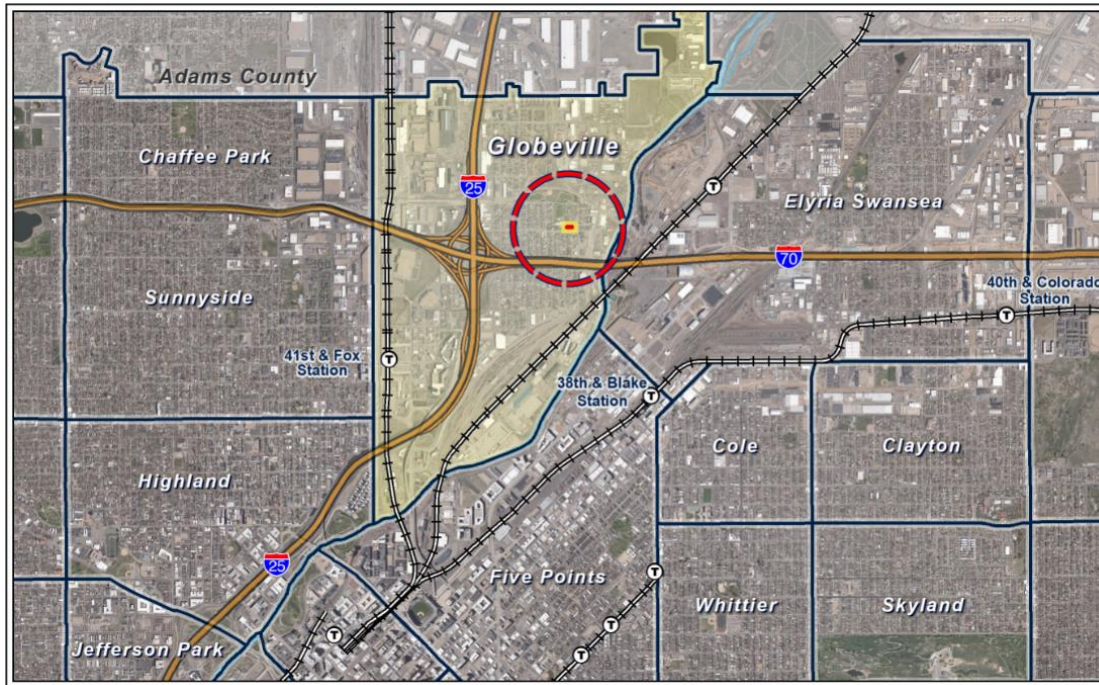
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1911 and is located between East 47th Avenue and East 48th Avenue.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-C1, **U**rbane, **S**ingle-**U**nit, **C1** (5,500 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 residential arterial streets and structures are usually in 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 – Globeville Neighborhood



Existing Context



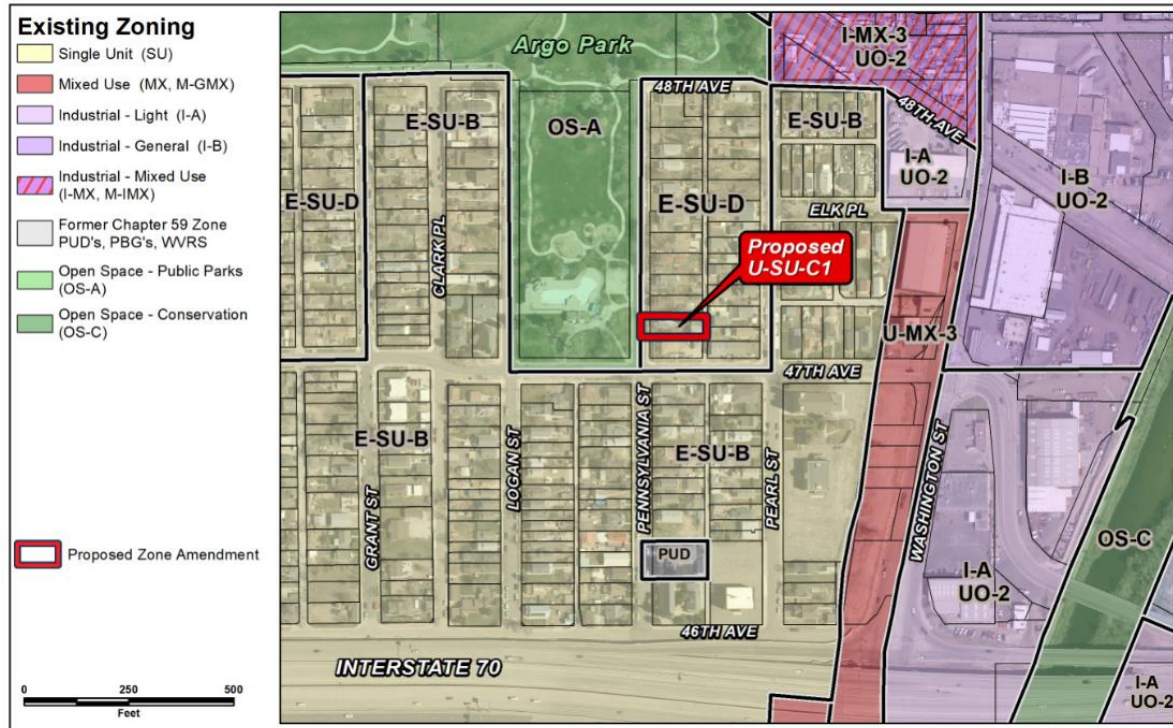
The subject property is in the Globeville neighborhood, which is characterized primarily by single-unit, two-unit, and multi-unit residential uses. The subject site is across the street from Argo Park and one block north of Interstate 70. Industrial uses are prominent along North Washington Street two blocks to the east. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access for single residential uses. The subject property is located between East 47th Avenue and East 48th Avenue.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D	Single-unit Residential	1-story house with large front setback with front curb cuts with driveways and alley access	Generally regular orthogonal street grid with lots served by alleys between local streets. Block sizes and shapes are consistent and rectangular. Generally, vehicle parking to the rear of buildings (alley access); some vehicle
North	E-SU-D	Single-unit Residential	1-story house with moderate front setback with alley access	
South	E-SU-D	Single-unit Residential	1-story house with moderate front setback with front curb cuts with driveways and alley access	

East	E-SU-D	Single-unit Residential	1-story house with moderately front setback with alley access	parking to the side of residential dwellings interspersed.
West	OS-A	Open Space	Argo Park	

1. Existing Zoning

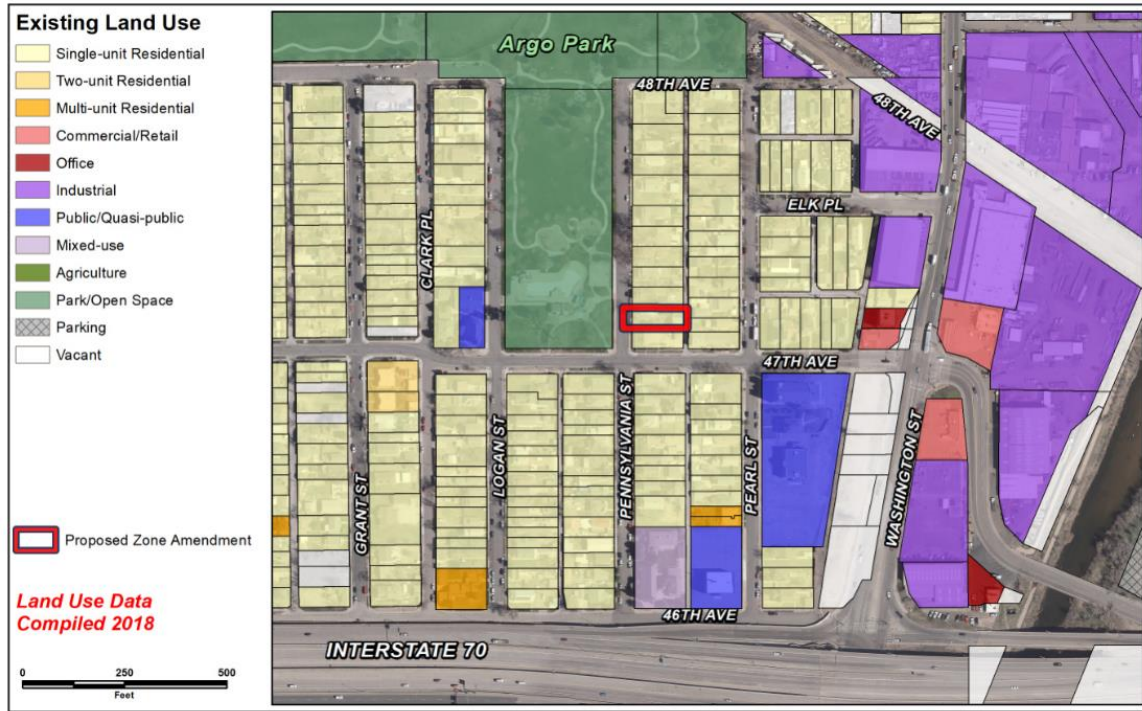


E-SU-D is a single-unit zone district allowing the Urban House primary building form on a minimum zone lot area of 6,000 square feet and a minimum zone lot width of 50 feet. The maximum allowed height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot and 17 to 19 feet in the rear 35% of the zone lot. The maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwellings.

Urban Edge (E) Neighborhood Context Zone District	Building Forms											
	Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot	1*	1*	1*	2	No Maximum							

Single Unit (SU)	E-SU-D		■																	
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2. Existing Land Use Map



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



View of subject property looking east.



View of the property to the north, looking east.



View of the property to the south, looking north.



View of Argo Park to the west, looking west

Proposed Zoning

U-SU-C1 is a single-unit zone district with a minimum zone lot 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-C1 district. Compared to the U-SU-C district, U-SU-C1 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 650 square feet. As the subject site is greater than 6,000 square feet and less than 7,000 square feet, the ADU building footprint may be a maximum of 864 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

Design Standards	E-SU-D (Existing)	U-SU-C1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	Urban House: 1 story / 19 feet	Urban House: 1 story / 17 feet
Bulk Plane	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)	Urban House: 17 feet / 45 degrees (front 65% of zone lot) and 10 feet / 45 degrees (rear 35% of zone lot)
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	5,500 square feet
Zone Lot Width (Min.)	50 feet	50 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
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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: No response – Approved.

Asset Management: Approved – No Comments.

Denver Public Schools: No response – Approved.

Department of Public Health and Environment: No response – Approved.

Denver Parks and Recreation: Approved – No Comments.

Public Works – R.O.W.- City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review. Revised legal description matches full legal description of parcel found on most recent document in chain of title.

Development Services – Project Coordination: No response – Approved.

Development Services - Fire Protection: No response – Approved.

Development Services – Transportation: No response – Approved.

Development Services- Wastewater: Approved – No Comments. DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

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:	12/30/2020

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:	5/04/2021
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 :	5/15/2021
Planning Board public hearing:	5/19/2021
Land Use, Transportation and Infrastructure Committee of the City Council :	5/25/2021
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:	7/12/2021
City Council Public Hearing :	8/2/2021

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comments.
- **Other Public Comment**
 - To date, staff has received no comments.

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)
- Globeville Neighborhood Plan (2016)

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.

The proposed rezoning would allow for an additional housing option within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive 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).
- Equitable, Affordable and Inclusive: Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

U-SU-C1 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 found in the Globeville neighborhood.

The proposed rezoning would allow for an additional housing option within an established neighborhood, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- 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 consistent with the following strategy in the Environmentally Resilient vision element:

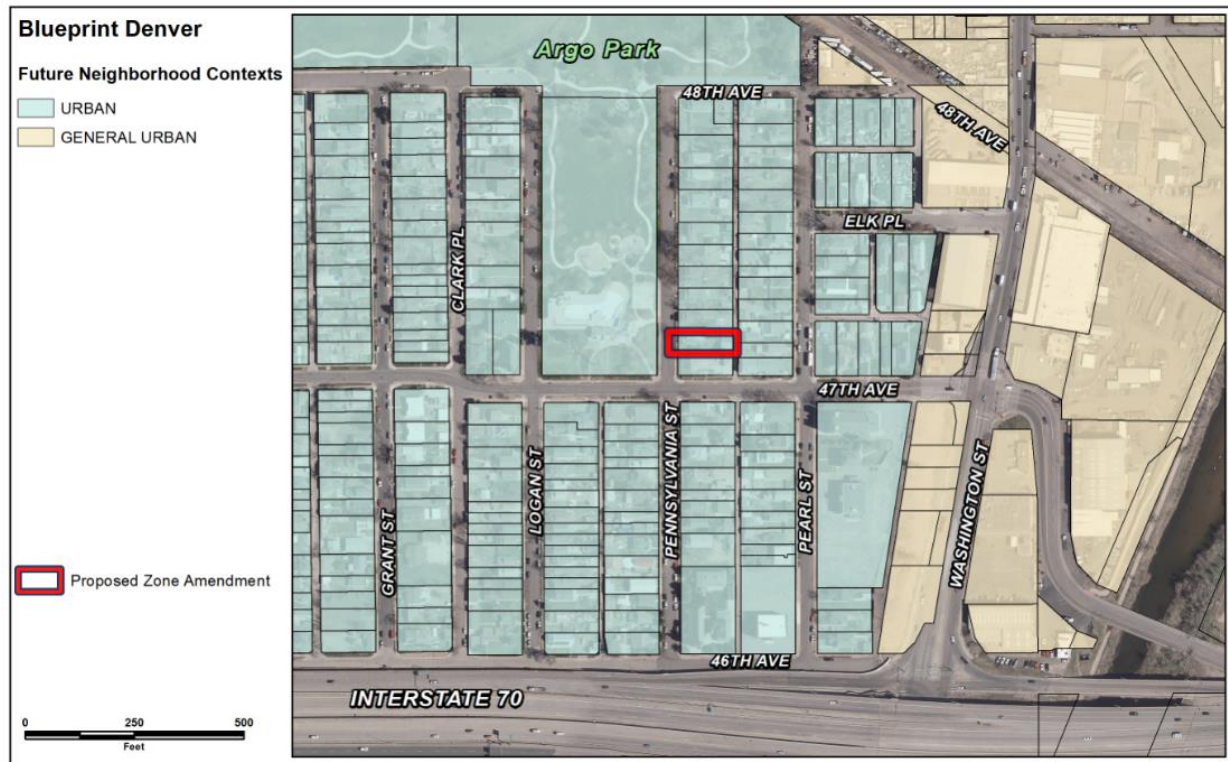
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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.

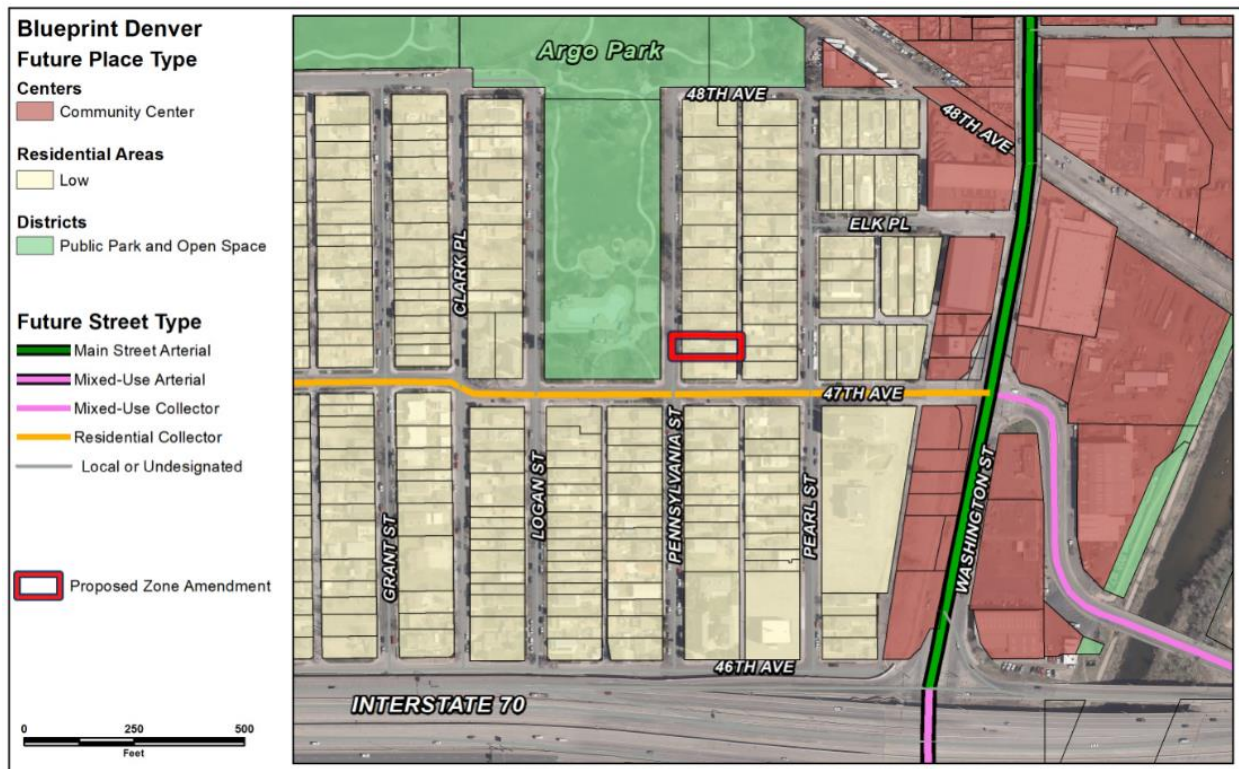
Blueprint Denver Future Neighborhood Context



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-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 Section 5.2.2.1). U-SU-C1 is consistent with the *Blueprint Denver* future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

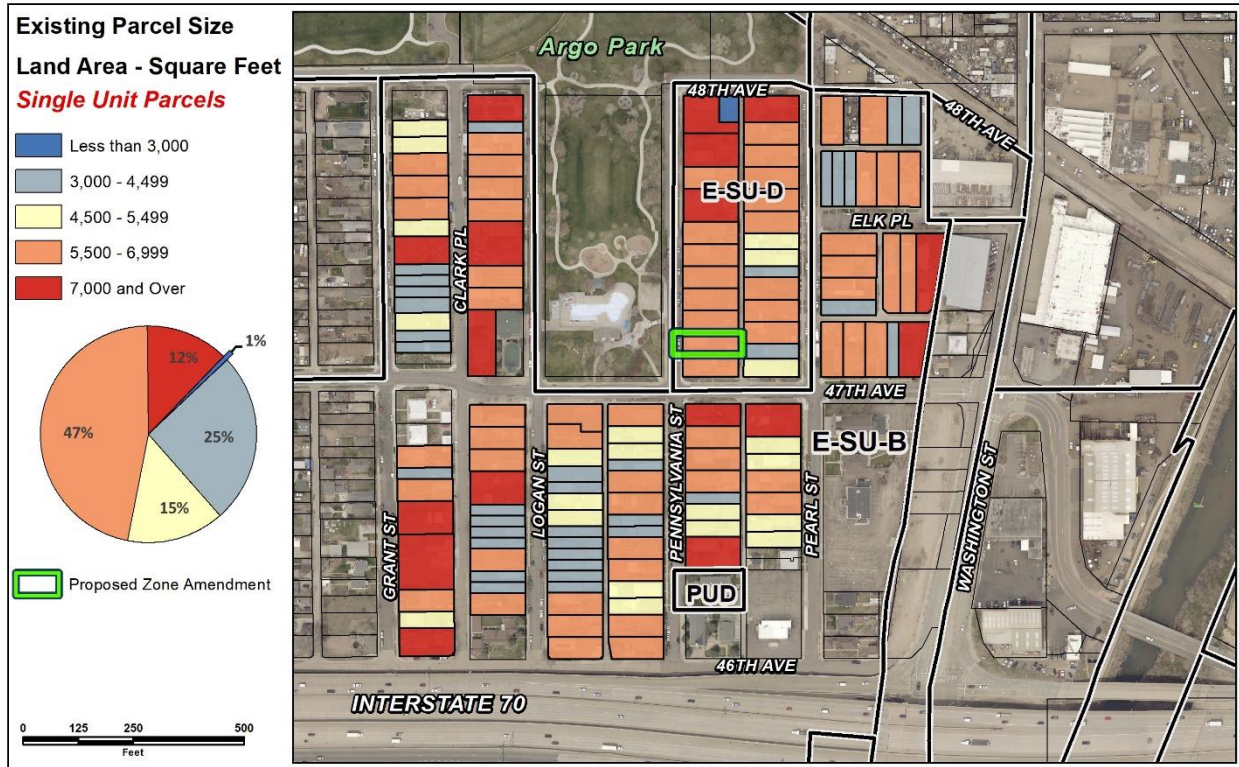


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-C1 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.

Additionally, *Blueprint Denver* gives further guidance when a request is made to change the minimum lot size. *Blueprint Denver* states that, “the appropriateness of the request depends upon the existing character and applicable adopted neighborhood plan guidance” (p. 231). As set forth in the *Globeville Neighborhood Plan* section below, there is adopted small area plan guidance that supports urban residential uses enabled by this zoning and lot size. Significant neighborhood input also informed the adoption of the small area plan. There is an existing zoning pattern of U-SU-C across North Pennsylvania Street. However, on balance, the request for U-SU-C1 is consistent with these *Blueprint Denver* recommendations.

For applicant-driven requests that are individual sites or small assemblages, such as this request, typically a rezoning 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

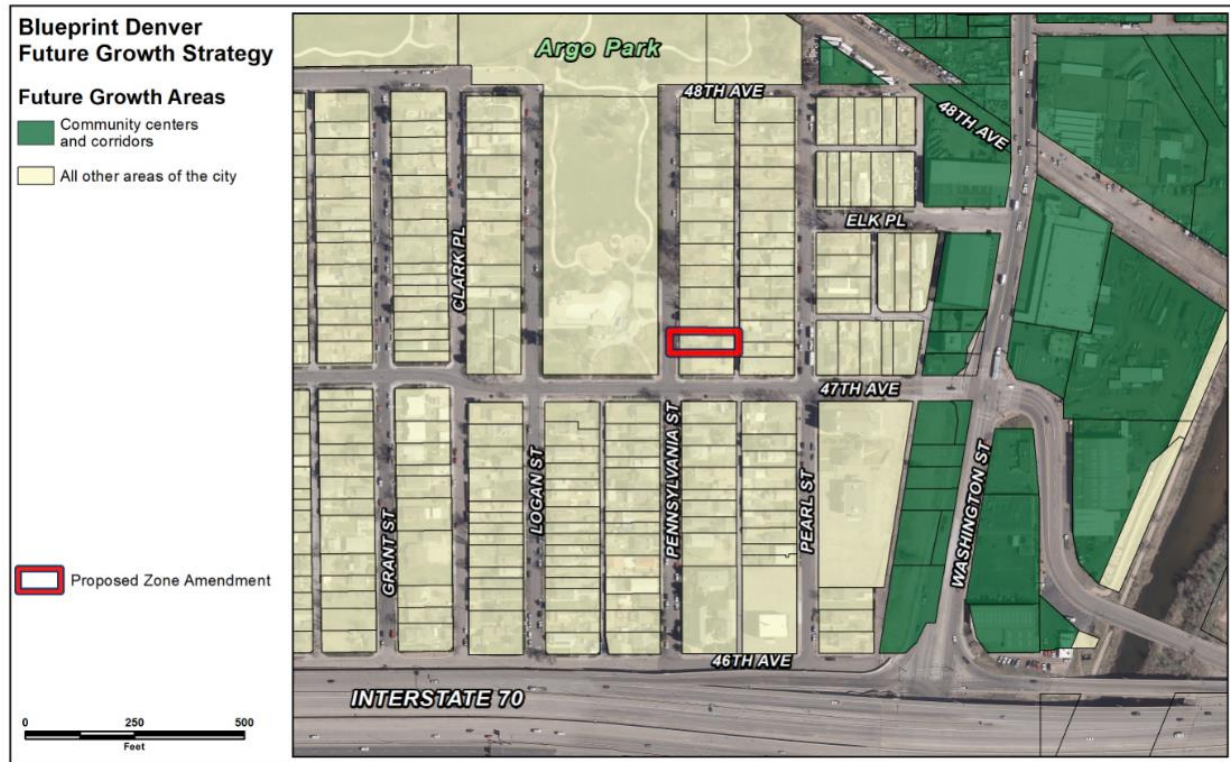
consistent with the zone district request (p. 231) On balance, a consistent pattern of smaller lot sizes can be found in surrounding blocks.



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 North 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-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 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-C1 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-family 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 block 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 of Street Type,

Growth Strategy and Place Type. In addition, the rezoning of the subject property will remove the prohibition on the construction of accessory dwelling units.

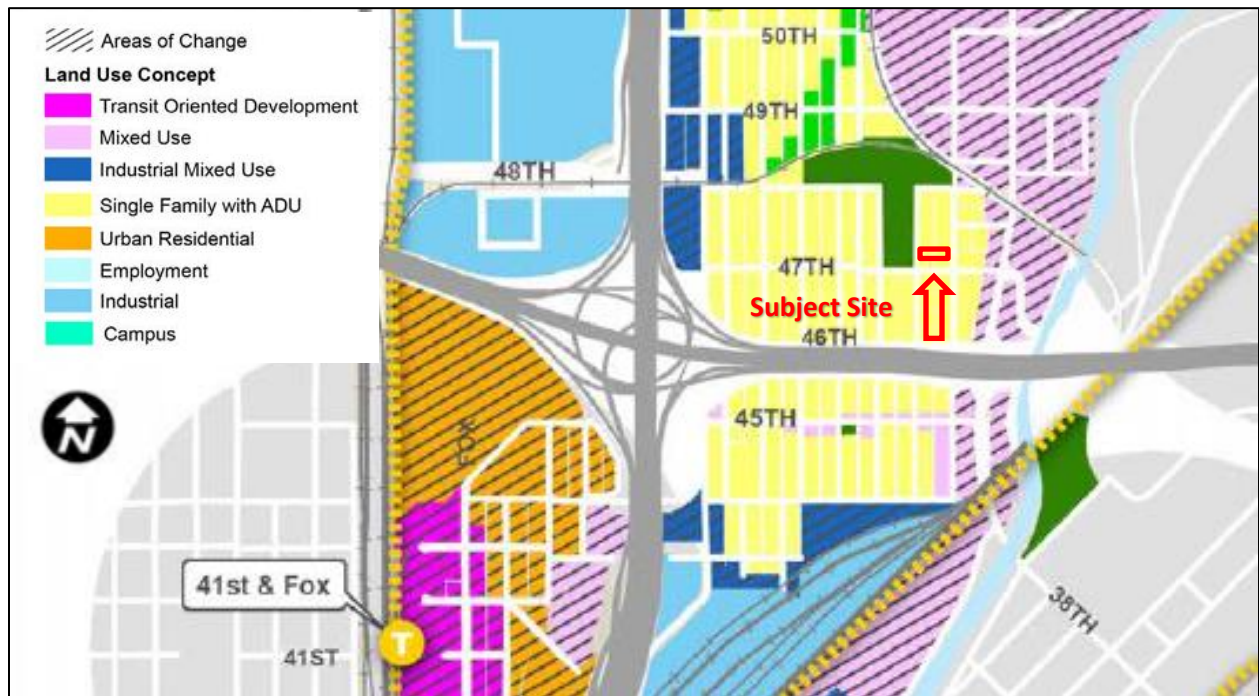
Small Area Plan: *Globeville Neighborhood Plan (2016)*

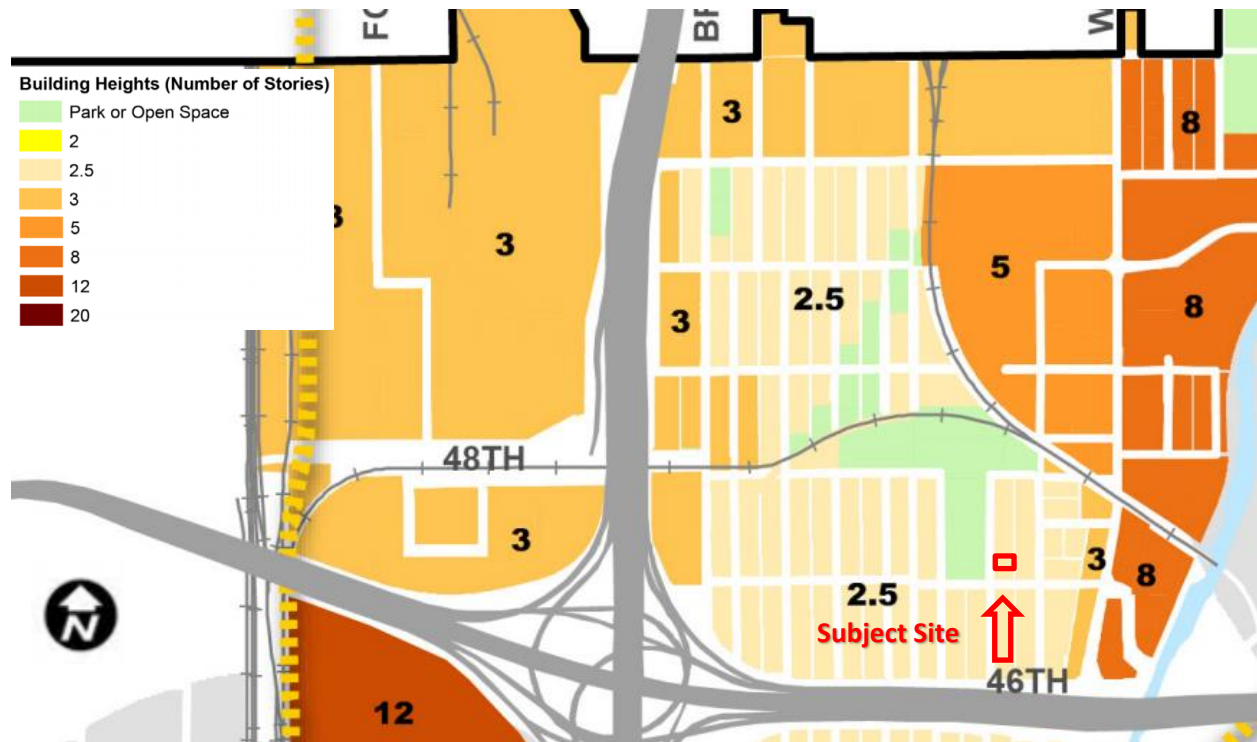
The Globeville Neighborhood Plan identifies the subject property as part of the Residential Neighborhood Core, within an area of stability and with a land use recommendation of single-family with ADUs. Regarding the land use designation, the Plan provides the following policy support for accessory dwelling units in Recommendation B1: “*Allow accessory dwelling units to enable aging in place, additional income through rentals, and to increase the population density of the neighborhood without altering its character*” (p. 34). In addition, policy E1 and E2 (page 86) of the Globeville Neighborhood Plan state:

STRATEGIES UNIQUE TO THE RESIDENTIAL NEIGHBORHOOD CORE:

E1. Update the Neighborhood Context. *The Denver Zoning Code’s Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible.*

E2. Tailor Minimum Zone Lot Sizes. *In areas where the existing zoning requires a 6,000 square foot minimum zone lot size, a future zone district should have a 5,500 square foot zone lot minimum.*





Overall, the proposal is consistent with the recommendations of the Globeville Neighborhood Plan in that it supports the establishment of ADUs within the Residential Neighborhood Core and building heights are consistent with Blueprint Denver. The neighborhood plan and Blueprint Denver both recommend updating the neighborhood context to Urban. The neighborhood plan recommends a minimum zone lot of 5,500 square feet for the subject site. Therefore, U-SU-C1 is consistent with Blueprint Denver and the Globeville Neighborhood Plan.

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 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.

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.

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, Division 5.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The South Park Hill neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access.

The zone district's General Purpose for Residential Districts states "the regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment" (DZC Section 5.2.2.1.D). The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description and purpose statements.

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 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.H). The subject site is in an area where Urban houses and 50-foot wide lots are common. 4710 N. Pennsylvania Street is 6,250 square feet with a width of 50 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