



TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: August 17, 2020
RE: Official Zoning Map Amendment Application #2019I-00245

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00245.

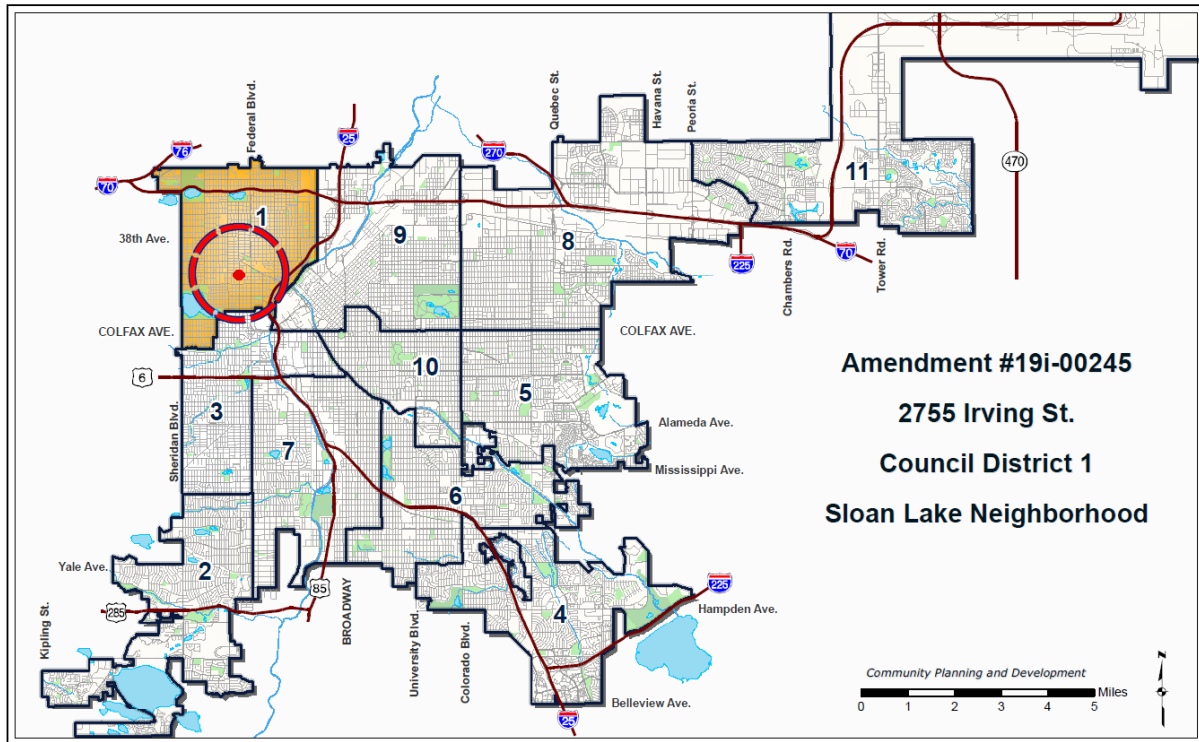
Request for Rezoning

Address: 2755 Irving Street
Neighborhood/Council District: Sloan Lake / Council District 1
RNOs: Sloan's Lake Neighborhood Association, Federal Boulevard Corridor Improvement Partnership, Sloan's Lake Citizen's Group, Inter-Neighborhood cooperation (INC)
Area of Property: 6,350 square feet or 0.15 acres
Current Zoning: U-SU-B
Proposed Zoning: U-SU-B1
Property Owner(s): Wyatt Doop
Owner Representative: None

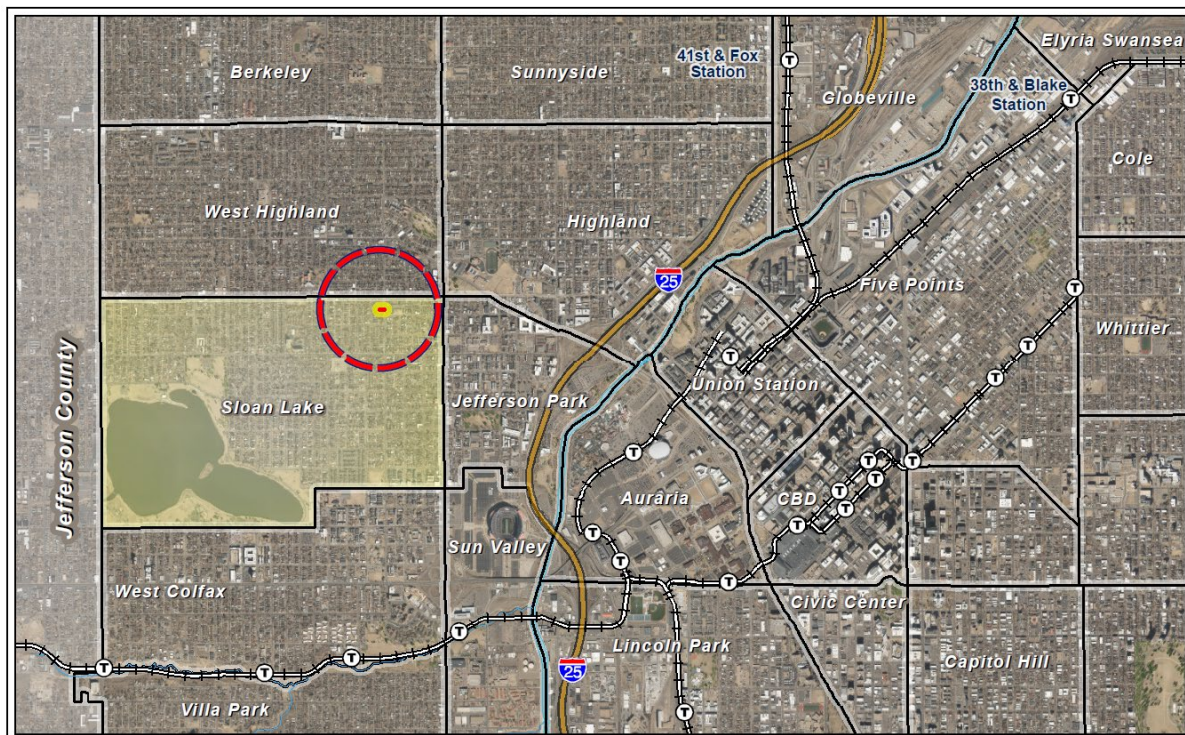
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1929 and is located northeast from Sloan's Lake, between 29th and 28th Avenue and along North Irving Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-B1, **U**rbane, **S**ingle-**U**nits, **B1** (4,500 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 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).

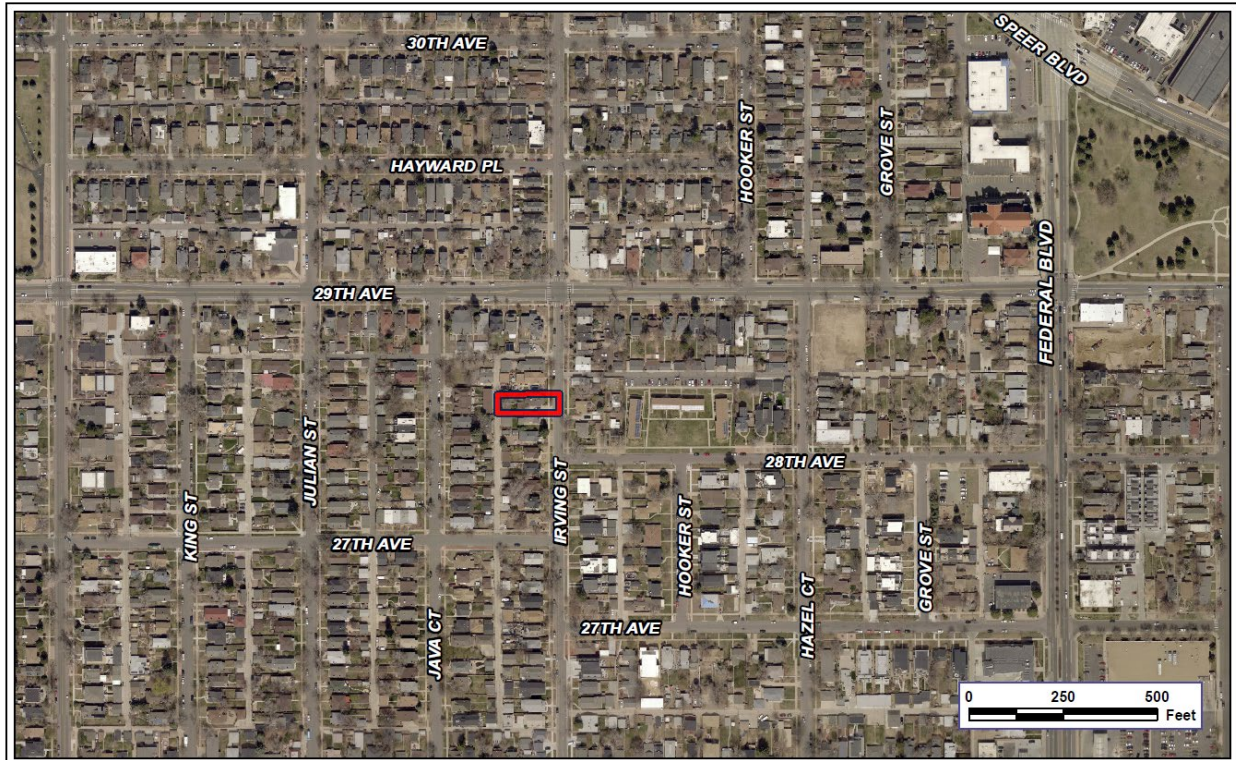
City Location



Neighborhood Location – Sloan Lake



1. Existing Context

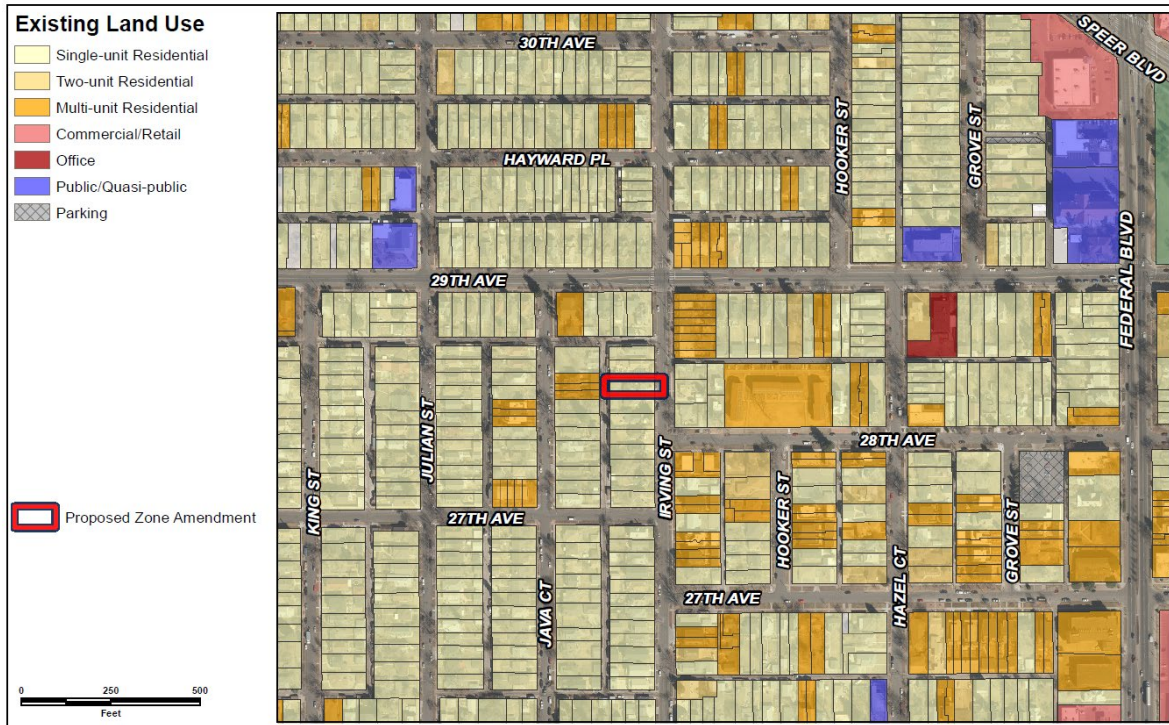


The subject property is in the Sloan Lake statistical neighborhood, which is characterized by single-unit and two-unit residential uses and then transitions to more multi-unit uses closer to Colfax Avenue to the South and Federal Boulevard to the East. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is mid-block between 29th Avenue and 27th 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	U-SU-B	Single-unit Residential	1 -story Residence	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-B	Single-unit Residential	1-story Residence	
South	U-SU-B	Single-unit Residential	1-story Residence	
East	U-SU-C	Single-unit Residential	1-story Residence	
West	U-SU-B	Row House	2-story Residence	

3. Existing Land Use Map



4. Existing Building Form and Scale



Aerial view of the site.



View of property looking west.



View of the property to the north, looking west.



View of the property to the east.



View of the property to the south, looking west.

Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot of 4,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-B1 district. Compared to the U-SU-B district, U-SU-B1 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. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet.

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-B1 (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 (Min.)	4,500 square feet	4,500 square feet
Minimum Zone Lot Width (Min.)	37.5 feet	37.5 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Alley / No Alley	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 50 feet

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response.

Asset Management: Approved – No comments.

Development Services-Fire: Approved – No Comments

Denver Public Schools: Approved – No Response.

Development Services: Project Coordination: Approved – No Comments.

Development Services: Transportation: Approve Rezoning Only - Will require additional information at Site Plan Review

1. Proposed SDU intensifies land use, this will trigger potential sidewalk/ curb replacement if not to current CCD/ADA standards.
2. New structure should be oriented such that vehicles access the existing 16' concrete alley.
3. If existing detached garage is to be removed, the existing driveway on Irving must be closed.

Development Services: Wastewater: Approved – See comments below.

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Independent sanitary service lines may be required, historical drainage paths must be maintained. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

Parks and Recreation: Approved – No comments

Public Health and Environment: Approved – See comments below.

Notes. EQ concurs with the request and is not aware of environmental concerns on this site that should be considered for this rezoning.

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, DDPHE 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. If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must always be effective in the control of fugitive particulate emissions on the site, including periods of inactivity such as evenings, weekends, and holidays.

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: DDPHE performed a limited search for information known to DDPHE 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.

Public Works – City Surveyor: Approved – See comments below

THE SOUTH HALF OF LOT 15, AND ALL OF LOT 16, AND THE NORTH HALF OF LOT 17,
MOHN'S ADDITION, 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:	4/6/2020
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:	5/18/2020
Planning Board public hearing (on consent agenda, recommended approval)	6/3/2020
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:	06/01/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	06/16/2020
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:	07/27/2020
City Council Public Hearing:	08/17/2020

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received no comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received no letters from the public.

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)
- Housing an Inclusive Denver (2018)

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-B1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the Country Club neighborhood.

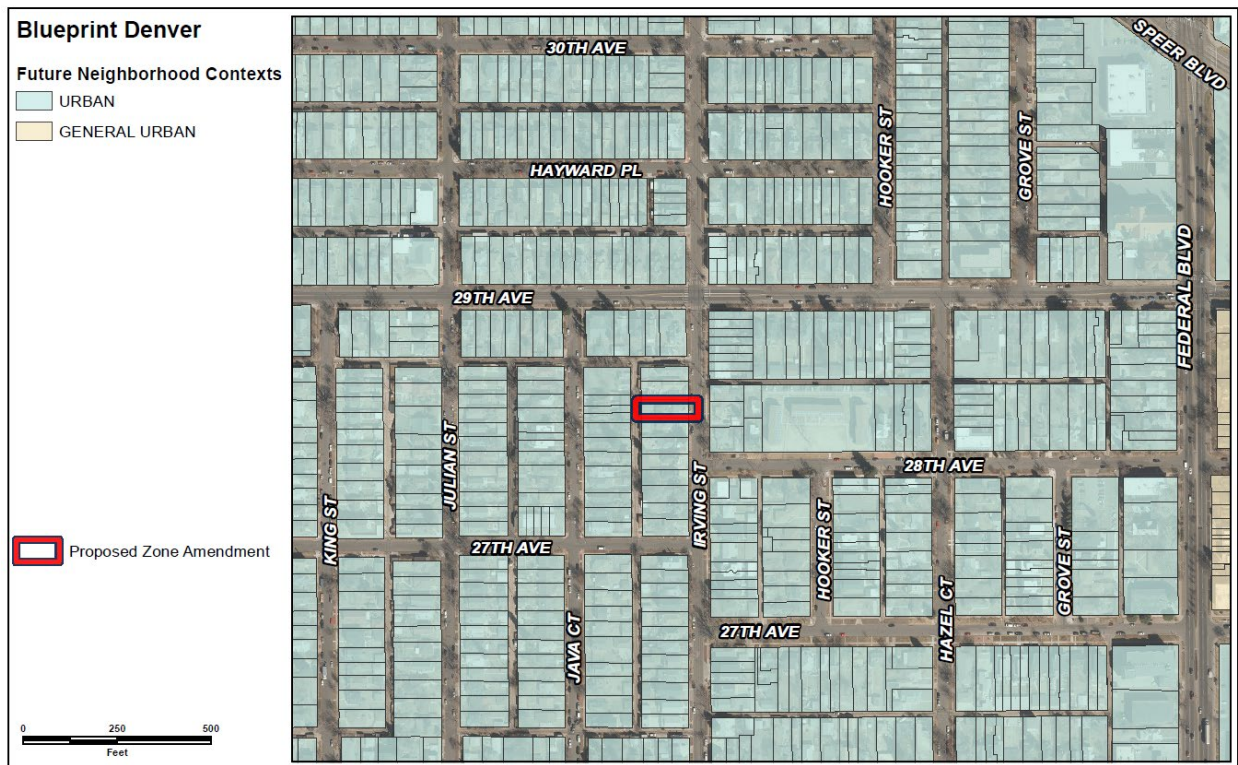
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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.

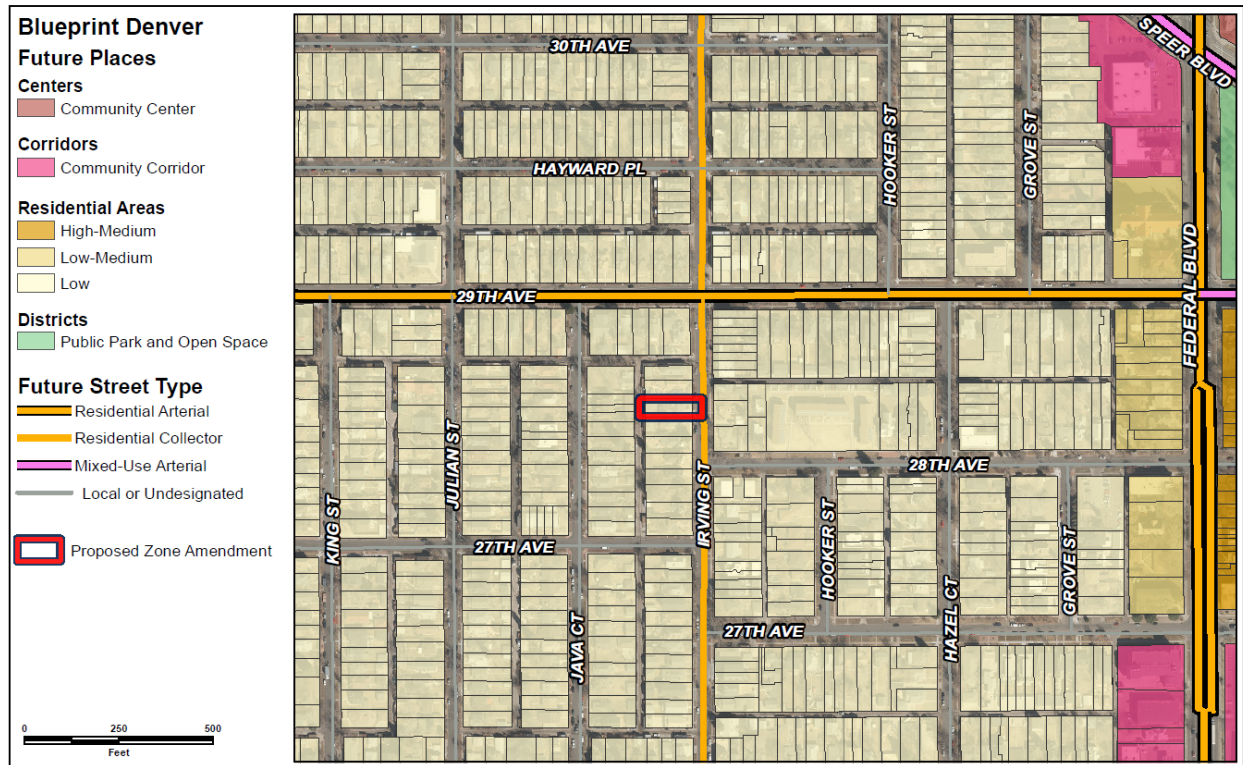
Blueprint Denver Future Neighborhood Context



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-B1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-B1 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

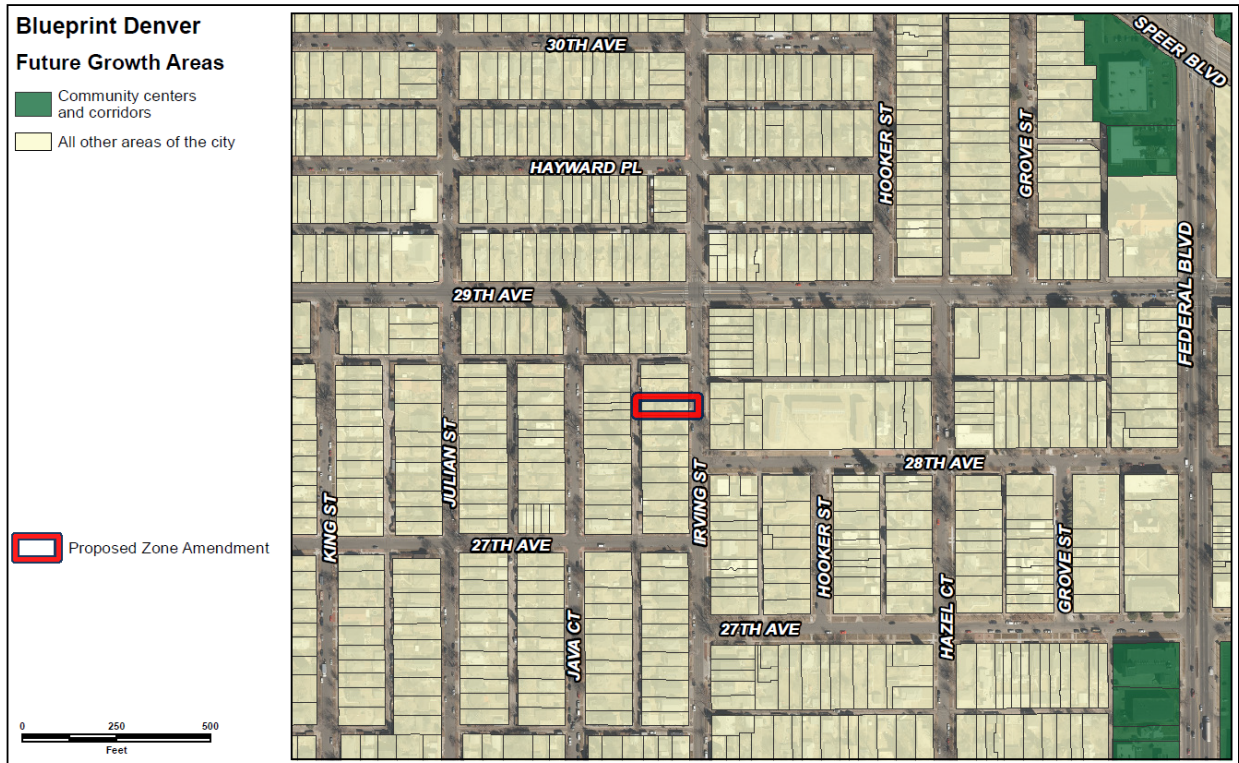


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-B1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-family 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*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Irving Street as Residential Collector. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 155). The proposed U-SU-B1 district is consistent with this description 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 is “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). The proposed map amendment to U-SU-B1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Policy 4 Strategy E. says “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 within a few blocks of stops for two different bus routes. This

rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

Housing an Inclusive Denver (2018)

Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The Plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of accessory dwelling units; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goals are applicable:

Legislative and Regulatory Priorities, Recommendation 2: “Expand and strengthen land-use regulations for affordable and mixed-income housing. Through *Blueprint Denver* and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units.”

Attainable Homeownership, Recommendation 1: “Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners.”

The proposed map amendment to U-SU-B1 is consistent with these *Housing an Inclusive Denver* recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this site.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 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.

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

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

The requested U-SU-B1 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 Sloan Lake neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC 5.2.2.2.H.) The subject site is in an area where Urban houses and 50-foot wide lots are common. The site at 2755 Irving Street is 6,350 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
2. Legal description

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Wyatt Doop	Representative Name	
Address	2755 N IRVING STREET	Address	
City, State, Zip	Denver, CO 80211	City, State, Zip	
Telephone	830-255-6588	Telephone	
Email	wadoop@gmail.com	Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	2755 N Irving Street Denver, CO 80211		
Assessor's Parcel Numbers:	0229318024000		
Area in Acres or Square Feet:	6,350 sf		
Current Zone District(s):	U-SU-B		
PROPOSAL			
Proposed Zone District:	U-SU-B1		

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><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.</p> <p><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.</p> <p><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.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input checked="" type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input checked="" type="checkbox"/> Proof of Ownership Document(s)</p> <p><input checked="" type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	



REZONING GUIDE

Rezoning Application Page 3 of 3

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	YES
Wyatt A. Doop	2755 N Irving Street Denver, CO 80211 (830) 255-6588 wadoop@gmail.com	100%	<i>Wyatt A. Doop</i>	03/13/20	(A)	NO

Zone Map Amendment Application – 2755 N Irving Street

Introduction

This application seeks an official map amendment to rezone 2755 N Irving Street from U-SU-B to U-SU-B1. Section 5.2.2.2.D describes the property’s current zone district classification as “U-SU-B is a single unit district allowing urban houses with a minimum zone lot area of 4500 square feet. Blocks typically have a pattern of 37.5 foot-wide lots.” Section 5.2.2.2.E describes the property’s proposed zone district as “U-SU-B1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4500 square feet. Blocks typically have a pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard”

The purpose of the proposed official map amendment is to allow an accessory dwelling unit (ADU) to be constructed in the property’s back yard. The Denver metro region, in particular the City and County of Denver, faces an unprecedented demand for housing due to a natural population increase coupled with continuing strong immigration. This demand for housing has placed upward pressure on the values for Denver’s housing stock and land. The subject property is 6,350 square feet with an existing house and an existing detached single car garage. The subject property’s existing condition represents the development pattern of its block and the Sloan Lake neighborhood, which are primarily single-family homes. The proposed official map amendment would allow an affordable dwelling unit to be built on the property to help solve Denver’s affordable housing crisis, while in the meantime, providing extra income to offset the rising costs of living. A central goal of this official map amendment is to introduce additional housing in an area of the city that can support it due to its proximity to public transit, public schools, parks and amenities.

The proposed zoning amendment and the ADU it would allow to be built are in line with Comprehensive Plan 2040 and Blueprint Denver, by allowing additional affordable housing in Denver in a sustainable manner that would preserve the character of the current neighborhood.

Consistency with Adopted Plans

1. Consistency with Blueprint Denver (2019)

The proposed zoning amendment for 2755 N Irving Street is consistent with Blueprint Denver 2019. Blueprint Denver aims to manage growth in a smart and sustainable manner as the Denver population continues to increase. A main keystone of the plan encourages official map amendments and underpins the importance of “diversifying housing choice through the expansion of accessory dwelling units throughout all residential areas”.

The proposed zoning amendment is consistent with the housing policies, strategies, and recommendations outlined in Blueprint Denver:

1. Policy 04 on page 84 recommends to “Diversify housing choice through the expansion of accessory dwelling units throughout all residential area”. This map amendment will allow for

the construction of an ADU where it is not currently allowed and thus will help expand ADUs in the residential area without significantly impacting the neighborhood character.

- a. This map amendment aligns with Strategy E of this policy: “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area.” This map amendment will enable an ADU to be built on a single property that resides on a residential collector, since no holistic approach is yet in place, this rezoning will be implementing Strategy E by enabling an ADU rezoning on a small area (single property) which is also on a residential collector street (close to transit).
2. Policy 05 on page 84 recommends to “Remove barriers to constructing accessory dwelling units and create context-sensitive form standards” This map amendment is an example of this policy as it would remove the current regulatory barrier to construction of an ADU.

According to Blueprint Denver the subject property will remain a **residential low, urban**, property located on a **residential collector** street. The proposed zoning amendment is consistent with this outlook.

2. Consistency with Comprehensive Plan 2040

Comprehensive Plan 2040 provides a 20-year planning vision for Denver. The proposed map amendment supports the visions, goals, and strategies outlined by the plan.

Goal 1.2 – Support housing as a continuum to serve residents across a range of incomes, ages and needs.

This map amendment will allow a lower cost housing option, with comparison to single family homes, to be built in the form of a small ADU. This will also provide a greater mix of housing options and will support residents across a range of incomes, ages and needs. This is in alignment with Strategy A of Goal 1.2: “Create a greater mix of housing options in every neighborhood for all individuals and families.”

Goal 1.3 – Develop housing that is affordable to residents of all income levels.

This map amendment aligns with Strategy B of this goal, to “Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.” by enabling a small ADU to be developed on a residential collector street which will provide an affordable housing option close to transit.

Goal 1.5 – Reduce the involuntary displacement of residents and businesses.

This map amendment aligns with Strategy B of this goal, to “Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community.” Property taxes on the subject property have risen by over 15% in the past year alone and are expected to

continue to rise with population growth. An ADU would provide additional income to the existing homeowner, which would reduce the risk of the resident being forced to leave for more affordable options, by alleviating the burden of rising housing costs.

3. Consistency with Housing an Inclusive Denver (2018 – 2023)

- a. Section 4, Recommendation 2 is to “Expand and strengthen land use regulations for affordable and mixed-income housing”. One of the key ideas listed to support this recommendation includes, “streamlining and facilitating the development of accessory dwelling units as a tool for affordability and to stabilize residents at risk of displacement”. This map amendment supports this strategy by enabling the development of an ADU on the subject property.

Uniformity of District Regulations and Restrictions

The proposed map amendment is consistent with the uniformity of the proposed U-SU-B1 zoning, because the current property and future improvements will be constructed in accordance with the U-SU-B1 zoning regulations and restrictions.

Further Public Health, Safety and General Welfare

The proposed map amendment will further the public health, safety and general welfare of the city by enabling the construction of an affordable housing option in the form of a small ADU, therefore increasing the amount of affordable housing options in the city.

Justifying Circumstances

Since the approval of the existing Zone District, the city has adopted plans which outline strategies to provide additional affordable housing in Denver by encouraging the development of ADUs. These plans include Blueprint Denver (2019), Comprehensive Plan 2040, and Housing an Inclusive Denver (2018 – 2023). The proposed rezoning is in alignment with these strategies.

Consistency with Neighborhood Context, Zone District Purpose and Intent

The proposed map amendment is consistent with the **Urban Neighborhood Context** and the **Urban Residential District** general purpose in Section 5.2.2.1 within the Denver Zoning Code shown below. The proposed map amendment is consistent with A, as the amendment will preserve the existing home and thus protect the overall image and character of the residential neighborhood. The amendment is also consistent with B, as the amendment would allow the construction of a detached accessory dwelling unit in the rear yard that will conform to the building form standards and design standards while maintaining the single unit character at the street.

5.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as urban house building form.

The proposed map amendment is consistent with the **U-SU-B1 Specific Intent** shown below from Section 5.2.2.2.E, as the subject property has a lot area of 6350 square feet above the minimum zone lot area and will conform to the setbacks and lot coverage standards.

“Single Unit B1 (U-SU-B1) is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards to accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.”

Legal Description for 2755 N Irving Street, Denver, CO 80211:

**LOT 16 AND SOUTH HALF OF LOT 15 AND NORTH HALF OF LOT 17
MOHNS ADDITION
CITY AND COUNTY OF DENVER, STATE OF COLORADO**

Also known as:

L 16 & S 1/2 OF L 15 & N 1/2 OF L 17 MOHNS ADD

2755 N IRVING ST

Owner	DOOP,WYATT 2755 IRVING ST DENVER , CO 80211-4055
Schedule Number	02293-18-024-000
Legal Description	L 16 & S 1/2 OF L 15 & N 1/2 OF L 17 MOHNS ADD
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description			
Style:	ONE-STORY	Building Sqr. Foot:	1246
Bedrooms:	1	Baths Full/Half:	1/1
Effective Year Built:	1929	Basement/Finish:	906/0
Lot Size:	6,350	Zoned As:	U-SU-B

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
	Actual	Assessed	Exempt
Land		\$423,400	\$30,270 \$0
Improvements		\$198,600	\$14,200
Total		\$622,000	\$44,470

Prior Year			
	Actual	Assessed	Exempt
Land		\$338,700	\$24,390 \$0
Improvements		\$187,100	\$13,470
Total		\$525,800	\$37,860

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/24/2020		
Original Tax Levy	\$1,603.51	\$1,603.49	\$3,207.00
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$1,603.51	\$0.00	\$1,603.51
Due	\$0.00	\$1,603.49	\$1,603.49

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	Y
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$2,929.04**

Assessed Value for the current tax year

Assessed Land	\$30,270.00	Assessed Improvements	\$14,200.00
Exemption	\$0.00	Total Assessed Value	\$44,470.00