



**TO:** Denver Planning Board  
**FROM:** Francisca Peñafiel, Senior City Planner  
**DATE:** May 31, 2023  
**RE:** Official Zoning Map Amendment Application #2023I-00004

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00004.

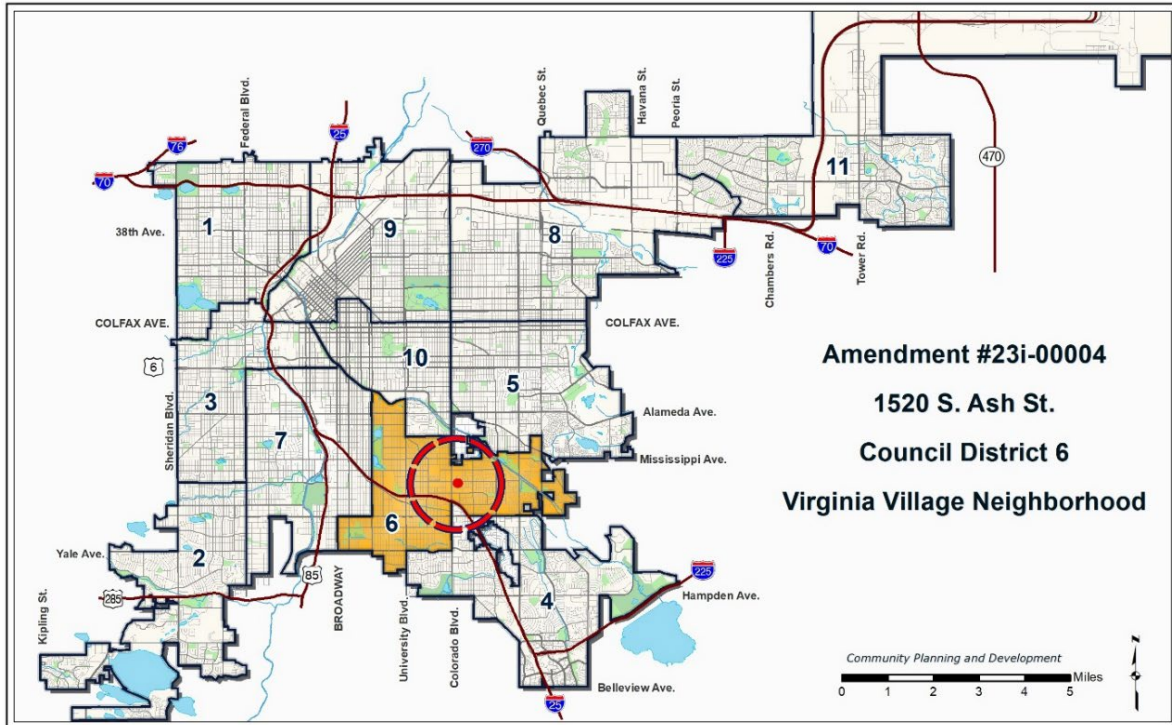
### Request for Rezoning

Address:	1520 South Ash Street
Neighborhood/Council District:	Virginia Village / Council District 6 – Paul Kashmann
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, East Evans Business Association, Virginia Village Ellis Community Association
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	S-SU-D
Proposed Zoning:	E-SU-D1
Property Owner(s):	Katie Slotter

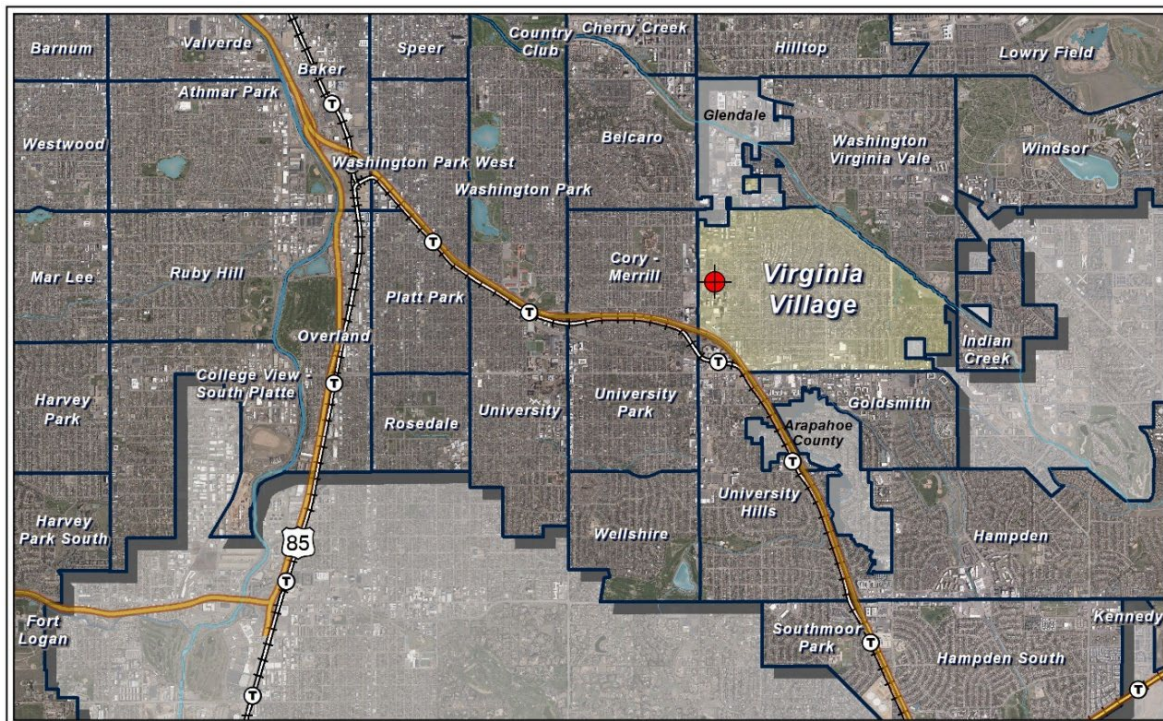
### Summary of Rezoning Request

- The subject property contains a single-unit home built in 1952 located between East Florida Avenue and East Iowa Avenue, along South Ash Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU). The rezoning would change the neighborhood context from Suburban to Urban Edge, which is recommended by the Near Southeast Neighborhood Plan and Blueprint Denver.
- The proposed E-SU-D1, Urban Edge, Single-Unit, D1 (6,000 square feet minimum zone lot size allowing an ADU) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by elements from the Urban and Suburban neighborhood contexts. It consists of primarily single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and it allows for 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, and 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 4 of the Denver Zoning Code (DZC).

### City Location

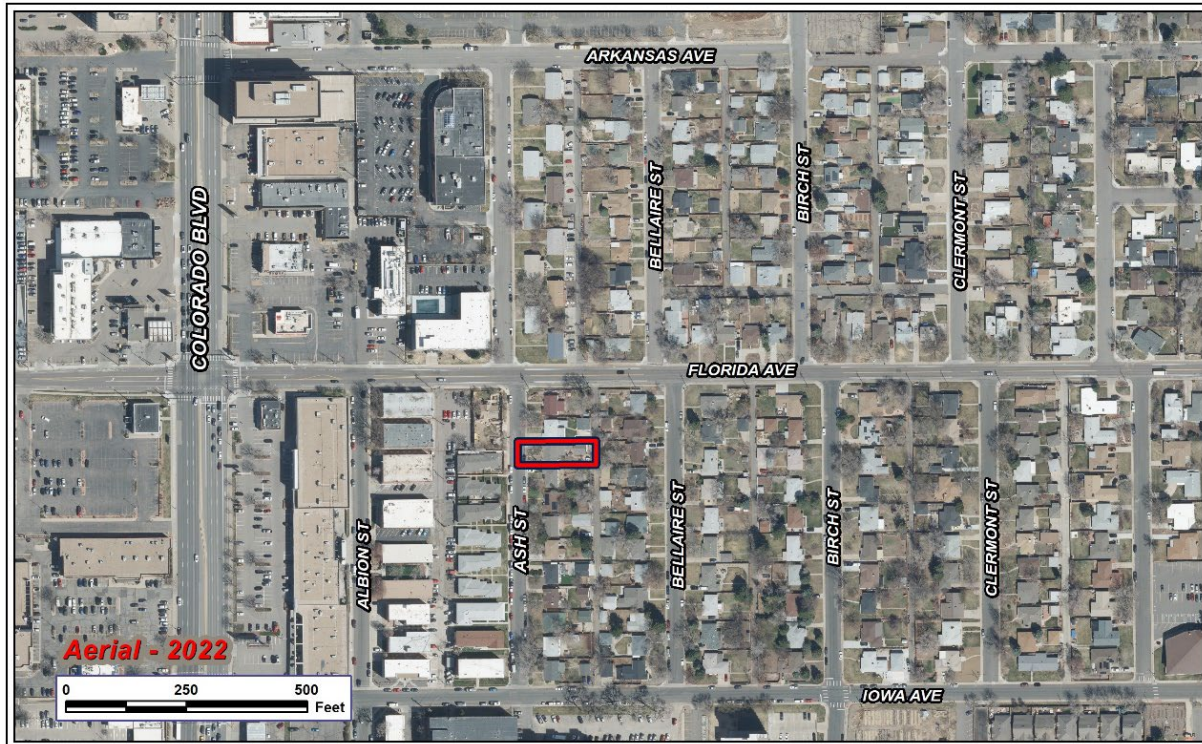


### Neighborhood Location – Virginia Village





## 1. Existing Context



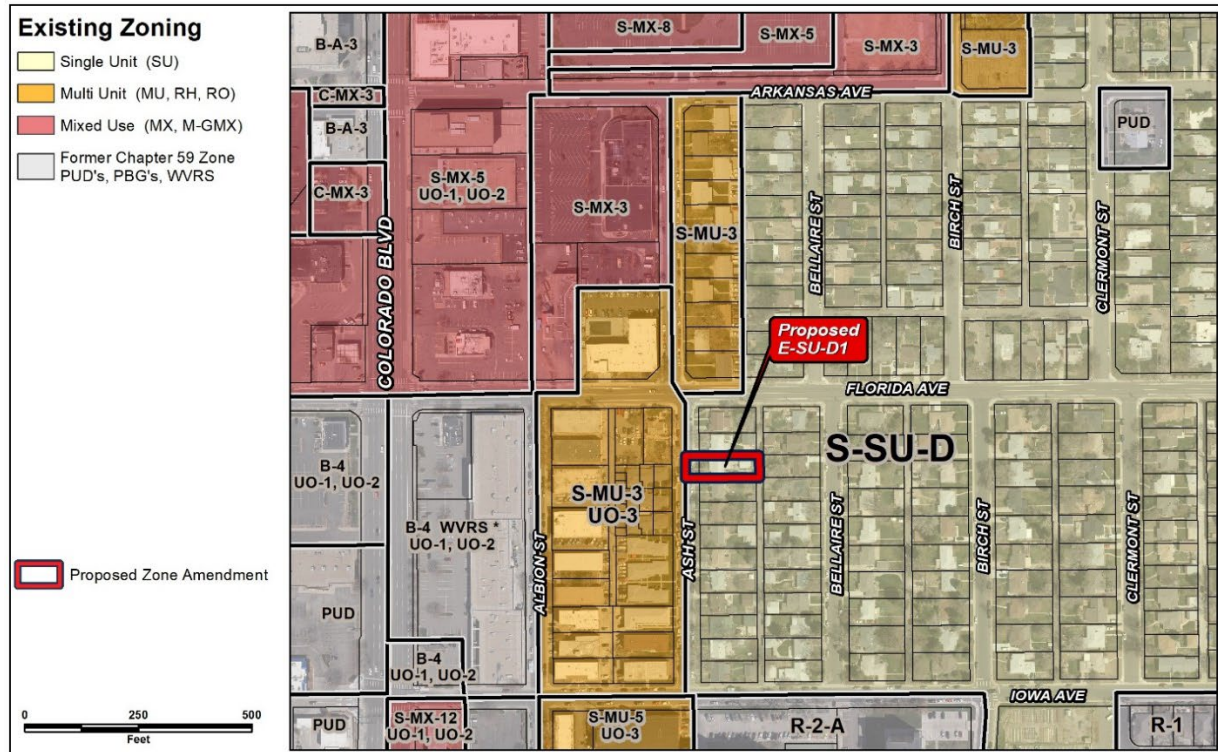
The subject property is located in the Virginia Village statistical neighborhood. This neighborhood is predominantly characterized by single-unit residential, with limited pockets of public/quasi-public, multi-unit residential, and retail uses interspersed throughout. Auto-oriented retail, big box stores, office buildings, and multi-unit residential are located along East Evans Avenue to the south and South Colorado Boulevard to the west. Cherry Creek Trail borders the neighborhood to the northeast. The property is located between East Florida Avenue and East Iowa Avenue, along South Ash Street.

North-south RTD bus routes include Route 40 along Colorado Boulevard, Route 46 along Birch Street, and Route 65 along Monaco Boulevard. Route 21 along Evans Avenue and Route 11 along Mississippi Avenue run east-west, while the southeast corridor light rail line runs along the southwest corner of Virginia Village. The property is approximately 1 mile away from the Colorado Light Rail Station and 800 ft away from bus stops on South Birch Street and South Colorado Boulevard.

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	S-SU-D	Single-unit Residential	1 story house with driveway on S. Ash St and attached garage with alley access.	There is a regular grid of streets with consistent and rectangular block sizes that vary in size depending on the use. Single-unit zone lots in the area are generally east-west oriented with the shorter sides of the parcel parallel to the street and alley. The area contains alleys, detached garages, 3-ft sidewalks with rollover curbs, and on-street vehicle parking.
North	S-SU-D	Single-unit Residential	1 story house with driveway on S. Ash St and detached garage with alley access.	
South	S-SU-D	Single-unit Residential	1 story house with driveway on S. Ash St and alley access behind.	
East	S-SU-D	Single-unit Residential	1 story house with driveway and attached garage on S. Bellaire St and alley access behind.	
West	S-SU-D	Public/Quasi-public	Montessori School operating in a 1.5 story house structure with surface parking along the alley behind.	

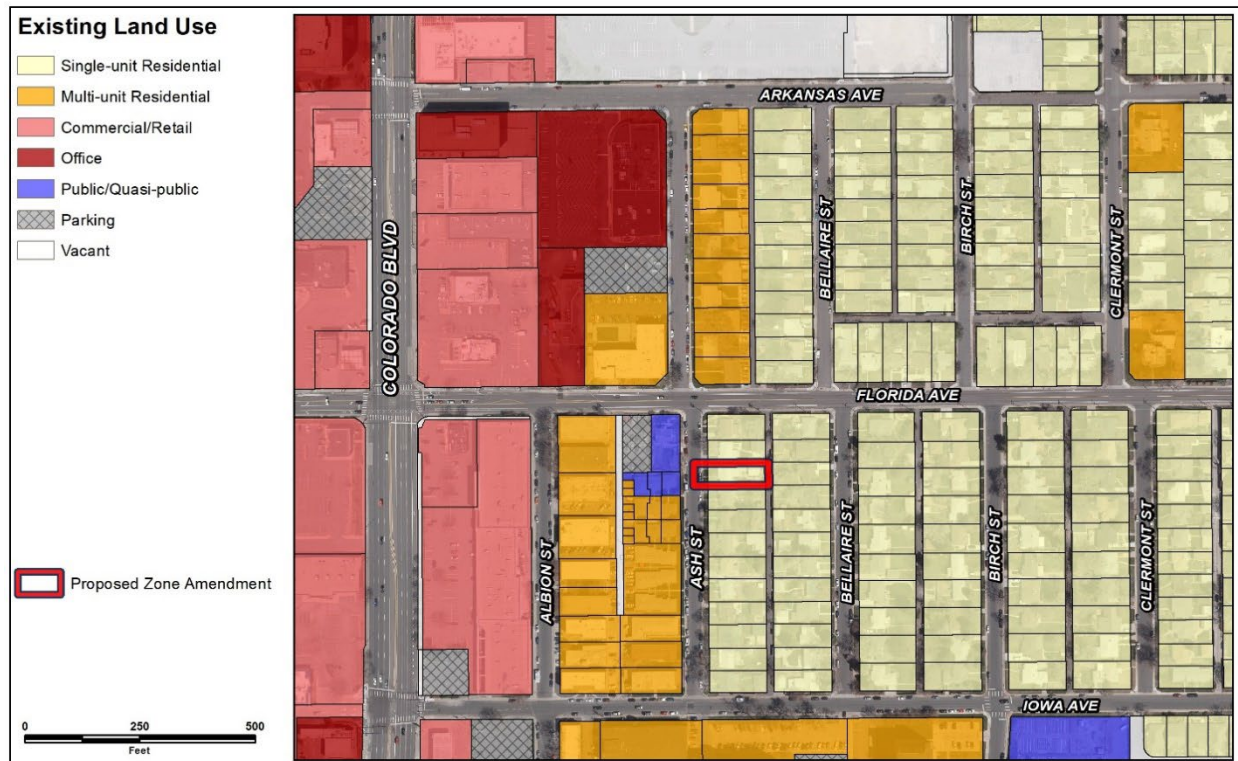
## 2. Existing Zoning





The S-SU-D zone district is a single-unit district in the Suburban Neighborhood Context. It allows only the Suburban House primary building form on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet depending on lot width. S-SU-D allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. For additional details of the zone district, see DZC Article 3.

### 3. Existing Land Use Map



**4. Existing Building Form and Scale** (all images from Google Maps)



**Subject Site** - View of the subject property, looking east.



**North** - View of the property to the north of the subject site, looking southeast.





**South** - View of properties to the south of the subject site, looking east.



**East** - View of properties to the east of the subject site, looking west (On South Bellaire Street).



**West** - View of to the west of the subject site (directly across South Ash Street), looking west.

### Proposed Zoning

E-SU-D1 is a single-unit zone district with a minimum zone lot size of 6,000 square feet allowing the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1 district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms.

The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 1.5 stories or 24 feet. The DADU requires a bulk plane that rises 10 feet vertically from the side interior or side street zone lot line and then slopes 45 degrees. The form allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint, or a maximum of 500 square feet, of the DADU to be excluded. The subject site has a lot size of 6,250 square feet, allowing a maximum gross floor area of 864 square feet for the ADU. However, accessory dwelling unit standards are proposed to be updated through the ADUs in Denver project that is anticipated to be considered for adoption by City Council in June 2023.

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

Design Standards	S-SU-D (Existing)	E-SU-D1 (Proposed)
Primary Building Forms Allowed	Suburban 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*	2.5 stories/30 feet Suburban House	1 story/17 feet Urban House
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	10 feet / 10 feet Suburban House	17 feet / 10 feet Urban House
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 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 Interior Setback (Min.)*	5 feet Suburban House	5 feet Urban House
Rear 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	50%	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 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.

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

**Development Services - Fire:** Approved – No Comments.

**Development Services – Project Coordination:** Approved – Will require additional information at Site Plan Review

1) The location is in a single unit residential zone. Any new/modified development on the site will need to obtain zoning and building permits through the Residential Review team.

2) The S-SU-Dx (current) and E-SU-D1 (proposed) zone districts both only permit the Primary structure as either a Suburban House, Urban House, or possibly the Tandem House form if conditions in DZC Section 1.2.3.5.B. are met.

3) All three building forms have a limitation of 37.5% building coverage on the zone lot, including Accessory Structures.

4) The Suburban House and Urban House building forms have a limitation of 33% parking and drive lot coverage in the Primary Street setback. The Tandem House form allows up to 50% coverage.

5) Vehicle access is required from the alley when an alley is present.

6) New construction will need to conform to current Denver Zoning Code and building form requirements. Existing construction may be able to remain as is if deemed to be Compliant or Non-conforming. Compliant Structures are subject to limitations in DZC Section 12.6. Non-conforming Structures are subject to limitations in DZC 12.8. Both limitations may impact how any potential new development is developed on site.

**Development Services - Transportation:** Approved – No Response.

**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.

**Department of Transportation & Infrastructure – City Surveyor:** Approved – No Comments.

**Public Health and Environment:** Approve Rezoning Only - Will require additional information at Site Plan Review.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**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:	3/22/2023
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:	5/22/2023
Planning Board Public Hearing:	6/7/2023
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 <b>(tentative)</b> :	6/12/2023
Land Use, Transportation and Infrastructure Committee of the City Council <b>(tentative)</b> :	6/27/2023
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 <b>(tentative)</b> :	7/17/2023
City Council Public Hearing <b>(tentative)</b> :	8/14/2023

**Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**  
 As of the date of this report, staff has not received any written comment from an RNO pertaining to this application.
  
- **Other Public Comment**  
 To date, staff has received one letter of support from the owners of a neighboring property.



## **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)
- Near Southeast Neighborhood Plan

### ***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).

E-SU-D1 allows for an additional accessory residential unit on the same lot as the primary single-unit dwelling. This would introduce a new type of housing to a largely single-unit neighborhood, which could provide housing to a variety of residents of different incomes, ages, and needs. Accessory dwelling units are compatible with the single-unit homes that characterize much of the Virginia Village neighborhood.

- Strong and Authentic Neighborhoods Goal 1, Strategy B – “Ensure neighborhoods offer a mix of housing types and services for a diverse population” (p. 34).

The proposed rezoning would allow infill development that is appropriate for the surrounding neighborhood and broaden the range of housing types available.

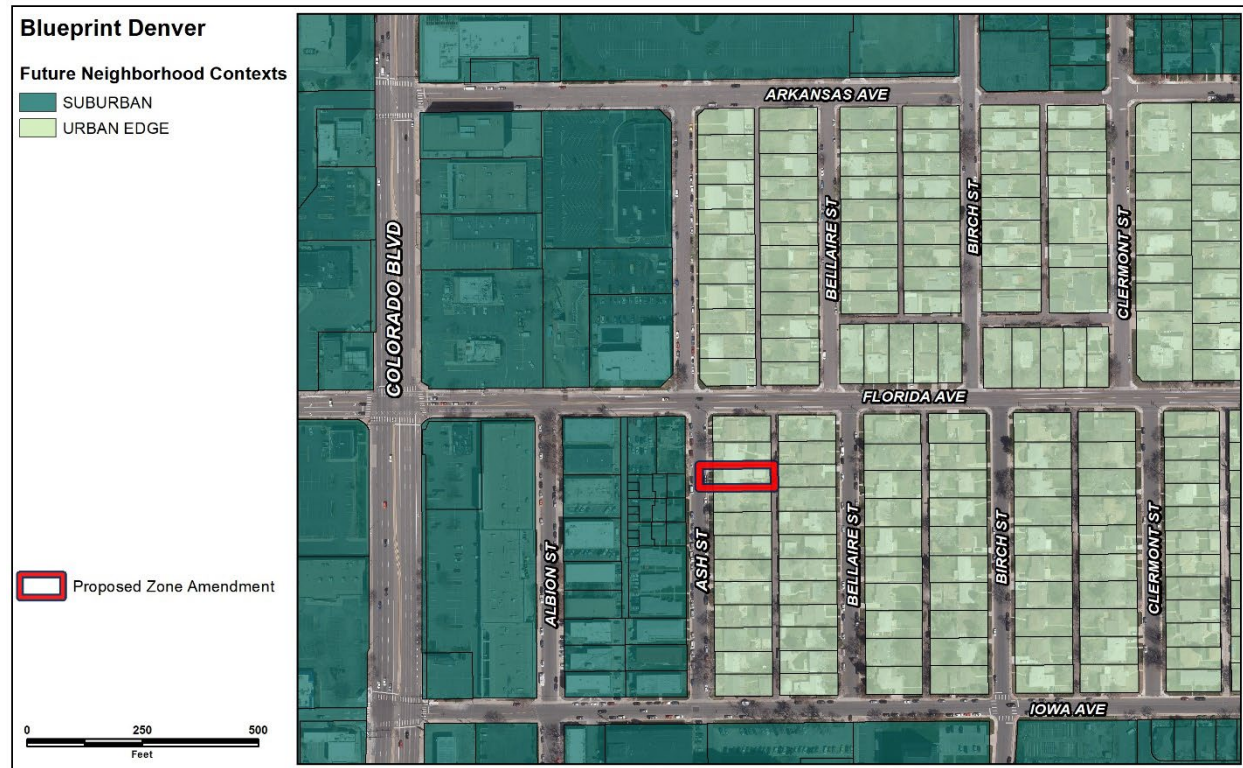
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit 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 Residential Low place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

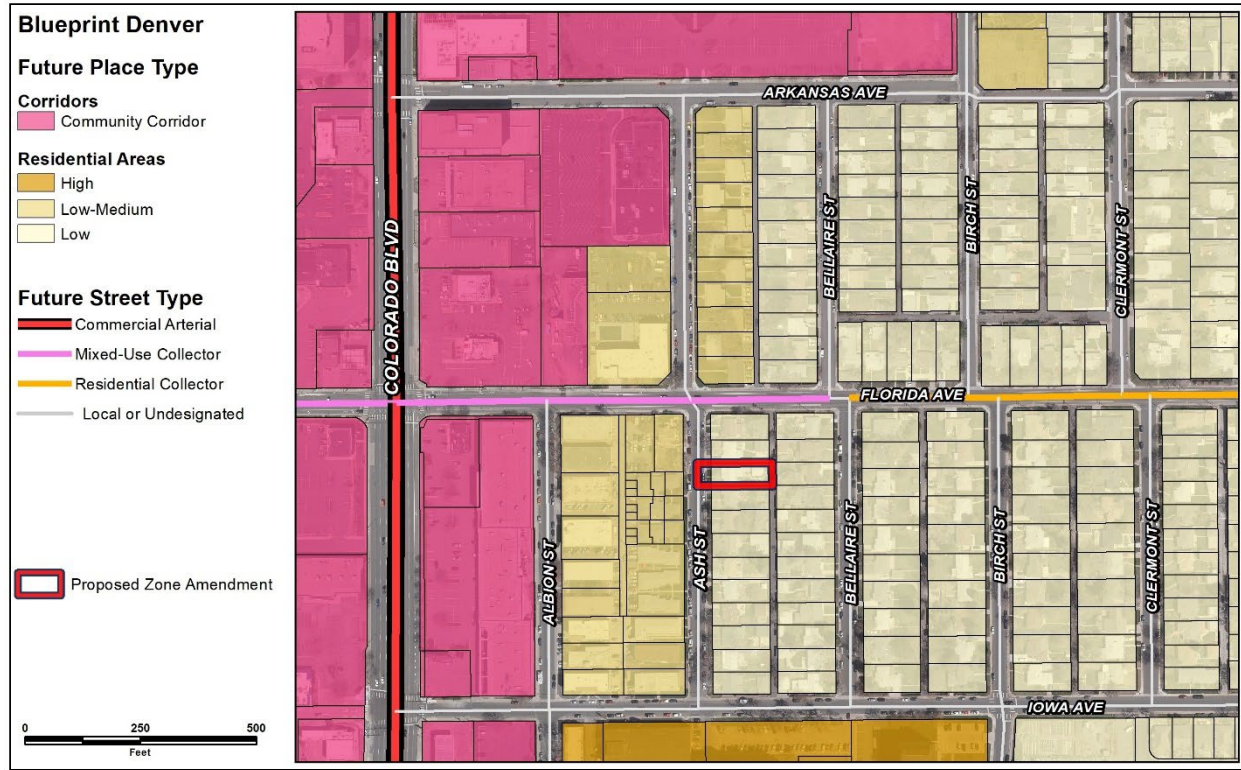


The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts. “Residential areas generally are single-unit, and two unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 222).

E-SU-D1 is a zone district within the Urban Edge neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1). E-SU-D1 is consistent with the *Blueprint Denver* future neighborhood context of Urban Edge because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that are compatible with the existing residential area.



### **Blueprint Denver Future Place**

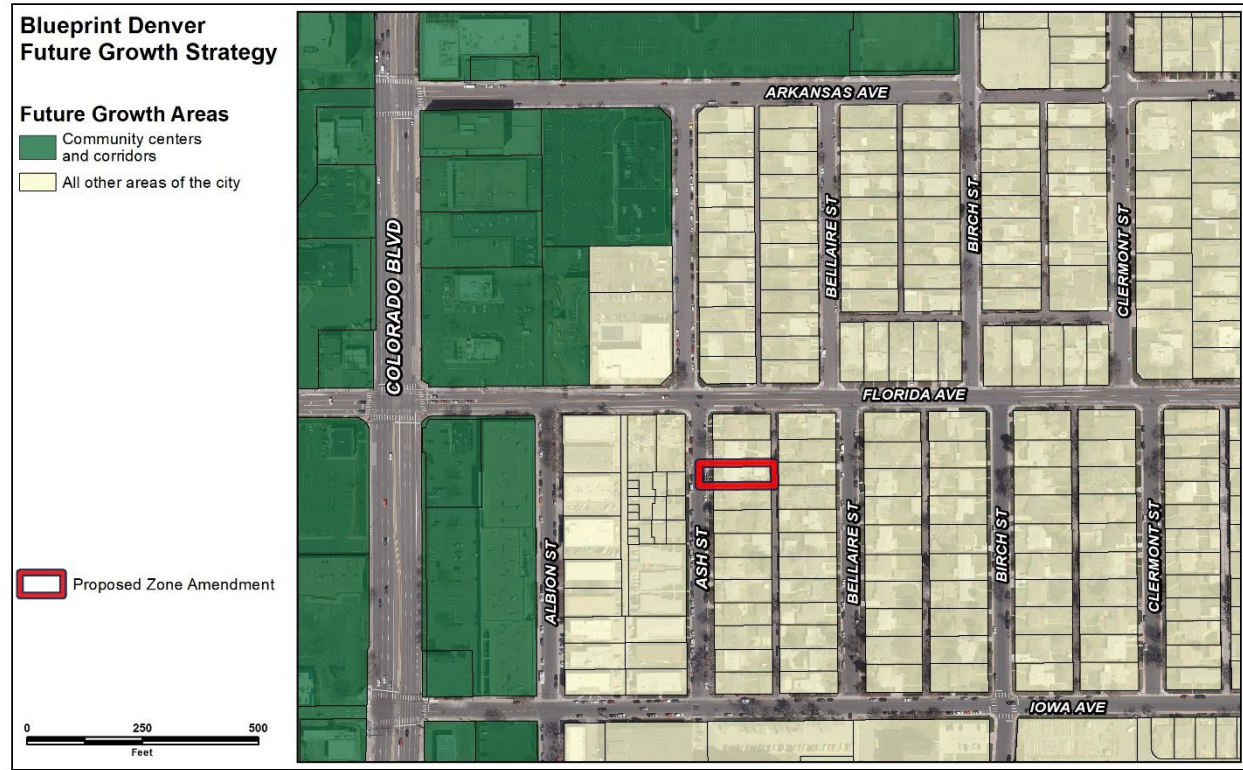


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 214). E-SU-D1 is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, consistent with the Low Residential future place description. It allows the Urban House primary building form, which have 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 South Ash Street as Local or Undesignated Future Street Type, which are described as “most often characterized by residential uses” (p. 161). The proposed E-SU-D1 district is consistent with these descriptions because it allows primarily for residential 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 E-SU-D1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

**Blueprint Denver Strategies**

*Blueprint Denver* provides additional recommendations related to rezoning to allow for ADUs.

- 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 within walking distance of multiple bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.



***Near Southeast Neighborhood Plan***

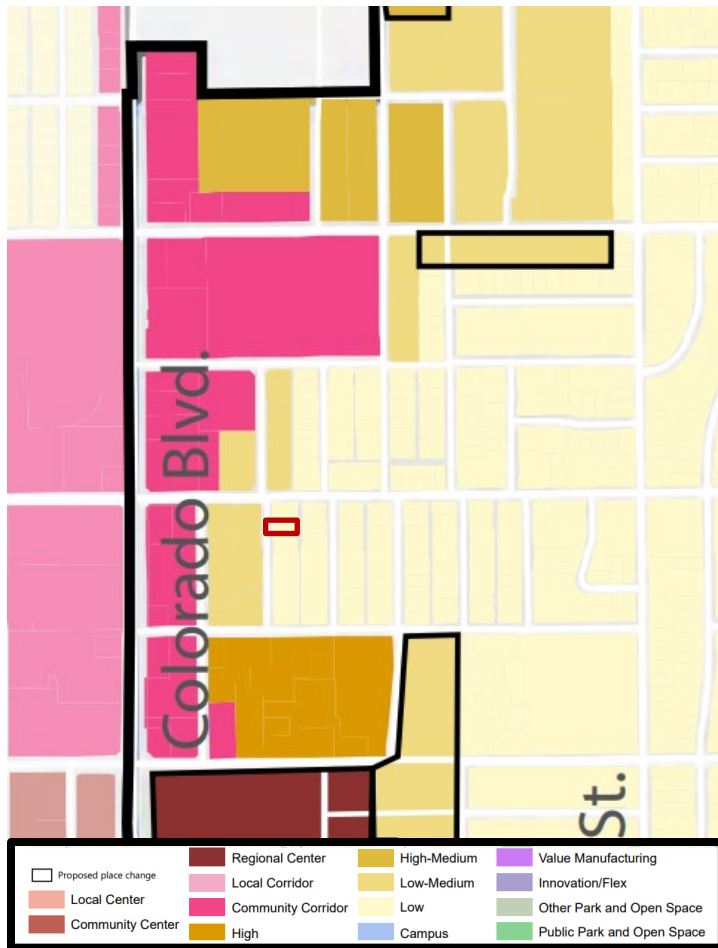
The request meets the following goals and recommendations from the *Near Southeast Neighborhood Plan*:

**Near Southeast Neighborhood Plan Future Neighborhood Context**



Neighborhood Contexts reflect established land patterns, such as lot and block sizes, era of construction, and existing building heights and density. Neighborhood contexts also reflect future expectations for how new development is expected to occur and how it should respond to existing patterns. “Residential areas generally are single-unit, and two unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 222).

**Near Southeast Neighborhood Plan Future Place**



Places are an organizational system that describes the desired character of an area. Places work together to promote complete neighborhoods for the residents living within or near each of them. Each place expresses itself differently depending on the neighborhood context where it is located. The Residential Low place type consists of “primarily residential with a mix of single and two-unit homes interspersed amongst lower-scale, multi-unit buildings. Neighborhood-serving commercial uses are limited, and are primarily found at intersections and along corridors. Lot coverage may be high, and setbacks generally respect the existing neighborhood character with buildings oriented towards the street.”

**Near Southeast Neighborhood Plan Goals and Strategies**

- Land Use Goal 8 (LU-8): “Provide additional housing options, promote preservation and prevent involuntary displacement in residential low places by allowing duplexes and accessory dwelling units in appropriate locations and under appropriate conditions.” (p. 59)
- LU-8, Strategy B: “ADUs – Consistent with adopted citywide policies in Blueprint Denver and in coordination with citywide efforts, support the addition of affordable and compatible accessory dwelling units (ADUs) in Near Southeast.

- LU-8 Strategy B-3: “Until a uniform citywide approach to ADU development is complete, support neighborhood-wide and individual rezonings to allow ADUs where prohibited. Prioritize neighborhoods that have shown the strongest interest in allowing ADUs sooner, such as Virginia Village.”

The proposed E-SU-D1 is consistent with the plan direction found in the Near Southeast Neighborhood Plan. It provides additional housing options in the form of an accessory dwelling unit, which is specifically envisioned as compatible with existing single-unit homes in the Virginia Village neighborhood.

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

The proposed rezoning to E-SU-D1 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” (*Blueprint Denver* 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 recommend 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. 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 E-SU-D1 zone district is within the Urban Edge Neighborhood Context. The neighborhood context is “primarily single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House and Suburban House building forms” (DZC, Division 4.1). These areas consist of a “regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid”



(DZC, Division 4.1). This area of the Virginia Village neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-D1 is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context.” It accommodates one and two and a half story urban and suburban house forms oriented towards the street in the single unit districts. This is consistent with the E-SU-D1 district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context.

The specific intent of the E-SU-D1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet” (DZC 4.2.2.2.G). The subject site is in an area where Urban Houses and lots over 6,000 square feet are common. The site at 1520 South Ash Street is 6,250 square feet with a width of approximately 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