



TO: Denver Planning Board
FROM: Francisca Penafiel, Associate City Planner
DATE: January 26, 2022
RE: Official Zoning Map Amendment Application #2021I-000218

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00218.

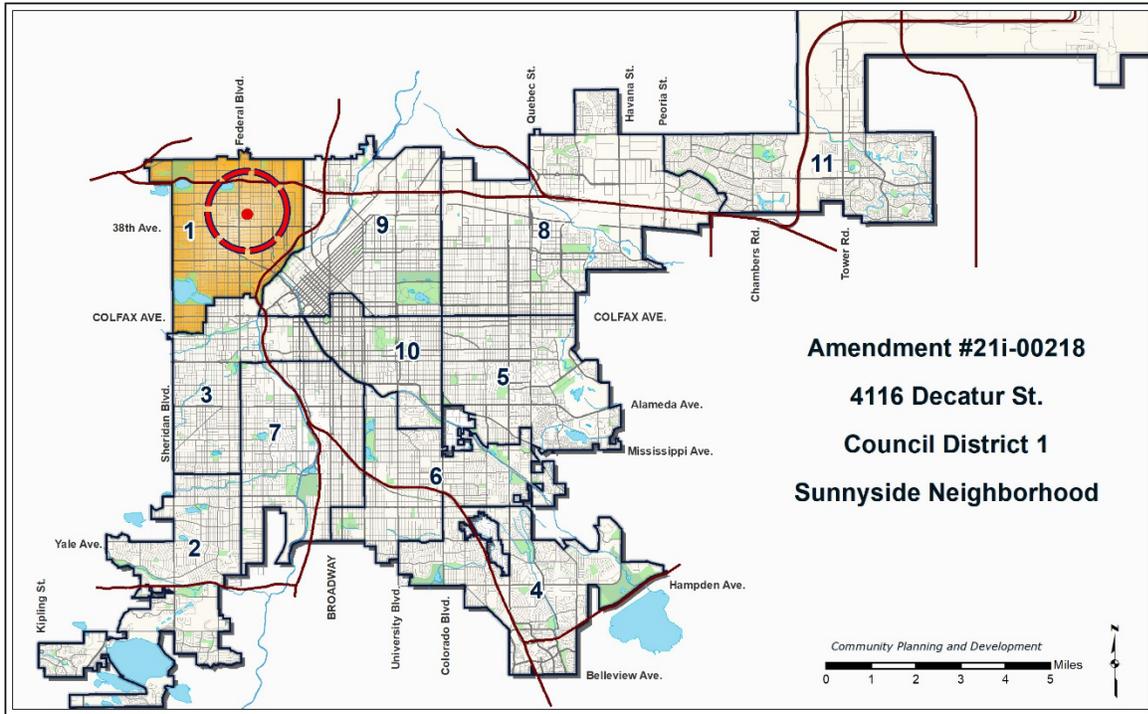
Request for Rezoning

Address:	4116 Decatur Street
Neighborhood/Council District:	Sunnyside Neighborhood/ Council District 1 – Amanda Sandoval
RNOs:	Inter-Neighborhood Cooperation (INC), Unite North Metro Denver, District 1 Neighborhood Coalition, Inc., Denver for ALL, Sunnyside United Neighbors, Inc. (SUNI)
Area of Property:	4,690 or 0.1 acres
Current Zoning:	U-SU-C1
Proposed Zoning:	U-SU-B1
Property Owner(s):	Hayley Clark and Christina Johnson
Owner Representative:	Rodney Kazenske

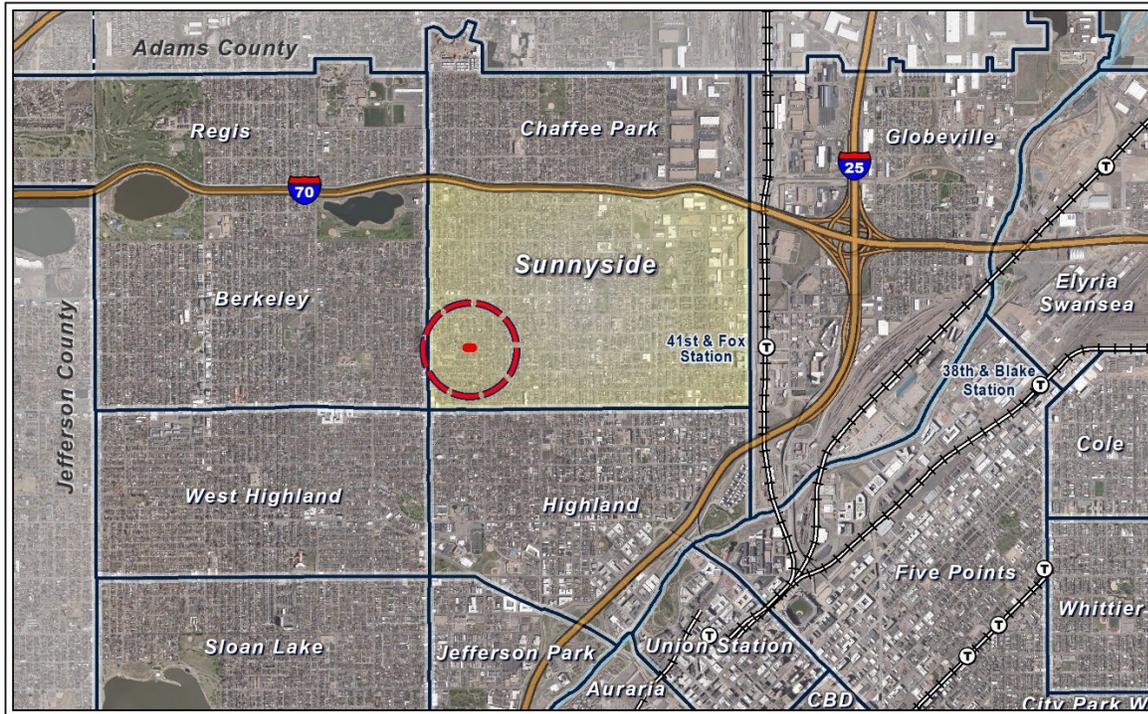
Summary of Rezoning Request

- The property owner is proposing to rezone their property to a district with a smaller minimum zone lot size to build a detached accessory dwelling unit. While an attached accessory dwelling unit is allowed under the existing zoning, a detached accessory dwelling unit is not allowed in the existing zoning because the lot is smaller than the minimum 5,500 square feet required in the U-SU-C1 zone district.
- The subject property contains a single-unit dwelling built in 1925 and is located between West 41st and West 42nd Avenue, along North Decatur Street.
- The proposed U-SU-B1, **U**rbane, **S**ingle-**U**nit, **B1** district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 4,500 square feet. The 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 building 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).

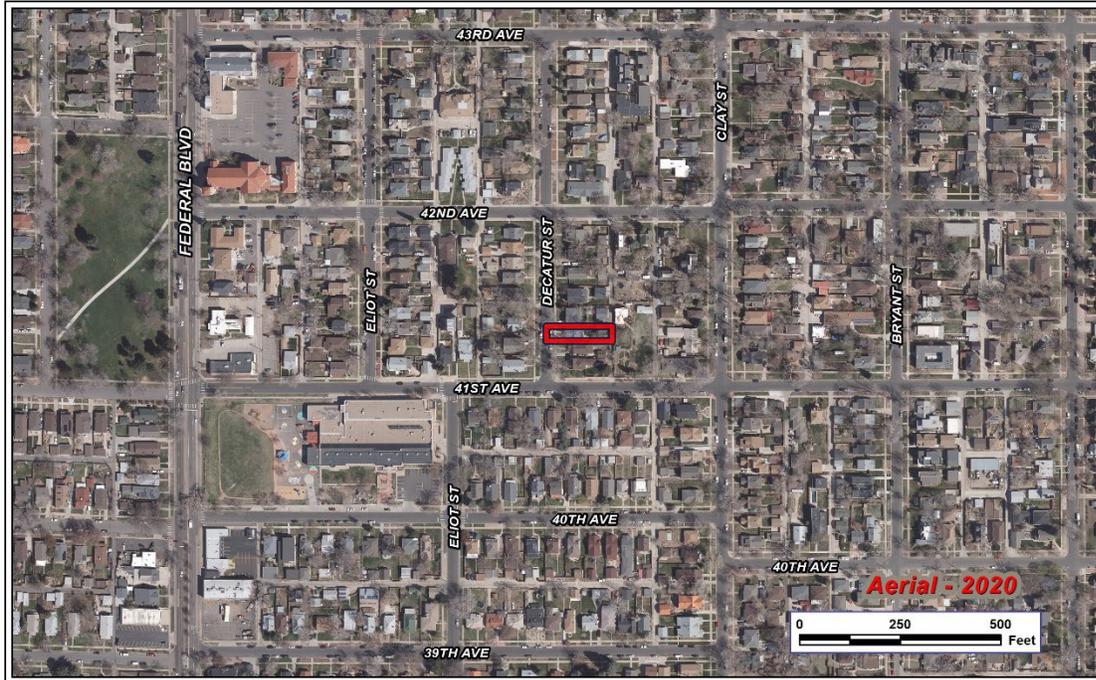
City Location



Neighborhood Location – Sunnyside Neighborhood



Existing Context

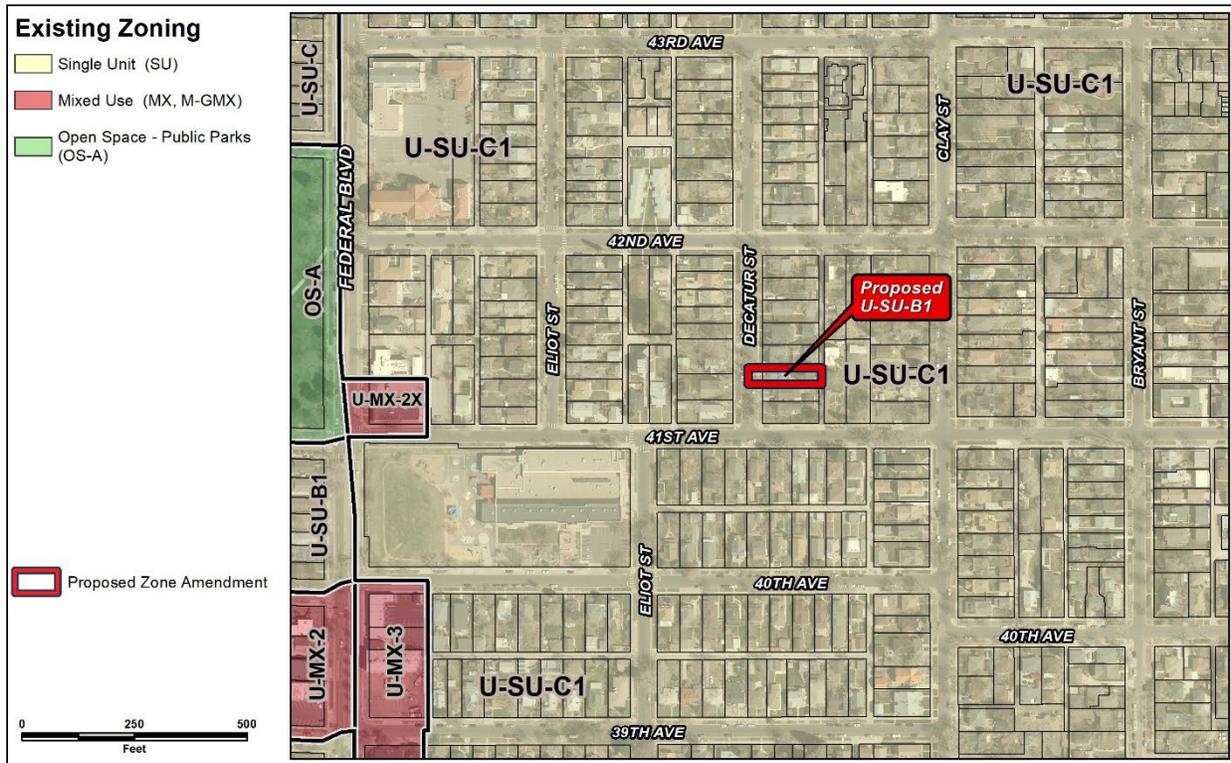


The subject property is in the Sunnyside neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses at the intersection of 41st Avenue and Federal Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. Columbian Elementary School is one block to the west and is the elementary school that serves the neighborhood. The subject property is 0.7 miles south of I-70 and 0.2 miles east of North Federal Boulevard where RTD bus route 31 runs north-south. Also, RTD bus route 44 runs east-west on West 44th Avenue and route 38 runs east-west on West 38th Avenue.

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

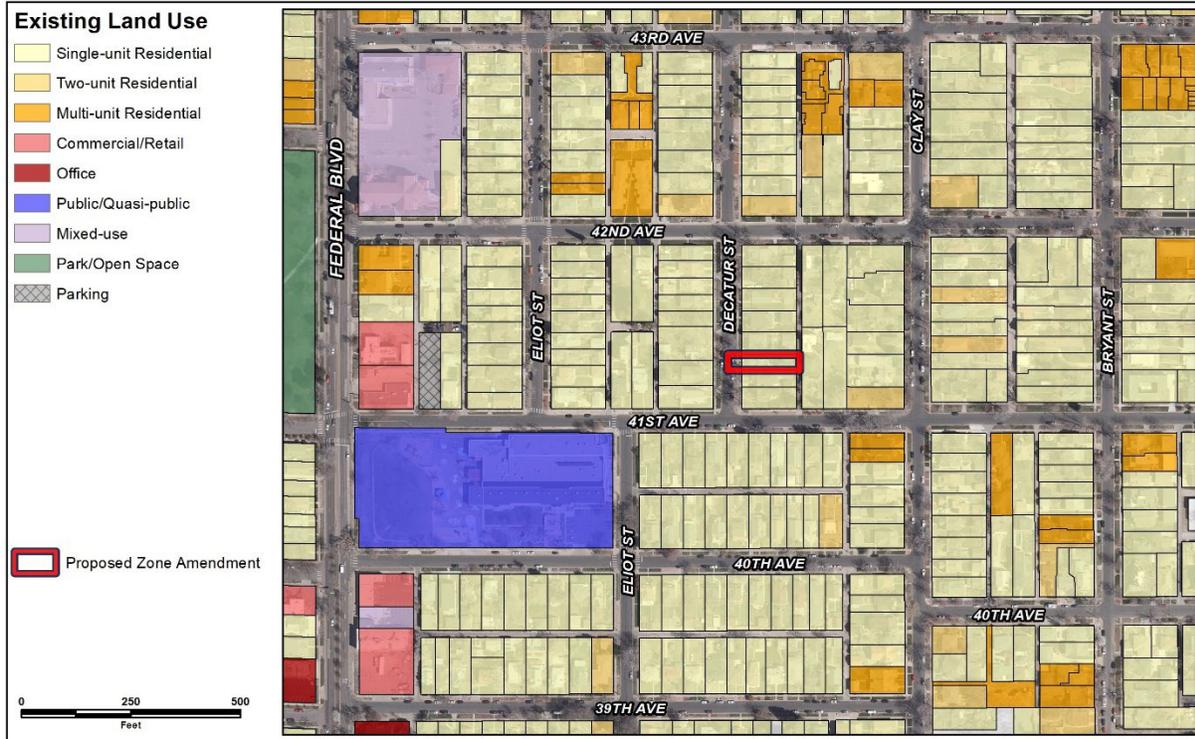
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C1	Single-unit Residential	1-story bungalow with driveway on North Decatur Avenue and alley access	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-C1	Single-unit Residential	Tri-level house with driveway on North Decatur Avenue and alley access	
South	U-SU-C1	Single-unit Residential	1 story bungalow with driveway on North Decatur Avenue and alley access	
East	U-SU-C1	Single-unit Residential	2 -story house set at the back of a north-south oriented lot, with access on West 41 st Avenue	
West	U-SU-C1	Single-unit Residential	2-story house with alley access	

Existing Zoning

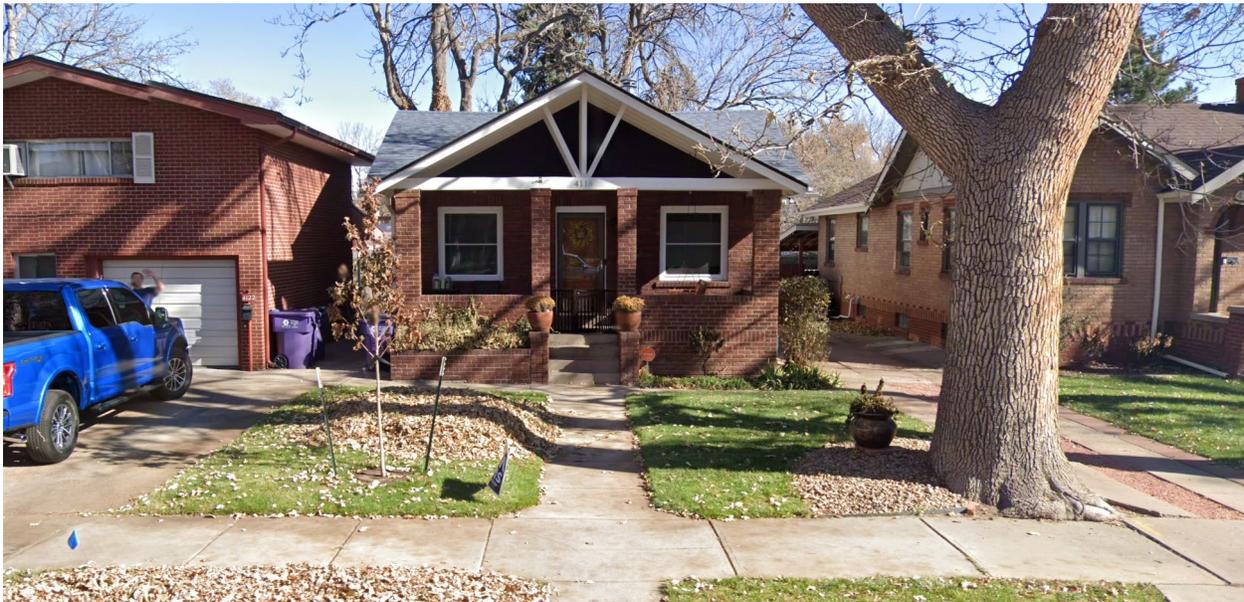


The U-SU-C1 zone district is a single-unit district allowing urban houses and detached accessory dwelling units on a minimum zone lot of 5,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows three accessory structure forms: Detached Accessory Dwelling Units, Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

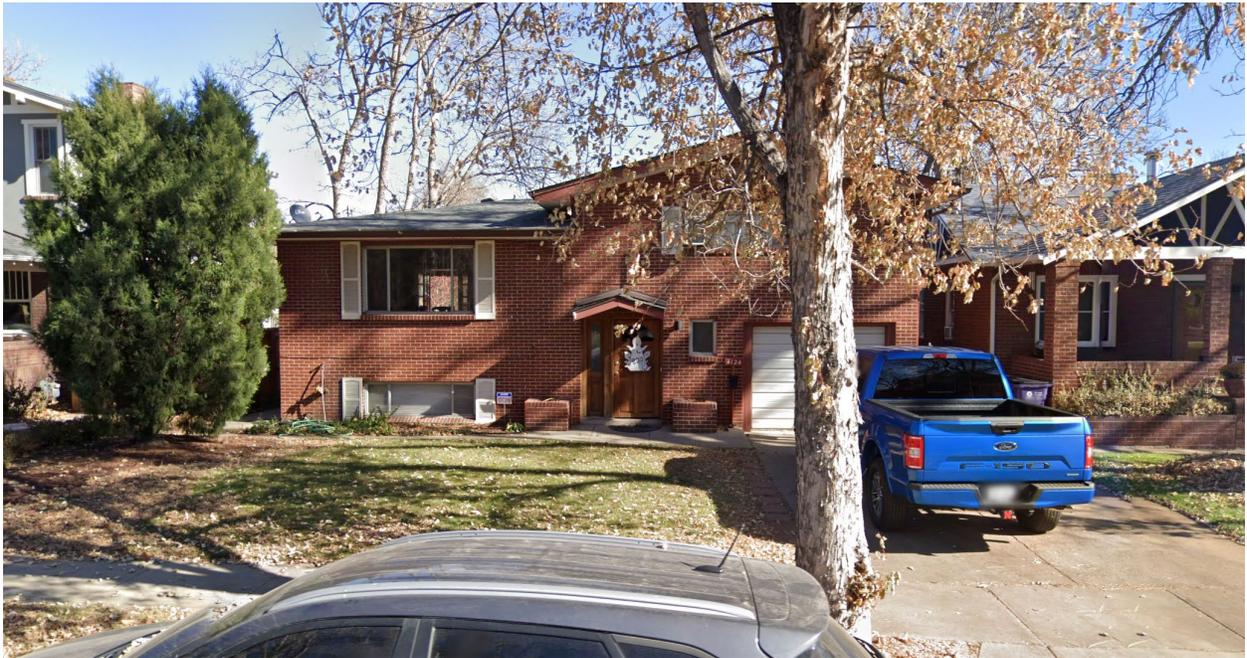
Existing Land Use Map



Existing Building Form and Scale (source: Google Maps)



View of the subject property looking east.



View of the property to the north, looking east.



View of the property to the south, looking east

Rezoning Application #20211-00218

4116 Decatur Street

January 26, 2022

Page 7



View of the properties to the west, on the other side of North Decatur Street, looking west



Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot size 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. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 4,690 square feet, allowing a maximum building footprint of 650 square feet for the DADU’s.

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

Design Standards	U-SU-C1 (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	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.)	5,500 square feet	4,500 square feet
Zone Lot Width (Min.)	50 feet	35 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.) *	3’ min one side/ 10’ min combined	3’ min one side/ 10’ min combined
Rear Setback, Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	5 feet	5 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit **, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit**, Detached Garage, Other Detached Accessory Structures

*Based on subject property lot width of 37.5 feet

** DADU are only allowed based on certain minimum lot size

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response.

Asset Management: Approved – No Comments.

Development Services-Fire: Approved – No Response.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Response.

Development Services - Transportation: Approve – No Response.

Development Services - Wastewater: Approved – No Response.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approved – No Comments.

Department of Transportation and Infrastructure – City Surveyor: Approved – See Comments Below.
Please see attached approved Legal Description

Lot 11 and the North 1/2 of Lot 12, Block 16, Boulevard Heights-Second Filing, 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:	12/08/2021
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:	01/18/2022
Planning Board public hearing:	02/02/2022
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting (tentative):	02/01/2022 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	02/15/2022 (tentative)
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 (tentative):	03/28/2022 (tentative)
City Council Public Hearing (tentative):	04/18/2022 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 Attached to the application, the applicant provided a letter of support from Sunnyside United Neighbors Inc. (SUNI) where the RNO agrees that the ADU will be a great enhancement to the Sunnyside neighborhood.
 To date, staff has not received any other letters of support or opposition from other RNO's.
- **Other Public Comment**
 To date, staff has not received any letters from the community.

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)
- Sunnyside 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).

U-SU-B1 will allow the subject properties to build an additional dwelling unit that is accessory to the primary single-unit dwelling use. 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 Sunnyside neighborhood.

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

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

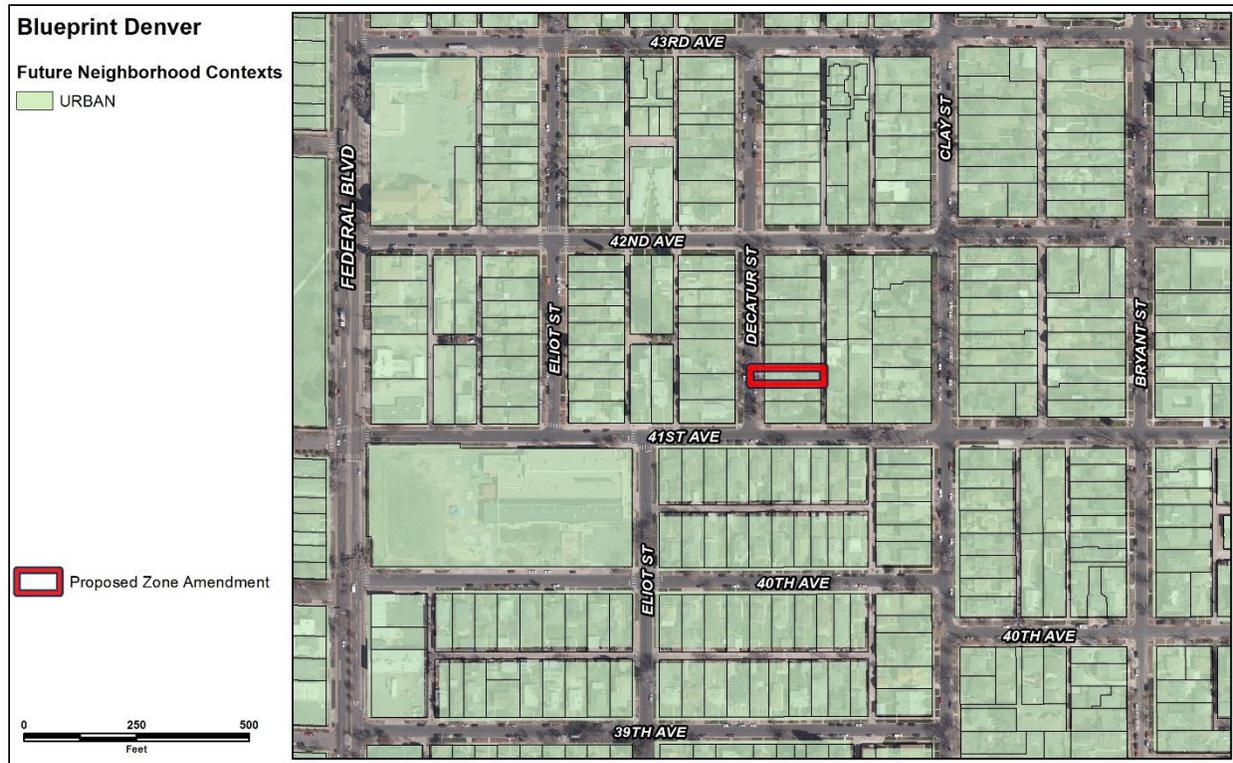
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

Blueprint Denver

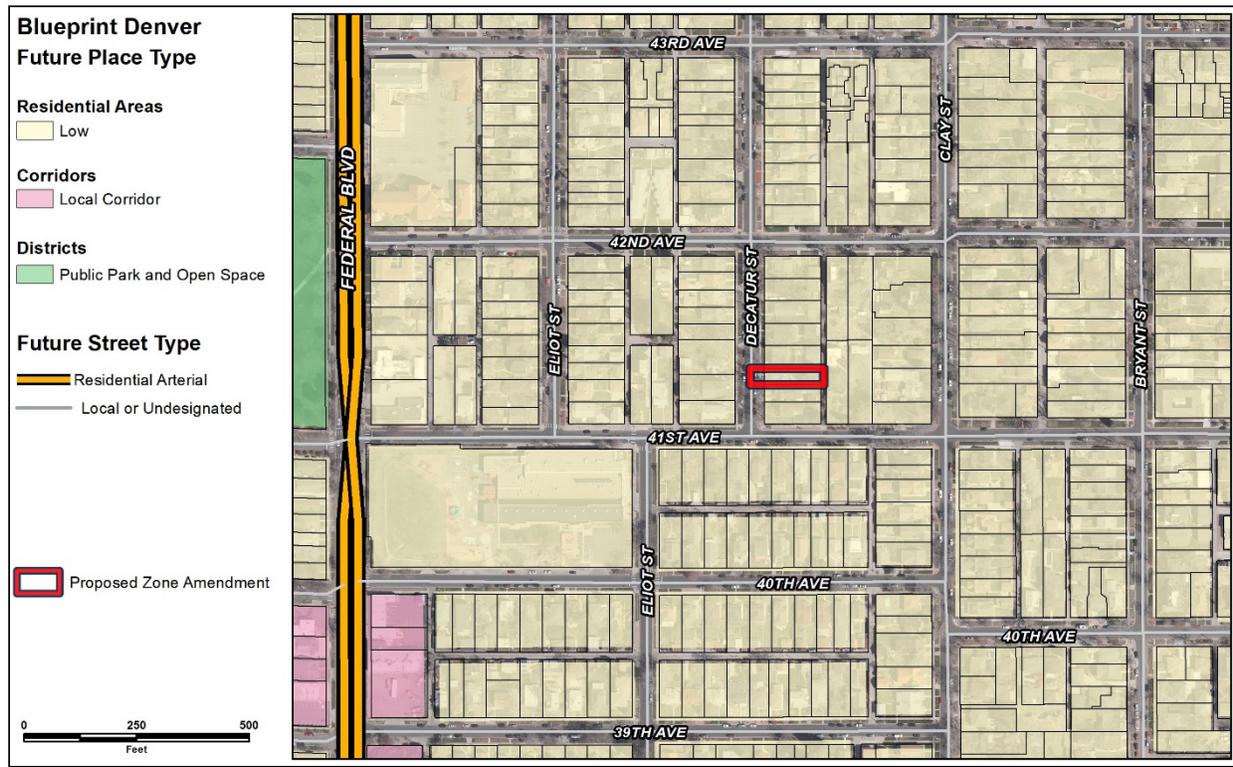
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential future place within the Urban future neighborhood 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 in the Denver Zoning Code. The Urban residential zone districts are “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-B1 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). The U-SU-B1 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 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 Future 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 Decatur Street as 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-B1 district is consistent with this street type because it allows for primary 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 properties are 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). These growth areas are "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 map amendment to U-SU-B1 will strengthen the existing character of the residential neighborhood by allowing a zone district that is more consistent with the size of the zone lot and the average lot size of the area. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each lot.

Blueprint Denver Lot Size Guidance for Rezonings

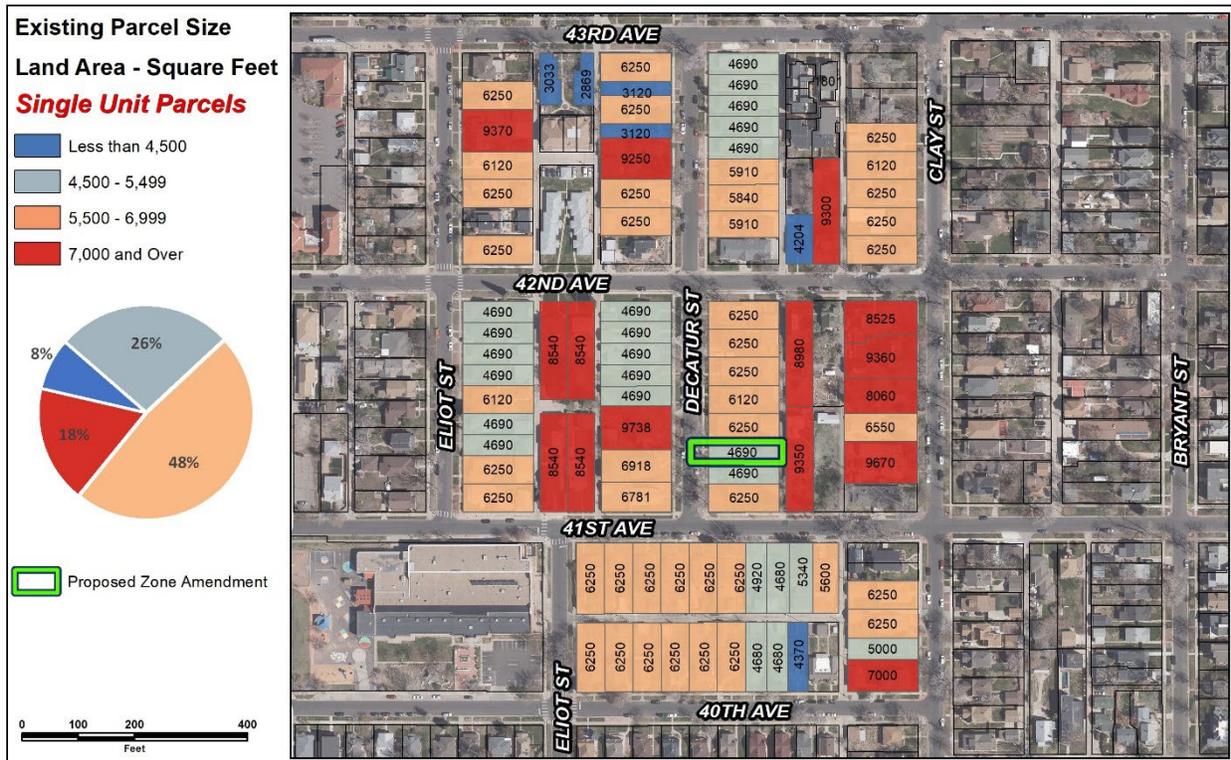
The applicant is proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet to a district with a smaller lot size, U-SU-B1, with a minimum zone lot size of 4,500 square feet. *Blueprint Denver* provides guidance for these situations stating, "it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request" (p. 231).

While most of the single-unit residential lots contained in the same block than the subject property have a lot size consistent with the existing U-SU-C1 district and are 5,500 square feet or greater, on the block to the west of the subject property more than 50% of the lots are 4690 square feet, more consistent

with U-SU-B1. Likewise, more than half of the single-unit residential lots in the block to the north of the subject site have a lot size less than 5,500 square feet. The lot sizes contained in the blocks south of the proposed rezoning are more consistent with the U-SU-C1 district and are over 5,500 square feet but still have a considerable amount of smaller lots in the middle of the block.

Therefore, there is a pattern of single-unit residential smaller lot sizes in the area and the applicants' proposal of a district with a smaller lot size is consistent with the future places map and *Blueprint Denver* guidance for applying the Low Residential future place.

Parcel Size Analysis



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-quarter mile from a bus stop. 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. In addition, the rezoning will allow for additional opportunities to accommodate an ADU by allowing for the construction of a detached ADU on a smaller minimum lot size.

Sunnyside Neighborhood Plan

This neighborhood plan was adopted in 1993 and is applicable to the subject site. The plan is silent on residential rezonings specifically. However, the proposed rezoning is consistent with a Residential Land Use Goal, “Maintain and stabilize the residential character of Sunnyside” (p.18) and a Housing Goal, “Stabilize and upgrade the housing stock by encouraging long term residency and increasing home-ownership” (p.47). The proposed rezoning is consistent with the residential character of Sunnyside and will support opportunities to upgrade the housing stock and age in place by allowing a detached ADU.

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.

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 “smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses” (p. 231, *Blueprint Denver*). The proposed rezoning would also provide the benefit of an additional housing unit on the zone lot that would be detached from the single-unit homes and compatibly integrated into the surrounding neighborhoods.

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, according to *Blueprint Denver* it is appropriate to rezone to a district with a smaller lot size than the current district if a pattern of smaller lots with similar uses exists in the surrounding blocks. It also specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. This plan was adopted after the date of approval of the existing zone districts. Therefore, these are appropriate justifying circumstances for the proposed rezoning.

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

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, Section 5.1.1). This area consists of a “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Section 5.1.2). The Sunnyside 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 general purpose of residential zone districts in this context is to “promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” (DZC Section 5.2.2.1.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 5.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-B1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing small-scale ADUs in rear yards.

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 Section 5.2.2.2.E.). The subject site is in area where urban houses and lots ranging from 30 feet to 50 feet are common, with most lots having a width over 37.5 feet. The site at 4116 North Decatur Street is 4,690 square feet with a width of 37.5 feet. The adopted plan direction recommends allowing smaller lot sizes where a pattern of smaller lot sizes already exists. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application