



TO: Denver Planning Board
FROM: Francisca Penafiel, Senior City Planner
DATE: April 13, 2022
RE: Official Zoning Map Amendment Application #2021I-00199

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00199.

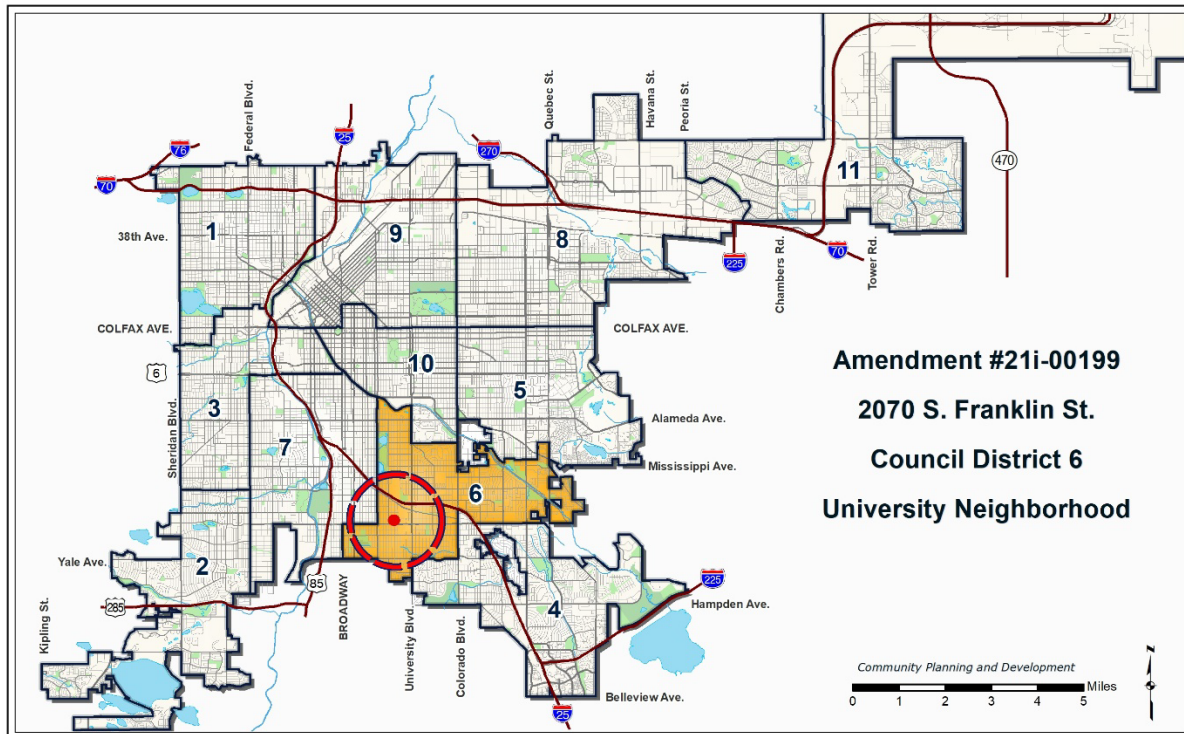
Request for Rezoning

Address:	2070 South Franklin Street
Neighborhood/Council District:	University / Council District 6 – Paul Kashmann
RNOs:	Inc., Inter-Neighborhood Cooperation (INC), University Neighbors.
Area of Property:	9,370 square feet or 0.22 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-B1
Property Owner(s):	2070 S Franklin St Holding LLC
Property Representative:	Joe Miller

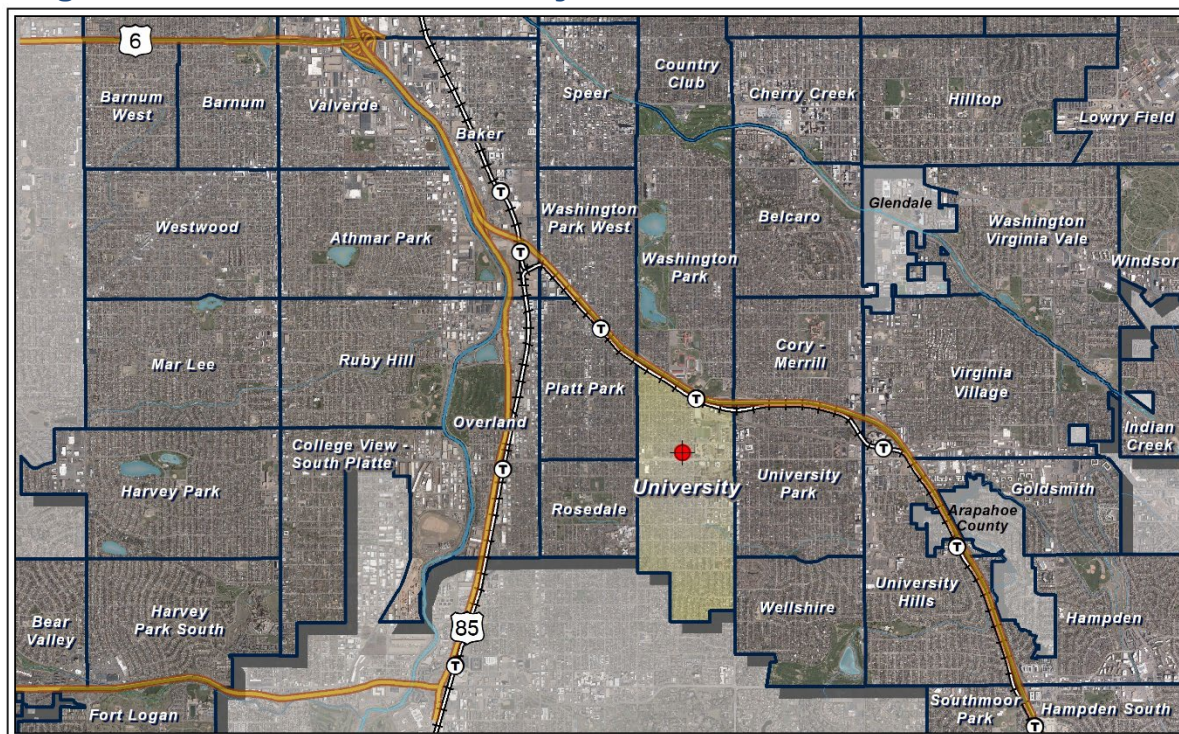
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1921 located between East Asbury Avenue and East Evans Avenue, along South Franklin Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit (ADU).
- At 9,370 square feet, the subject property is more than twice the 4,500 square feet minimum zone lot size of the requested U-SU-B1. Therefore, a future zone lot amendment could create two separate zone lots, with each being permitted to have a single-unit dwelling and an accessory dwelling unit. If the site is rezoned and if the zone lot were split, then each resulting zone lot would be permitted to have one single-unit dwelling and one accessory dwelling unit.
- The proposed U-SU-B1, Urbane, Single-Unit, 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 residential 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 – University



1. Existing Context



The subject property is in the University statistical neighborhood, which is characterized mostly by single-unit and two-unit residential uses with some multi-unit residential and commercial/retail uses along East Evans Avenue. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is located two and one-half blocks west of the University of Denver campus. It is also 200 feet north from East Evans Avenue, where RTD bus route 21 runs east-west with a 15-minute headway and 0.2 miles from South Downing Street, where RTD bus route 12 runs north-south with a 15-minute headway. The RTD light rail University of Denver station is 0.4 miles northeast from the subject property.

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-C	Single-unit Residential	1-story house located on the north side of the lot. Includes parking area in the rear yard	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-C	Two-unit Residential	1-story house with detached garage.	
South	U-SU-C	Single-unit Residential	1-story craftsman house with detached garage.	
East	U-SU-C	Single-unit Residential	1- story house with driveway on South Gilpin Street	
West	U-SU-C	Single-unit Residential	1-story house with detached garage and parking area on the alley	

The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form 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 to 19 feet in the rear 35% of the zone lot. It 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 district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

3. Existing Land Use Map



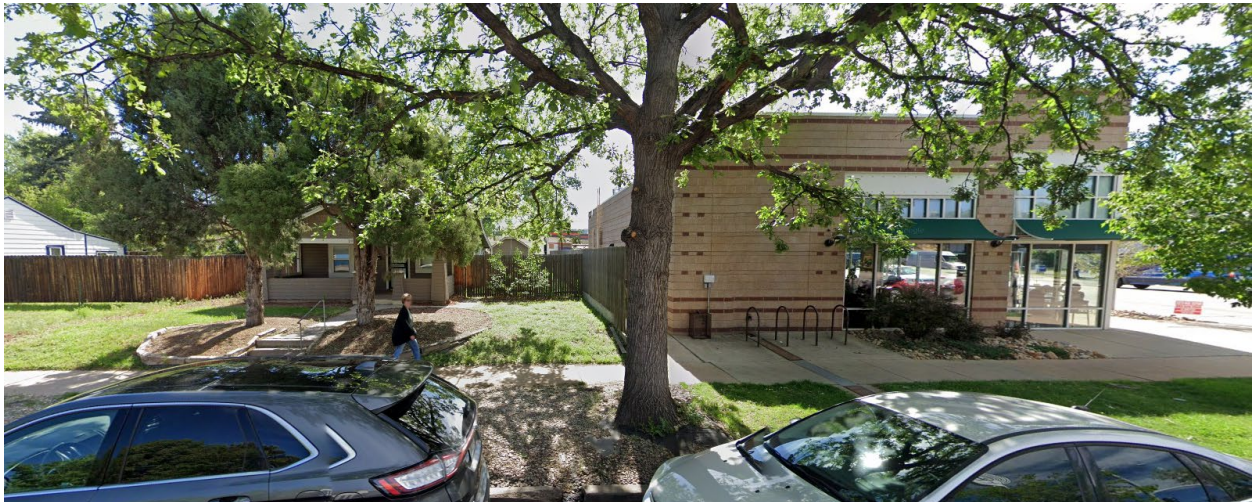
4. Existing Building Form and Scale (all images from Google Maps)



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



North - View of the properties to the north, looking east.



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



East - View of the properties to the east (across the alley), looking west.



West - View of the properties to the west (across the street on South Franklin Street), looking west.

Proposed Zoning

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. At 9,370 square feet, the subject property is more than twice the 4,500 square feet minimum zone lot size of the requested U-SU-B1. A future zone lot amendment could create two separate zone lots, with each being permitted to have a single-unit dwelling and an accessory dwelling unit of a maximum building footprint of 650 square feet.

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

Design Standards	U-SU-C (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 / 30-35 feet	2.5 stories / 30-35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 17-19 feet	1 story / 17-19 feet
DADU Maximum Height in Stories/Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot (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	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 Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	DADUs not permitted	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 Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 75 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 Response.

Development Services - Fire: Approved – No Response.

Denver Public Schools: Approved – No Response.

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

1) Construction of any modifications to the existing building or of a new building will require zoning and building permit review and approval. Permits will be processed through the Residential Review group.

Development Services - Transportation: Approved – No Response.

Development Services - Wastewater: Approved – See Comments Below.

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

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approved – No Comments.

Public Works – City Surveyor: Approved – No 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:	02/03/2022
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:	04/05/2022
Planning Board Public Hearing:	04/20/2022
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:	04/19/2022 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	05/03/2022 (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:	05/16/2022 (tentative)
City Council Public Hearing:	06/20/2022 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one letter of opposition from the University Neighbors Neighborhood Association, where they ask all requests for variances that could potentially increase the number of residents, vehicles and pets to be suspended until CPD can clarify the impacts and specific requirements are addressed. Given this is a rezoning and not a request for a variance staff replied to the RNO and explained they are different processes and different boards. The letter and response are attached to the Staff Report.
- **Other Public Comment**
 - To date, staff has received one letter of support of the rezoning outlining their support to ADU rezonings in general, and to this particular location given the size of the lot and its proximity to East Evans Avenue.

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)

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-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the University 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 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 Low Residential future place within the Urban future neighborhood context and provides guidance on the future growth strategy for the city.

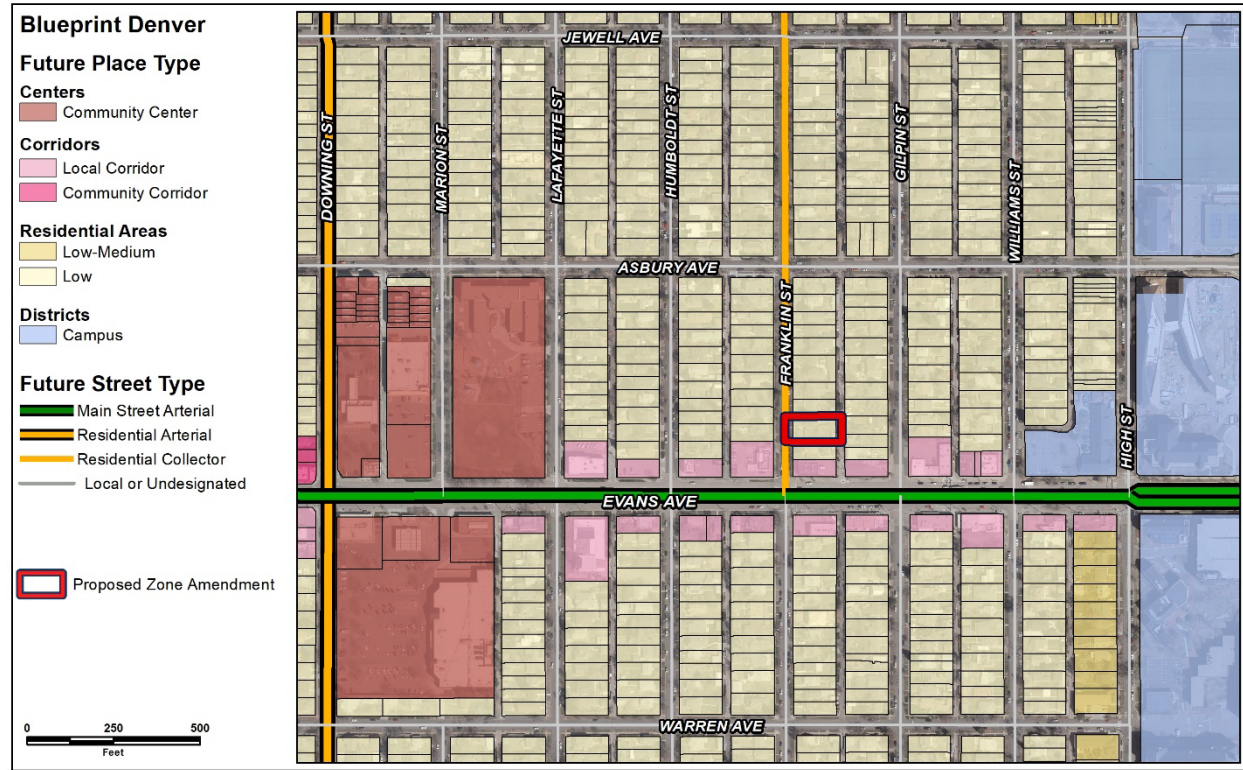
Blueprint Denver Future Neighborhood Context



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 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 Place



The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Place map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). U-SU-B1 is a single-unit residential zone district that allows for an additional dwelling unit accessory to a primary single-unit residential use, 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 Place designation.

Blueprint Denver Future 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 Franklin Street as Residential Collector Future Street Type, which are designated as “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 161). The proposed U-SU-B1 district is consistent with this description because it allows for primarily 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 U-SU-B1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

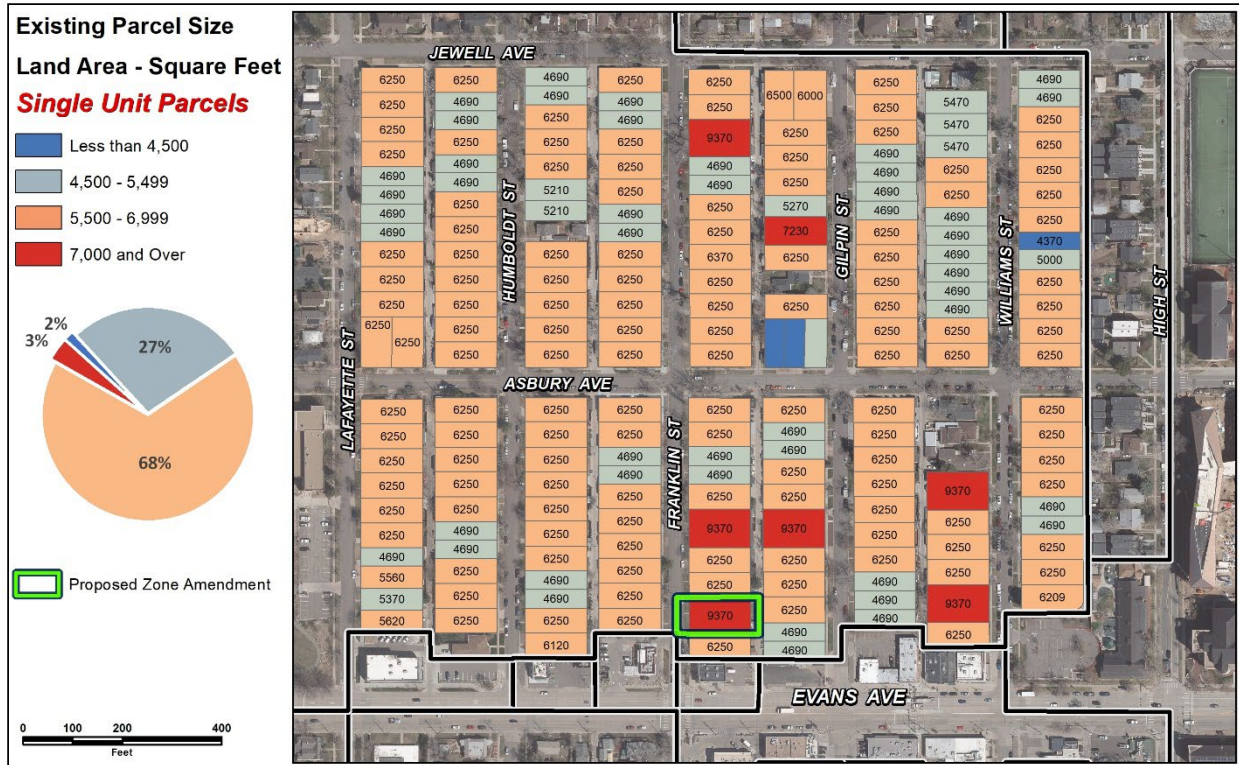
Blueprint Denver Lot Size Guidance for Rezoning

The applicant is proposing to rezone from U-SU-C with a minimum zone lot size of 5,500 square feet to 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 as the subject property have a lot size consistent with the existing U-SU-C district and are 5,500 square feet or greater, the block to the north, northwest and northeast of the subject block, show a clear pattern of lots that are smaller than 5,500 square feet, more consistent with U-SU-B1. While not as prominent, the block to the east and the block to the west of the subject site, also show a pattern of lots that are smaller 5,500 square feet.

Therefore, there is a pattern of single-unit residential smaller lot sizes in the surrounding blocks 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 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 located less than a block from frequent bus routes and only 0.4 miles away from an RTD light rail station. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

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" (*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 recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. 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, 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 University 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 an area where urban houses and lots ranging from 30 feet to 50 feet are common. The site at 2070 South Franklin Street is 9,370 square feet with a width of 75 feet. If the rezoning is approved, and a zone lot amendment is pursued, the two new zone lots could be just over 4,500 square feet and 37.5 feet wide. 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
2. Comment Letters