Community Planning and Development
Planning Services

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TO: Land Use and Transportation Committee
FROM: William Prince, Associate City Planner
DATE: November 2, 2023
RE: Official Zoning Map Amendment Application #2023I-00086

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #202Xi-00086 forward for consideration by the full City Council.

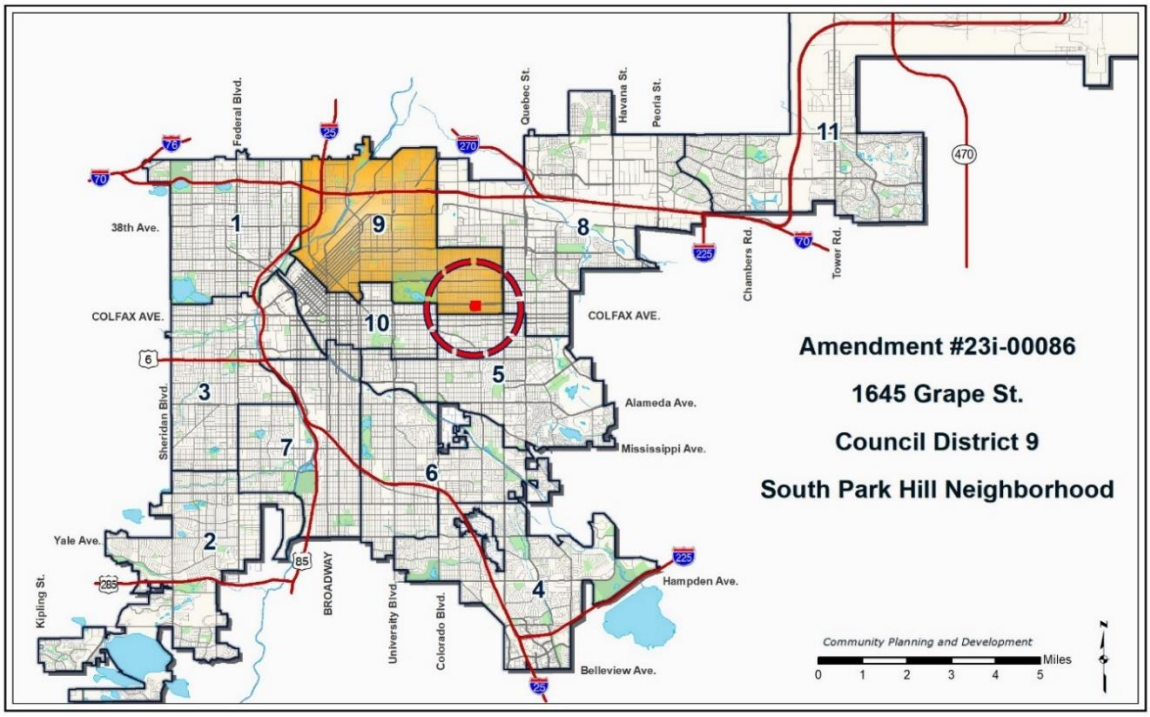
Request for Rezoning

Address:	1645 North Grape Street
Neighborhood/Council District:	South Park Hill / Council District 9 – Councilmember Darrell Watson
RNOs:	Greater Park Hill Inc, Opportunity Corridor Coalition of United Residents, City Park Friends and Neighbors, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Properties:	6,500 square feet or .14 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-C1
Property Owner(s):	Bejan Saeedi and Brittney Henderson
Owner Representative:	Brandon Tripp, Tripp Design Group

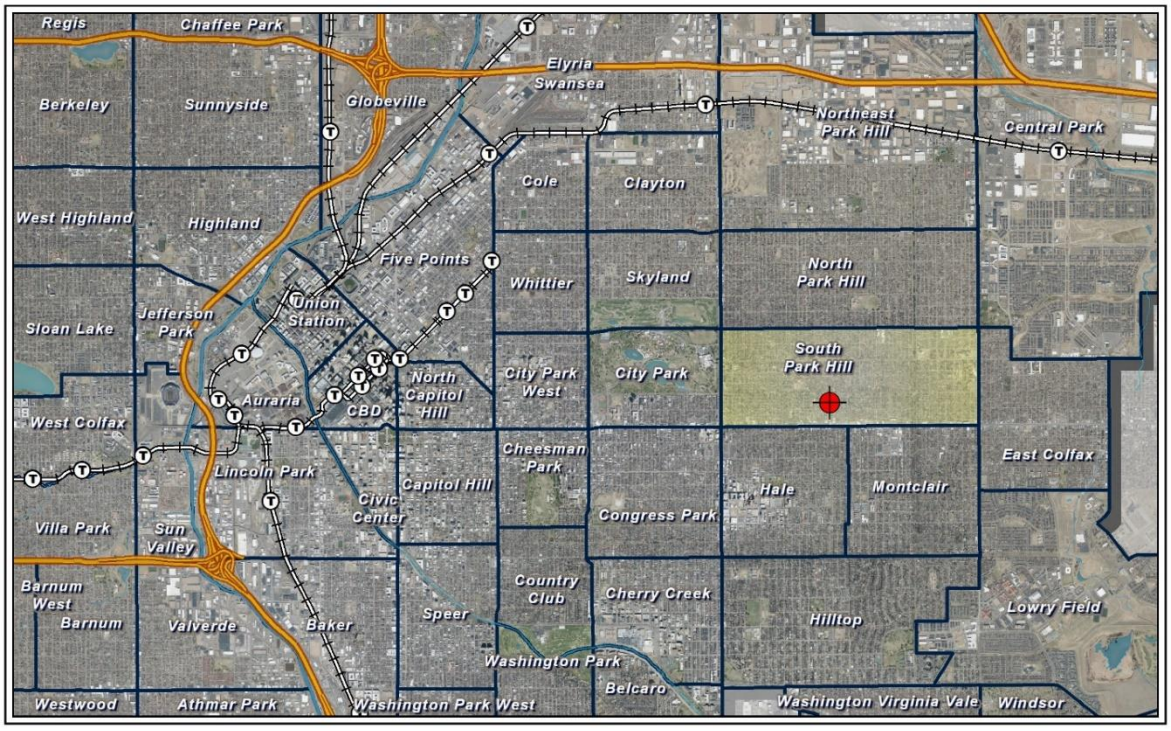
Summary of Rezoning Request

- The property at 1645 North Grape Street was built circa 1933. The property owners are proposing to rezone their property to allow for an accessory dwelling unit (ADU).
- The proposed U-SU-C1, **U**rban, **S**ingle-**U**nit, **C1** (5,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and residential arterial streets and structures with 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 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).

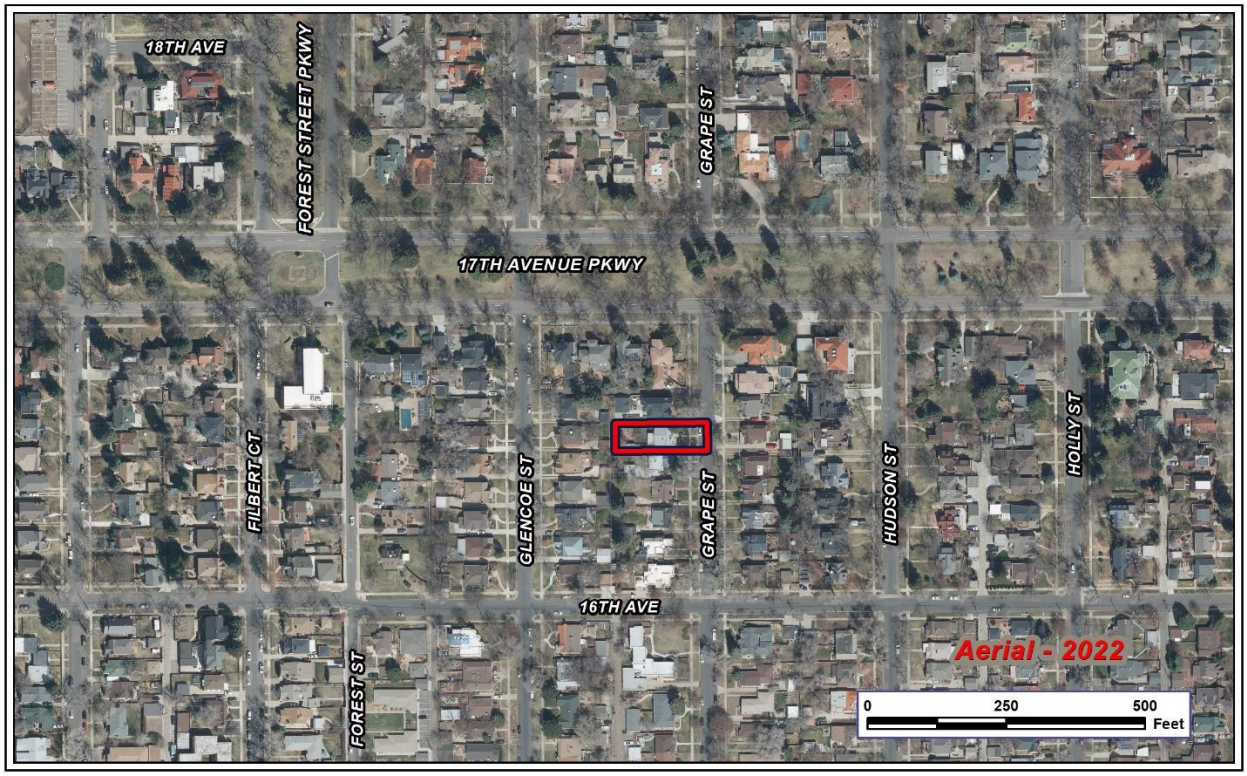
City Location



Neighborhood Location – South Park Hill Neighborhood



Existing Context



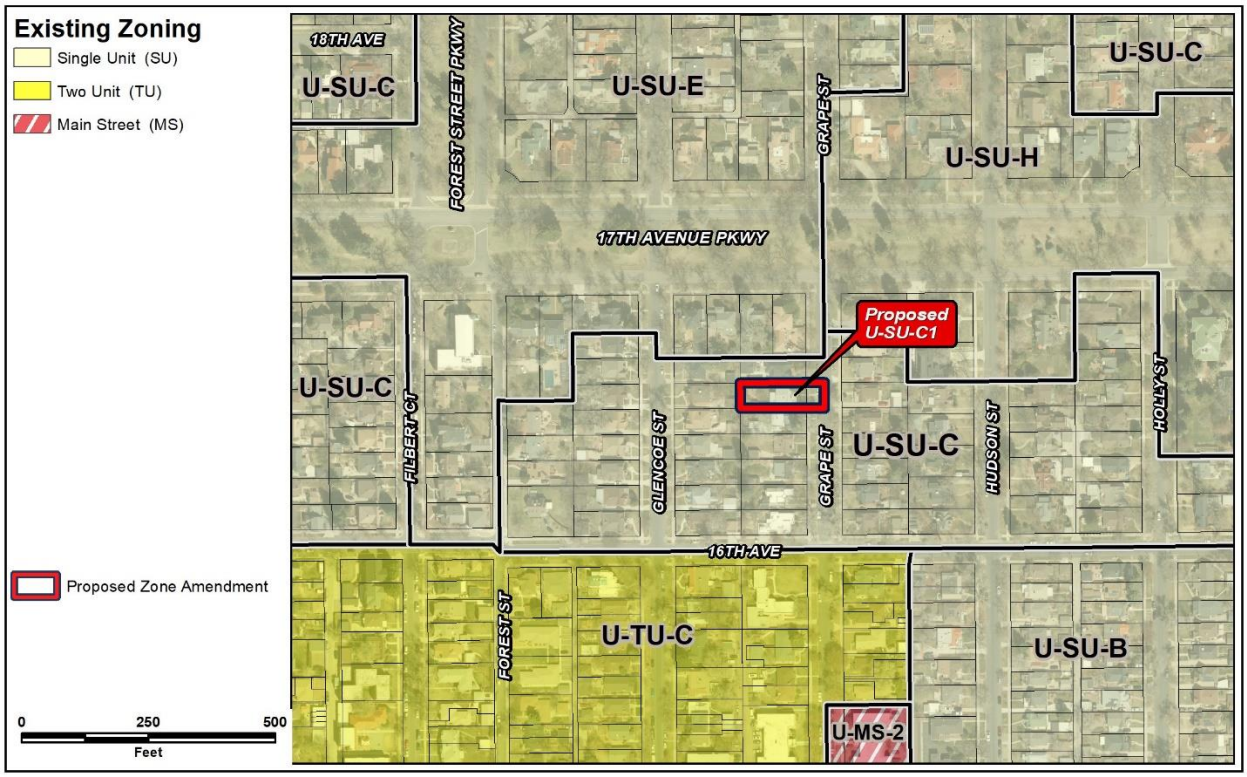
The subject property is in the South Park Hill statistical neighborhood, which is characterized mostly by single-unit residential uses, with interspersed two-unit and multi-unit residential uses, and nodes of neighborhood serving commercial/retail. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between the 17th Avenue Parkway and 16th Avenue. It is less than 3 blocks from East Colfax Avenue where the RTD bus routes 15 and 15L travel east/west. It is also less than a mile from City Park.

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
1645 N Grape	U-SU-C	Single-unit Residential	1-story brick house with detached garage	Generally regular grid of street; Block sizes and shapes are consistent and rectangular. Detached sidewalks with
North	U-SU-C	Single-unit Residential	2-story brick and frame house with detached garage	
South	U-SU-C	Single-unit Residential	1-story brick house with detached garage	

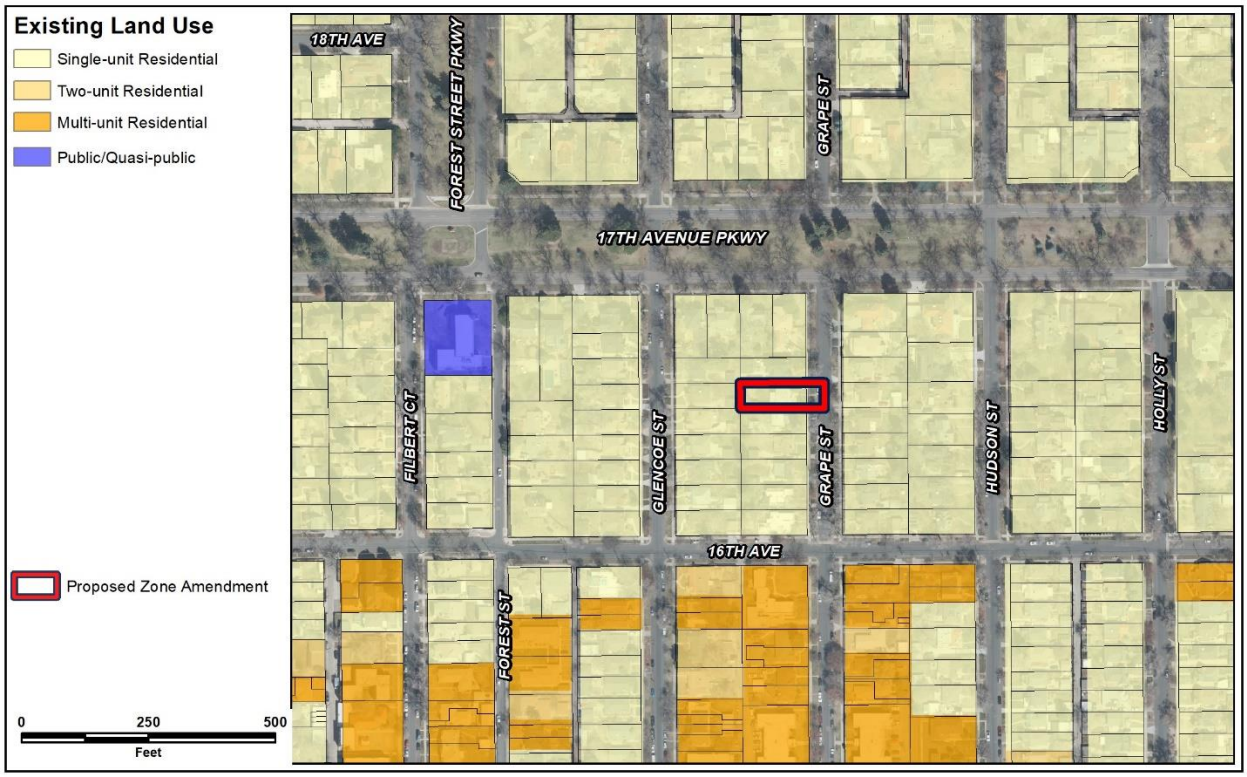
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	U-SU-C	Single-unit Residential	1-story brick house with detached garage	tree lawns and existing alleys. Garages and on-street vehicle parking.
West	U-SU-C	Single-unit Residential	1-story brick house with detached garage	

1. Existing Zoning



The U-SU-C zone district is a single-unit residential district with a minimum zone lot size of 5,500 square feet and allows the Urban House primary building form. 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 two accessory structure forms: Detached Garage and Other Detached Accessory Structure. The maximum height is 17 feet for detached garages and 15 feet for other detached accessory structures. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

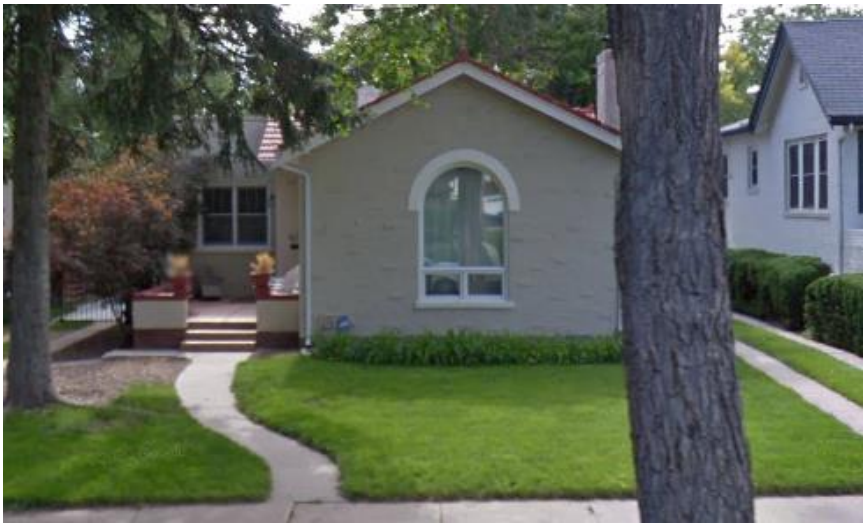
2. Existing Land Use Map



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

Subject Property - View of 1645 N Grape Street, looking west.

North - View of the property to the north of subject property, looking west.



South – View of the property to the south of subject property, looking west.

East - View of the property to the east across the street, looking east.

West – View of the property to the west on Glencoe Street, looking east.

Proposed Zoning

U-SU-C1 is a single-unit zone district with a minimum zone lot size of 5,500 square feet, allowing only the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-C1 district. The district allows the Detached Accessory Dwelling Unit (DADU), Detached Garage, and Other Detached Accessory Structured as detached accessory building forms. The Detached Accessory Dwelling Unit building form has a maximum height of 2 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 applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet.

The primary building forms and relevant standards of the detached accessory dwelling unit accessory building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	**U-SU-C (Existing)**	**U-SU-C1 (Proposed)**
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet	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 Heights in Stories / Feet	2 stories / 24 feet	2 stories / 24 feet
Zone Lot Size (Min.) for Urban House	5,500 square feet	5,500 square feet
Minimum Zone Lot Width (Min.)	50 feet	50 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

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 Response.

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information.

1) All new construction will require a zoning and building permit from the Residential Review department prior to the start of construction.
2) All new construction will need to fully conform to the Denver Zoning Code, including use limitations and site and building form standards.
3) Primary Structure will need to be designated as an Urban House Form.
4) Accessory Dwelling Unit uses are subject to use limitations in DZC 11.7 and 11.8.2.
5) The Accessory Dwelling unit may be either attached or detached in relation to the main structure. If it is detached, it must comply with the Detached Accessory Dwelling Unit building form standards.
6) DZC Section 11.8.2. requires ADU uses in the SU zone districts to:
A. The Accessory Dwelling Unit use shall be operated and maintained under the same ownership as the Primary Dwelling Unit use to which it is accessory.
B. An owner of the Zone Lot on which an Accessory Dwelling Unit use is maintained shall occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit use as the owner's primary residence. For purposes of this Section 11.8.2.2, the term "primary residence" shall have the meaning prescribed thereto in D.R.M.C. Chapter 33.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response.

Parks and Recreation: 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.

Department of Transportation & Infrastructure – 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:	**09/01/2023**
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:	**10/17/2023**
Planning Board Public Hearing: (Recommended for approval on consent agenda)	**11/01/2023**
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:	**11/02/2023**
Land Use, Transportation and Infrastructure Committee of the City Council:	**11/14/2023**
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 (tentative):	**12/21/2023** (tentative)
City Council Public Hearing:	**1/08/2024** (tentative)

Registered Neighborhood Organizations (RNOs)

- To date, staff has received no comment letters from Registered Neighborhood Organizations.

Other Public Comment

- To date, staff has received one public comment in support of this rezoning from a neighbor across the street of the subject 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)*
- *East Area Plan (2020)*

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-C1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-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 are most common in the South Park Hill.

- 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.

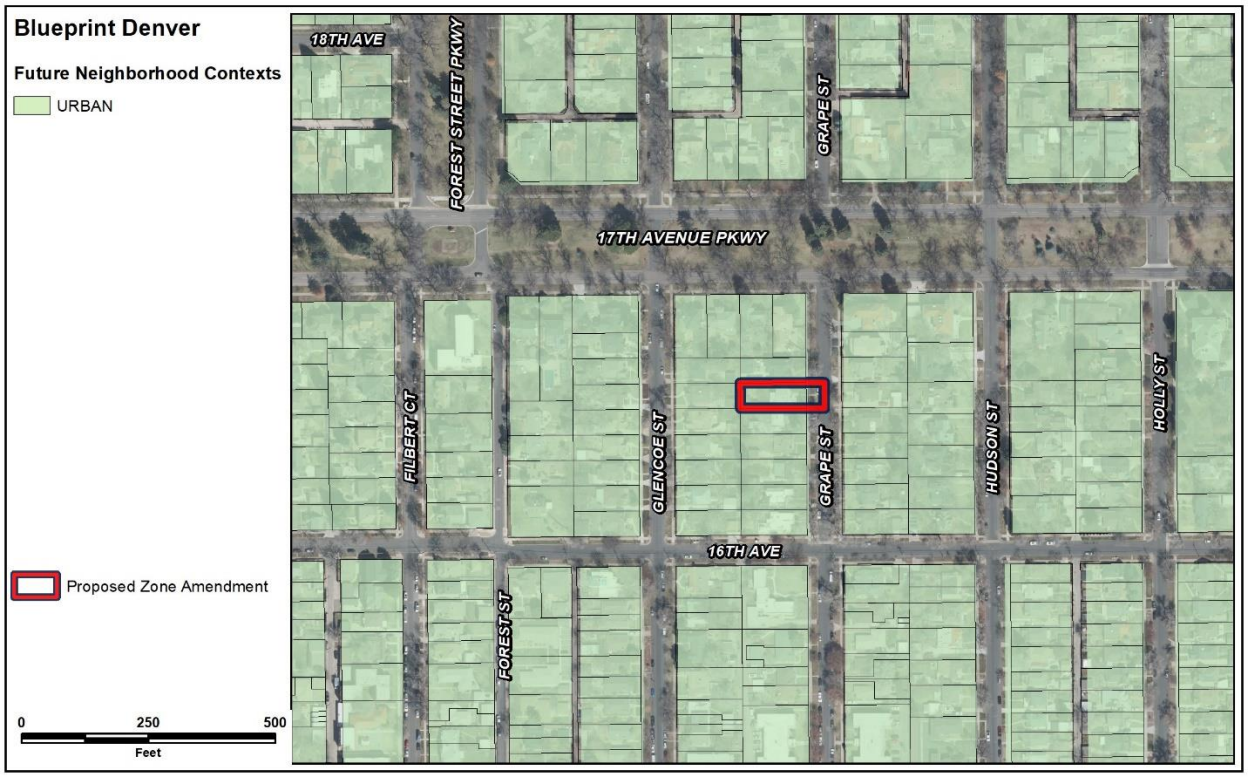
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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. Because it implements the strategies cited above, the rezoning is consistent with *Comprehensive Plan 2040.*

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 place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

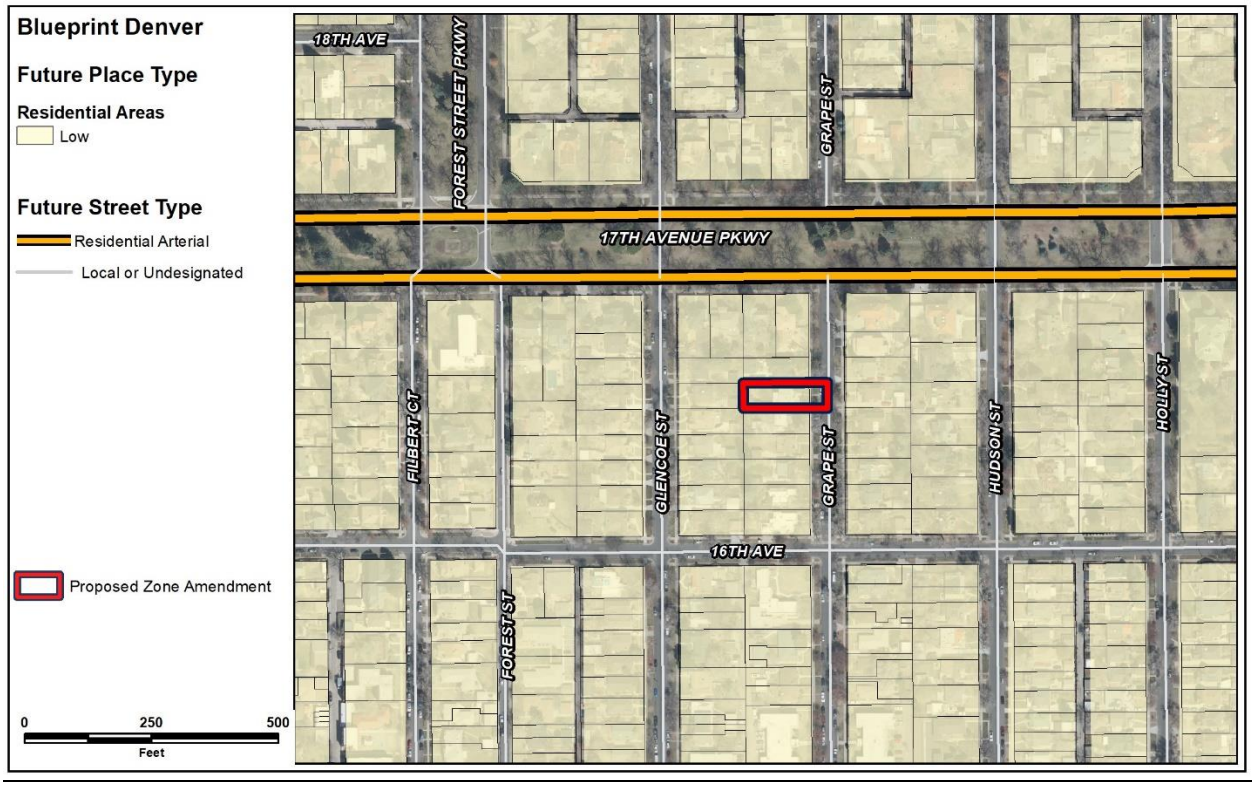
***Blueprint Denver* Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing "small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit

residential areas" with grid block patterns and alley access (p. 222). U-SU-C1 is a zone district within the Urban neighborhood context and is "intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context" and "the building form standards, design standards and uses work together to promote desirable residential areas" (DZC 5.2.2.1). U-SU-C1 is consistent with the *Blueprint Denver* future Urban neighborhood context 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 Type**



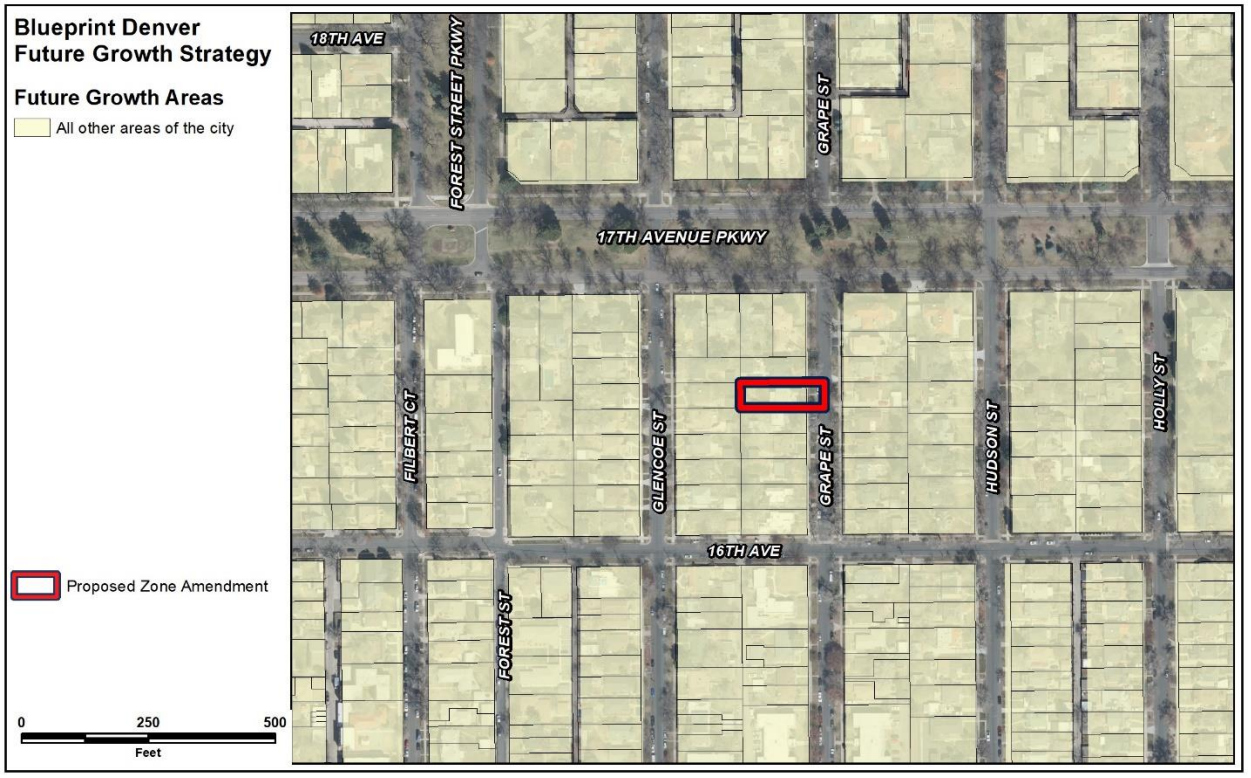
The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Place map. This place type is "predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible," and "building heights are generally up to 2.5 stories in height" (p. 230). U-SU-C1 is a single-unit residential 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 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 Grape Street as a Local or Undesignated Street. "Local streets can vary in their land uses and are found in all neighborhood

contexts. They are most often characterized by residential uses. Local streets provide the lowest degree of through travel but the highest degree of property access." (p. 161) The proposed U-SU-C1 zone 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 included as "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, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to U-SU-C1 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 site and is therefore consistent with the growth strategy.

***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).

- Housing Policy 5: "Remove barriers to constructing accessory dwelling units and create context-sensitive form standards." (p. 84).

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 of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

Small Area Plan: East Area Plan (2020)
This neighborhood plan was adopted in 2020 and is applicable to the subject property.

- Land Use Policy 6: Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-design missing middle housing and accessory dwelling units (ADUs) in appropriate locations. (p. 39)

The proposed zone district allows for compatible, low-density residential development with its allowances for the Urban House primary building form and detached ADU building form.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-C1 will result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* as well as the *East Area Plan* both 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 U-SU-C1 zone district is within the Urban Neighborhood Context. The neighborhood context is "primarily characterized by single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building form" (DZC, Division 5.1.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1.2). The South Park Hill neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 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). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-C1 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 a small-scale ADU in the rear yard.

The specific intent of the U-SU-C1 zone district is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet and detached accessory dwelling units. Blocks typically have a pattern of 50-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard." (DZC 5.2.2.2.E.). Therefore, rezoning this site to U-SU-C1 is consistent with the neighborhood context description.

Attachments

1. Application
2. Public Comments