



TO: Denver City Council, Land Use, Transportation and Infrastructure Committee
FROM: Libbie Adams, AICP, Associate City Planner
DATE: June 18, 2020
RE: Official Zoning Map Amendment Application #2019I-00215

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00215.

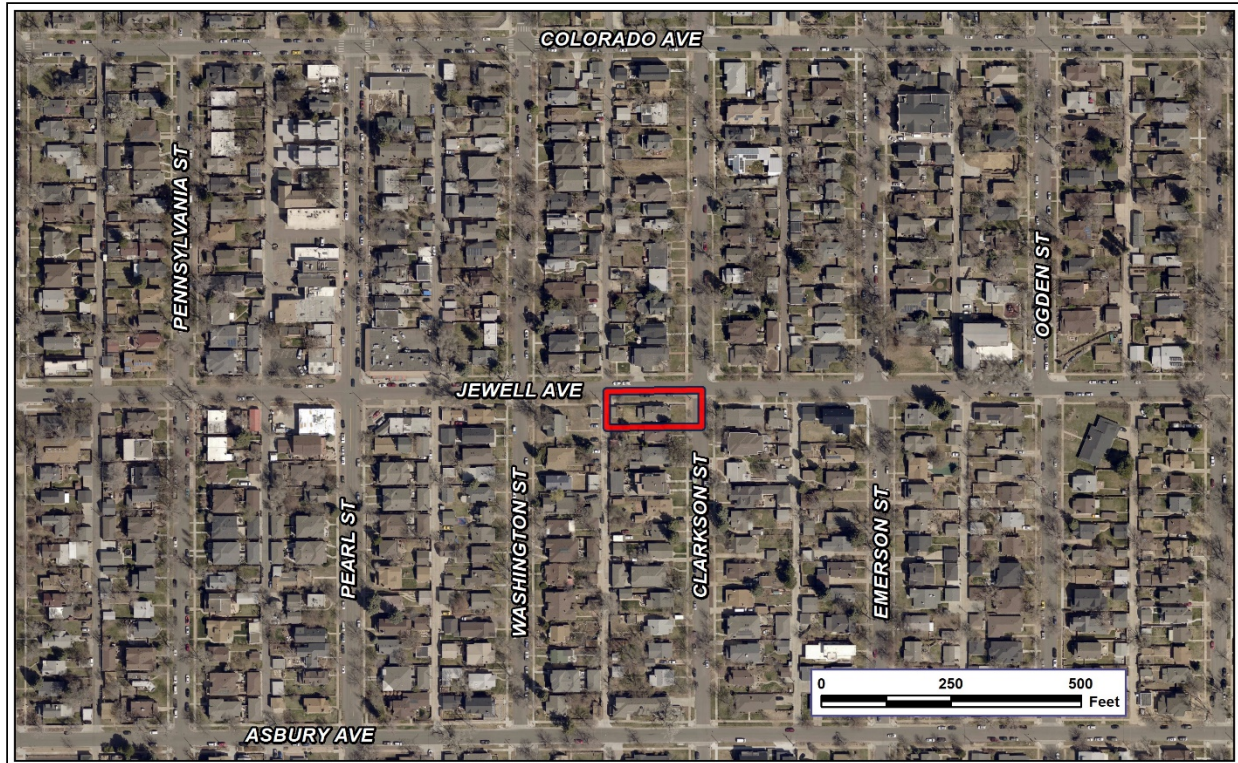
Request for Rezoning

Address:	1901 S. Clarkson St.
Neighborhood/Council District:	Platt Park / Council District 7
RNOs:	Platt Park People's Association (3PA), Inter-Neighborhood Cooperation (INC)
Area of Property:	4,690 square feet or 0.11 acres
Current Zoning:	U-SU-C1
Proposed Zoning:	U-SU-B1
Property Owner(s):	Kory and Shelby Farthing
Owner Representative:	None

Summary of Rezoning Request

- The subject property contains a single unit home built in 1927 and is located north of Evans Avenue, at the intersection of Jewell Avenue and S. Clarkson Street.
- The property owners are proposing to rezone the 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 too small.
- The proposed U-SU-B1, Urban, Single-Unit, B1 (4,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context

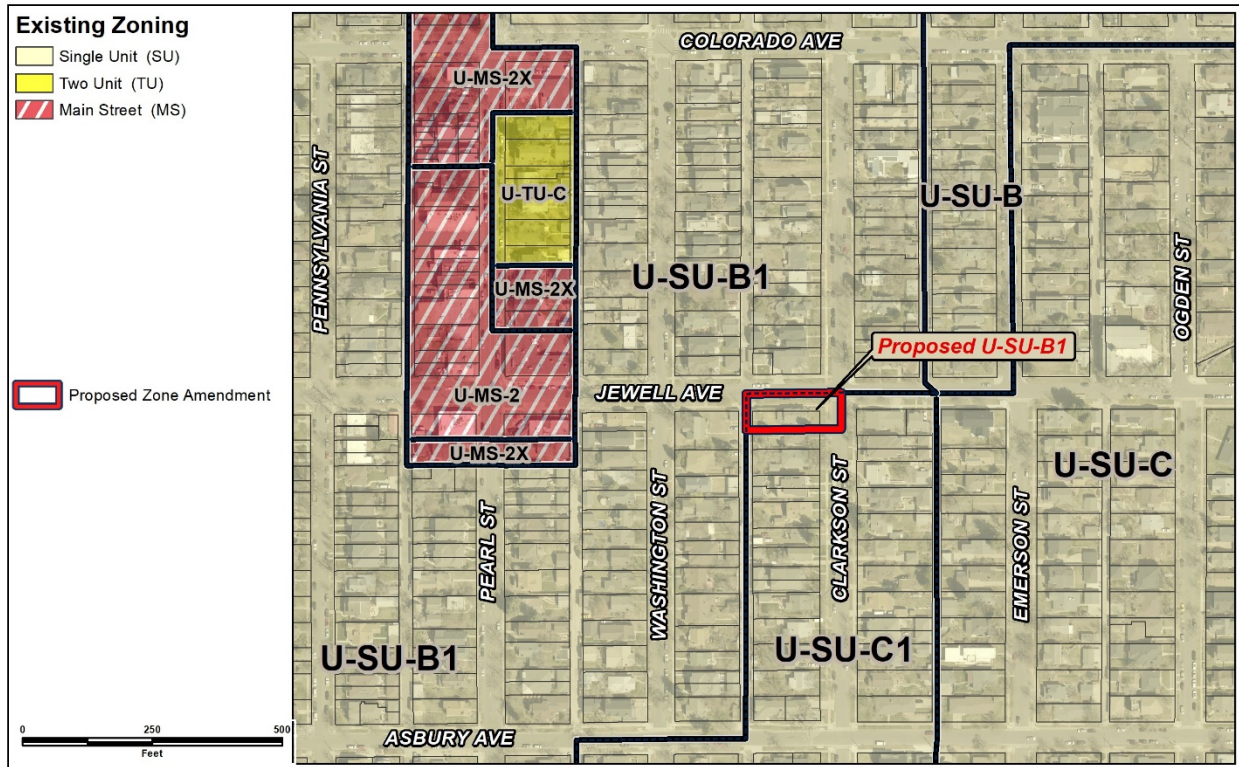


The subject property is in the Platt Park statistical neighborhood, which is characterized primarily by single-unit residential uses with a corridor of mixed-use and commercial uses along S. Pearl Street. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is four blocks west of S. Downing Street and two blocks north of Evans Avenue. Bus Route 21 runs along Evans Avenue, directly south of the site with a 30 minute headway, and route 12 runs along S. Downing Street with a 30 minute headway.

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

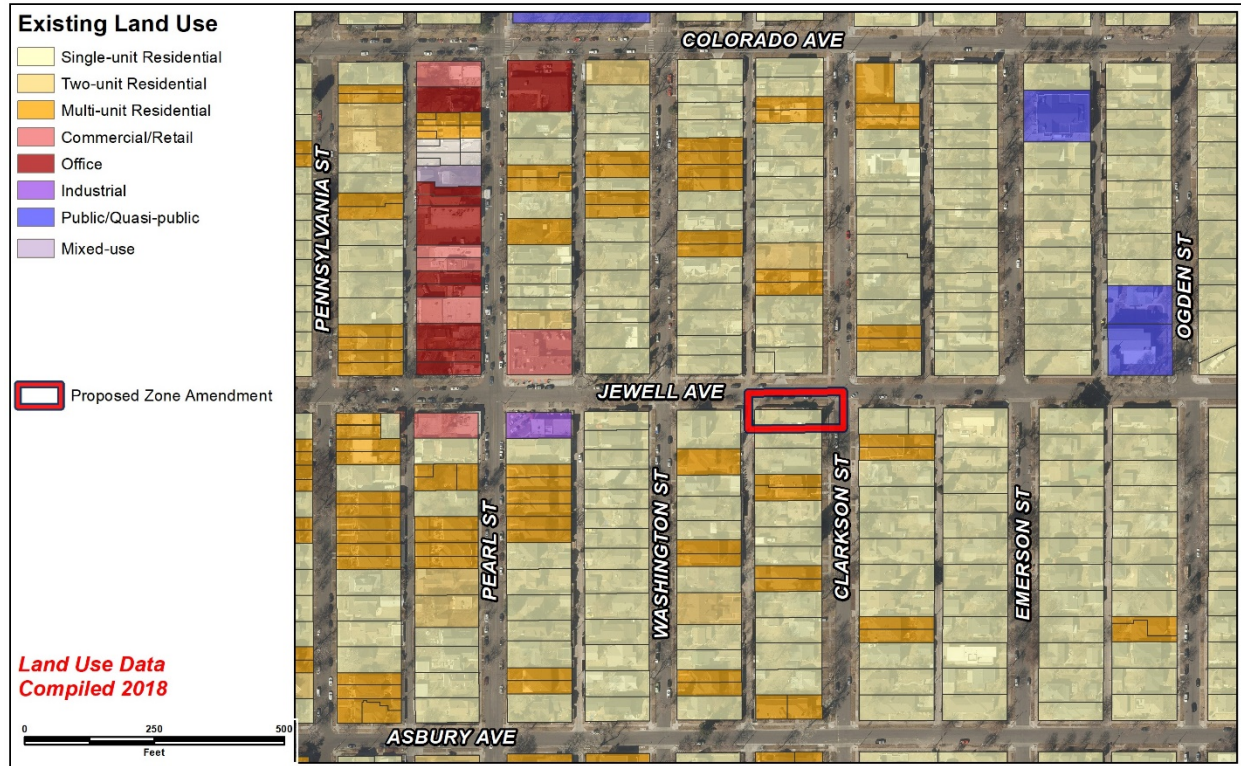
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C1	Single-unit Residential	1 -story Residence	Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-B1	Single-unit Residential	2-story Residence	
South	U-SU-C1	Single-unit Residential	1-story Residence	
East	U-SU-C1	Single-unit Residential	1-story Residence	
West	U-SU-B1	Single-unit Residential	2-story Residence	

1. Existing Zoning



The U-SU-C1 zone district is a single-unit district with a minimum zone lot size of 5,500 square feet and allows the Urban House primary building form and the Accessory Dwelling Unit use. 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 Unit, Detached Garage, and Other Detached Accessory Structure. The maximum height for a Detached Accessory Dwelling Unit is 24 feet and requires a minimum zone lot of 5,500 square feet to be constructed. For all other permitted accessory structures, the maximum height is 17 feet and there is no zone lot size minimum. 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



View of property looking west.



View of the property to the north, looking west.



View of the property to the west across the alley, looking east.



View of the property to the south, looking west.



View of the property to the east across S. Clarkson Street, looking east.

Proposed Zoning

U-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 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-B1 district. Compared to the U-SU-C1 district, U-SU-B1 allows the Detached Accessory Dwelling Unit (DADU) building form on a smaller zone lot with a minimum of 4,500 square feet. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically front 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 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.

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-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 Heights in Stories / Feet	1.5 stories / 24 feet	1.5 stories / 24 feet
Zone Lot Size (Min.) for both Urban House and DADU	5,500 square feet	4,500 square feet
Minimum 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 feet on one side, combined 10 feet	3 feet on one side, combined 10 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 Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property with width of 35 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.

Department of Public Health and Environment: Approved – See Comments Below

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

General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

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

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

Denver's Noise Ordinance (Chapter 36 – Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am-9pm (Mon-Fri) and 8am-5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides

no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No comments.

Public Works – R.O.W. - City Surveyor: Approved – See Comments below:

Legal description is approved. Please capitalize “fe” in the description.

Development Services - Transportation: Approved – see comments below.

DES Transportation approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering. ROW dedication to the City, access changes, traffic studies and/or right of way improvement. The extent of the required design and improvements will be determined once this property begins the redevelopment process. The results of any traffic studies may require the construction of off-site mitigation or may limit the proposed density of the project.

Development Services – Wastewater: Approved – No Response.

Development Services – Project Coordination: Approved – See Comments Below.

Rezoning only is approved. Any new construction, including ADU, will need to comply with zoning standards for the property and building forms.

Development Services – Fire Prevention: Approved – No Response.

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:	04/03/2020
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	05/19/2020
Planning Board voted unanimously to recommend approval:	06/03/2020
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	06/08/2020

Land Use, Transportation and Infrastructure Committee of the City Council:	06/23/2020
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	07/20/2020
City Council Public Hearing:	08/10/2020

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one comment letter from the Platt Park People's Association (3PA) Registered Neighborhood Organization in opposition to the rezoning. 3PA is supportive of ADUs in Platt Park, but the organization is concerned this rezoning could allow for spot rezoning.
- **Other Public Comment**
 - To date, staff has received five public comment letters in opposition to the request. Three property owners expressed concern that ADUs will be a detriment to the neighborhood in that they may make the neighborhood less affordable, parking, and short-term rentals. Additionally, two property owners had concerns that this property could become a medical/dental office and the parking that would be required for those businesses. However, a medical/dental office is not permitted in the U-SU-B1 district.

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. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-unit homes that currently dominate the Platt Park neighborhood.

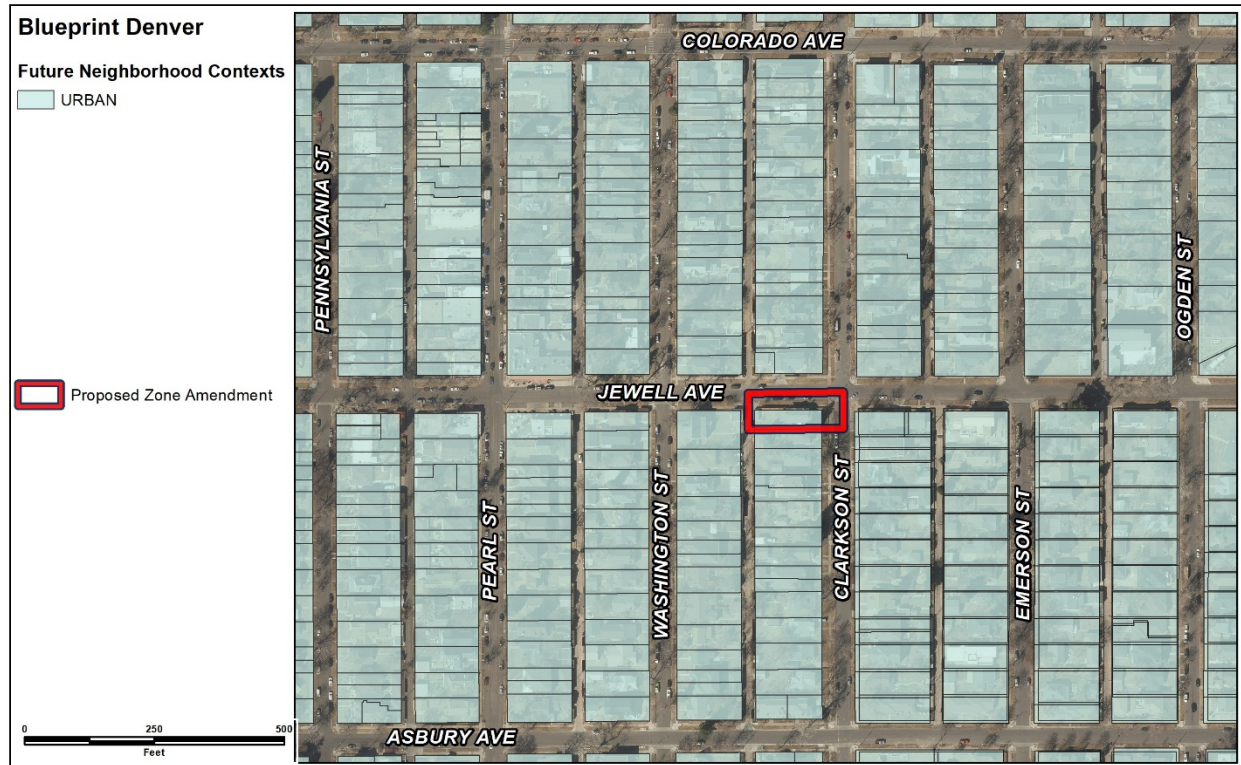
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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

Blueprint Denver

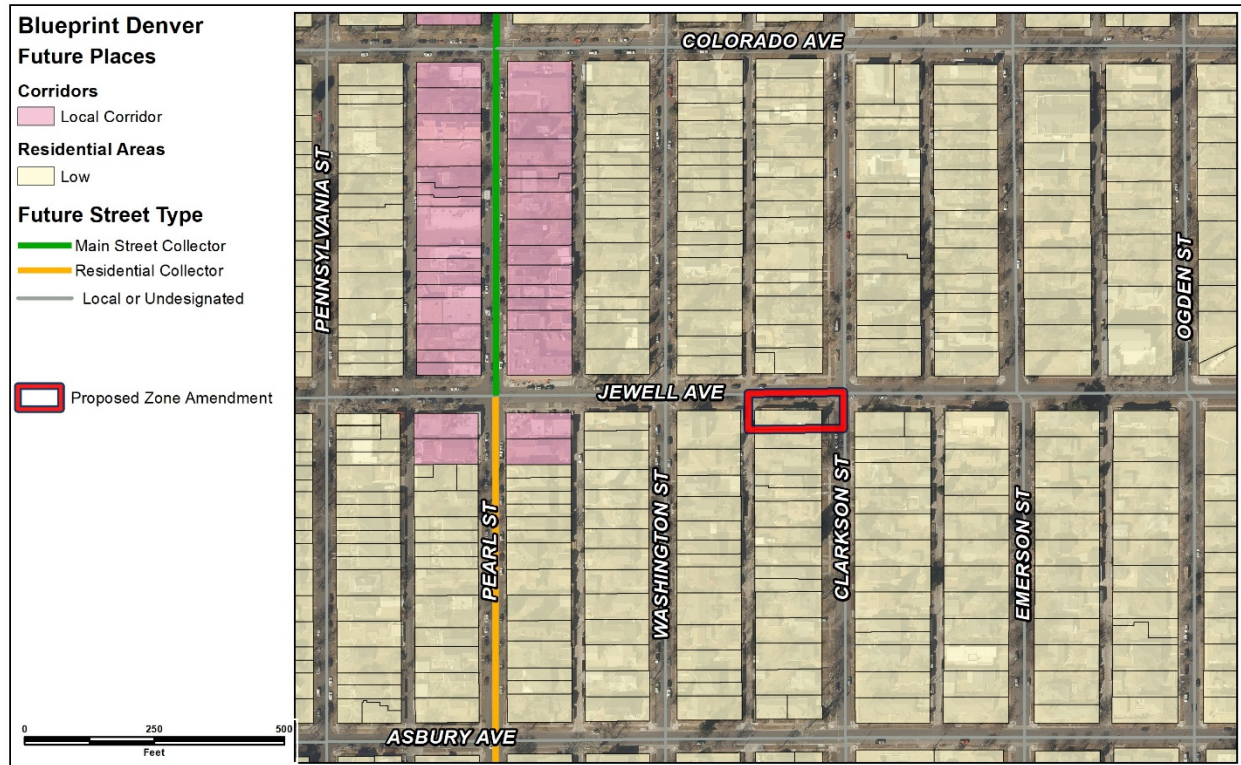
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-SU-B1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-B1 is consistent with the Blueprint future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places



The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-B1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place type description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

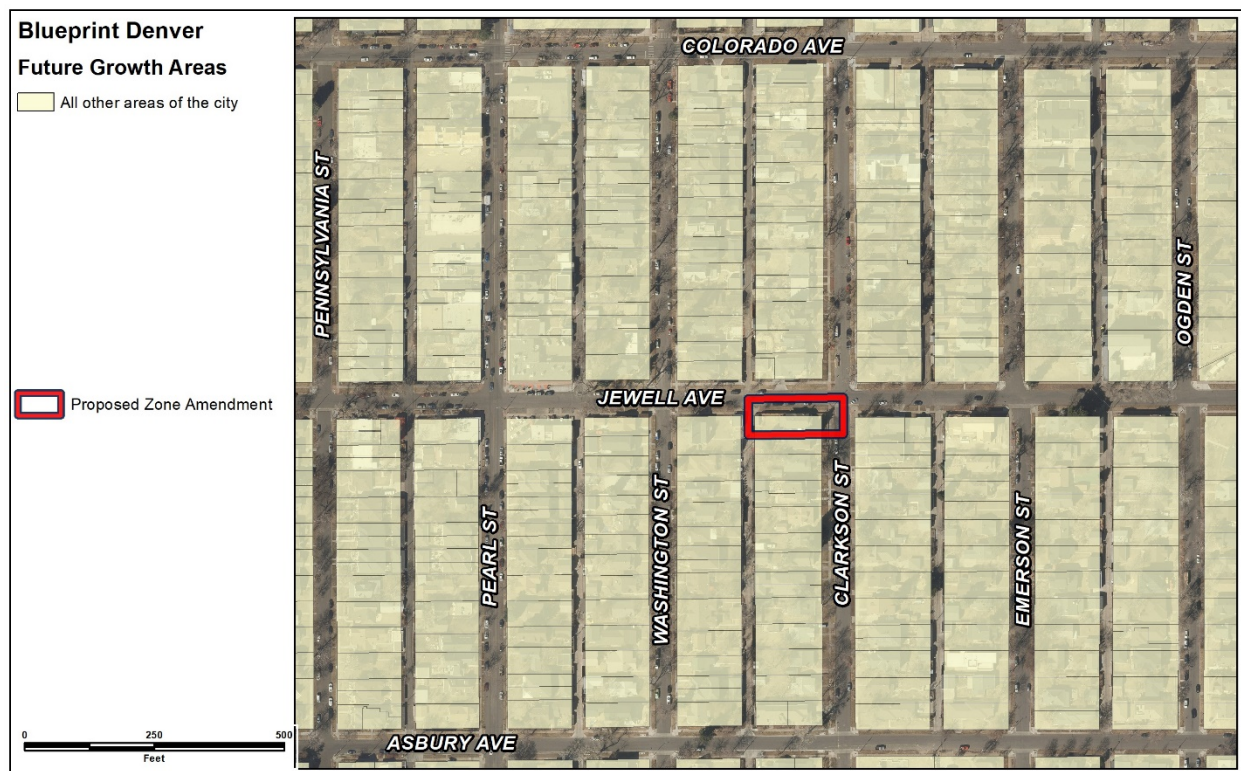
Additionally, the applicants are proposing to rezone from U-SU-C1 with a minimum zone lot size of 5,500 square feet and minimum zone lot width of 50 feet to a district with a smaller lot size, U-SU-B1, with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 35 feet. Blueprint 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). The U-SU-B1 zone district abuts the subject property to the north and west. Most of the lots in the blocks north and west have a lot size consistent with the U-SU-B1 district and under 5,500 square feet. Likewise, over half of the lots in the block containing the subject site have a lot size less than 5,500 square feet. The lot sizes contained in the blocks east and south of the proposed rezoning are more consistent with the U-SU-C1 district and are over 5,500 square feet. Additionally, the applicants have provided a map showing existing ADUs in the area. There are five ADUs in the blocks directly surrounding the site, three of which are on similar lot sizes as the applicants’ lot and are located in the U-SU-B1 district. Therefore, the

applicants' proposal to a district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

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 S. Clarkson Street as 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" (p. 155). The proposed U-SU-B1 district is consistent with this description because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). 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-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.

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 "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). The proposed rezoning would also provide the benefit of an additional housing unit that is detached from the single-unit home and 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, 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. This plan was adopted after the date of approval of the existing zoning 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, Division 5.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The Platt Park neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

The specific intent of the U-SU-B1 zone district is "a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard" (DZC 5.2.2.2.E.) The subject site is in an 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 1901 S. Clarkson Street is 4,690 square feet with a width of 35 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
2. RNO Comment Letter
3. Public Comment Letters