



TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: February 8, 2020
RE: Official Zoning Map Amendment Application #2020I-000146

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00146.

Request for Rezoning

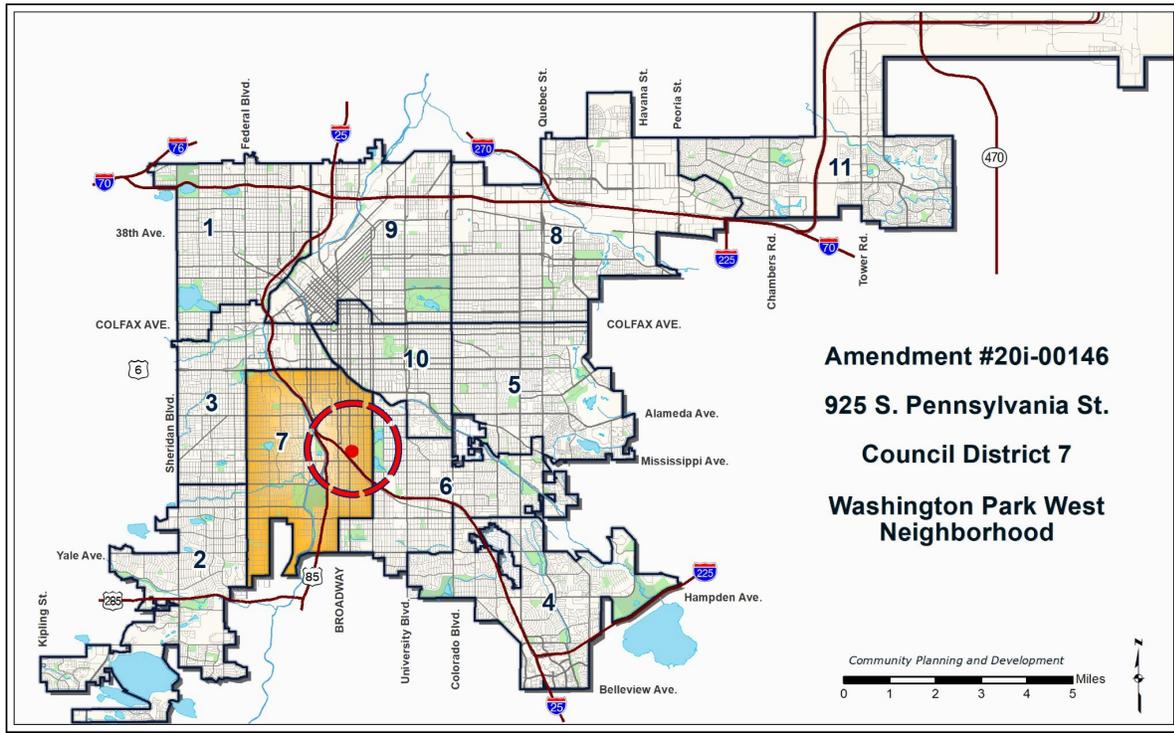
Address:	925 S. Pennsylvania Street
Neighborhood/Council District:	Washington Park West / Council District 7 – Jolon Clark
RNOs:	West Washington Park Neighborhood Association, Inter-Neighborhood cooperation (INC)
Area of Property:	4,440 square feet or 0.14 acres
Current Zoning:	U-SU-B
Proposed Zoning:	U-SU-A1
Property Owner(s):	Adam Hevenor
Owner Representative:	None

Summary of Rezoning Request

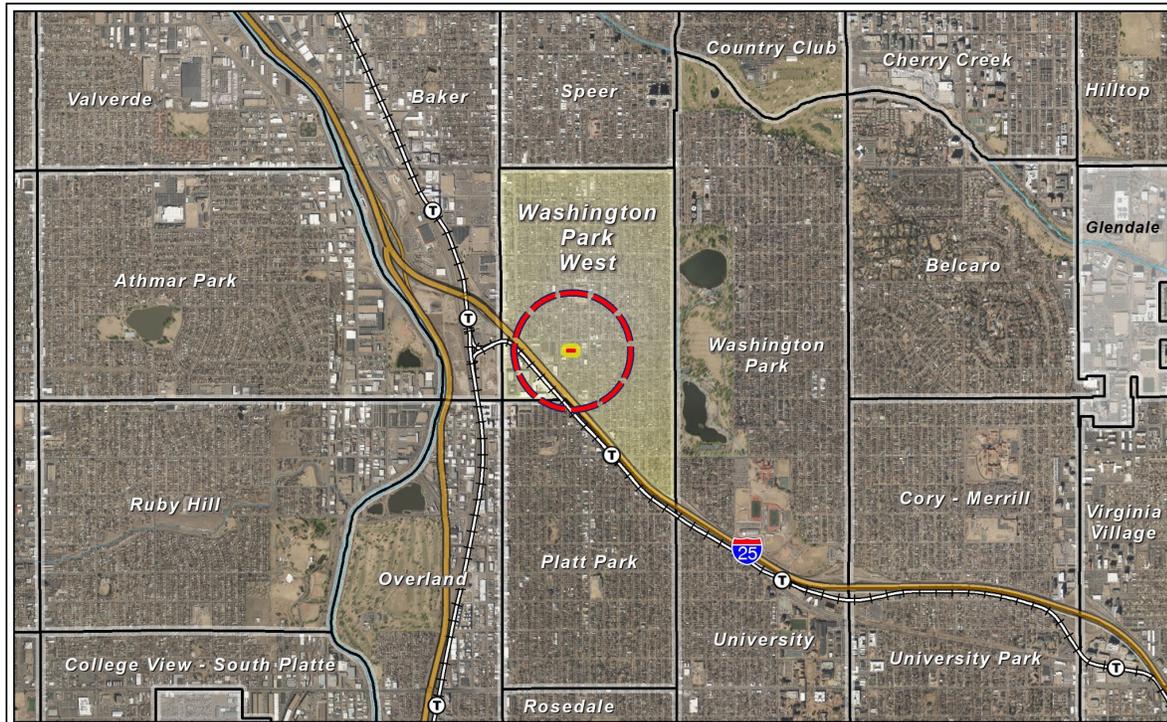
- The subject property contains a single-unit dwelling built in 1903 and is located between E. Kentucky Ave. and E. Tennessee Ave., along S. Pennsylvania St., only a couple blocks east from I-25.
- The property owner bought the house in 2015 and it already had an unpermitted habitable space above the existing detached garage. The property owner is proposing to rezone the property to U-SU-A1 to comply with the minimum zone lot requirement and to allow for the accessory dwelling use.

The proposed U-SU-A1, **U**rbane, **S**ingle-**U**nit, **A1** (3,000 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).

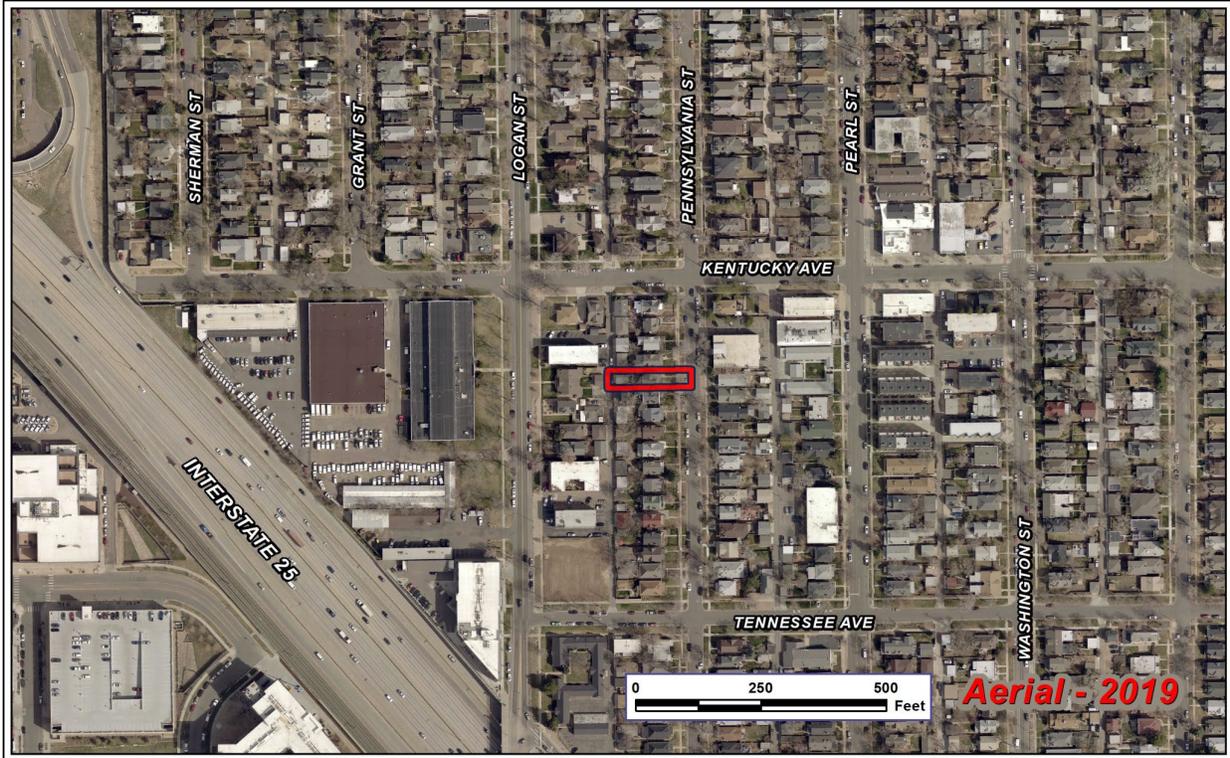
City Location



Neighborhood Location – Washington Park West Neighborhood



Existing Context

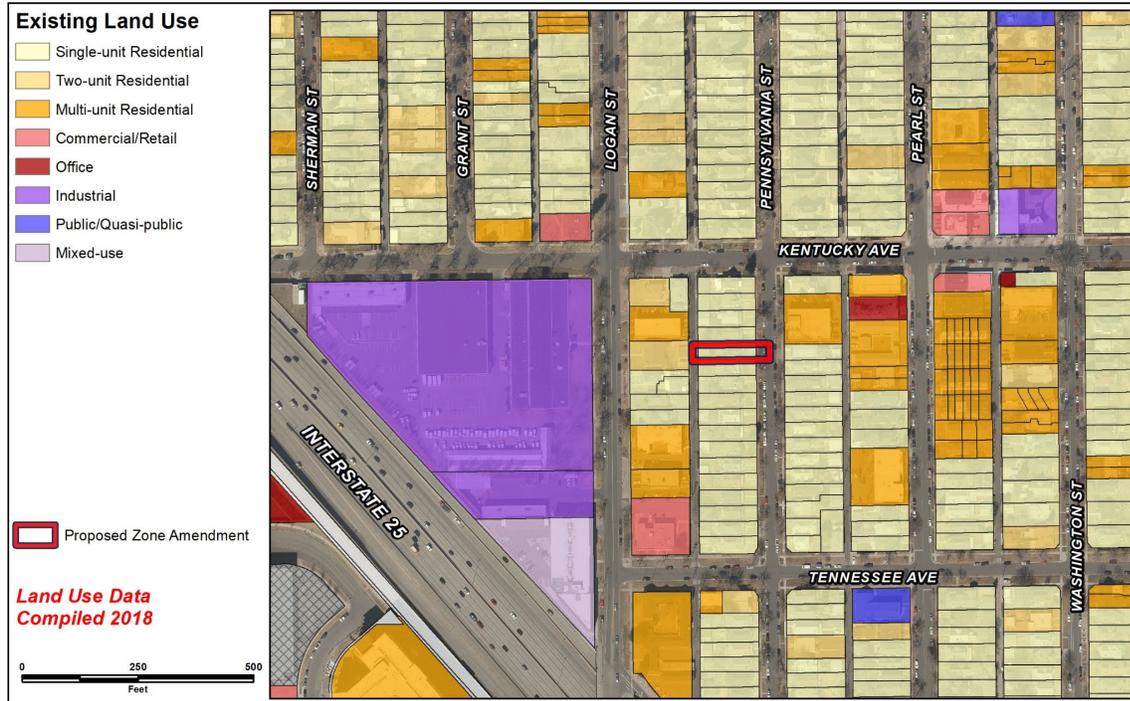


The subject property is in the Washington Park West Neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses along Broadway and some industrial uses around where I-25 intersects the neighborhood. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject property is between Kentucky Ave. and Tennessee Ave. and is 0.5 miles from the Louisiana-Pearl light rail station. It is also only 0.3 miles from Lincoln St. where the 0L and 0 bus lines run. A bike lane traverses on Emerson St, only 4 blocks to the east of the 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-B	Single-unit Residential	2-story House	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Attached and detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	U-SU-B UO-3	Single-unit Residential	2-story House	
South	U-SU-B	Single-unit Residential	2-story House	
East	U-SU-B UO-3	Single-unit Residential	2-story House	
West	U-RH-3A UO-3	Single-unit Residential	1-story House	

2. Existing Land Use Map



3. Existing Building Form and Scale (source: Google Maps)



Aerial view of the site looking southwest.



View of property looking west.



View of the property to the north, looking west.



View of the property to the west looking east (other side of the alley, on Logan St.)



View of the existing structure above the garage, looking east (from the alley)

Proposed Zoning

The U-SU-A1 is a single unit zone district with a minimum zone lot size of 3,000 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-A1 district. Compared to the U-SU-B district, U-SU-A1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. 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 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 4,440 square feet, allowing a maximum building footprint of 650 square feet for the DADU.

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

Design Standards	U-SU-B (Existing)	U-SU-A1 (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	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	4,500 square feet	3,000 square feet
Zone Lot Width (Min.)	35 feet	25 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.) *	5 feet	5 feet
Rear Setback, Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	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 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.

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 Response.

Public Health and Environment: Approved – No Comments.

Department of Transportation and Infrastructure – City Surveyor: Approved – See Comments Below.

Revise to read:

LOT 42 AND THE SOUTH 5 FEET OF LOT 43 AND THE NORTH 5 FEET OF LOT 41,
BLOCK 16,
LINCOLN SUBDIVISION,
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:	10/26/2020
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:	12/01/2020
Planning Board public hearing: Recommendation of approval	12/16/2020
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:	12/22/2020
Land Use, Transportation and Infrastructure Committee of the City Council:	01/05/2021
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:	01/25/2021
City Council Public Hearing:	02/16/2021

- **Registered Neighborhood Organizations (RNOs)**
 To date, staff has received 1 letter of support from The West Washington Park Neighborhood Association (WWPNA) Registered Neighborhood Organization.

- **Other Public Comment**
 To date, staff has received 4 letters from the public supporting the application given the proximity to multi-unit dwellings to the west and east and 1 letter of opposition given the potential use of the ADU for short term rentals.
Staff response: According to Denver licensing regulations, an ADU may be used as a short-term rental by a property owner or long-term renter who is living in the primary structure on the property. However, only one STR license will be allowed per property, so a long-term renter of an ADU may only apply for an STR license if the owner/renter of the primary structure does not also have one.
 Staff also received one letter expressing concerns with the request to rezone to U-SU-A1 instead of U-SU-B1 but supporting the ADU request.

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

Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- West Washington Park Neighborhood Plan (1991)

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-A1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to the neighborhood. 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 Washington Park West 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.

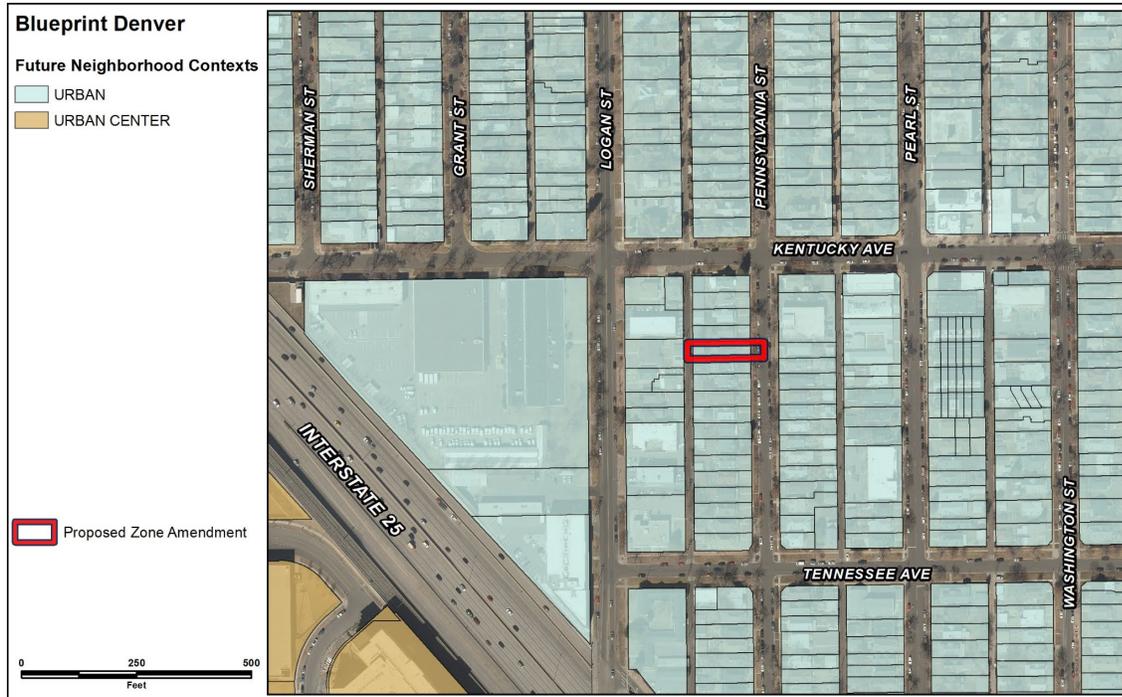
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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

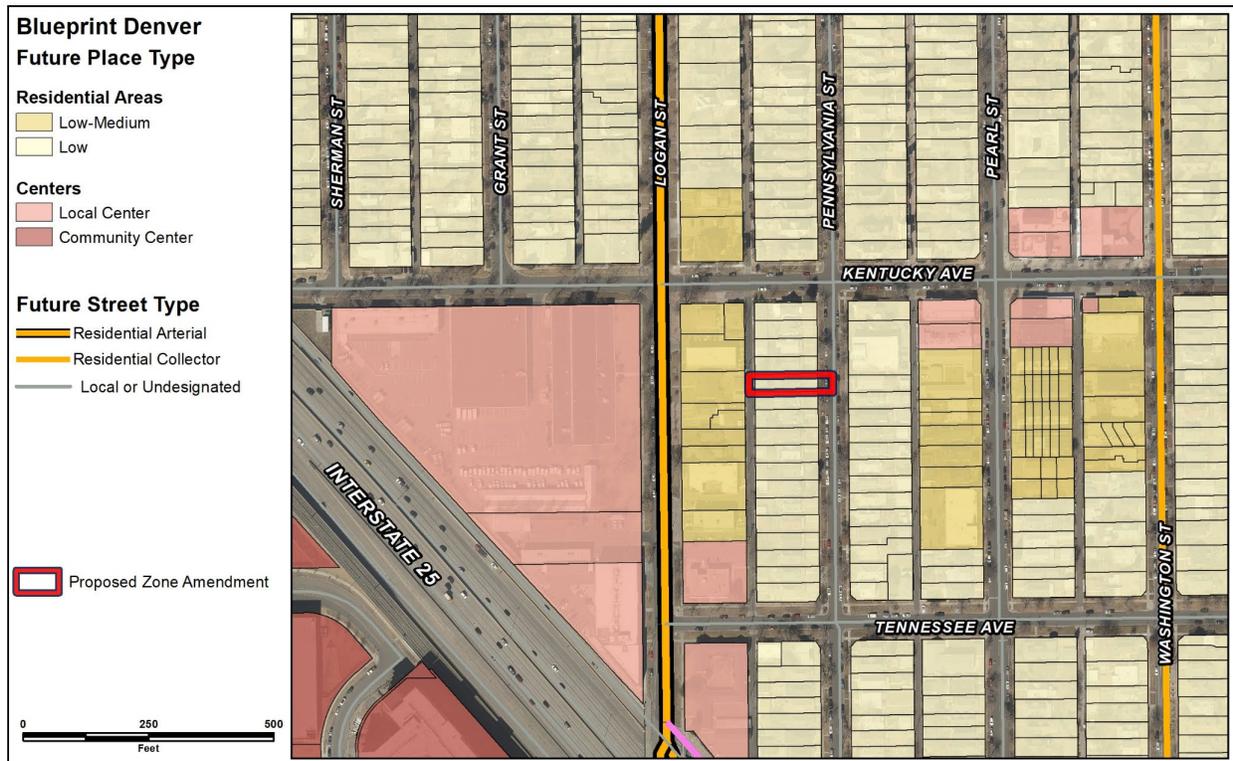
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and 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-A1 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 Section 5.2.2.1). U-SU-A1 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

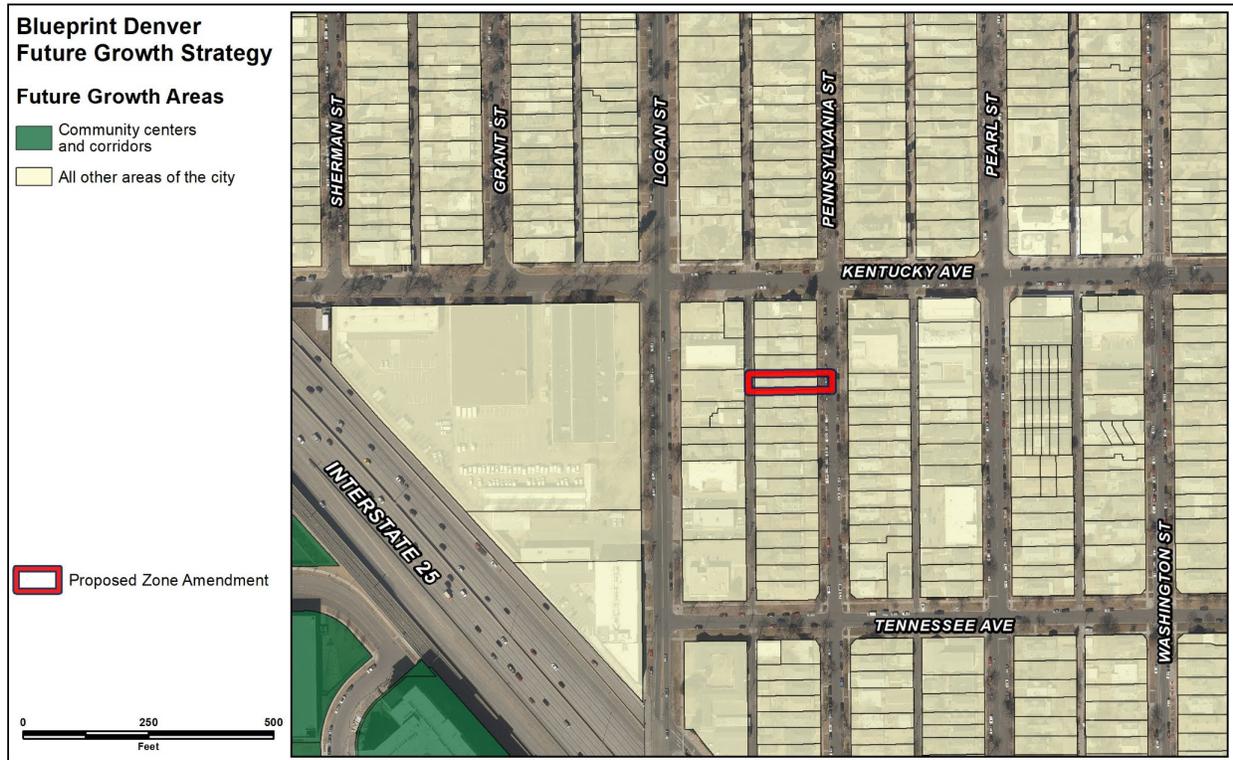


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-A1 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 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.

Blueprint Denver 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 Pennsylvania Street as a 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-A1 district is consistent with this street type 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). This growth area contains "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 U-SU-A1 zone district allowing an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-unit residential character.

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-third mile from a bus route. 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.

Additionally, the applicant is proposing to rezone from U-SU-B with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 35 feet to a district with a smaller lot size, U-SU-A1, with a minimum zone lot size of 3,000 square feet and minimum zone lot width of 25 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). More than half of the lots that have single-unit residential uses in the subject property block are smaller than 4,500 square feet. In the block to the east, the block to the south and the block to the southeast of the subject property more than half of the lots are smaller than 4,500 square feet. The lot sizes contained in the blocks north of the proposed rezoning are more consistent with the U-SU-B district and are over 4,500 square feet. The lot sizes contained in the blocks to the west of the subject property, are bigger than 3,000 square feet given their multi-unit residential use, and industrial use. Therefore, there is an established pattern in the surrounding blocks of smaller lots with similar uses, and 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.

Parcel Size Analysis



West Washington Park Neighborhood Plan (1991)

This neighborhood plan was adopted in 1991 and is applicable to the subject property. This plan is silent on ADUs specifically, however, the proposed rezoning is consistent with Residential Land Use Recommendation #4, "Include compatible setbacks, significant buffering, and landscaping in site plans for new moderate density residential development to ensure compatibility with adjacent low-density residential uses" (p.18). The detached ADU building form was developed to specifically take these types of concerns into consideration and provides for appropriate setbacks between structures.

Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1 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 "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.

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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-A1 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 Washington Park West neighborhood consists of mostly single and two-unit residential uses in

rectangular blocks with alley access. The proposed rezoning to U-SU-A1 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-A1 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-A1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a consistent pattern of 25-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H). The site at 925 S. Pennsylvania Street is 4,440 square feet with a width of 35 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Comment Letters

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Adam Hevenor	Representative Name	
Address	925 S Pennsylvania St	Address	
City, State, Zip	Denver, CO, 80209	City, State, Zip	
Telephone	720.352.1415	Telephone	
Email	adam.hevenor@gmail.com	Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address):	925 S Pennsylvania St		
Assessor's Parcel Numbers:	0515620025000		
Area in Acres or Square Feet:	4,440 sf		
Current Zone District(s):	U-SU-B		
PROPOSAL			
Proposed Zone District:	U-SU-A1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>9/2/2020</u> <input type="checkbox"/> No - if no, describe why not		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>7/22 and 9/16 via Email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment)		

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district 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 compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - "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. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): <u>West Washington Park Neighborhood Plan</u></p> <p>Housing an Inclusive Denver The proposed map amendment is consistent with <i>Housing an Inclusive Denver</i>, including: Attainable Homeownership, Recommendation 1: "Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners" (p. 14).</p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including <i>Blueprint Denver</i> which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>



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<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-A1</u> Zone District.</p>
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REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description (required to be separate attachment in Microsoft Word document format.)
- Proof of Ownership Document (e.g. Assessor's record, property deed, etc.)

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available)
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- Written Authorization to Represent Property Owner(s) (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:



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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Adam Hevenor and Darya Hevenor	925 S Pennsylvania St Denver, CO 80209 720.352.1415 adam.hevenor@gmail.com	10	<i>AH</i>	9/16/20	(A)	YES NO

925 SOUTH PENNSYLVANIA STREET

LOT 42 AND THE SOUTH 5 FEET OF LOT 43 AND THE NORTH 5 FEET OF LOT 41,
BLOCK 16,
LINCOLN SUBDIVISION,
CITY AND COUNTY OF DENVER,
STATE OF COLORADO

925 S PENNSYLVANIA ST

Owner	HEVENOR, ADAM DAVID HEVENOR, DARYA ANISIMOVA 925 S PENNSYLVANIA ST DENVER, CO 80209-4138
Schedule Number	05156-20-025-000
Legal Description	L 42 & S 5FT OF L 43 & N 5FT OF L 41 BLK 16 LINCOLN SUB
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description			
Style:	TWO-STORY	Building Sqr. Foot:	1370
Bedrooms:	2	Baths Full/Half:	2/1
Effective Year Built:	1903	Basement/Finish:	271/0
Lot Size:	4,440	Zoned As:	U-SU-B

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
Actual	Assessed	Exempt	
Land		\$387,900	\$27,740 \$0
Improvements		\$415,100	\$29,680
Total		\$803,000	\$57,420

Prior Year			
Actual	Assessed	Exempt	
Land		\$387,900	\$27,740 \$0
Improvements		\$415,100	\$29,680
Total		\$803,000	\$57,420

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/24/2020	5/14/2020	
Original Tax Levy	\$2,070.46	\$2,070.44	\$4,140.90
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$2,070.46	\$2,070.44	\$4,140.90
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	Y	Scheduled to be Paid by Mortgage Company ⓘ	Y
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$3,696.50**

Assessed Value for the current tax year

Assessed Land	\$27,740.00	Assessed Improvements	\$29,680.00
Exemption	\$0.00	Total Assessed Value	\$57,420.00

Zoning Officials -

We are asking for zoning to change to bring our detached dwelling unit inline with the zoning guidelines for our property. We purchased the home 5 years ago with the structure, and space already in place but only recently found out that the property was not properly zoned for the usage. The space is a small apartment above our garage that is in character of the neighborhood and the increased living area helps improve the density of our neighborhood. We have spoken with our neighbors and city council person who are in support of the zoning change. This year has brought many changes and we hope to keep this unique aspect of our property intact and look forward to working with the city however is needed.

Thanks
Adam

December 14, 2020 (submitted electronically)

Re: Case #2020I-00146
925 S Pennsylvania St
Proposed Map Amendment (rezoning) for an ADU

Dear Madam Chair and Planning Board Members:

My name is Gertrude (Gertie) Grant and I live at 242 S Lincoln St, Denver. For many years I have been involved in zoning issues in my neighborhood which includes 925 S Downing. Recently I have attended virtual neighborhood meetings and read neighbors' emails about the rezoning at 925 S Pennsylvania.

I do not support CPD arbitrarily changing the zoning of this parcel from B to A. Why not U-SU-B1 to allow the ADU? This parcel has 4,440 sq ft as do all eleven contiguous parcels from 917 through 983 S Pennsylvania, all currently zoned U-SU-B. All of them are just 60 sq ft short of the 4,500 sq ft minimum requirement for U-SU-B. Only the lots at both ends of the face block meet the minimum requirement for U-SU-B. There are many many more slightly non-conforming parcels throughout this neighborhood and the city that, if changed arbitrarily like this one, would result in a very confusing zoning patchwork.

This rezoning should be to U-SU-B1. I do support the legalization of the existing detached Accessory Dwelling Unit (ADU) that is and has been in existence for years without objection from neighbors. It was built as a garage with storage above with a permit in the 1980's when zoned R-2 and converted without a permit to a living unit shortly after that. While I do not condone the illegal conversion, it was done by a previous owner over 30 years ago. The design of the structure complements the 1903 design of all the houses on that face block and the height screens the backyard from the U-RH-3 row houses under construction across the alley on Logan Street and the Logan traffic. The windows do not allow occupants to peer into neighboring back yards. Flyers distributed in the block elicited a 2-1 response supporting the ADU including the immediate neighbors on both sides of the subject property and four other neighbors on the block favoring the legalization of the ADU.

I respectfully request that the Planning Board not pass this rezoning on to Denver City council without a reasonable explanation of the arbitrary reclassification of this parcel to U-SU-A because of the precedent it sets for that block, my neighborhood and the city.

Thank you,

Gertrude Grant
242 S Lincoln St
Denver, CO 80209
303-744-3882
gertiegrant@estreet.net

From: [Planningboard - CPD](#)
To: [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: FW: Denver's Planning Board Comment Form #13378763
Date: Monday, November 2, 2020 7:36:58 AM

From: noreply@fs7.formsite.com <noreply@fs7.formsite.com>
Sent: Saturday, October 31, 2020 10:55 AM
To: Planningboard - CPD <planningboard2@denvergov.org>
Subject: Denver's Planning Board Comment Form #13378763



Thank you for submitting a comment to the Denver Planning Board. Your input will be forwarded to all board members as well as the project manager. For information about the board and upcoming agenda items, visit www.DenverGov.org/planningboard.

Name	Kris Rebacz
Address	930 S. Pennsylvania Street
City	Denver
State	Colorado
ZIP code	80209
Email	kris.rebacz@gmail.com
Agenda item you are commenting on:	Rezoning

Address of rezoning	925 S. Pennsylvania Street
Case number	20201-00146
Would you like to express support for or opposition to the project?	Strong support
Your comment:	<p>Hi, thank you so much for hearing neighbor's comments on this rezoning request! We FULLY support this rezoning request and hope it would impact our side of the street also. If we can apply to strengthen the application we would love to hear how to do it. I don't think this makes sense on every block in wash park. However, our block is unique in that the west side/925 S. Penn alley backs to S. Logan, and our east side/930 S. Penn alley backs to S. Pearl. We are sort of a quiet bubble in the middle of different zoning. Our home specifically is surrounded by apartment buildings on 3 sides. It makes no sense to me to allow this mixed use on the block without allowing ADUs. FWIW I would NEVER support a zoning change to allow duplexes on this block, never ever ever. Our homes are almost all original, at least on the front facade. But I don't see ADUs as a problem at all. In the nearly 3 years we've lived here, the ADU across the street has not been an issue. In fact when we bought our home we did so with the thought bubble that we'd like to apply for this rezoning ourselves. We run a business from home and have young kids. If we could move the business to an ADU we would have more sf for the family inside. I think since the pandemic especially, if families have the option to expand the sf of their home, it could retain young families who are feeling the pinch of small yards and small homes and wanting to pack up to the burbs. Retaining young families in these old houses is vital to keeping the structures in great shape, keeping the schools in great shape, keeping the old central neighborhoods vibrant. That said, we need 4-way stops at the intersections of Penn/Tennessee, Pearl/Tennessee, Pearl/Kentucky and Penn/Kentucky. Please please please. And lower speed limits, and traffic humps/signage, maybe even permanent shared use streets, whatever you can do. Density is not the problem, it's traffic control, especially for blocks like ours that are adjacent to busy streets where people get irritated with traffic and cut through sometimes. I lived in this neighborhood back in 2004 with a LOT fewer people and it was the same story back then. I would happily live on a highly dense block with a permanent shared-use street where my kids could more safely play out front with their friends. Thank you so much for considering this request and we would be happy to meet with you, talk with you, anything that would be helpful. Denver is changing and growing, we appreciate</p>

your thoughtfulness and would love to be part of the conversation, we love our neighborhood!!

This email was sent to planning.board@denvergov.org as a result of a form being completed.
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From: [Planningboard - CPD](#)
To: [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: FW: Denver's Planning Board Comment Form #13378770
Date: Monday, November 2, 2020 7:37:08 AM

From: noreply@fs7.formsite.com <noreply@fs7.formsite.com>
Sent: Saturday, October 31, 2020 11:05 AM
To: Planningboard - CPD <planningboard2@denvergov.org>
Subject: Denver's Planning Board Comment Form #13378770



Thank you for submitting a comment to the Denver Planning Board. Your input will be forwarded to all board members as well as the project manager. For information about the board and upcoming agenda items, visit www.DenverGov.org/planningboard.

Name	Ralph Rebacz
Address	930 S PENNSYLVANIA ST
City	DENVER
State	Colorado
ZIP code	80209
Email	ralphrebacz77@yahoo.com
Agenda item you are commenting on:	Rezoning
Address of rezoning	925 S. Pennsylvania Street

Case number 20201-00146

Would you like to express support for or opposition to the project? Strong support

Your comment: We live across the street from 925 S Pennsylvania St and fully support this rezoning request. In addition, we would love to have our property rezoned as well.

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From: [Planningboard - CPD](#)
To: [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: FW: Denver's Planning Board Comment Form #13390770
Date: Friday, November 6, 2020 7:46:38 AM

From: noreply@fs7.formsite.com <noreply@fs7.formsite.com>
Sent: Thursday, November 5, 2020 8:26 PM
To: Planningboard - CPD <planningboard2@denvergov.org>
Subject: Denver's Planning Board Comment Form #13390770



Thank you for submitting a comment to the Denver Planning Board. Your input will be forwarded to all board members as well as the project manager. For information about the board and upcoming agenda items, visit www.DenverGov.org/planningboard.

Name	Jay W Cook
Address	924 S Logan St
City	Denver
State	Colorado
ZIP code	80209
Email	jaycook99@msn.com
Agenda item you are commenting on:	Rezoning

Address of rezoning 925 S Pennsylvania st

Case number 20201-00146

Would you like to express support for or opposition to the project? Strong opposition

Your comment: I strongly oppose the rezoning of the location at 925 S Pennsylvania St. While the owner may be currently be using the dwelling as an office, he has used it in the past as an Airbnb rental. The neighborhood and specifically this home does not fit in with that use.

This email was sent to planning.board@denvergov.org as a result of a form being completed.
[Click here](#) to report unwanted email.



From: [Thompson, Maggie M. - CC Senior City Council Aide District 7](#)
To: [Clark, Jolon M. - CC Member District 7 Denver City Council](#); [Eileen Bolger](#)
Cc: [Penafiel Vial, Maria F. - CPD City Planner Associate](#)
Subject: Re: [EXTERNAL] 925 South Penn
Date: Monday, October 26, 2020 6:14:32 PM

Eileen-

Happy to help! I've looped in Fran Penafiel from CPD who is the case manager for the application. Fran- could you make sure that Ms. Bolger's comments make it into the record?

Thanks so much!

Maggie

Maggie Thompson | Senior Aide
Preferred Pronouns- she/her
Office of City Councilman Jolon Clark- District 7
720.337.7777
maggie.thompson@denvergov.org Dial 3-1-1 for City Services
Hablamos español

Correspondence with this office is an open record under the Colorado Open Records Act and must be made available to anyone requesting it unless the correspondence clearly states or implies a request for confidentiality.

From: "Clark, Jolon M. - CC Member District 7 Denver City Council"
<Jolon.Clark@denvergov.org>
Date: Monday, October 26, 2020 at 5:29 PM
To: Eileen Bolger <nebolger@gmail.com>
Cc: "Thompson, Maggie M. - CC Senior City Council Aide District 7"
<Maggie.Thompson@denvergov.org>
Subject: Re: [EXTERNAL] 925 South Penn

Thanks Eileen, I am looping in Maggie from my team. Maggie - Can you figure out who is staffing this with CPD and make sure that they receive Eileen's comments on it?

Thank you.

JOLON CLARK

Denver City Council District 7

Phone:(720) 337-7777

Email: jolon.clark@denvergov.org

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Keep up-to-date through our Facebook Page [here](#)

Dial 3-1-1 for City Services
Hablamos Espanol

Correspondence with this office is an open record under the Colorado Open Records Act and must be made available to anyone requesting it unless the correspondence clearly states or implies a request for confidentiality.

On Oct 21, 2020, at 8:31 PM, Eileen Bolger <nebolger@gmail.com> wrote:

Hello and I live at 986 South Penn and know the garage structure well as I am close friends with the former owner. I have absolutely no objections for Mr. Havenor to rezone this property, or to use it in any way he desires. I have lived on this block for over 30 years now, and have always been attuned to any changes in zoning or the type of structures allowed in the W. Wash Park neighborhood.

So I am in support of this and please take my opinion seriously.

Thank you,
Nora (Eileen) Bolger

986 S. Pennsylvania
Denver 80209



January 18, 2021

Re: 925 S. Pennsylvania Street, Proposed Map Amendment (Rezoning) for ADU from U-SU-B to U-SU-A1
Case #2020I-00146,

Dear City Council Representative Jolon Clark and other City Council Representatives,

This letter is written in support of the proposed map amendment and rezoning of 9253 S. Pennsylvania Street to permit an ADU in a single-unit zone where ADUs are not presently allowed. The existing two-story structure was built in 1986 with permits, but the residential space on the 2nd floor was finished without permits prior to the current owner moving in. The applicant plans on using the ADU for additional space for visiting family, a home office, a place for at-home learning, and possibly as a rental.

WWPNA supports the proposed map amendment and rezoning of the subject property for the following reasons:

In response to 70 flyers distributed door-to-door to near-by neighbors requesting feedback to the WWPNA Zoning Committee, 6 of 9 respondents support the rezoning including the neighbors immediately to the north and south of 925.

The existing structure has been used as residential space for a number of years prior to the current owner's purchase. The current owner did not build in violation and is only seeking to make legal what is already there.

The interior would not need additional construction to be usable and the owners have expressed interest in avoiding short-term rentals; therefore, this property could be a modestly-priced, longer-term housing option compared to new construction.

The structure is stylistically compatible with the surrounding properties, including its scale. The height of the structure provides a sound and visual barrier from nearby more dense zoning and traffic along Logan. Any adverse effects of the existence of this residential space in the rear of the lot would be minimized because the windows on the structure do not face the adjacent properties.

Thank you for your consideration. The West Washington Park Neighborhood Association's (WWPNA) boundaries are I-25 to Speer, Downing to Broadway, encompassing over 9,000 residences with over 444 dues paying households. Annual dues are \$20.00 per household, \$10.00 for seniors. All our meetings are open to the public. The Board voted in favor, opposed and abstained to sending this letter in opposition to this rezoning at our regular monthly meeting held virtually Jan 5, 2021, and that it could be signed either by our President or Vice President. Notice of the meeting was emailed to members and posted on Facebook and Nextdoor.

Sincerely,

Sherri Way, President (or Sarah McCarthy Vice-President)
WWPNA president@wwpna.org