



TO: Denver City Council
FROM: Francisca Penafiel, Associate City Planner
DATE: September 16, 2021
RE: Official Zoning Map Amendment Application #2021I-00037

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00037.

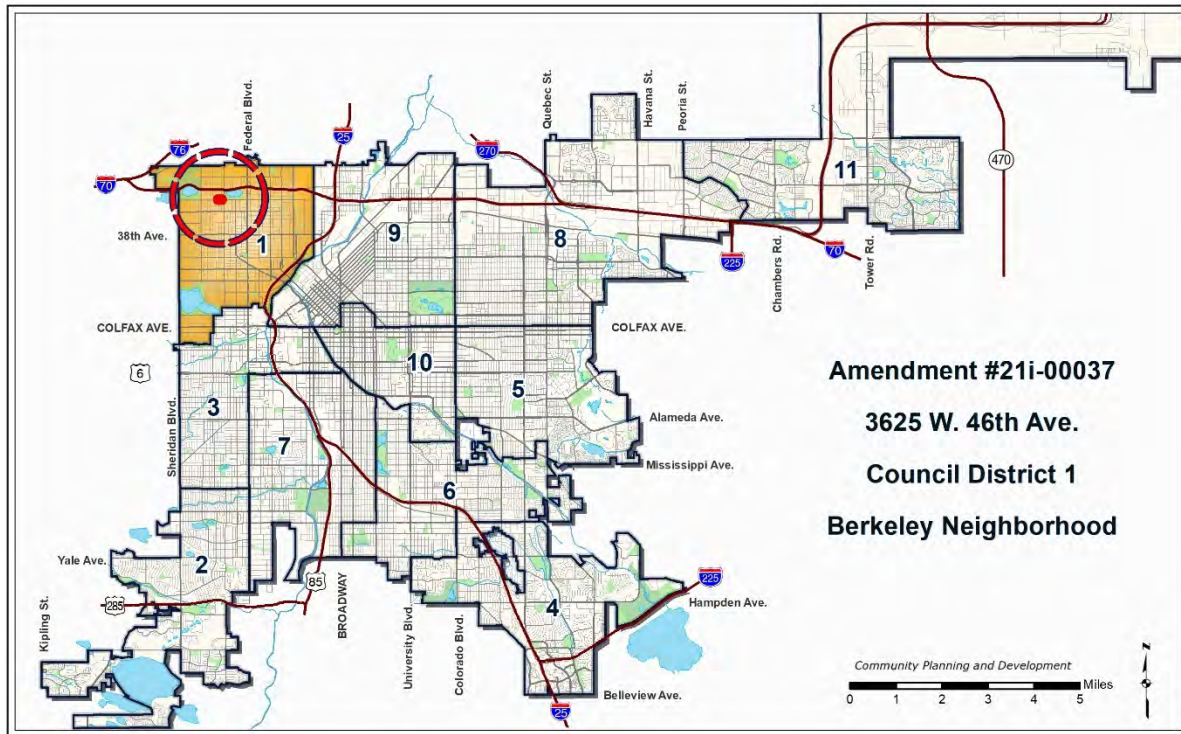
Request for Rezoning

Address:	3625 W 46 th Ave.
Neighborhood/Council District:	Berkeley/ Council District 1 – Amanda Sandoval
RNOs:	Neighborhood Coalitions of Denver, Inter-Neighborhood Cooperation (INC), Grandview Neighborhood Association, Berkeley Neighborhood Association, Berkeley Regis United Neighbors, Unite North Metro Denver, District 1 Neighborhood Coalition, Inc.
Area of Property:	5,090 square feet or 0.11 acres
Current Zoning:	U-SU-C
Proposed Zoning:	U-SU-B1
Property Owner(s):	Katherine Kelner
Owner Representative:	Lauren Morley

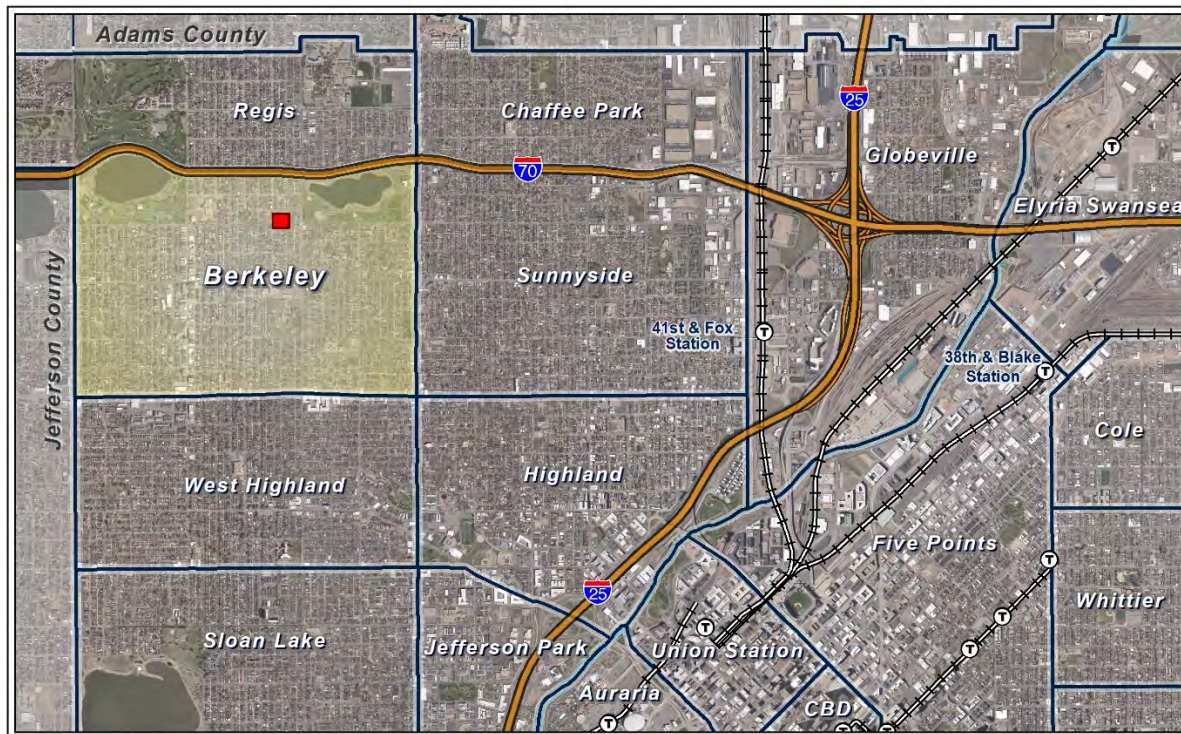
Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling built in 1940. The property is located between Lowell Boulevard and Osceola Street, along West 46th Avenue. While there is a concurrent application for 11 properties on the same block face (20i-00153), the applicant decided to submit a separate individual application given their corner lot configuration and alley access that differentiates them from the other lots.
- The owner is proposing to rezone the property to allow a detached accessory dwelling unit.
- The proposed U-SU-B1, Urbane, Single-Unit, B1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 4,500 square feet.
- The district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and residential arterial streets and structures are usually the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit 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).

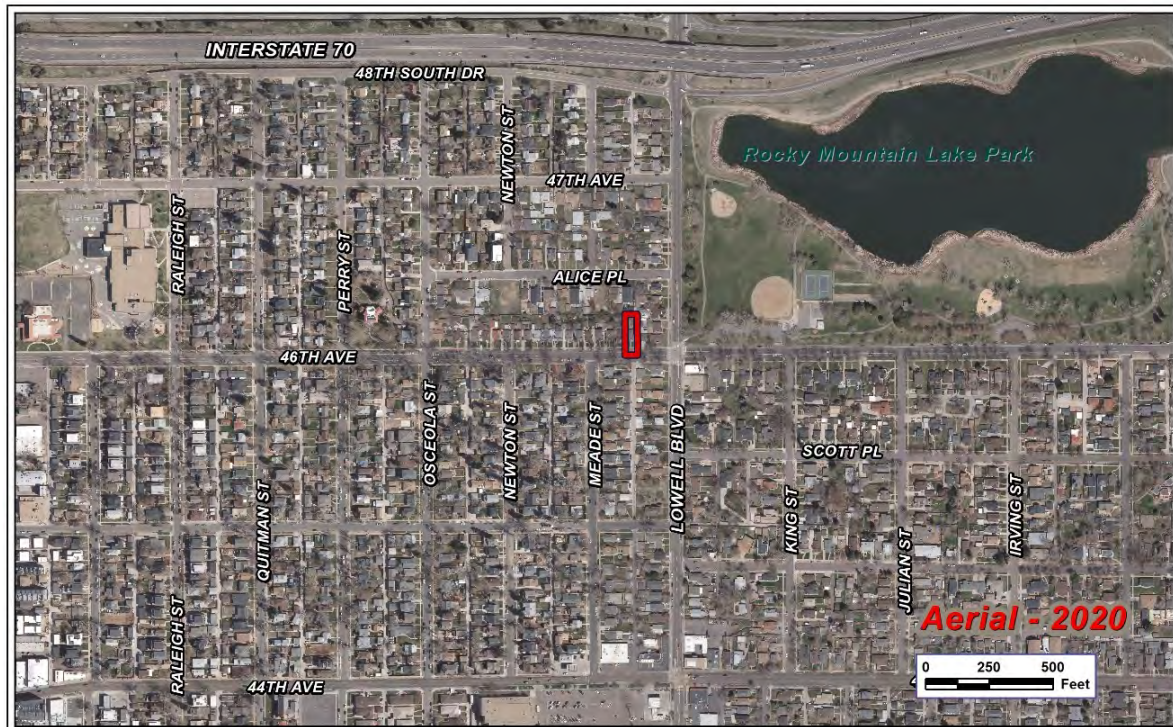
City Location



Neighborhood Location – Berkeley Neighborhood



Existing Context

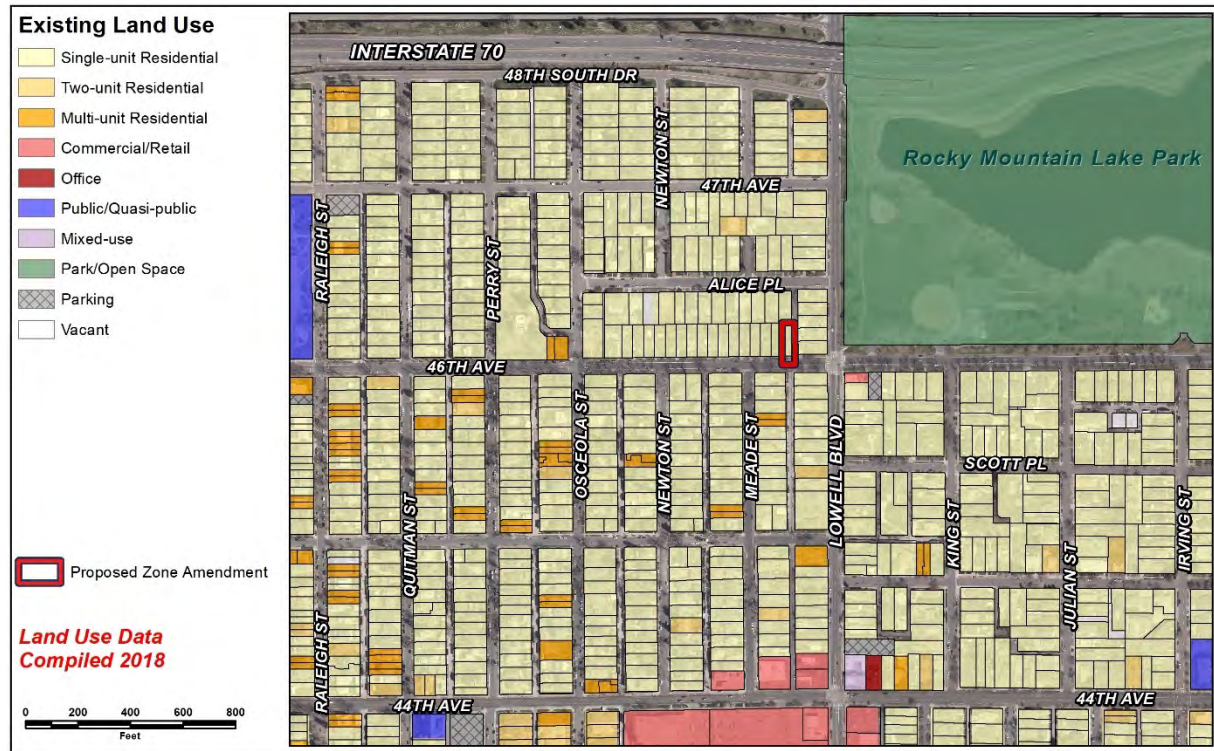


The subject property is in the Berkeley neighborhood, which is characterized primarily by single-unit and two-unit residences, with some commercial/retail uses along West 44th Avenue. The subject property is located 3 blocks south from I-70, and only 150 feet west from the Rocky Mountain Lake Park. The property is two blocks north from West 44th Avenue, where bus route 44 runs west-east. There is a shared roadway on West 46th Avenue.

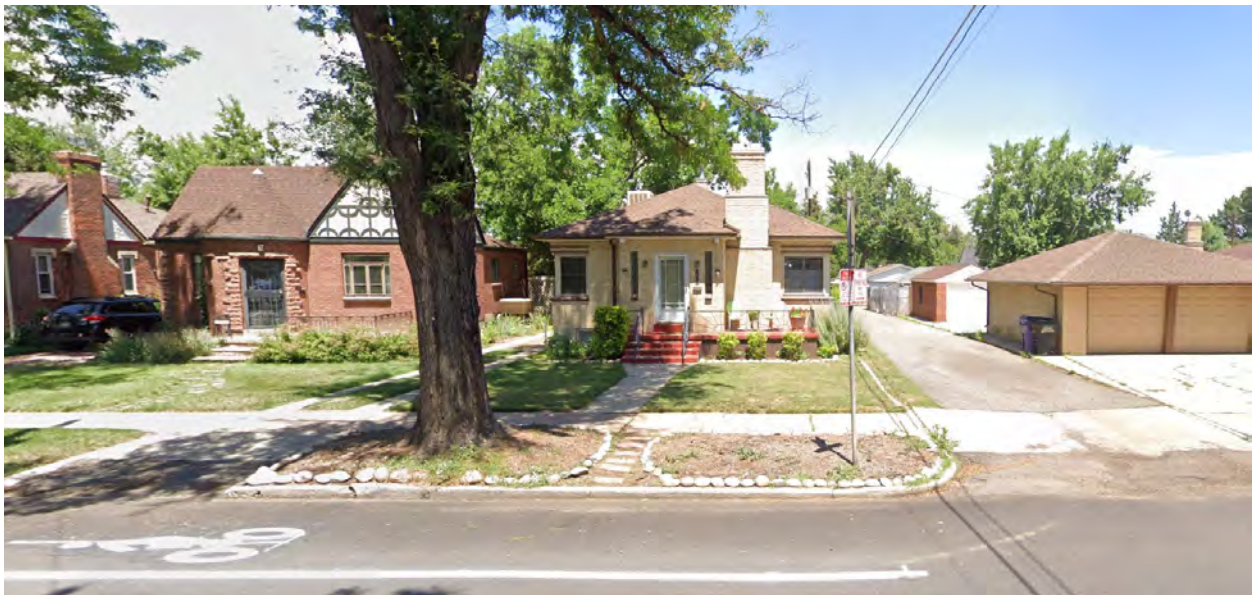
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	U-SU-C	Single-unit Residential	1-story house with alley access on the eastern side of the lot and a detached garage and driveway on the western side of the lot	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with or without alleys. Detached sidewalks with tree lawns. Garages and on-street vehicle parking.
North	U-SU-C	Single-unit Residential	2-story house with detached garage with alley access	
South	U-SU-C1	Single-unit Residential	1-story house with detached garage with alley access	
East	U-SU-C	Single-unit Residential	1-story house with detached garage with alley access	
West	U-SU-C	Single-unit Residential	1-story house with detached garage and driveway in the western side of the lot and no alley access	

2. Existing Land Use Map



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



View of the subject property looking north.



View of the property to the north, looking south.



View of the property to the south, looking south east.



View of the property to the east (other side of the alley), looking north.



View of the property to the west, looking north

Proposed Zoning

The U-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-B1 district. Compared to the U-SU-C district, U-SU-B1 introduces the Accessory Dwelling Use (ADU) and Detached Accessory Dwelling Unit (DADU) building form. The DADU building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site is 5,090 square feet, allowing a maximum building footprint of 650 square feet for the DADUs.

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

Design Standards	U-SU-C (Existing)	U-SU-B1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 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.)	5,500 square feet	4,500 square feet
Zone Lot Width (Min.)	50 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	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 width of 40 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 Comments.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Comments

Development Services - Transportation: Approved – No Comments

Development Services - Wastewater: Approved – See Comments Below

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Applicant should note Denver public sanitary main is located on the south side of West 46th Ave. Also, Denver typically requires independent sanitary service lines for separate structures. Given side setbacks of existing residence parcel may require a Covenant to allow proposed ADU to connect to existing residence. This information will be provided when building submittal is made. Historical drainage paths across property must be maintained. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

Parks and Recreation: Approved – No Comments.

Public Health and Environment: Approved – No Comments

Department of Transportation and 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:	05/10/2021
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	07/06/2021
Planning Board public hearing: (Recommended for approval)	07/21/2021
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:	07/26/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	08/03/2021
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:	07/30/2021
City Council Public Hearing:	09/20/2021

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has received one letter of support from the public. This letter supports this application because the parcel has alley access and the ADU will be constructed facing the alley.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families* (p. 28).

U-SU-B1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the Berkeley 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.

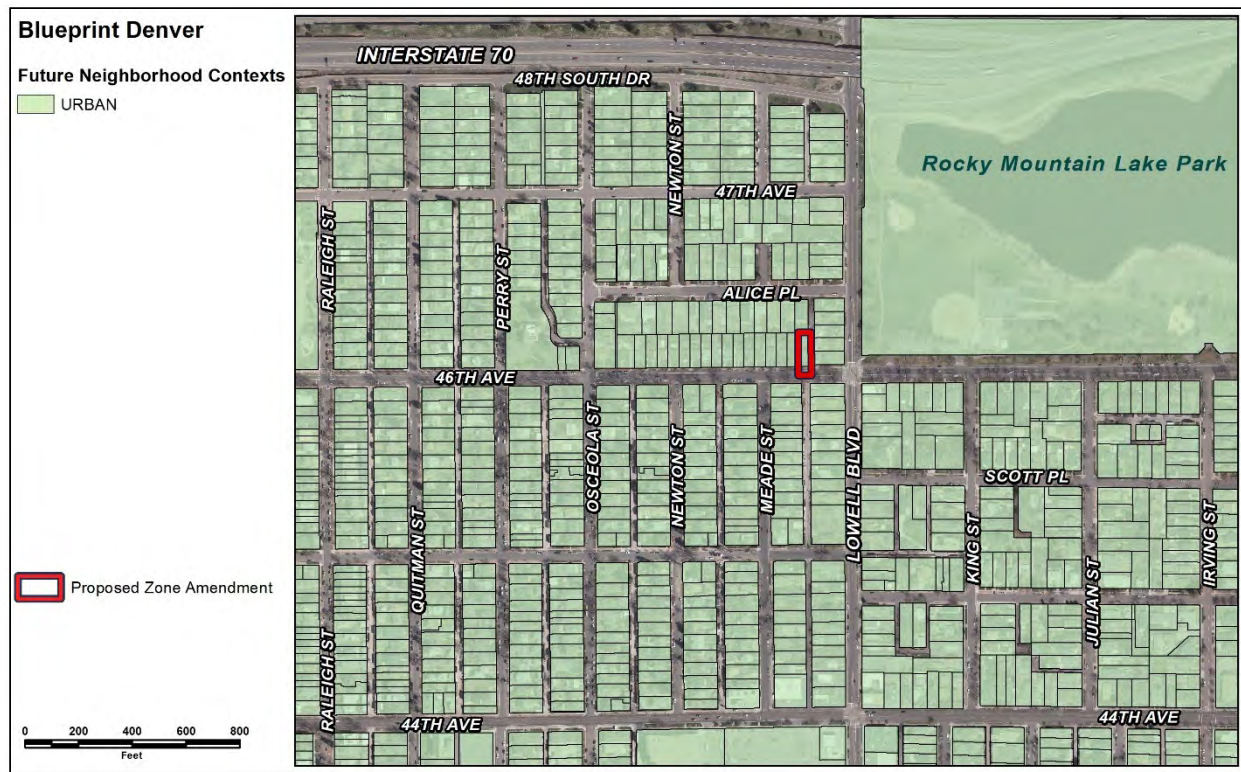
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).

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

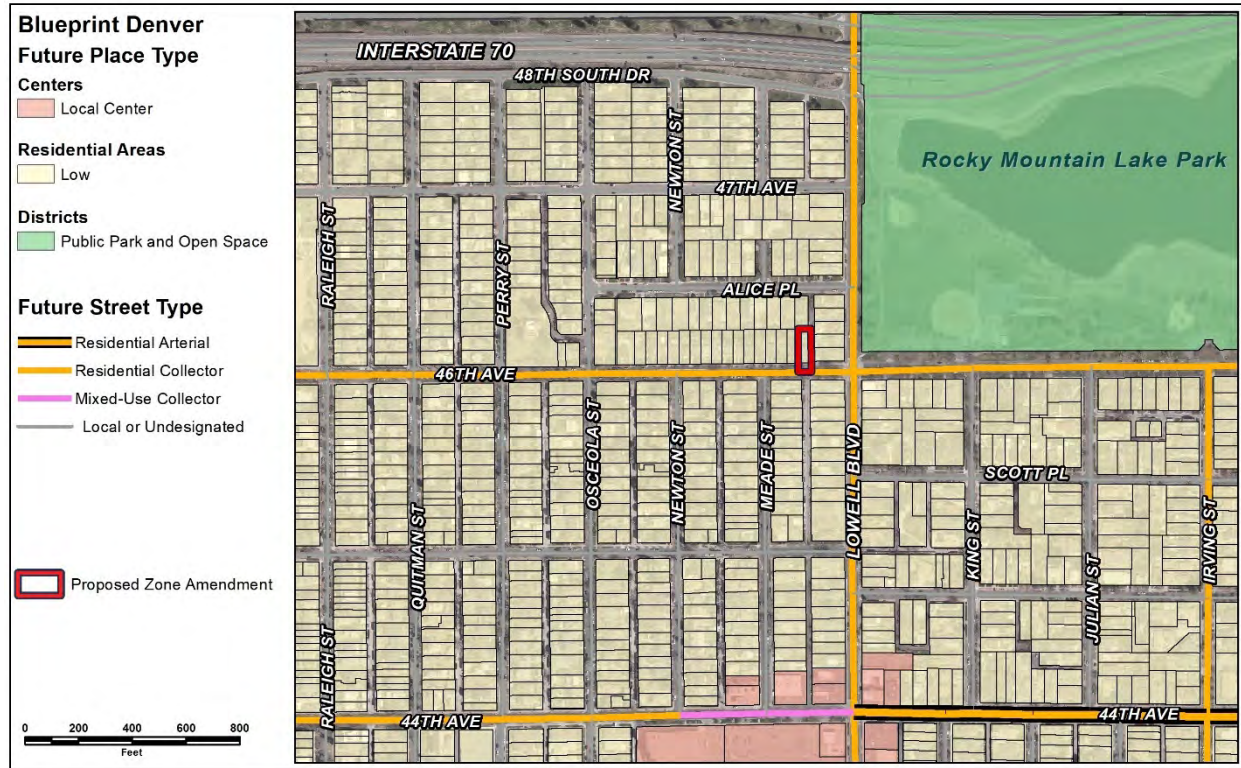
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and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

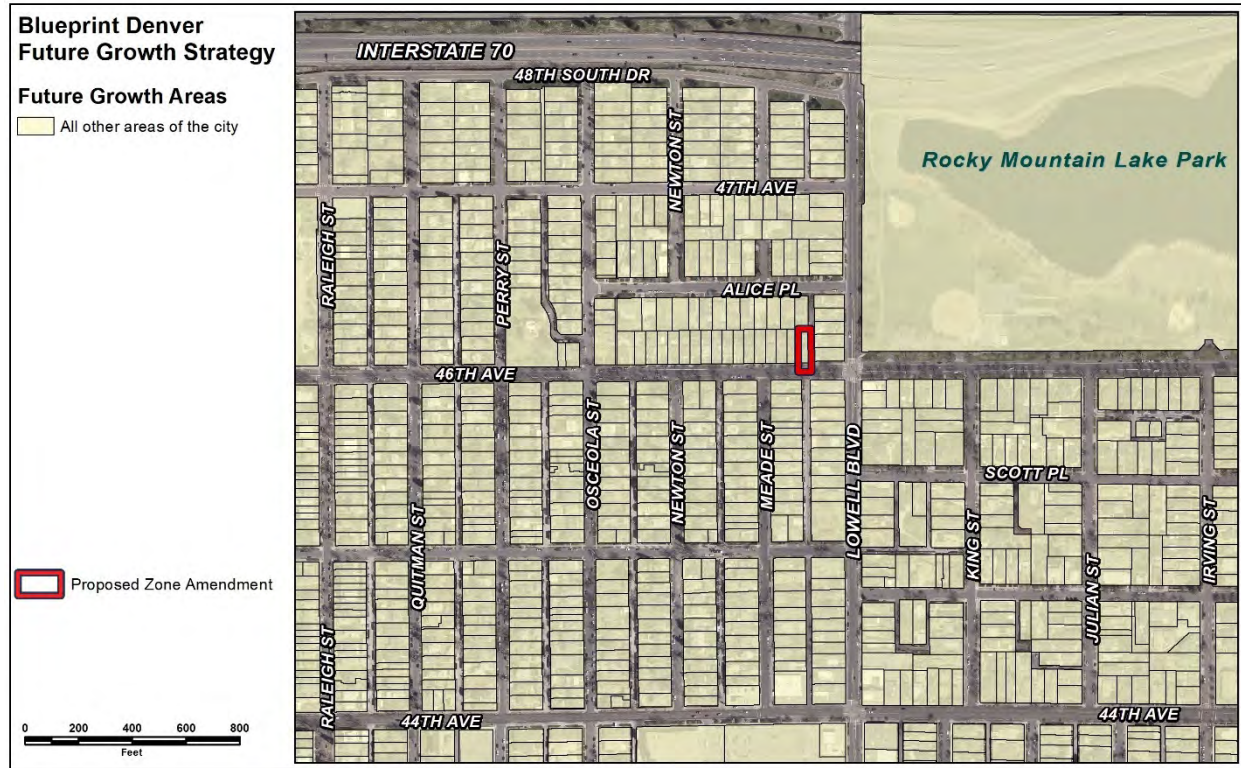


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” 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-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 46th Avenue as a Residential Collector Future Street Type, which have “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.” (p. 160). The proposed U-SU-B1 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-B1 zone district which would allow 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 additional recommendations related to rezoning to allow for ADUs.

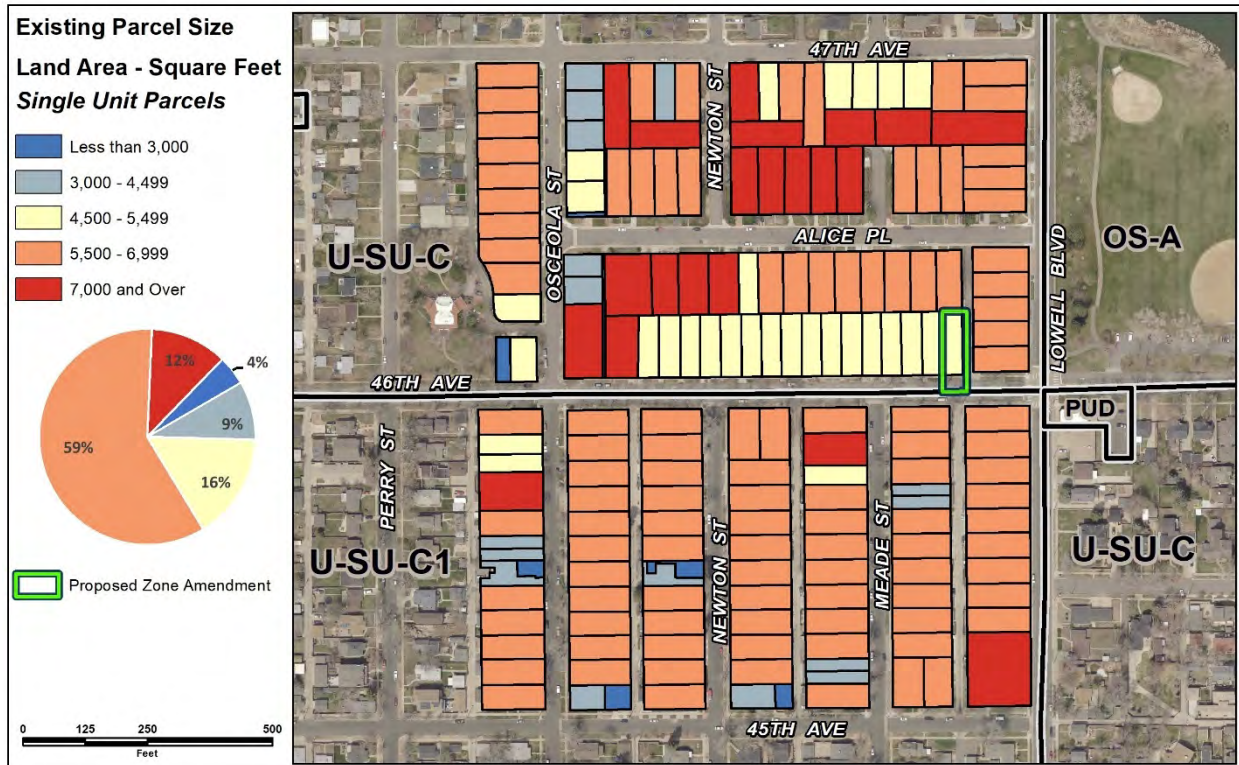
- Housing Policy 4 Strategy E – "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings 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 zone lot in a residential area, within a few blocks of an RTD 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, as the subject property is 5,090 square feet, the applicant is proposing to rezone from U-SU-C 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). While the lot sizes contained in the blocks north and south of the proposed rezoning are more consistent with the U-SU-C district and are over 5,500 square feet, more than half of the lots that have single-unit residential uses in the subject property block are smaller than 5,500 square feet and consistent with the proposed U-SU-B1 district. Therefore, staff considers there is a pattern of smaller lots with similar uses, and the applicants’ proposal to rezone 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



2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends *"the expansion of accessory dwelling units throughout all residential areas"* (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood and within walking distance of a park, grocery store and bus route, thus increasing access to opportunity.

4. Justifying Circumstance

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

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The requested U-SU-B1 zone district is within the Urban Neighborhood Context. The neighborhood context is "primarily characterized by single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House building form" (DZC, Division 5.1). These areas consist of "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The Berkeley neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-B1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). 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-B1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale DADU in the rear yard.

The specific intent of the U-SU-B1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a consistent pattern of 37.5-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.E). The site at 3625 W 46th Avenue is 5,090 square feet with a width of 40 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

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Katherine Kelner	Representative Name	
Address	3625 W 46th Ave	Address	1500 W Hampden Ave Suite 3H
City, State, Zip	Denver, CO 80211	City, State, Zip	Sheridan, CO
Telephone	303.888.1305	Telephone	720.281.8729
Email	kjkelner@yahoo.com	Email	Imorley@cpandm.net
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	3625 W 46th Ave Denver, CO 80211		
Assessor's Parcel Numbers:	02191-14-031-000		
Area in Acres or Square Feet:	5,090		
Current Zone District(s):	U-SU-C		
PROPOSAL			
Proposed Zone District:	U-SU-B1		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Libbie Adams - 3/4/2021</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>Email - 3/22/2021</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input 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>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input 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 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>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to , steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input type="checkbox"/> 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> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input 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>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

REQUIRED ATTACHMENTS

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

- ☐ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☐ Proof of ownership document 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. 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.
- ☐ Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- ☐ **Written narrative explaining reason for the request** (optional)
- ☐ **Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- ☐ **Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- ☐ **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 a corporate entity such as an LLC as the owner, this document is required.)
- ☐ **Other Attachments.** Please describe below.

REZONING GUIDE

Rezoning Application Page 4 of 4

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>	01/12/20	(A)	YES



LEGAL DESCRIPTION

3625 W 46th Ave

Denver, CO 80211

T 3 R68 S19 NE/4 DIF BOOK 2606-313

3625 W 46TH AVE

Owner	KELNER,KATHERINE J 2464 MEADE ST DENVER, CO 80211-4436
Schedule Number	02191-14-031-000
Legal Description	T 3 R68 S19 NE/4 DIF BOOK 2606-313
Property Type	SFR Grade C
Tax District	DENVER

Print Summary

Property Description			
Style:	1 STORY	Building Sqr. Foot:	1013
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1940	Basement/Finish:	1013/913
Lot Size:	5,090	Zoned As:	U-SU-C
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land		\$300,300	\$21,470 \$0
Improvements		\$182,900	\$13,080
Total		\$483,200	\$34,550

Prior Year			
Actual	Assessed	Exempt	
Land		\$300,300	\$21,470 \$0
Improvements		\$182,900	\$13,080
Total		\$483,200	\$34,550



March 22nd, 2021

Lauren Morley &
Jason Domecq
CPM Construction Services Inc
1500 W Hampden Ave Suite 3H
Sheridan, CO 80110

To whom it may concern:

This letter serves as authorization for Lauren Morley & Jason Domecq with CPM Construction Services Inc to act on behalf of and represent Katherine Kelner for the purpose of submitting and processing the rezoning application for the property owned by Katherine Kelner at 3625 W 46th Ave in Denver, CO.

Sincerely,

Katherine Kelner 3-22-21

Katherine Kelner

Date



Official Map Amendment Request

Address: 3625 W 46th Ave Denver, CO 80211

Parcel:

Current Zoning: U-SU-C

Proposed Zoning: U-SU-B1

Introduction

This application proposes to rezone the 5,090 SF property located at 3625 W 46th Ave from U-SU-C to U-SU-B1 to facilitate use of the property to be consistent with recommendations that are consistent with the Denver Comprehensive Plan 2040 & Blueprint Denver (2019).

The subject site is located within Denver City District 1 & in the Berkeley neighborhood on the North side of 46th Street just North of Lowell. The property is currently zone U-SU-C, a residential zone district allowing urban houses with a minimum lot area of 5,500 SF. Existing contexts surrounding the property include U-SU-C1, U-SU-B1, U-MS-3, U-TU-C.

The request to rezone the property to U-SU-B1 Zone District will allow the homeowner to build an accessory dwelling unit with a minimum lot size of 4,500 SF.

Consistency with Adopted Plans:

The proposed map is consistent with objectives from the Denver Comprehensive Plan 2040, including but not limited to:

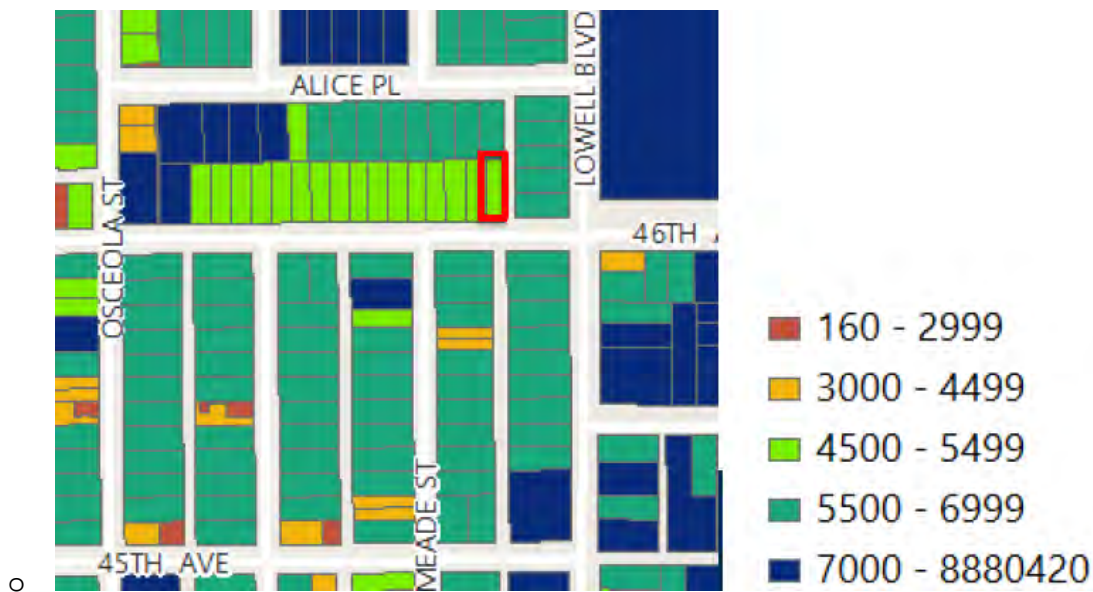
- Goal 1 Strategy B: On page 34 it states that the strategy is to “Ensure neighborhoods offer a mix of housing types and services for diverse populations.” This will allow additional housing in a dense neighborhood that would otherwise be at capacity.
- Goal 2 Strategy A: The equitable, affordable and inclusive goal. On page 28 it states that the strategy is to “Create a greater mix of housing options in every neighborhood for all individuals and families.” This rezone would fall under this category as allowing for an accessory dwelling unit will add to the housing options for the family who plans to use the unit for a “granny flat”.
- Goal A Strategy A: The environmentally resilient goal. On page 54 it states that the strategy is to “Promote infill development where infrastructure and services are already in place.” Allowing for an accessory dwelling unit in this location, which will allow for an additional structure on the lot without placing additional burden on city infrastructure. This also will increase housing along a walkable neighborhood within close proximity to city transit.

1500 W. HAMPDEN AVE., SUITE 3H, SHERIDAN, COLORADO 80110
phone 303-671-5556 fax 303-671-5558
www.cpandm.net



The proposed map is consisted with objectives from the Blueprint Denver 2019, including but not limited to:

- Future neighborhood context – This property is located within the Urban category of the future neighborhood context map which consists of a mixture of small multi-unit residential, as well as 1-unit and 2-unit residential areas. The proposed zoning if U-SU-B1 is still an “urban” neighborhood and does not offer a significant change outside of the minimum lot size change which allows for the build-out of an ADU.
- Future places designation – This property is located within a the low category on residential areas, which would stand to represent predominabtly single and two unit uses on smaller lots. This would stand to reason that accessory dwelling units can be appropriate when integrated where compatible. This property is a lot within the correct size with an alley swelling unit and would be 2 stories which would fit within this residential context.
 - When looking at the block between Lowell and Osceola on 46th Ave where the property sits, you can see that the rezone to accommodate the smaller lot size is consistent with the rest of the block.



- Land Use & Built Form, Housing Policy 4 – On page 84 it states “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezoning to enable ADU’s in all residential areas, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADU’s rezoning should be small in area in order to minimize impacts to the surrounding residential area.” Seeing as this proposed rezone would be within the same context as the current zoning to a smaller lot size to accommodate an ADU it would fit directly into this strategy.



Uniformity of District Regulations:

The request to rezone from U-SU-C to U-SU-B1 is a minor zoning adjustment that will keep the lot consistent with the uniformity of the U-SU district regulations, restrictions & descriptions. Any improvements to this property would still fall under the current district's codes, standards and regulations of the U-SU district. Approval of the map amendment would simply result in the property being within the same U-SU zone district because the uses of the ADU being proposed will still be regulated under the new zoning code of **U-SU-B1** district's codes, permits & regulations.

Public Health, Safety, and General Welfare:

The proposed map amendment furthers the public health, safety, and general welfare of the City. The ADU would add an affordable housing option by acting as a multi-generational housing option. It will increase the housing supply for residents of Denver and increase density near a main highway. Interstate 70, light rail, and several bus routes that are located off of 44th Ave, Federal Blvd, and Sheridan Blvd also means increasing density in a location close to public transit. This also increases density in a highly walkable neighborhood with close access to three neighborhoods parks, as well as business off of 44th Ave, Tennyson, and Lowell.

Justifying Circumstances:

Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed reasoning is in the public interest. Such change may include:

- Changed or changing conditions in a particular area or in the city general
 - In the years since the approved zoning district, Berkeley has become an extremely desirable place to live, creating a need for more diverse affordable housing. An ADU will help to grow additional housing to a highly walkable area near city amenities and public transit.
- A city adopted plan
 - The proposed change in zoning would allow for an ADU which would follow the path laid out by all city adopted plans. Please see the consistency with adopted plans section.



Consistency with Neighborhood Context, Zone District Purpose & Intent:

- a) The Urban Neighborhood context is characterized by single and two unit residential units that are typically the Urban House building form and located along local and residential arterial streets. The proposed map amendment would keep the lot within the Urban Neighborhood context and would be in keeping with the current neighborhood that has Accessory Dwelling Units throughout the neighborhood.
- b) The intent of the residential zoning code is to promote and protect residential neighborhoods within character of the Urban Neighborhood context. Allowing for the use of an ADU on this lot would be consistent with the general purpose and intent of this residential district and would promote and protect the residential neighborhood in every way. The rezone would allow for greater diversity in housing, further public health, and conform with the visions of the city.
- c) U-SU-B1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum lots area of 4,500 SF. This is for blocks that have a consistent pattern of 50 foot wide lots and set backs and lot coverage standards to accommodate front and sides yards that are similar to U-SU-B but allowed for ADU in the rear yard. The proposed map amendment would follow these guidelines exactly and fall directly into the U-SU-B1 zoning category.



Written Narrative

Address: 3625 W 46th Ave Denver, CO 80211

Parcel:

Current Zoning: U-SU-C

Proposed Zoning: U-SU-B1

To whom it may concern:

The intent of rezoning 3625 W 46th Ave from U-SU-C to U-SU-B1 is to allow for the building of an ADU on the rear north side of the property.

The reason for building an ADU is to allow for the homeowner, Katherine Kelner to have a home of her own to live in while her daughter and husband live in the main house. Through the pandemic, it was clear to Kate that while she did not necessarily want to live with her family, she was also not built to live entirely alone. Due to the current housing market and demand of the area, purchasing a home closer to her daughter was not an option. Building an ADU on the current lot was a more affordable way to allow her to stay close to her daughter while maintaining her independence.

We look forward to working through the rezone process and thank you for your consideration.

Thank you,

Lauren Morley
Construction Manager / Partner
lmorley@cpandm.net



From: [Volpe-Beasley, Gina J. - CC City Council Aide](#)
To: [Lauren Morley](#)
Cc: Jason@r3ng.com
Subject: RE: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 5:09:05 PM
Attachments: [image003.png](#)
[image005.png](#)

Thank you, I just sent the invite.

Take care,
Gina

From: Lauren Morley <LMorley@cpandm.net>
Sent: Monday, March 22, 2021 5:04 PM
To: Volpe-Beasley, Gina J. - CC City Council Aide <Gina.Volpe@denvergov.org>
Cc: Jason@r3ng.com
Subject: [EXTERNAL] RE: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit

Great! Thank you, we really appreciate that. You can invite myself, my business partner Jason, and the homeowner Kate Kelner – kjkelner@yahoo.com

Thank you,



From: Volpe-Beasley, Gina J. - CC City Council Aide <Gina.Volpe@denvergov.org>
Sent: Monday, March 22, 2021 4:58 PM
To: Lauren Morley <LMorley@cpandm.net>
Cc: Jason@r3ng.com
Subject: RE: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit

Hi Lauren,

We could actually meet at 3:30 on the 7th as well. Let me know if and who I should send the invite to.

Take care,
Gina

From: Lauren Morley <LMorley@cpandm.net>
Sent: Monday, March 22, 2021 4:52 PM
To: Volpe-Beasley, Gina J. - CC City Council Aide <Gina.Volpe@denvergov.org>
Cc: jason@r3ng.com
Subject: [EXTERNAL] RE: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit

Gina,
Thank you for the quick response. We are out of town for a client meeting that Thursday and Friday, but can make that work if we need too. Is it at all possible to get a time on Wednesday April 7th?

Lauren

From: Volpe-Beasley, Gina J. - CC City Council Aide <Gina.Volpe@denvergov.org>
Sent: Monday, March 22, 2021 4:47 PM
To: Lauren Morley <LMorley@cpandm.net>
Cc: jason@r3ng.com
Subject: RE: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit

Hello Lauren,

Councilwoman Sandoval would like to meet with you and the homeowners for 3625 W 46th Ave. to discuss this rezone. Please let me know if you are all available on Thursday, April 8th at 3:30 – for 45 minutes. I will send a calendar invite and zoom link once I hear from you.

Take care,
Gina



Gina Volpe • Council Aide

Office of Councilwoman Amanda P. Sandoval • District 1

Phone: 720-337-7701

For City Services: Dial 3-1-1 or www.pocketgov.org

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From: Lauren Morley <LMorley@cpandm.net>
Sent: Monday, March 22, 2021 12:52 PM
To: District 1 Comments <DistrictOne@denvergov.org>
Cc: Jason@r3ng.com
Subject: [EXTERNAL] 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit

Councilwoman Sandoval,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from U-SU-C to U-SU-B1. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

A pre-application meeting was initially completed through the City and County of Denver prior to the application for rezone being submitted. I have included the pre-application request packet for your reference to the project.

Antero Homes is the general contractor (please note the license will be under CPM Construction Services Inc) that has been hired to complete the rezone and build-out process. We have been a new home-builder in the Denver Metro area since 1998. We are a privately owned, family run company that works hard to do what is best for our clients and our community. If you would like to learn more about our company, please visit our website at www.anterohomesco.com

If you have any questions or concerns please do not hesitate to reach out.

Thank you,

Lauren Morley
Antero Homes
(720)281.8729
 **ANTERO
HOMES**
www.anterohomesco.com

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

From: [Lauren Morley](#)
To: ["districtone@denvergov.org"](mailto:districtone@denvergov.org)
Cc: ["Jason@r3ng.com"](mailto:Jason@r3ng.com)
Subject: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 12:48:00 PM
Attachments: [image001.png](#)
[3625 W 46th Ave Research.pdf](#)

Councilwoman Sandoval,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from **U-SU-C to U-SU-B1**. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

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If you have any questions or concerns please do not hesitate to reach out.

Thank you,



From: [Lauren Morley](#)
To: BRUNrno@gmail.com; brunzoning@gmail.com
Cc: [Jason Domecq](#)
Subject: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 12:44:00 PM
Attachments: [image001.png](#)

Hello,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from U-**SU-C** to U-**SU-B1**. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

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If you have any questions or concerns please do not hesitate to reach out.

Thank you,



From: [Lauren Morley](#)
To: dbbc@denverbook.com; mcherveny@comcast.net
Cc: Jason@r3ng.com
Subject: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 12:44:00 PM
Attachments: [image001.png](#)

Hello,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from U-**SU-C** to U-**SU-B1**. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

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If you have any questions or concerns please do not hesitate to reach out.

Thank you,



From: [Lauren Morley](#)
To: district1NCDen@gmail.com
Cc: Jason@r3ng.com
Subject: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 12:43:00 PM
Attachments: [image001.png](#)

Hello,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from U-**SU-C** to U-**SU-B1**. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

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If you have any questions or concerns please do not hesitate to reach out.

Thank you,



From: [Lauren Morley](#)
To: ["berkeleyneighborhoodassoc@gmail.com"](#); ["ruddenwendy@gmail.com"](#)
Cc: [Jason@r3ng.com](#)
Subject: 3625 W 46th Ave - Rezone request for Accessory Dwelling Unit
Date: Monday, March 22, 2021 12:42:00 PM
Attachments: [image001.png](#)

Hello,

I am reaching out on behalf of the homeowners at **3625 W 46th** Ave in Denver, CO. In the upcoming weeks you will be receiving notification of a rezone request to change zoning from U-**SU-C** to U-**SU-B1**. The request to change is to allow the homeowner to build an accessory dwelling unit on the back portion of the lot. The intended use for this ADU is to be a permanent living space for the homeowners mother.

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If you have any questions or concerns please do not hesitate to reach out.

Thank you,

