

August 22, 2021

RE: 1360 South Birch Street

Dear Planning Board:

We have owned the house at 1355 South Clermont Street, which is northeast of 1360 South Birch Street, since 2004. Dennis's mother currently lives in the house, so it is important to us to maintain the character of Virginia Village. Subdividing the lot into two smaller lots and changing the zoning from Suburban-Single Unit-D (S-SU-D) to Suburban-Multi Unit-3 Story Maximum (S-MU-3) is not compatible with the character or the Neighborhood Plan for Virginia Village. The Suburban-Single Unit-D zoning designation is for lots that are 6,000 square feet or greater. The two proposed lots are only 5,644 square feet and are too small to fit into the character of Virginia Village. Almost all of the buildings in Virginia Village are one or two stories. Two, three-story duplexes in Virginia Village would also not fit into the character of Virginia Village. We are excited about the redevelopment of the former Colorado Department of Transportation (CDOT) headquarters and understand that Denver has a housing shortage. We support the increased housing opportunities outlined in Denver's Comprehensive Plan 2040 and Blueprint Denver. We understand that typical homebuyers are not looking for a 1946 two bedroom and one bathroom farmhouse and we would support a duplex on the property. A duplex would increase the housing opportunities of Virginia Village, while also fitting into the unique character of Virginia Village.

Regarding the rezoning application, we offer the following comments:

1. *Denver Comprehensive Plan 2040*. The application seems to only focus on the increased density of the project. While we support increased density in Denver, there are other goals outlined in the Comprehensive Plan that are not addressed in the application or on the proposed site plan.
 - a. Goal 2.3 "Preserve the authenticity of Denver's neighborhoods and celebrate our history, architecture, and culture." Three-story homes do not fit with the character of the Virginia Village neighborhood. We agree that the redevelopment of the former CDOT headquarters property across the street will be more than 3-story buildings, but that property is adjacent to Colorado Boulevard. In addition, the large former CDOT headquarters property includes the transition area to Virginia Village. South Birch Street is a residential street. Note that even the multi-family homes in the neighborhood are only two stories. Also note that the newly built homes are only one to two stories.
 - b. Goal 5.1 "Mitigate climate impact by significantly reducing greenhouse gas emissions." It is unclear from the proposal if this proposed plan will include energy efficient residences.
 - c. Goal 5.3 "Conserve water and use it more efficiently" It is unclear from the proposal if this proposed plan will include water efficient residences.

- d. Goal 5.4 “Integrate stormwater into the build environment by using green infrastructure to improve water quality runoff.” and Goal 5.6 “Protect and expand the City’s green infrastructure network.” It is unclear from the proposal if this proposed plan will include any green infrastructure, such as permeable pavers, porous landscape detention, or any best management practices from Denver’s *Ultra-Urban Green Infrastructure Guidelines*. In addition, it is unclear how the site will address the increased stormwater runoff from the increased impervious surfaces of the proposed site plan. With so much proposed impervious surface area, there are great opportunities for green infrastructure on the property.
 - e. Goal 5.9 “Protect and improve air quality.” It is unclear from the proposal if this proposed plan will include energy efficient residences.
 - f. Neighborhood Contexts “Trees are primarily found on private property but also along the street.” Google Earth shows approximately six mature trees currently located at the site that should be preserved in accordance with Section 10.5.3 of the *Denver Zoning Code*. The proposed plan does not address the locations of these trees or how the proposed plan works around these trees that must be preserved.
2. *Blueprint Denver*. The application only focuses on the increased density of the proposed plan, but does not address the other goals set out in *Blueprint Denver*.
- a. Page 29 of *Blueprint Denver* states that “A major challenge facing the city as it continues to experience growth and strives to be more equitable is to retain the diversity and authenticity of neighborhoods that made Denver attractive in the first place.” Although multi-use is compatible with the proximity to Colorado Boulevard and the former CDOT headquarters site, a three-story building would not fit the character of Birch Street and the Virginia Village neighborhood as a whole. Changing the site from a single family home with a large lot and mature trees will be a drastic change from the proposed site plan of mostly impervious surface and little green space. A 2-story duplex home with a yard and mature trees would better fit with the “authenticity” of the Virginia Village neighborhood.
 - b. Page 62 of *Blueprint Denver* states that “The Neighborhood Planning Initiative provides the greatest opportunity for covering all of Denver with small area plans that provide more specific guidance than *Blueprint Denver*.” Page 2 of the *Virginia Village Neighborhood Plan (1973)* states that “By 1973 well over half of the neighborhood was developed to single-family residential use, characterized by low buildings along curvilinear streets. An active and vital private market has kept Virginia Village sound; in spite of numerous rezonings to other higher intensity uses.” The *Virginia Village Neighborhood Plan* recognizes that there will be rezoning pressure in the neighborhood. It is important to balance the demands for additional housing with the character and nature of Virginia Village. The application uses the higher density proposed development of the former CDOT headquarters to justify the higher density development of 1360 South Birch Street. However, the fact that the former CDOT headquarters property will be such a higher density should prevent the higher density of 1360 South Birch Street to preserve the goals of the *Virginia Village Neighborhood Plan* of “low”

buildings. Too many densely-spaced “high” buildings in such close proximity to each other would be inconsistent with the neighborhood plan.

- c. Page 99 of *Blueprint Denver* states “Ensure residential neighborhoods retain their unique character as infill development occurs.” As stated above, page 2 of the *Virginia Village Neighborhood Plan* (1973) “By 1973 well over half of the neighborhood was developed to single-family residential use, characterized by low buildings along curvilinear streets. An active and vital private market has kept Virginia Village sound; in spite of numerous rezonings to other higher intensity uses.” Three-story, multi-family units would not retain the “unique character” of Virginia Village “as infill development occurs”. The former CDOT headquarters property is already a big change to the character of Virginia Village, but it is adjacent to Colorado Boulevard. In addition, the former CDOT headquarters is a very large lot and includes transition density buildings to Virginia Village. South Birch Street is solidly in Virginia Village. Adding two, three-story duplexes that do not face the street would be the only such buildings in this area of Virginia Village that is not adjacent to an urban corridor or feeder street (such as Colorado Boulevard or Florida Street) and would threaten the character of Virginia Village’s “low buildings”.
3. Increased Density
 - a. We understand and support Denver’s goals to increase housing opportunities in the city. The former CDOT headquarters site was recently rezoned to be a very dense residential and mixed use site, which is appropriate for its proximity to Colorado Boulevard. The former CDOT headquarters site is the equivalent of five to six blocks from Colorado Boulevard and includes the transitional zone from high density buildings to medium density buildings. Since this major change in zoning has not been implemented yet, we would recommend to the Planning Board that they postpone any further rezonings to higher density properties adjacent to the former CDOT headquarters site until the former CDOT headquarter site has been built. That would ensure the ability for a reasonable evaluation of if the character and nature of Virginia Village has been preserved after such a major rezoning.

Denver’s current Zoning Code offers the option for a duplex for the property, which would fit into the character of Virginia Village and is in line with *Denver’s Comprehensive Plan 2040*, *Blueprint Denver*, and the *Virginia Village Neighborhood Plan*. Although we support the option for greater density of the property, the proposed lots are too small and the proposed zoning change to multi-family is too dense for the smaller lots. We do not support the lot line changes or the zoning change from Suburban-Single Unit-D (S-SU-D) to Suburban-Multi Unit-3 Story Maximum (S-MU-3).

We are aware that this hearing is for the zoning changes only, but we would like to take the opportunity to comment on the proposed plans, which would require additional variances to the *Denver Zoning Code*. The proposed plans would result in a property that would detract from the overall image and character of Virginia Village. We do not support any variances from the Denver Zoning Code for the proposed project. Additional discussion is provided below.

General Purpose

Section 3.2.2.1 of the Denver Zoning Code states that “The standards of the row house and multi unit districts promote existing and future patterns of multiple buildings on a single Zone Lot. These building forms include duplex, row house and apartments sometimes organized around common open space and parking areas with an internal circulation system [added emphasis].” All of the multi-unit residences in the area conform to this Zoning Code requirement. The draft plan proposes sidewalks between Unit #1 residence and Unit #1 garage and Unit #3 residence and Unit #3 garage on the outside of the residences and garages. In other words, the proposed plan proposes an external circulation system. No variances from this section for the Denver Zoning Code should be granted for this property and any site plan for the property should include an internal circulation system among the residences, garages, and common spaces.

Structure Orientation

If a duplex continues to be proposed, Section 3.3.2.4 of the Zoning Code requires duplexes to have a “Two Unit Dwelling development within a single primary structure, allowing side-by-side and up-down configurations.” To maintain the character of Virginia Village and since there is no alley, all dwellings and garages should face South Birch Street.

If a row house is proposed, Section 3.3.2.4 requires that row houses be “Side-by-Side Dwelling Units that require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street.” In addition, Section 3.3.3.3 requires that “Each unit shall have a street-facing entrance.” No variances from these sections of the Denver Zoning Code should be granted for this property and all units should have a street-facing entrance.

Rear Setback

Section 3.3.3.3 of the Denver Zoning Code states that multi-unit districts should have a 20-foot rear setback. The proposed plan has the majority of the two of the garages within the setback. No variance from this section of the Denver Zoning Code should be granted for this property and all buildings should be located a minimum of 20 feet from the rear setback.

Building Coverage

Section 3.3.3.3 of the Denver Zoning Code allows a maximum of 50% building coverage for all districts. It is unclear as to the percent building coverage of the proposed plan. No variance

from this section of the Denver Zoning Code should be allowed and no more than 50% of the property should be covered with a building.

Landscaping

Section 10.5.3 of the Denver Zoning Code states that the “owner of the zone lot shall be required to preserve any established tree not otherwise diseased or decayed within the primary and side street setbacks.” There are approximately six mature trees on the property that should be protected and preserved.



Image from Google Earth 8/20/2021

No variance to this section of the Denver Zoning Code should be granted and the proposed plan should be modified to preserve the trees on the property.

In summary, the proposed plan does not comply with *Denver's Zoning Code* and does not fully meet the goals of *Denver's Comprehensive Plan 2040* or *Blueprint Denver*. In addition, the proposed plan does not meet the vision of the *Virginia Village Neighborhood Plan*. Fortunately, a compromise of a duplex building would meet all of the documents above and would not need any variances or zoning changes from the Denver Planning Board. We do not support any lot line or zoning changes for the property.

Sincerely,

Lisa Knerr and Dennis Judd