Community Planning and Development
Planning Services

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TO: Denver Planning Board
FROM: Bryan Botello, Senior City Planner
DATE: January 10, 2024
RE: Official Zoning Map Amendment Application #2023I-00132

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00132.

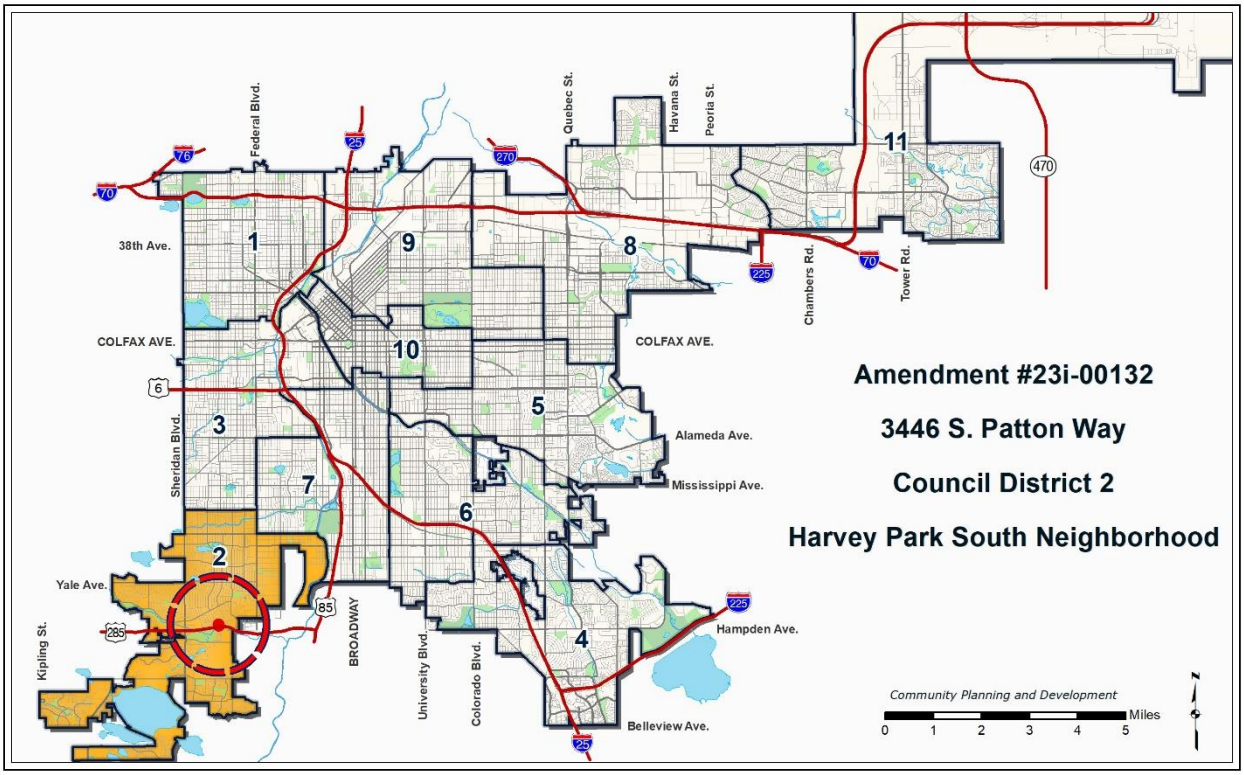
Request for Rezoning

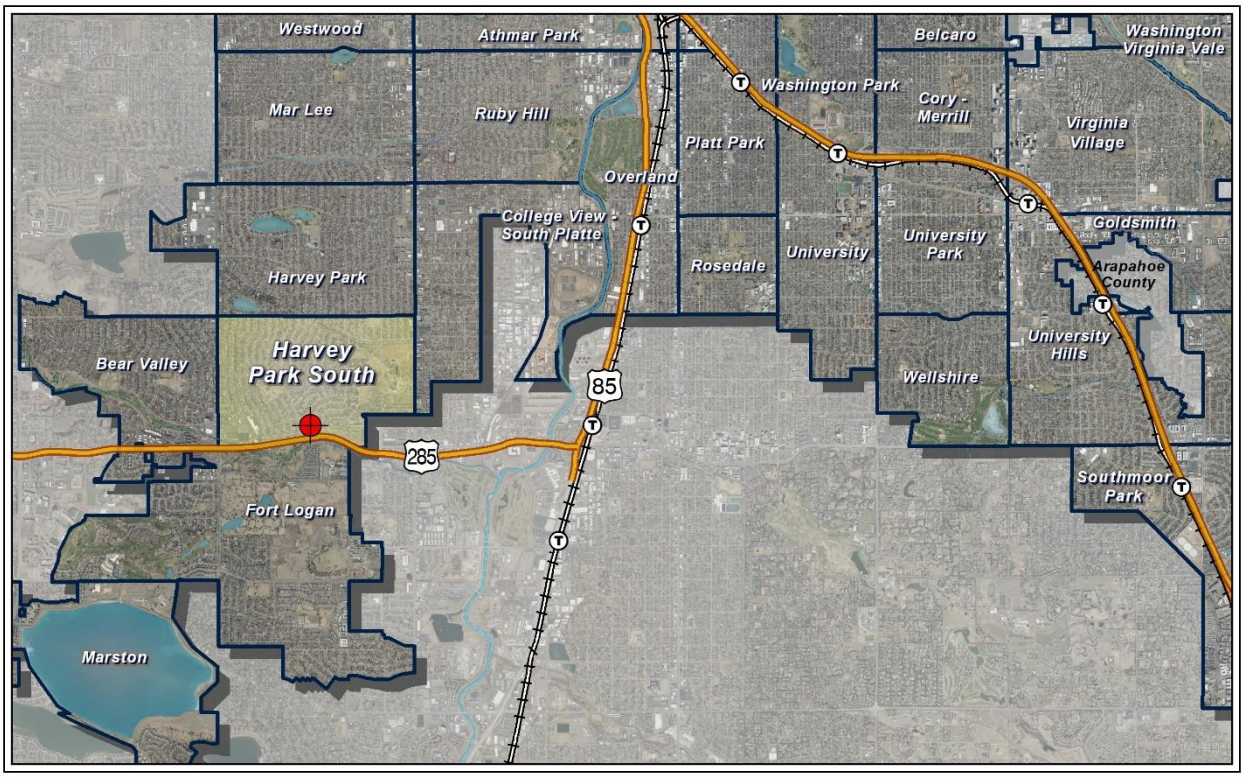
Address:	3446 S Patton Way
Neighborhood/Council District and CM:	Harvey Park South / Council District 2, CM Flynn
RNOs:	Harvey Park Community Organization, Southwest Vida, Strong Denver, and Inter-Neighborhood Cooperation.
Area of Property:	13,200 square feet or approximately .30 acres
Current Zoning:	S-SU-F
Proposed Zoning:	S-SU-F1
Property Owner(s):	Kyle Cisco
Owner Representative:	Angela Babbo

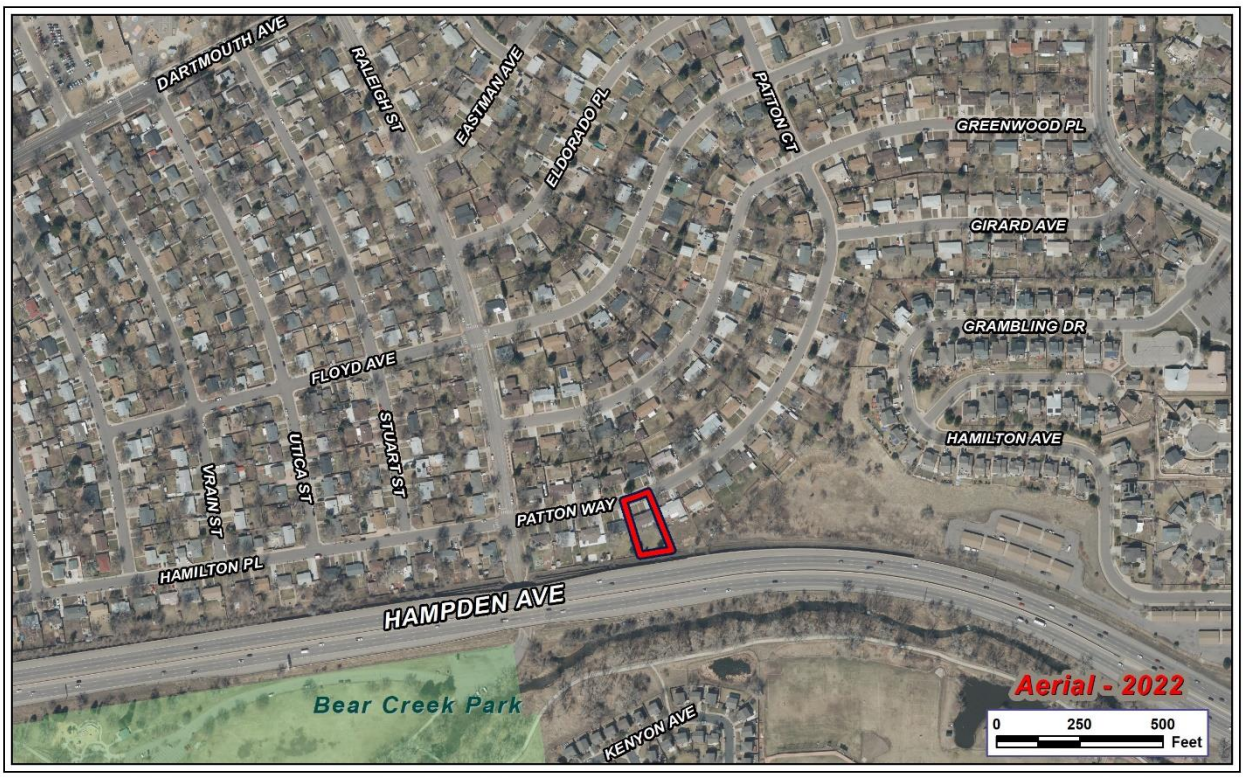
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1957 with a single-unit dwelling. It is located on South Patton Way between South Raleigh Street and West Girard Avenue.
- The property owner proposes to rezone the property to allow for an accessory dwelling unit (ADU)
- The proposed S-SU-F1, **S**uburban, **S**ingle-**U**nit, **F1** district allows suburban houses, with a minimum lot area of 8,500 square feet. Tandem houses and ADUs are also allowed on lots that are at least 150 feet deep. The zone district is intended for use in the Suburban Neighborhood Context, which is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of the Suburban House building form with street-facing garages. Single-unit residential uses are primarily located away from residential and commercial arterial streets. The maximum height of the Suburban House and Tandem House building forms is 30-35 feet. 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 3 of the Denver Zoning Code (DZC).

Existing Context





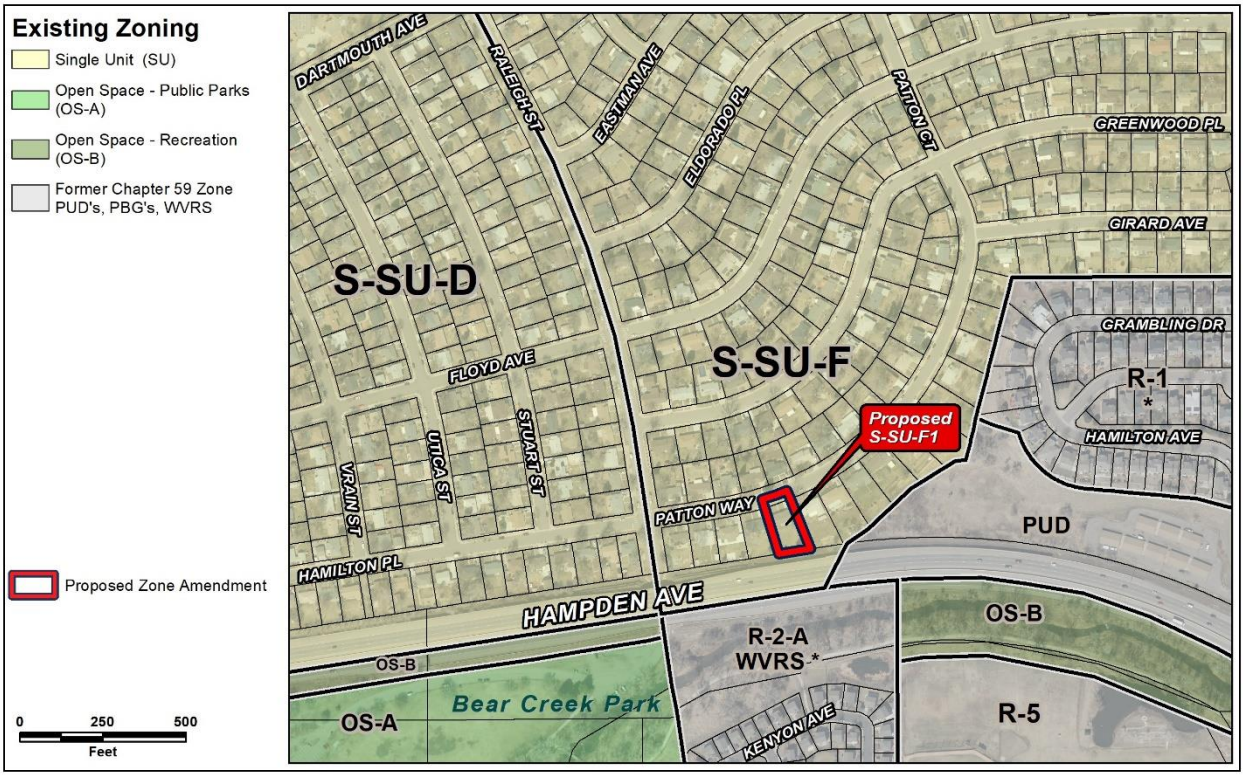


The subject property is in the Harvey Park South neighborhood, which is characterized primarily by single-unit detached residential, with some multi-unit residential and commercial uses centered around at the Bear Valley Shopping Center and in Loretto Heights. Sabin World and Gust Elementary Schools are also located within the neighborhood. This area of Harvey Park South is primarily single-unit residential. The neighborhood is primarily served by the 30/30L bus lines on West Dartmouth Avenue and Lowell Boulevard and the 35 bus line on W Yale 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	S-SU-F	Single-unit residential	1-story single-unit dwelling with attached garage	Irregular grid of streets; blocks are surrounded by curvilinear streets. Garages are front-loaded, as no alleys are present. No sidewalks are present.
North	S-SU-F	Single-unit residential	1-story single-unit dwelling with attached garage	
South	R-2-A with waivers	Single-unit residential	2-story single-unit residential with attached garages	
East	S-SU-F	Single-unit residential	1-story single-unit dwelling with attached garage	
West	S-SU-F	Single-unit residential	1-story single-unit dwelling with attached garage	

1. Existing Zoning



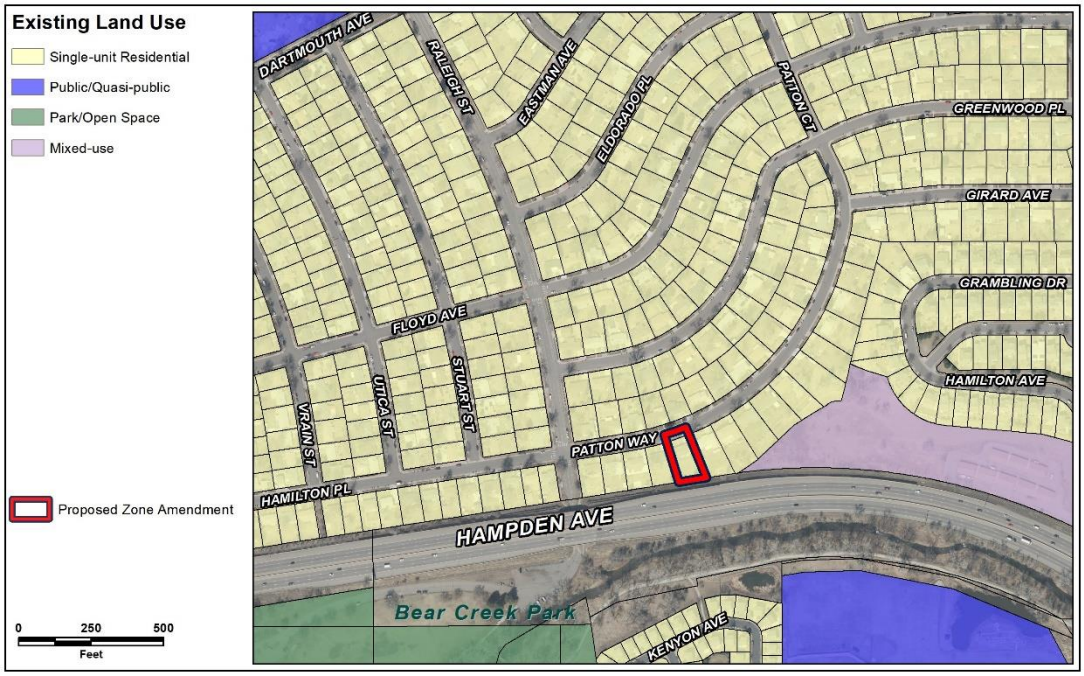
S-SU-F is a single-unit district that allows the Suburban House building form with a minimum zone lot area of 8,500 SF and a minimum lot width of 62.5'. The maximum allowed height of the Suburban House building form is 30 to 35 feet. For the building form, the maximum building coverage per zone lot, including accessory structures, is 50%. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure, with maximum heights of 17' and 15' respectively. No vehicular parking is required for single-unit dwellings.

Suburban (S) Neighborhood Context Zone District		**Building Forms**											
		Suburban House	**Urban House**	**Duplex**	**Tandem House**	**Row House**	**Garden Court**	**Town House**	**Apartment**	**Drive Thru Services**	**Drive Thru Restaurant**	**General**	**Shopfront**
Max Number of Primary Structures Per Zone Lot		**1***		**1***	**2**	**No Maximum**							
Single Unit (SU)	**S-SU-F**	■			●								

■ =Allowed

● =Tandem House building form subject to exception stated in Section 1.2.3.5.B

2. Existing Land Use Map



3. Existing Building Form and Scale

View of 3446 S Patton Way, looking south. (*Source: Google Maps*)

View of 3443 S Patton Way, looking north. (*Source: Google Maps*)

View of 3450 S Patton Way, looking south. (*Source: Google Maps*)

Proposed Zoning

The applicant is requesting to rezone to S-SU-F1, which allows the Suburban House building form on a zone lot with a minimum area of 8,500 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. The S-SU-F1 district also permits the Tandem House, accessory dwelling unit use and Detached Accessory Dwelling

Unit (DADU) building forms, in addition to a variety of residential and civic uses permitted in the S-SU-F1 district. The Tandem House building form requires a minimum zone lot size of 12,000 square feet and a 150-foot lot depth requirement. The S-SU-F1 district provides two options for the DADU building form: Option A and Option B. Option A has a maximum height of 1 story or 17 feet with a minimum rear setback of 10'. Option B has a maximum height of 2 stories or 24' with a minimum rear setback of 20'. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to the DADU building form. For zone lots greater than 7,000 square feet, the ADU building footprint may be a maximum of 1,000 square feet. The district does not require any off-street vehicular parking for single-unit dwellings, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

Design Standards	S-SU-F (Existing)	S-SU-F1 (Proposed)
Primary Building Forms Allowed	Suburban House	Suburban House; Tandem House
Stories/Heights (max)	2.5 stories / 30 feet to 35 feet	2.5 stories / 30 to 35 feet
DADU Maximum Height in Stories / Feet	DADUs not permitted	1 story/17 feet or 2 stories/24 feet
Zone Lot Size (Min.)	8,500 square feet	8,500 square feet (including DADU) 12,000 square feet (Tandem House)
Zone Lot Depth (Min)	N/A	150 feet (Tandem House and DADU)
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	5 feet
Side Interior Setback (Min.) *	7.5 feet	7.5 feet
Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	50%	50%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response

Asset Management: Approved – No comments

Denver Public Schools: Approved – No comments

Department of Public Health and Environment: Approved rezoning only – Will require additional information at site plan review.

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed project. Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

EQD does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – No comments

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: 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:	**10/24/2023**
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	**12/29/2023**
Planning Board public hearing:	**1/17/2024**
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 (10) working days before the meeting:	**TBD** (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	**TBD** (tentative)
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:	**TBD** (tentative)
City Council Public Hearing:	**TBD** (tentative)

- **Public Outreach and Input**
    - **General Public Comments**

      As of the date of this staff report, one letter was received expressing opposition for the application.

      The letter of opposition expressed concerns over additional street activity and more rental housing that could increase crime in the neighborhood and in Bear Park. See the attached correspondence for the full text of this public comment.

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 property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Housing an Inclusive Denver* (2018)

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).

- Equitable, Affordable and Inclusive: Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

S-SU-F1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units and tandem homes can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the Hampden 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.

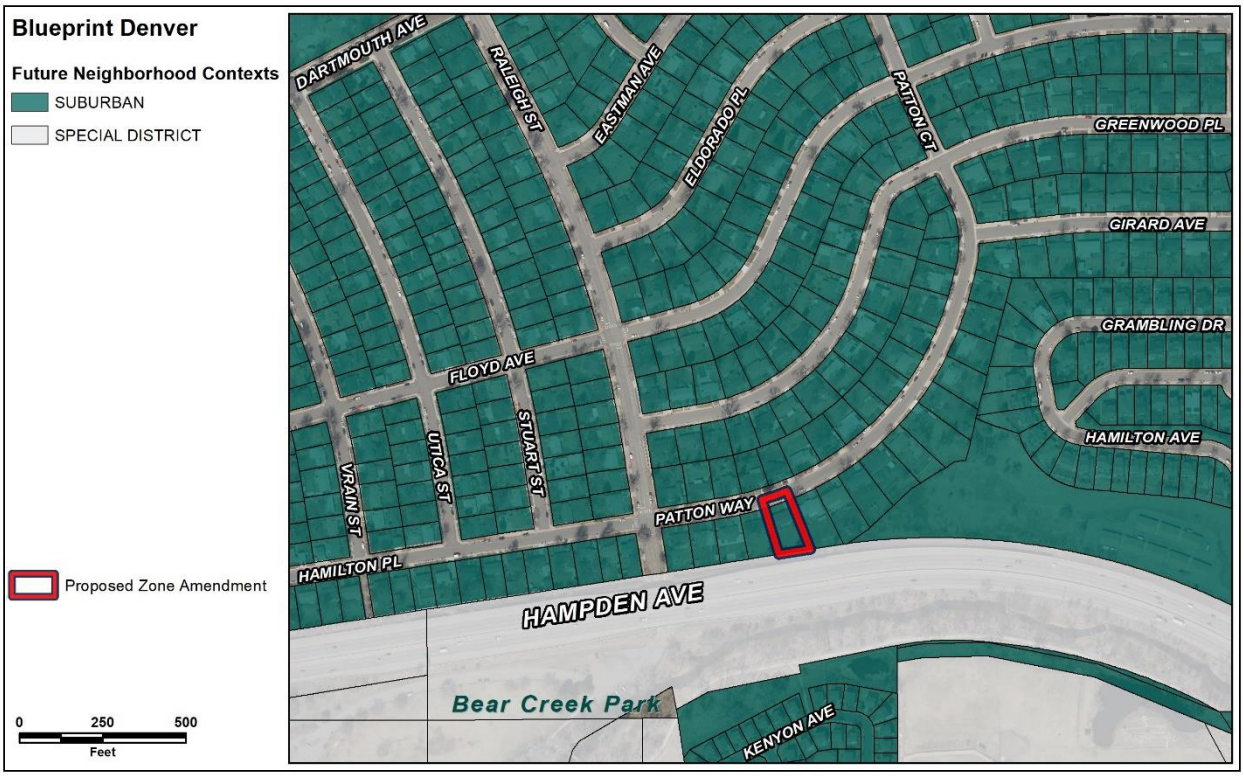
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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 Suburban Neighborhood Context and provides guidance on the future growth strategy for the city.

***Blueprint Denver* Future Neighborhood Context**



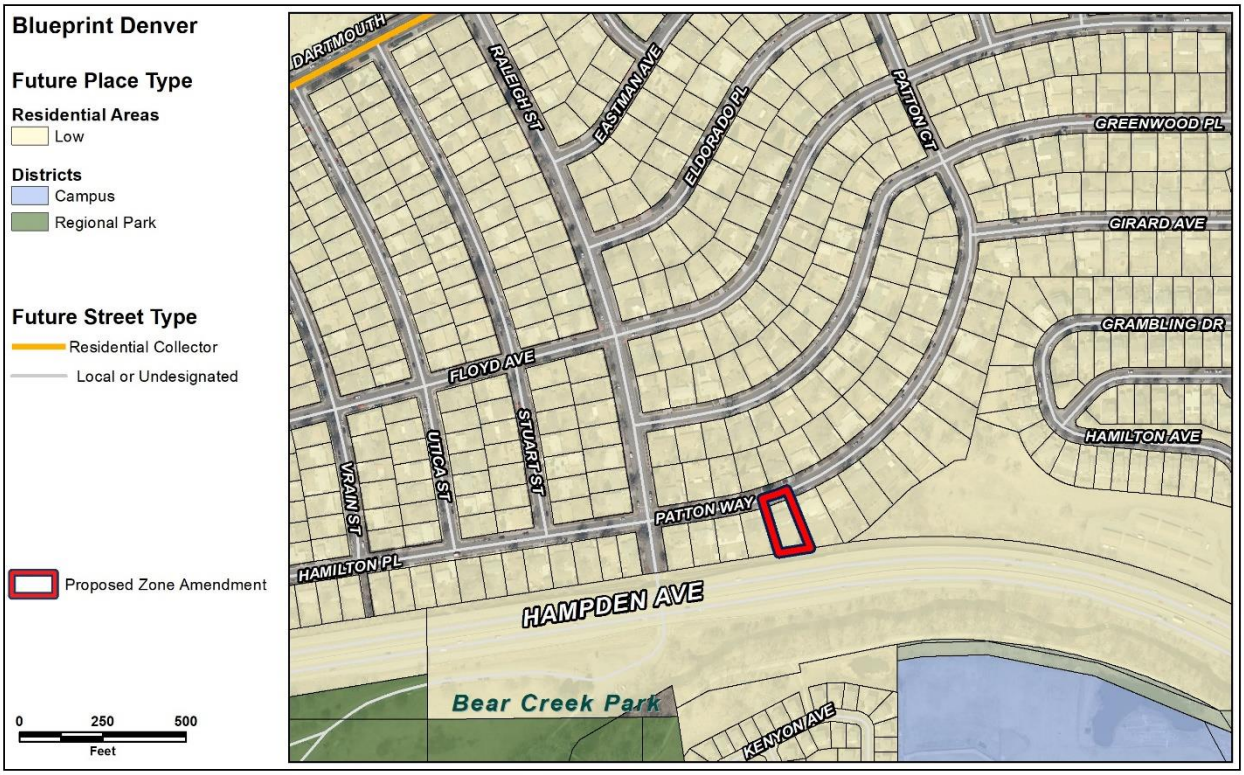
In Blueprint Denver, future neighborhood contexts explain the differences between land use, built form, and mobility, between neighborhoods. The subject property is shown on the context map as a Suburban Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). Blueprint Denver describes the Suburban neighborhood context as follows: "Homes in this context are largely single-unit, but can also include higher intensity residential. Commercial development is focused

along main corridors and centers bordering residential areas. Although this context is more auto-oriented than others, there should still be quality multimodal connectivity." (p. 189).

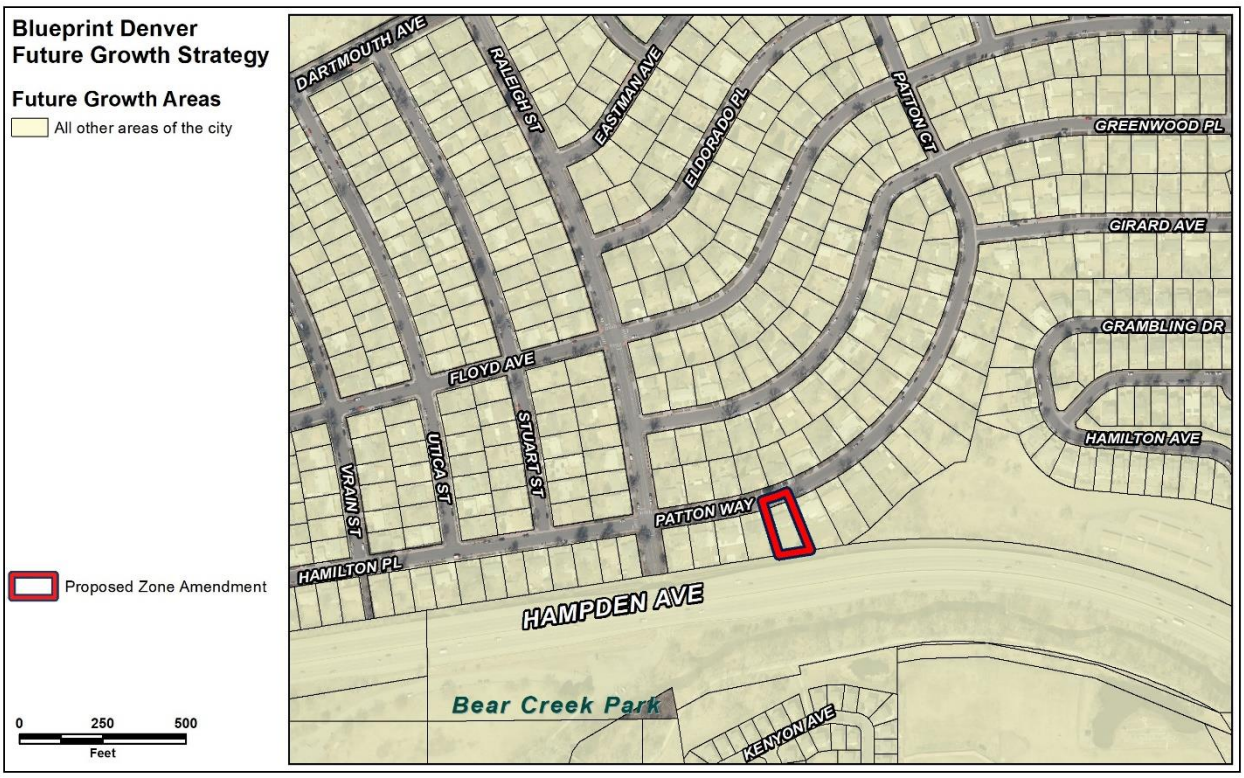
S-SU-F1 is a zone district within the Suburban Neighborhood Context and is intended "to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context" and "the building form standards, design standards and uses work together to promote desirable residential areas" (DZC 3.2.2.1). S-SU-F1 is consistent with Blueprint Denver's future neighborhood context of Suburban because it will promote the residential character of the neighborhood by allowing a small-scale ADU that will be compatible with the existing residential area.

Blueprint Denver Future Places

Within the Suburban Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by Blueprint Denver as "generally characterized by single-unit uses on larger lots. Accessory dwelling units and compatible two-unit uses are appropriate and can be thoughtfully integrated. Limited mixed-use along some arterial and collector streets and at intersections, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional suburban residential intensity. There is a mix of attached and detached garage forms. Buildings are typically up to 2.5 stories in height." (p. 198). The proposed S-SU-F1 zone district allows a 1- or 2-story detached ADU on the rear that is compatible with this Future Place type.



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 S-SU-F1 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-family residential character.

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 Geneva 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 S-SU-F1 district is consistent with this street type because it allows for residential and some civic uses.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs.

- Housing Policy 4 Strategy E: "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area" (p. 84).

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

In this case, the requested rezoning is a single lot in a residential area. This rezoning to an ADU and Tandem House zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. In addition, the rezoning of the subject property will remove the prohibition on the construction of an accessory dwelling unit.

Housing an Inclusive Denver (if applicable)
Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The Plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of accessory dwelling units; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goal is applicable:

> **Legislative and Regulatory Priorities, Recommendation 2**: "Expand and strengthen land-use regulations for affordable and mixed-income housing. Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units."

The requested zone district meets the consistency with the Denver Zoning Code's adopted plans criterion without additional support from Housing an Inclusive Denver. This item further strengthens an already fully consistent application.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to S-SU-F1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

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

4. Justifying Circumstance

The application identifies the adoption of Blueprint Denver as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may

include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, Blueprint Denver 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.

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

The requested S-SU-F1 zone district is within the Suburban Neighborhood Context, which "is primarily single-unit and multi-unit residential uses" and "single-unit residential consists typically of the Suburban House building form with street-facing garages" (DZC, Division 3.1). This context "consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys" (DZC, Division 3.1). The Hampden neighborhood consists mostly of single-unit residential uses in irregular blocks with no alley access. The proposed rezoning to S-SU-F1 is consistent with the neighborhood context description.

The specific intent of the S-SU-F1 zone district "is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet, tandem houses, and detached accessory dwelling units." (DZC Section 3.2.2.2.G.). The subject property at 3446 S. Patton Way contains a single-unit dwelling on a lot with a land area of 13,200 square feet and an average depth of approximately 153 feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. Public comment letter