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TO: Denver Planning Board
FROM: Rob Haigh, Senior City Planner
DATE: September 12, 2023
RE: Official Zoning Map Amendment Application #2021I-00271
2801 West Archer Place
Rezoning from E-SU-D1x to E-TU-C

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00271.

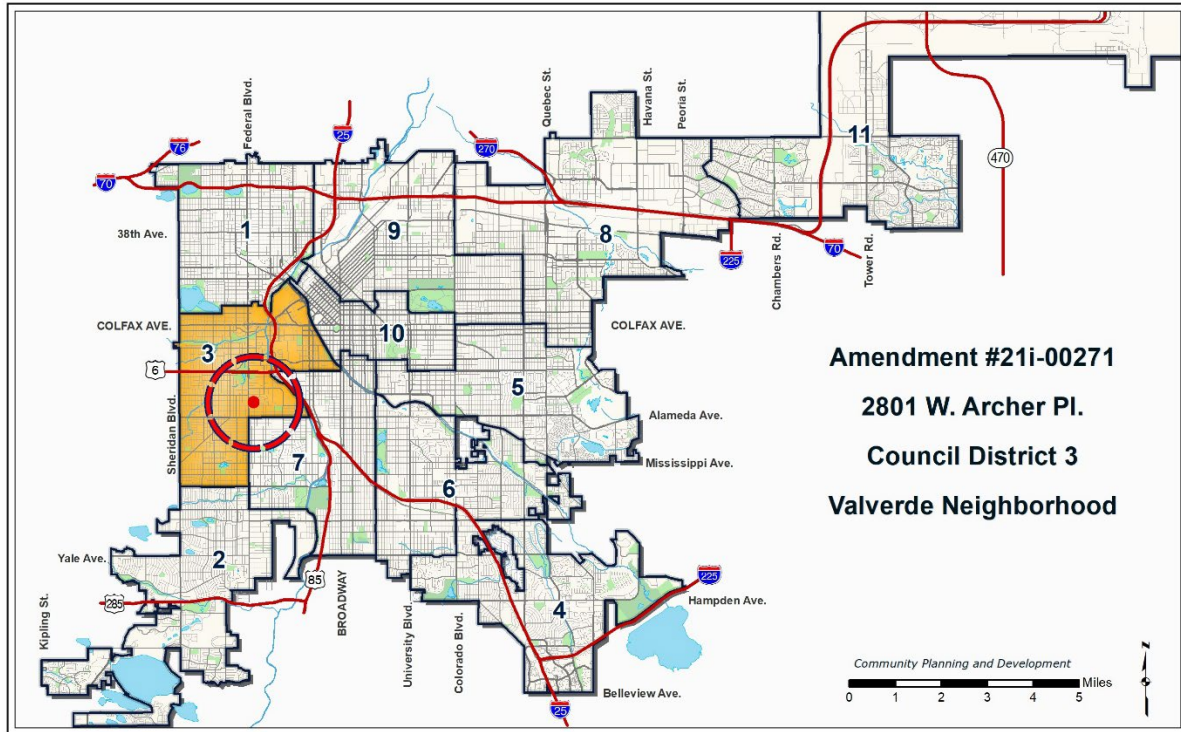
Request for Rezoning

Address: 2801 W Archer Place
Neighborhood/Council District: Valverde Neighborhood / Council District 3
RNOs: Valverde Neighborhood Association, Far East Center, Southwest Vida, Strong Denver, Inter-Neighborhood Cooperation (INC)
Area of Property: 12,200 square feet or 0.28 acres
Current Zoning: E-SU-D1x
Proposed Zoning: E-TU-C
Property Owner(s): 2801 W ARCHER PLACE LLC
Owner Representative: Annalee S James, Zaga Design Group, Inc

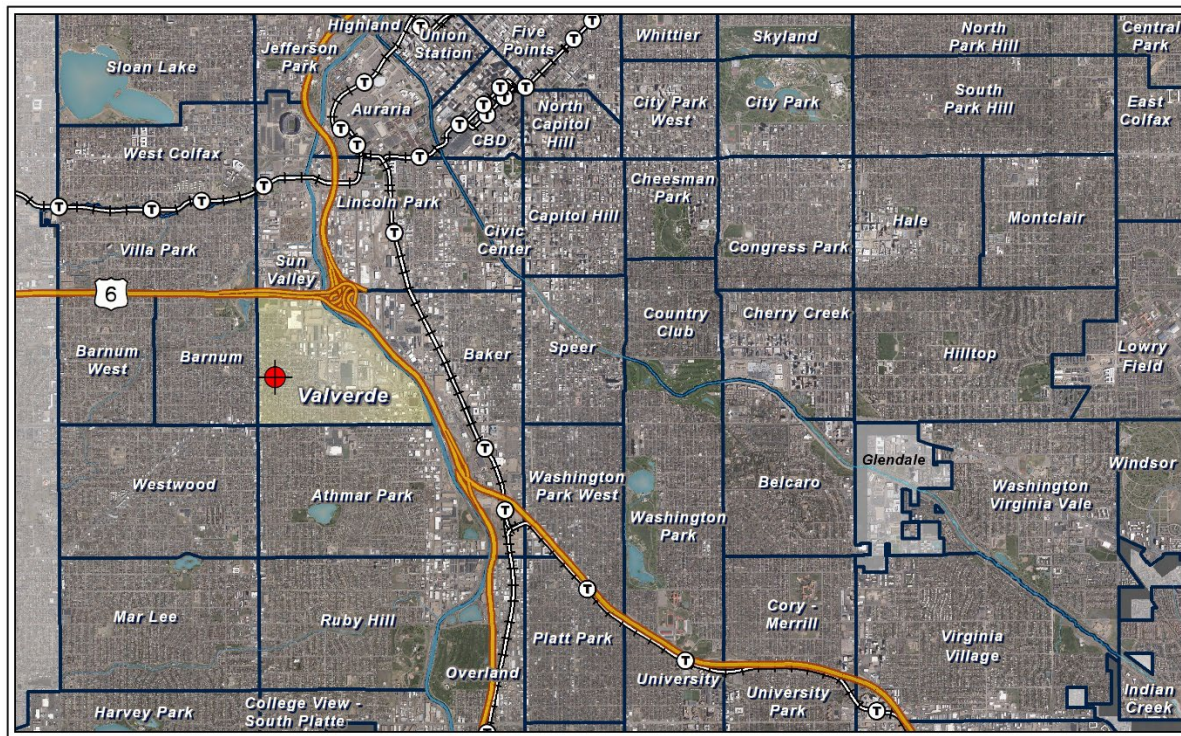
Summary of Rezoning Request

- The subject property is a vacant lot located at the corner of West Archer Place and South Decatur Street in the Valverde Statistical Neighborhood.
- The property owner and their representative are proposing to rezone the property to allow for the development of duplexes on the subject property.
- The proposed E-TU-C (Urban Edge, Two Unit, C), zone district allows the urban house, duplex, and tandem house primary building forms as well as detached accessory dwelling units. The minimum lot size for the E-TU-C district is 5,500 square feet. The maximum height of the allowed primary building forms is 30 feet for the front 65% of the zone lot and ranges from 17 to 24 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet.
- The proposed E-TU-C district is intended for use in the Urban Edge Neighborhood Context which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. The standards of the two unit districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

Council District



Neighborhood Location



Existing Context

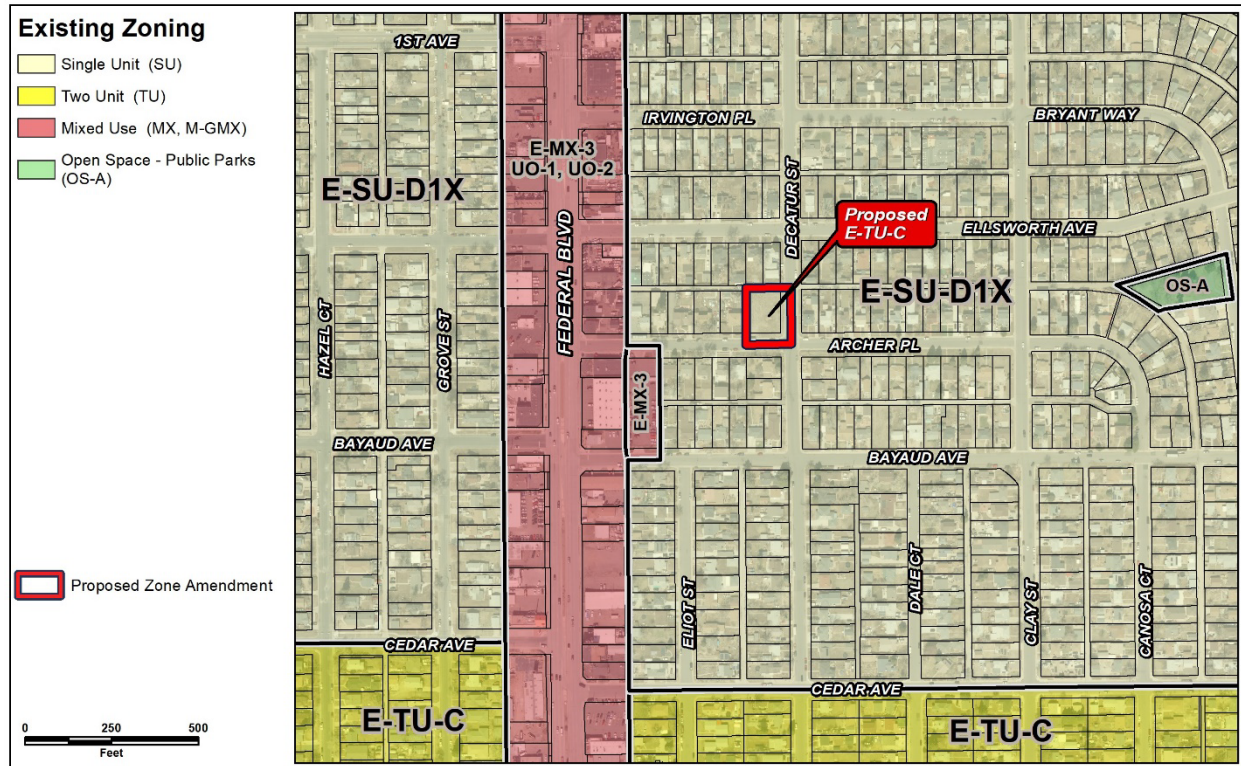


The subject property is located within the Valverde statistical neighborhood, one block east of Federal Boulevard. The subject property is one and a half blocks from Ulibarri Park and a half-mile from West-Bar-Val-Wood Park. The property is served by RTD bus routes 31 and 30 that run along Federal Boulevard with 10-minute and 1-hour headways, respectively.

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

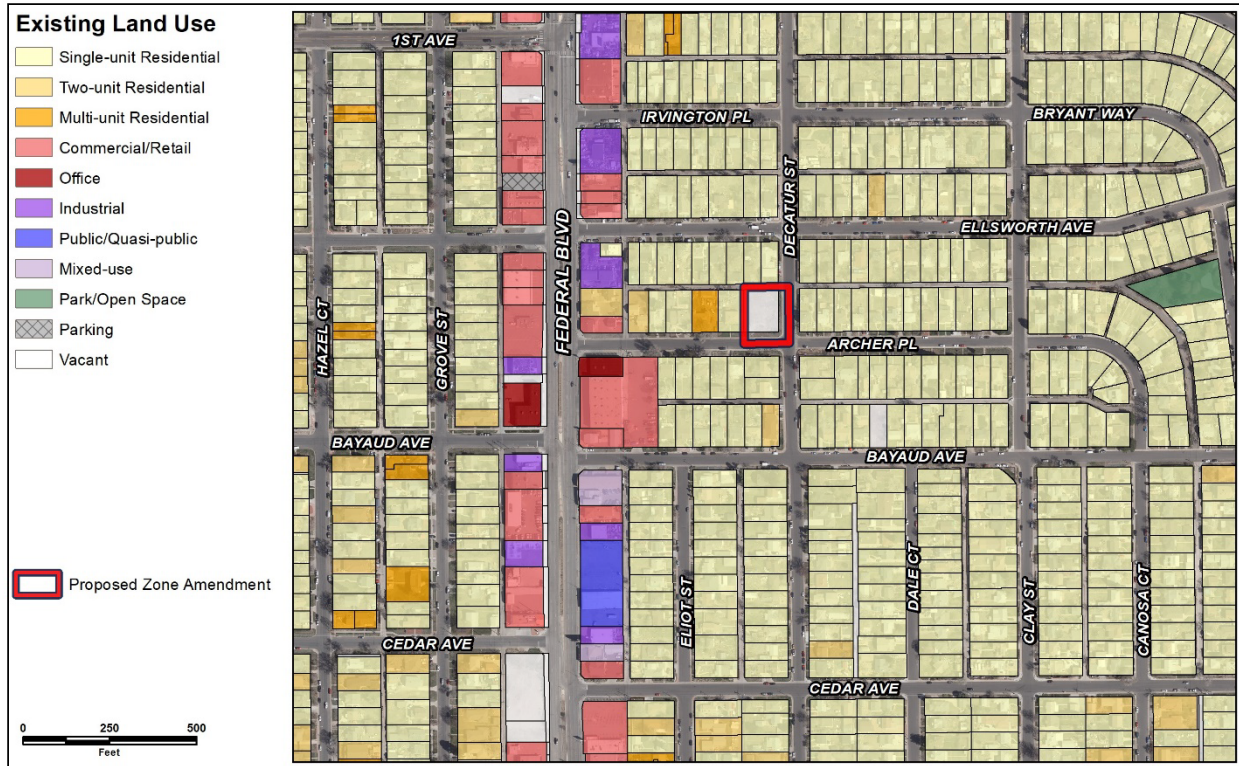
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-D1x	Vacant	Vacant	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. Sidewalks are attached. Driveways with front-loaded garages are present and alleys exist on most blocks.
North	E-SU-D1x	Single-unit residential	1-story houses	
East	E-SU-D1x	Single-unit residential	1-story house	
South	E-SU-D1x	Single-unit residential	1-story house	
West	E-SU-D1x	Two-unit Residential	1.5-story duplex residential structure	

Existing Zoning



The existing zoning on the subject property is E-SU-D1x which is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard. Blocks typically have a consistent pattern of 50-foot-wide lots. Allowed uses in E-SU-D1x are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. The subject property is surrounded by E-SU-D1x district in all directions. For additional details of the zone district, see DZC Section 4.2.2.

Existing Land Use Map



Existing Building Form and Scale (source: google maps)



Site – Subject property, looking northwest from the intersection of Archer Place and Decatur Street



South – View of the property south of the subject property, looking southwest from the intersection of Archer Place and Decatur Street.



North – View of the property directly north of the subject property, looking west from Decatur Street.



West – View of the properties to the west of the subject property, looking north from Archer Place.



East – View of property east of the subject property, looking northeast from the intersection of Archer Place and Decatur Street.

Proposed Zoning

E-TU-C Zone District

The E-TU-C zone district allows up to two primary dwelling units on a minimum zone lot area of 5,500 square feet. Allowed building forms include the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the two-unit district promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an Urban House building form. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment. More details of the proposed zone district can be found in Article 4 of the Denver Zoning Code.

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

Design Standards	E-SU-D1x (Existing)	E-TU-C (Proposed)
Primary Building Forms Allowed	Urban House and Suburban House	Urban House, Duplex, Tandem House
Height in Stories / Feet, Front 65% of Zone Lot,	All forms: 2.5 stories / 30’*	2.5 stories / 35’ **
Height in Stories / Feet, Rear 35% of Zone Lot,	Urban House: 1 story / 19’ Suburban House: 2.5 stories / 30’	1 story / 19’**
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	24 feet	2 stories / 24’
Zone Lot Size (min.)	6,000 sf	5,500 sf
Zone Lot Width (min.)	50’	35’
Primary Street Block Sensitive Setback Required / If not	Yes / 20’	Yes / 20’
Side Street Setback (min.) *	All Forms: 5’	3’**

Side Interior Setback (min.) *	All Forms: 5'	3'**
Rear Setback, Alley / No Alley	All Forms: 12' / 20'	12' / 20'**
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Depending on lot width

**Depending on lot width and building form

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only – Will require additional information at Site Plan Review

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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 – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – See comments below

There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

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:	5/11/23
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:	7/3/23
Planning Board Public Hearing: <i>Forwarding Recommendation of Approval</i>	7/19/23
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:	7/28/23
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	8/8/23 & 9/12/23
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 (tentative):	8/28/23
City Council Public Hearing (tentative):	9/18/23

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 The property owner and Valverde Neighborhood Association president met following the first LUTI Committee meeting to discuss the rezoning and potential redevelopment. The correspondence is included as an attachment to this staff report.

- **Other Public Comment**
 As of the date of this report, staff has not received any public comment.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Section 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

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

Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *West Area Plan (2023)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for additional housing units within an established neighborhood, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- 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).

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

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

The requested map amendment will allow additional residential density at an infill location where infrastructure is already in place. The requested zone district enables building forms and uses which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

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. Its maps were updated as part of the West Area Plan in 2023. *Blueprint Denver* identifies the subject property as part of a Low Residential Future Place within the Urban Edge Future Neighborhood Context and provides guidance from the future growth strategy for the city.

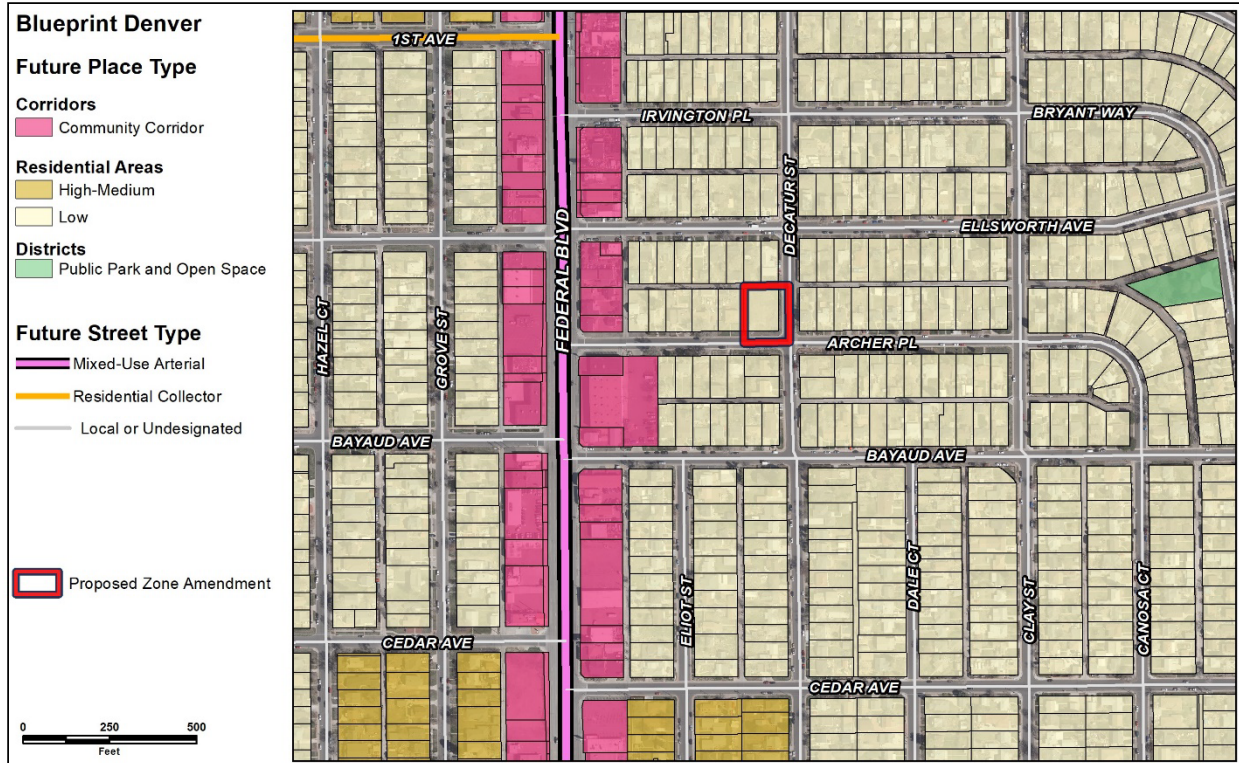
Blueprint Denver Future Neighborhood Context



The subject site is shown on the context map as an Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: "Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present" (p. 206).

The proposed E-TU-C zone district is a two unit zone district and part of the Urban Edge neighborhood context and is intended, “to promote and protect residential neighborhoods within the character of the Urban Edge neighborhood context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). The proposed rezoning to E-TU-C is appropriate and consistent with the Urban Edge neighborhood context plan direction and will ensure quality development appropriate for the Valverde neighborhood.

Blueprint Denver Future Place

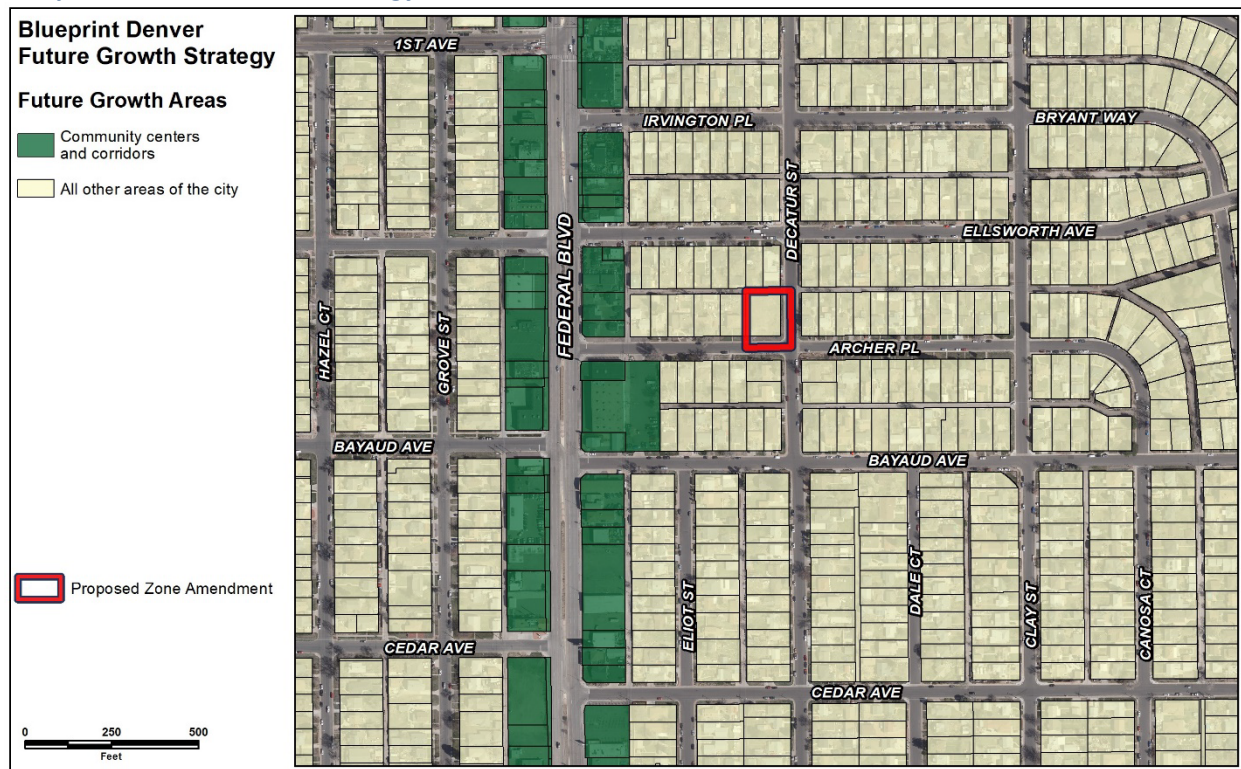


Within the Urban Neighborhood Context, the subject property is categorized as a Low Residential Future Place with a land use and built form defined by *Blueprint Denver* as “Predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.” (p. 214). *Blueprint Denver* acknowledges that while the description for Low Residential places includes both single- and two-unit uses, there should be special consideration when considering a rezoning request from a single-unit district to a two-unit district in a Low Residential Future Place. “When a rezoning request is made to change the zoning to allow two-unit uses the appropriateness of the request depends upon adopted small area plan guidance, neighborhood input, and existing zoning patterns. A departure from the established zoning pattern may be appropriate if the intent is to set a new pattern for the area, as expressed by an adopted small area plan or significant neighborhood input.” (p. 149). The proposed E-TU-C zone represents a departure from the existing zoning pattern in the area. Due to specific language in the recently approved *West Area Plan* that supports a new pattern for “missing middle” housing options on corner lots in Low Residential Future places, the proposed zone district is compatible with this future place.

Blueprint Denver Future Street Types

West Archer Place and South Decatur Street are classified as Local Streets. These streets are “designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Land uses along local streets vary, but they are most often characterized by residential uses (p. 161). Federal Boulevard is classified as a Mixed Use Arterial street which “Varied mix of uses including retail, office, residential and restaurants. Buildings are pedestrian-oriented, typically multi-story, usually with high building coverage with a shallow front setback” (p. 159). These types of arterial streets tend to support a higher level of adjacent development intensity than collector or local streets. The proposed zone district, E-TU-C, allows for residential use along an undesignated local street, the district is consistent with the future street types at this location.

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 percent of new housing growth and 10 percent 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 E-TU-C zone district is appropriate in this growth area as it will contribute to growth in the neighborhood while maintaining the area’s residential character. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

Additional Applicable Strategies

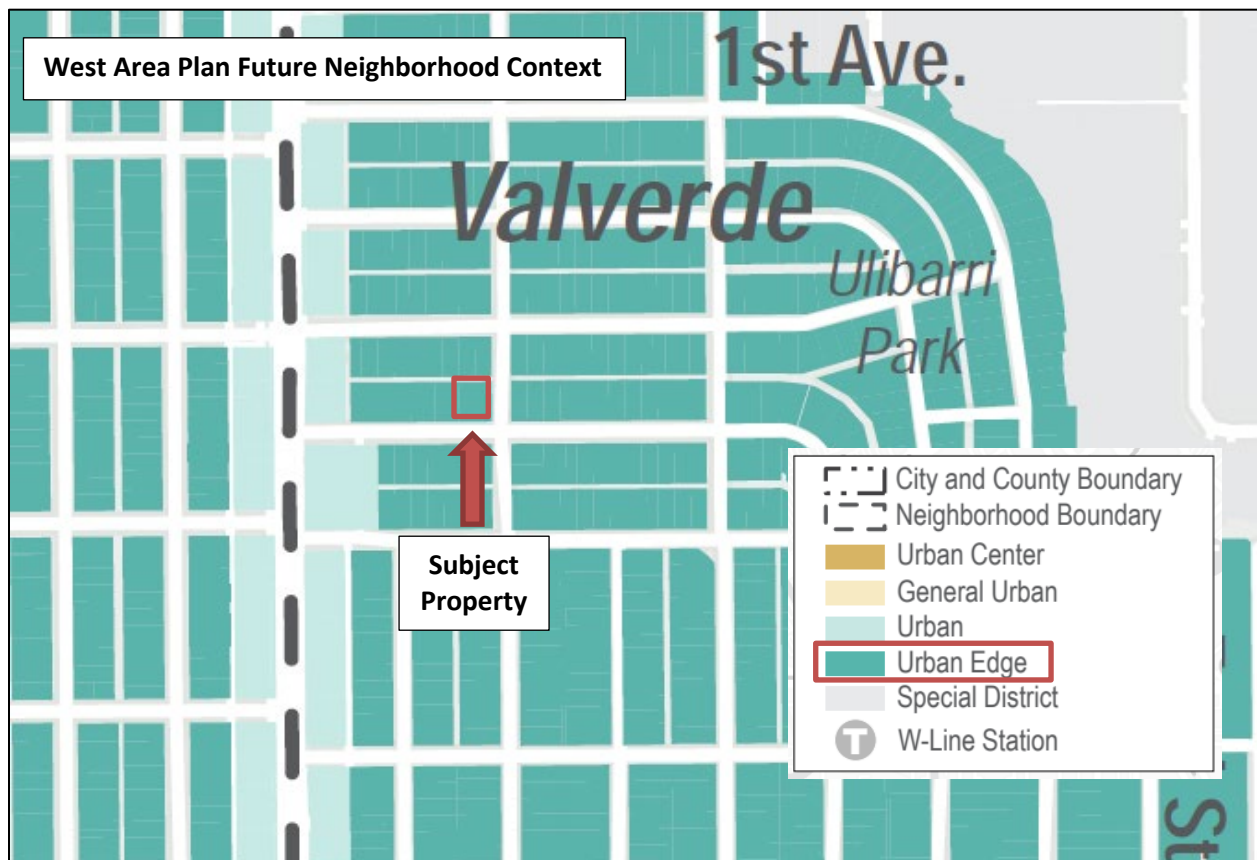
The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use & Built Form – Housing Goal 2: *Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas (p. 82).*
- Land Use & Built Form – Housing Goal 2: *Integrate missing middle housing into low and low-medium residential areas, especially those that score low in housing diversity. This allowance should advance goals for affordability, such as including a requirement to provide affordability in exchange for increased density (p. 82).*

This rezoning to a E-TU-C zone district enables a greater diversity of housing types by allowing the duplex building form in this Low Residential Future Place that is predominately single-unit residential development. The rezoning of the subject property will also allow missing middle housing options for residents in the neighborhood. The proposed map amendment is therefore consistent with the above strategies.

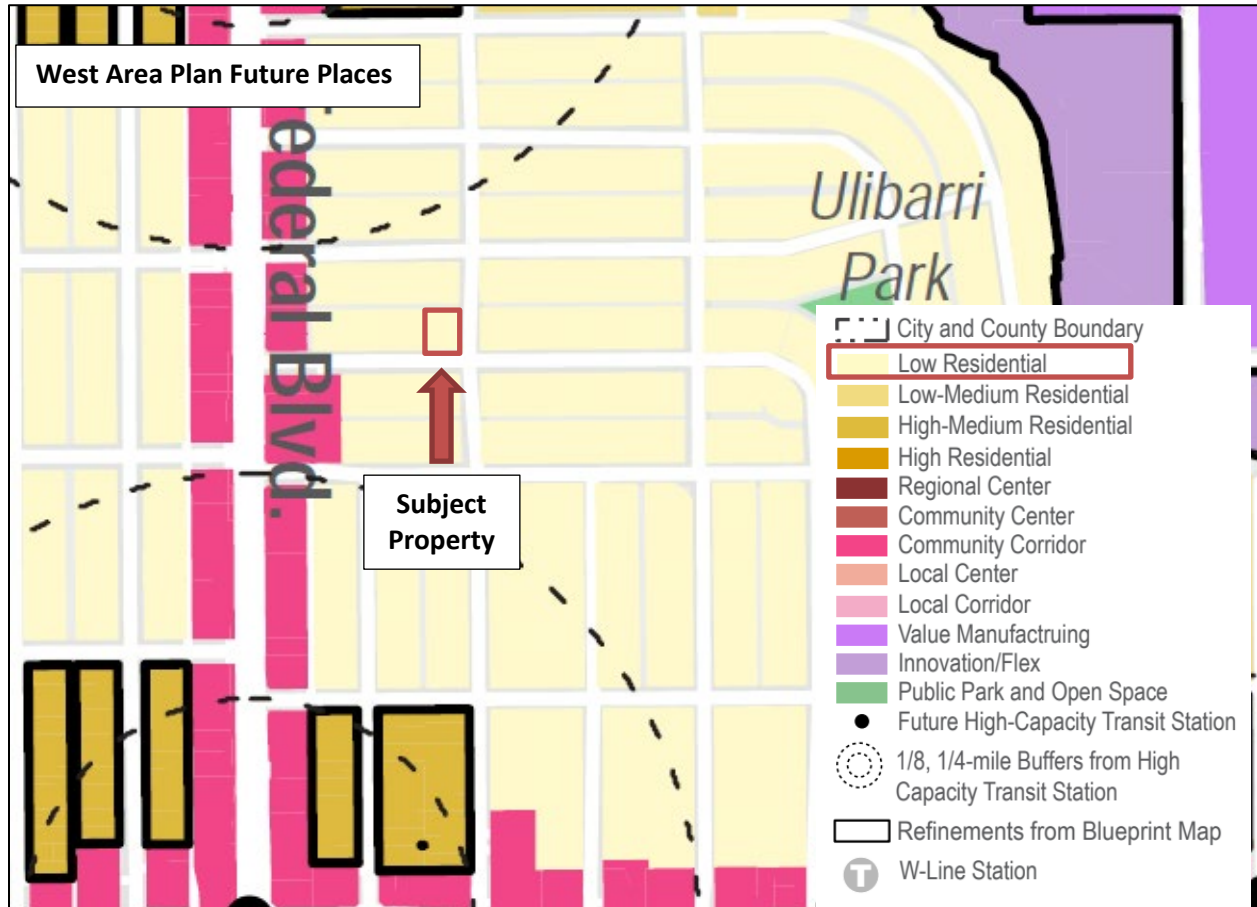
West Area Plan

The *West Area Plan* was adopted in March 2023 as part of Community Planning and Development’s Neighborhood Planning Initiative. The plan updates and adds to the guidance in *Blueprint Denver*.



The subject property is within the Urban Edge Neighborhood Future Neighborhood Context. The description of Urban Edge Future Neighborhood Contexts in the *West Area Plan* closely reflects *Blueprint Denver* and states is described as being “primarily a single- and two-unit residential context

with some embedded small scale, multi-unit development.” (p. 162). The proposed E-TU-C zone district allows for the anticipated building forms in this neighborhood context and is supported by this plan guidance.



The Future Places Map classifies the subject property as Low Residential, which is defined as having “Predominately single- and two-unit building forms on small to medium-sized lots” and states that “Accessory dwelling units and duplexes are appropriate and can be integrated where compatible” (p. 166). The proposed E-TU-C district is consistent with this description. Additionally, the *West Area Plan* has specific guidance describing when duplexes and other “missing middle housing” forms are compatible. Policy L.5 in the *West Area Plan* recommends expanding housing options on certain lots within Low Residential places and Strategy A. 1. Provides guidance to “allow low-medium ‘missing middle’ housing (e.g., duplex, fourplex) on corner lots and/ or near transit, parks/open spaces, gulches, and schools.” The proposed rezoning of the subject property is consistent with this strategy as it allow for compatible infill development of duplexes on this corner lot with good access to frequent transit service and mixed-use development along Federal Boulevard. Additionally, this plan guidance satisfies the requirement of *Blueprint Denver* to depart from the existing zoning pattern and establish a new zoning pattern for the area that includes missing middle housing options on corner lots and other locations as described in Policy L5, Strategy A.1.

Therefore, the proposed E-TU-C zone district is consistent with the direction given in the *West Area Plan*.

Uniformity of District Regulations and Restrictions

The proposed rezoning to E-TU-C 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 through implementation of the city's adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities along the Federal Boulevard Corridor and promote a walkable, urban neighborhood within walking distance to public transit which has been linked to increased physical activity,¹ decreased obesity,² and decreased driving.³

Justifying Circumstances

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, "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 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."

The application identifies the recent adoption of the *West Area Plan*, and the guidance provided in that plan regarding the expansion of "missing middle" housing options in low residential areas as a justifying circumstance for this rezoning. However, the property was recently rezoned as a part of a legislative rezoning to allow for accessory dwelling units in Valverde and Athmar Park on April 3, 2023. Despite this recent establishment of the current zoning, the proposed E-TU-C zone district further implements the more specific guidance in the *West Area Plan* and is in the public interest.

Both *Blueprint Denver* and the *West Area Plan* provide guidance that more building forms and additional residential density are in the public interest to advance stated plan goals.

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

The requested E-TU-C zone district is within the Urban Edge Neighborhood Context, defined by the Denver Zoning Code as, "primarily single-unit and two-unit residential uses...Single and two-unit residential uses are primarily located along local and residential arterial streets." (DZC Section 4.1.1).

¹ Ewing, R., and R. Cervero. 2010. "Travel and the Built Environment: A Meta-Analysis." *Journal of the American Planning Association* 76 (3): 265-94

² Ewing, R., T. Schmid, R. Killingsworth, A. Zlot, and S. Raudenbush. 2003. "Relationship between Urban Sprawl and Physical Activity, Obesity, and Morbidity." *American Journal of Health Promotion* 18: 47-57.

³ Frumkin, Frank, and Jackson 2004; Fran et al. 2006; Ewing et al. 2008; Stone 2008.

The rezoning is consistent with this description as it will allow a two-unit zone district adjacent to a local street where it is compatible with the general character of the neighborhood context.

It is also consistent with the general purpose of residential districts in this context as it will, “promote and protect residential neighborhoods” where “the standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form.” (DZC Section 4.2.2.1).

Furthermore, the rezoning is consistent with the specific intent of the E-TU-C zone district, which “allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the Urban House, Detached Accessory Dwelling Unit, Duplex and Tandem House building forms” (DZC Section 4.2.2.2.J) which would address the street similar to existing single- and multi-unit homes existing in the area.

Attachments

1. Application
2. Additional Correspondence