



TO: Denver City Council
FROM: Libbie Adams, AICP, Associate City Planner
DATE: February 3, 2022
RE: Official Zoning Map Amendment Application #2021I-00152

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021I-00152.

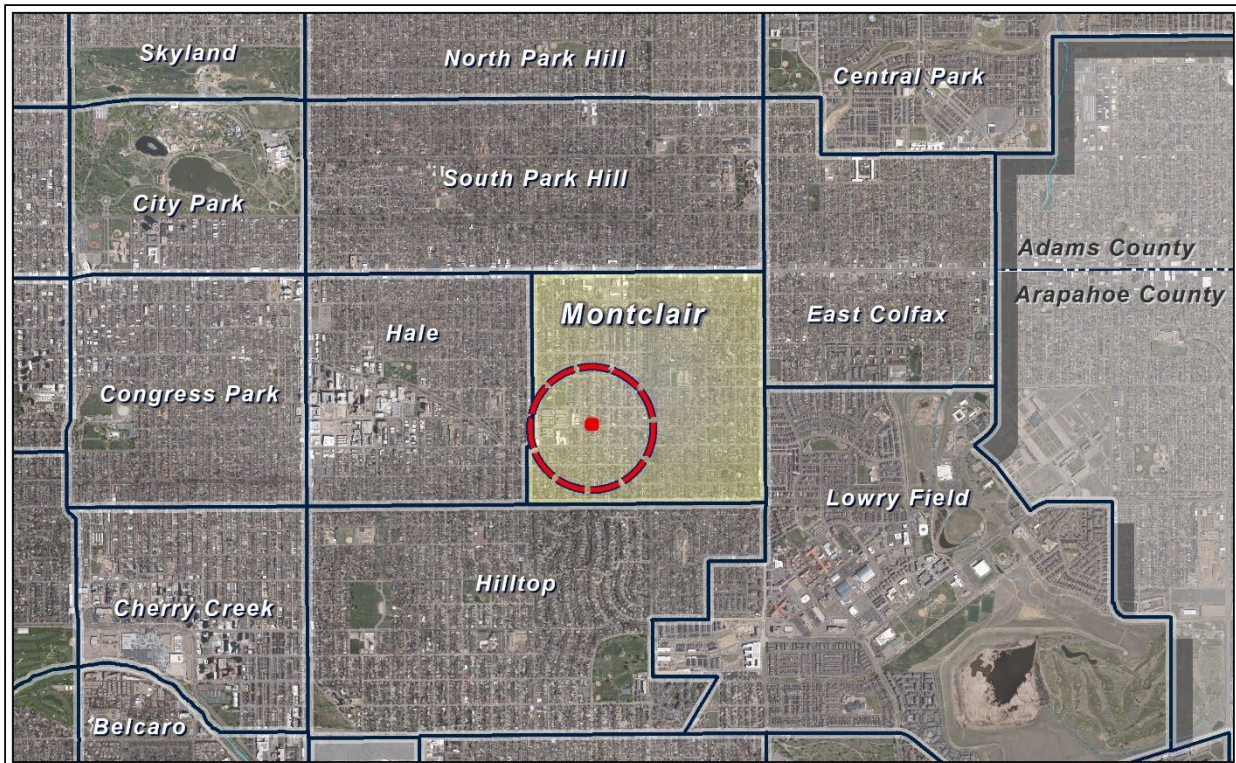
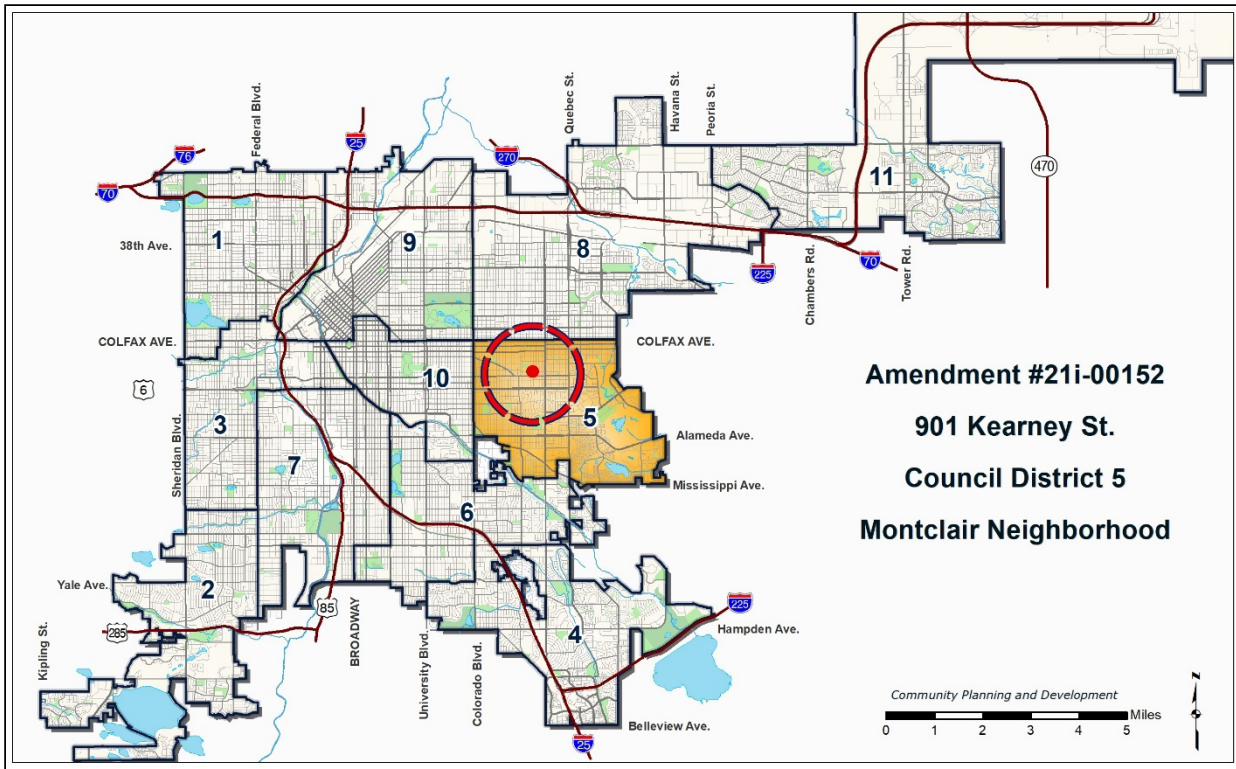
Request for Rezoning

Address:	901 N. Kearney St.
Neighborhood/Council District:	Montclair / Council District 5
RNOs:	Mayfair Neighbors, Inc., Historic Montclair Community Association, Inc., Denver for ALL, Inter-Neighborhood Cooperation (INC)
Area of Property:	10,900 square feet or 0.25 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Lisa A. Kerin-Welch and Patrick J. Welch
Owner Representative:	Bruce O'Donnell

Summary of Rezoning Request

- The subject property contains a single unit home built in 1924 and is located at the northwest corner of E. 9th Ave. and N. Kearney St.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-D1x, Urban **E**dge, **S**ingle-**U**nit, **D1x** (6,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by elements from the Urban and Suburban neighborhood contexts and is primarily single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures can be either the Urban or Suburban 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, and 17 to 19 feet in the rear 35% of the zone lot. Whereas the Suburban House building form allows up to 30 to 35 feet in height for the entirety of the zone lot depth. 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 4 of the Denver Zoning Code (DZC).

Existing Context



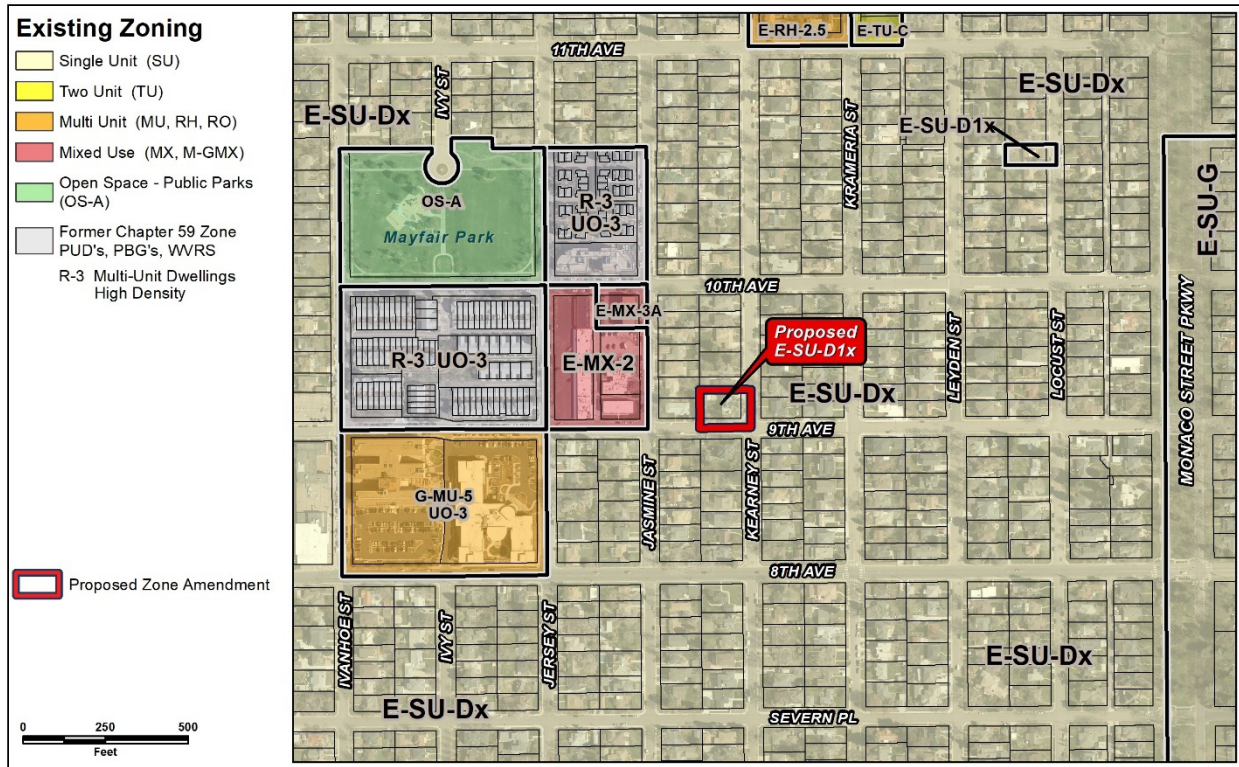


The subject property is in the Montclair statistical neighborhood, which is characterized primarily by single-unit residential uses. While most of the area is single-unit residential, there is a portion of the neighborhood directly to the west with commercial/retail and multi-unit residential uses. Generally, there is a pattern of rectangular blocks in a street grid pattern without alley access. The subject site is about three blocks southeast of Mayfair Park and four blocks west of Monaco Parkway. RTD Bus Route 10 runs along E. 12th Ave., directly north of the site with a 30-minute headway.

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-Dx	Single-unit Residential	1-story House with curb cut on N. Kearney St.	Block sizes and shapes are generally consistent and rectangular. Attached narrow sidewalks and curb cuts are present. Detached garages and on-street vehicle parking.
North	E-SU-Dx	Single-unit Residential	1-story House with curb cut on N. Kearney St.	
South	E-SU-Dx	Single-unit Residential	2-story House with curb cut on E. 9 th Ave.	
East	E-SU-Dx	Single-unit Residential	1-story House with curb cut on E. 9 th Ave.	
West	E-SU-Dx	Single-unit Residential	1-story House with no curb cuts.	

1. Existing Zoning



The E-SU-Dx zone district is a single-unit district allowing both the Urban House and Suburban House primary building forms on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. Additionally, the Urban House form allows for a maximum of 1 story or 17 feet to 19 feet in the rear 35% of the zone lot. E-SU-Dx allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

2. Existing Land Use Map



3. Existing Building Form and Scale (Source for all photos: Google Maps)



View of subject property looking west.



View of the property to the south looking west.



View of the property to the east across N. Kearney St., looking east.



View of the property to the north, looking west.



View of the property to the west, looking north.

Proposed Zoning

E-SU-D1x is a single-unit zone district with a minimum zone lot size of 6,000 square feet allowing both the Urban House and Suburban House primary building forms. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1x district. Compared to the E-SU-Dx zone district, E-SU-D1x introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 10,900 square feet, allowing a maximum building footprint of 864 square feet for the ADU.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Urban House, Suburban House	Urban House, Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 35 feet	2.5 stories / 35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story / 17 feet (Urban House), 2.5 / 31 feet (Suburban House)	1 story / 17 feet (Urban House), 2.5 / 31 feet (Suburban House)
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	7.5 feet	7.5 feet
Rear 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	50 %	50%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property with width of approx. 88 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.

Denver Public Schools: Approved – No response.

Department of Public Health and Environment: Approved – No response.

Denver Parks and Recreation: Approved – No comments.

Transportation & Infrastructure - City Surveyor: Approved – No comments.

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – See comments below.

DS Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – See comments below.

Approve rezoning only. Will require additional information at Site Plan Review.

Development Services – Fire Prevention: Approved – No response.

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:	09/21/2021
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:	11/16/2021
Planning Board public hearing (Planning Board voted 9-0 to recommend approval of the rezoning, one neighbor commented with questions):	12/01/2021
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:	11/29/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	12/7/2021
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	01/17/2022
City Council Public Hearing:	02/07/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has not received any comments from Registered Neighborhood Organizations.
- **Other Public Comment**
 - To date, staff has not received any 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 application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- East Area Plan (2020)

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).

E-SU-D1x 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 residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes and ages.

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

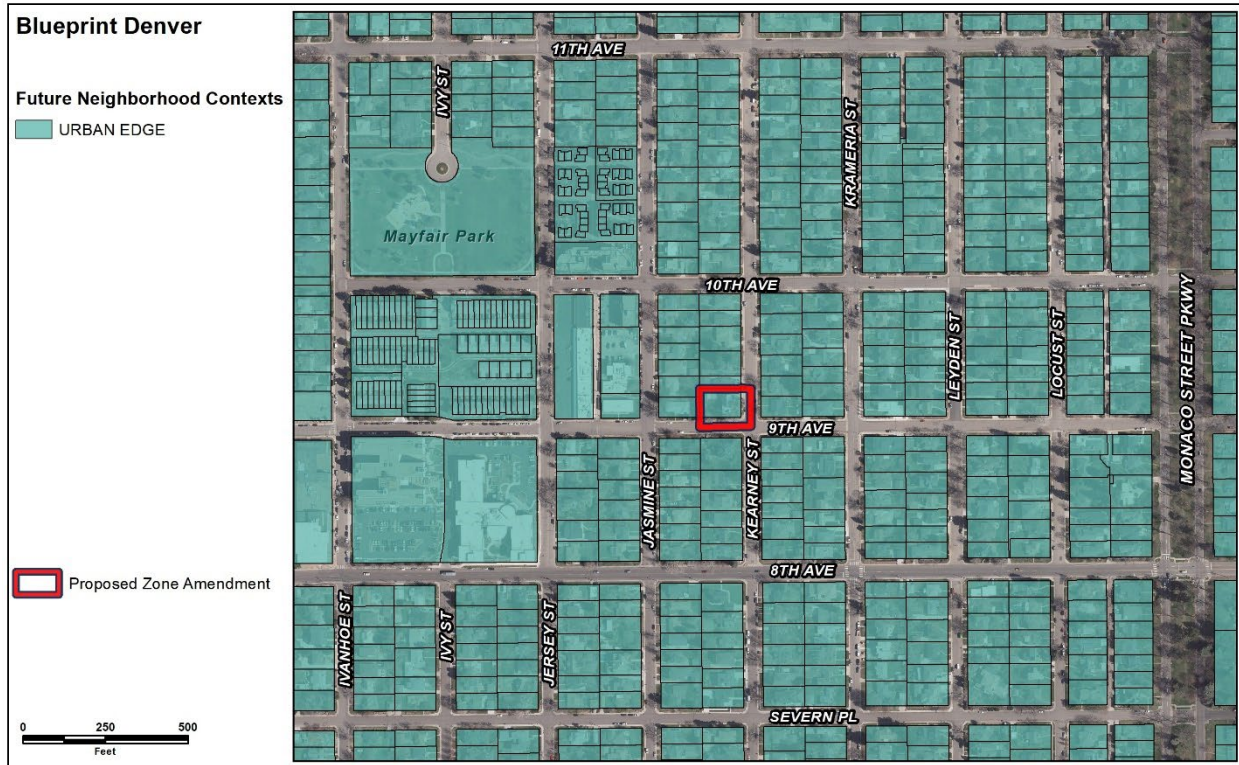
The proposed map amendment will allow an additional housing unit on the site of an existing single-unit home where infrastructure and services such as water, stormwater, and transit already exist. This allows Denver to grow responsibly and promotes land conservation.

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

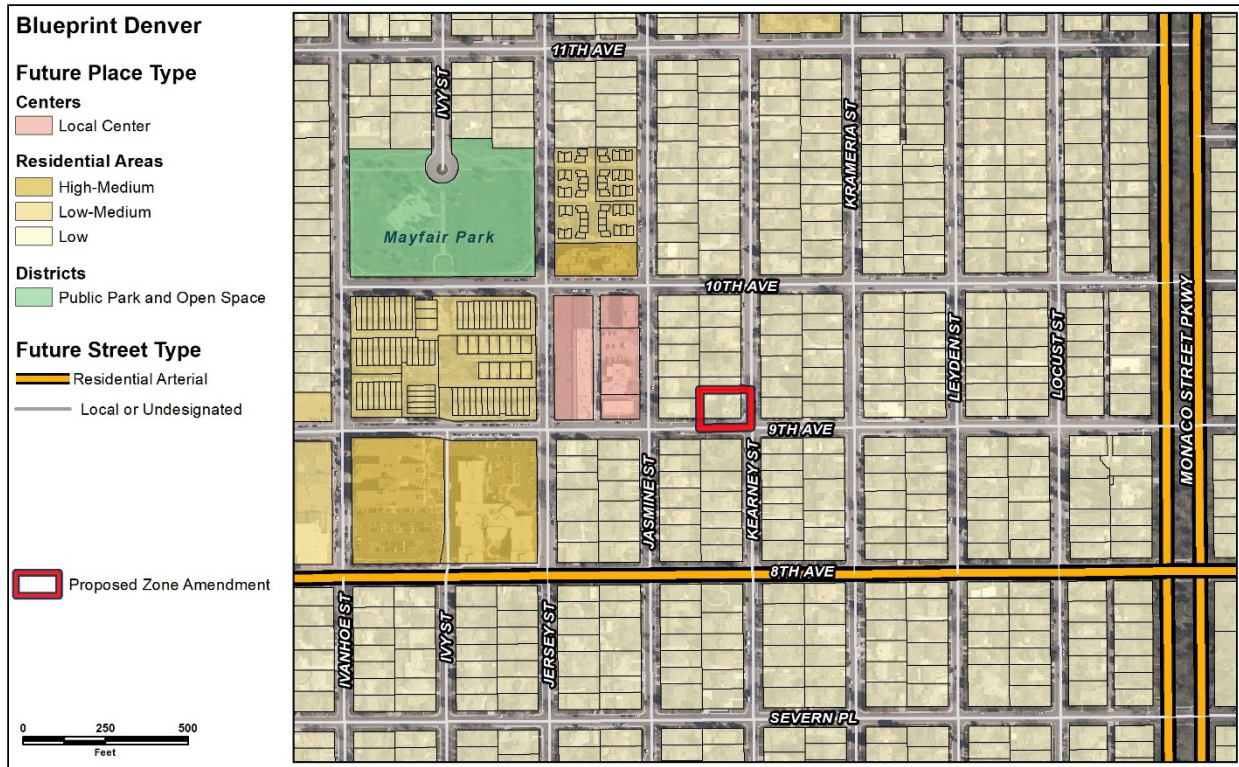
the subject property as part of a Low Residential place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

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 the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as “predominately residential and tends to act as a transition between urban and suburban areas” with “good walkability with short, predictable blocks.” (p. 205). E-SU-D1x is a zone district within 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). E-SU-D1x is consistent with the Blueprint future neighborhood context of Urban Edge 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

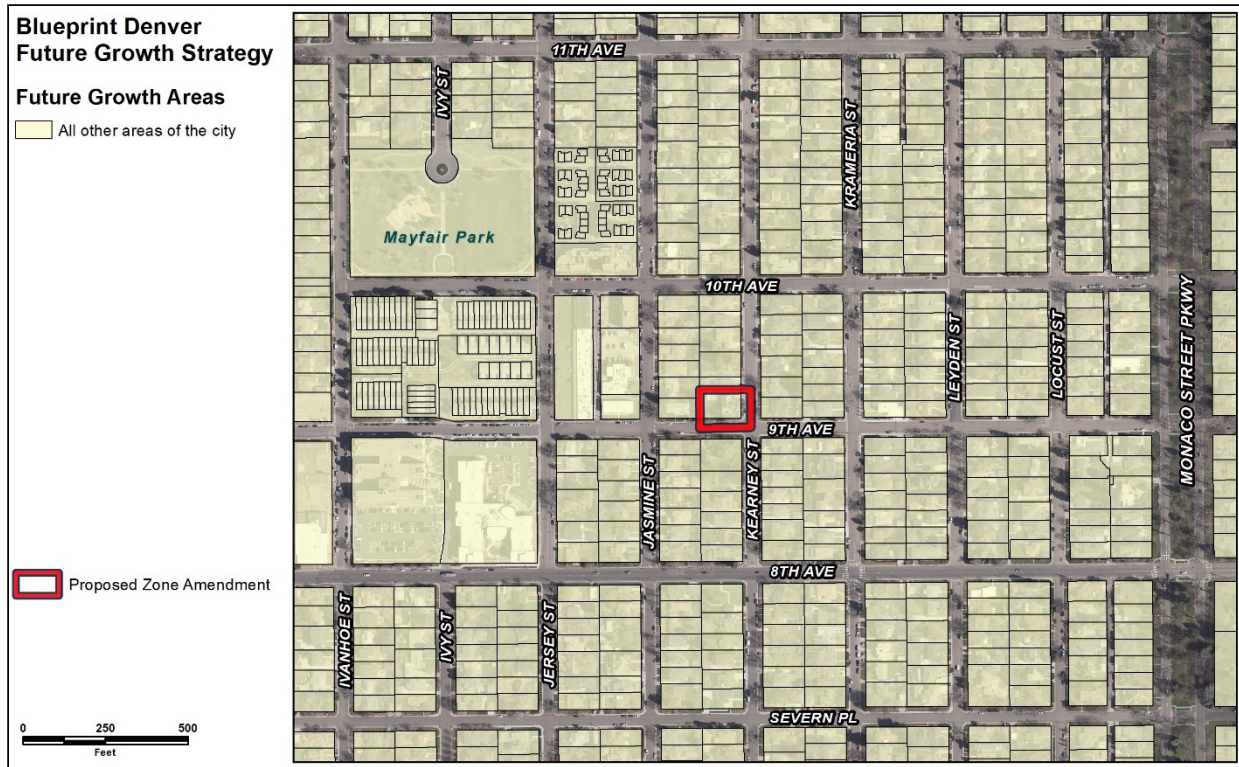


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 215). E-SU-D1x is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, consistent with the Low Residential future place type description. It allows the Urban House and Suburban House primary building forms, which have a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies N. Kearney St. and E. 9th Ave. as Local or Undesignated streets. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). The proposed E-SU-D1x district is consistent with this description 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 is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to E-SU-D1x will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

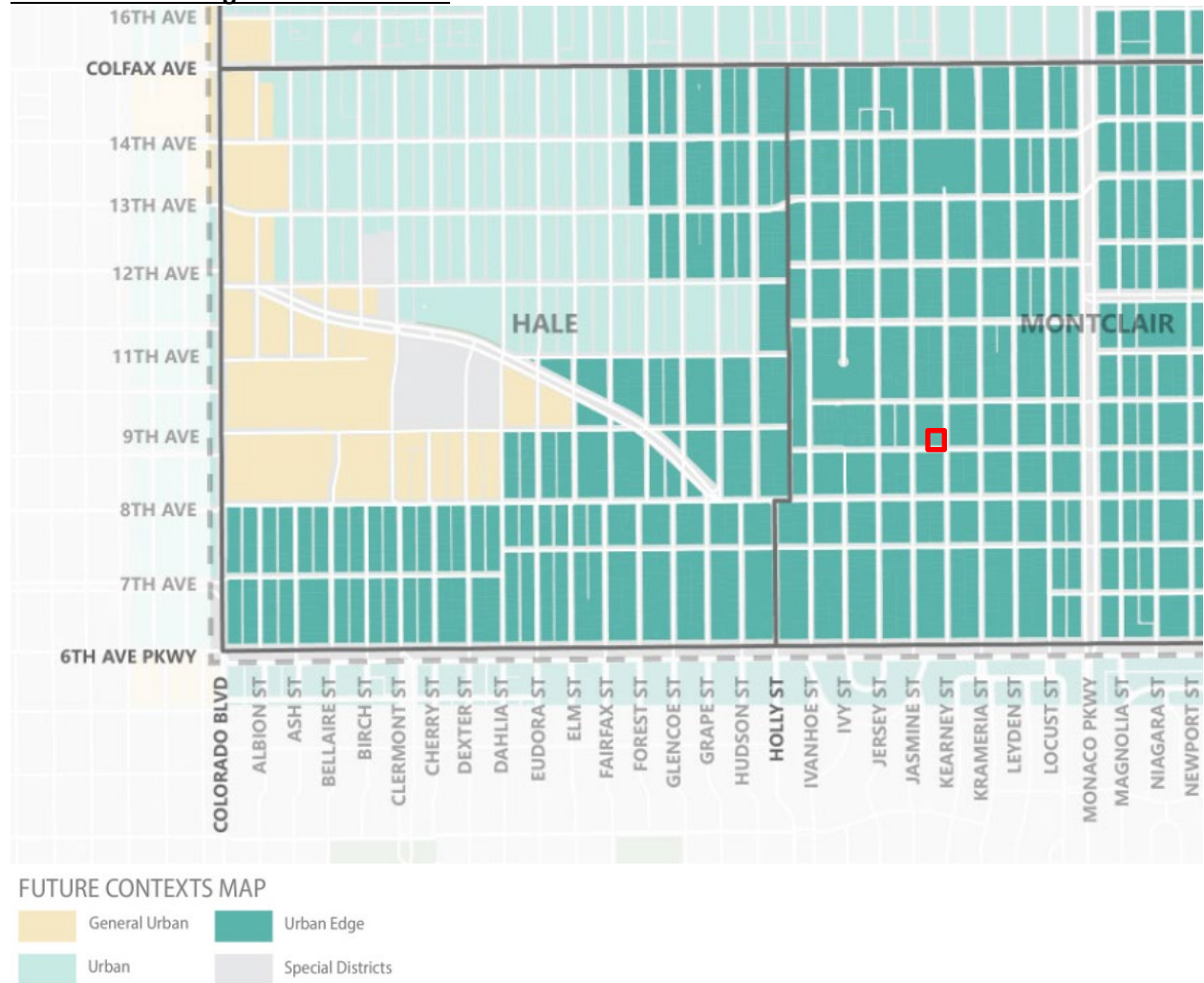
Blueprint Denver Additional Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Land Use & Built Form Housing Policy 4, Strategy E. says "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). This rezoning to allow an ADU zone district is for a single lot and will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

East Area Plan

The *East Area Plan*, adopted in 2020, updates the guidance in Comprehensive Plan 2040 and Blueprint Denver. Within the *East Area Plan*, the subject property is within the Urban Neighborhood Context, is in the Low Residential: Single-Unit future place type and is recommended for a maximum building height of 2.5 stories.

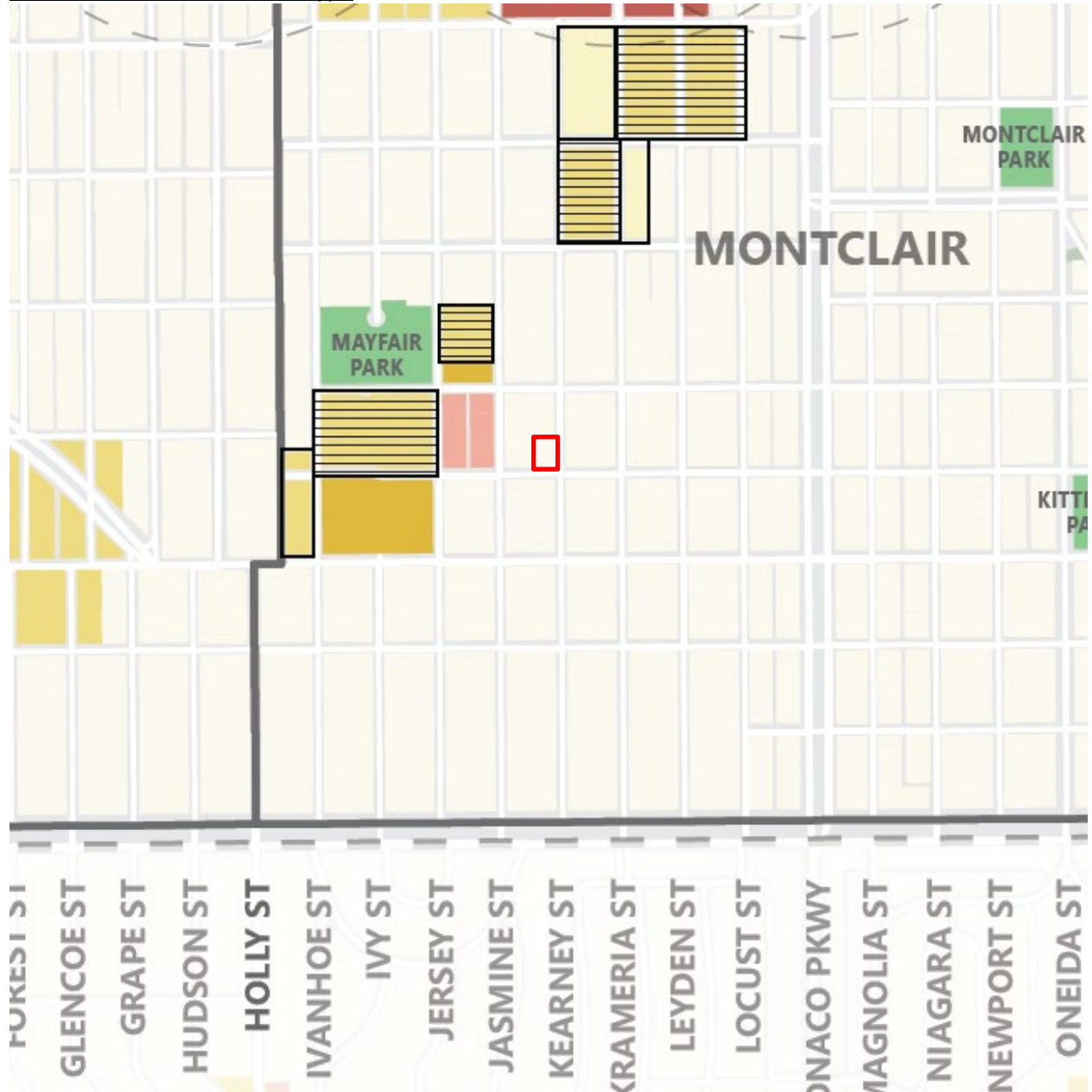
East Area Plan Neighborhood Context



The East Area Plan designates the subject property as within the Urban Edge Neighborhood Context and describes the context as “primarily single and two-unit residential with some small scale multi-unit residential, particularly close to Colfax Avenue and near the 9th and Colorado node” (p. 25). The

proposed E-SU-D1x district will allow single-unit development with an accessory dwelling unit in conformance with the Urban Edge Neighborhood Context.

East Area Plan Future Place Type

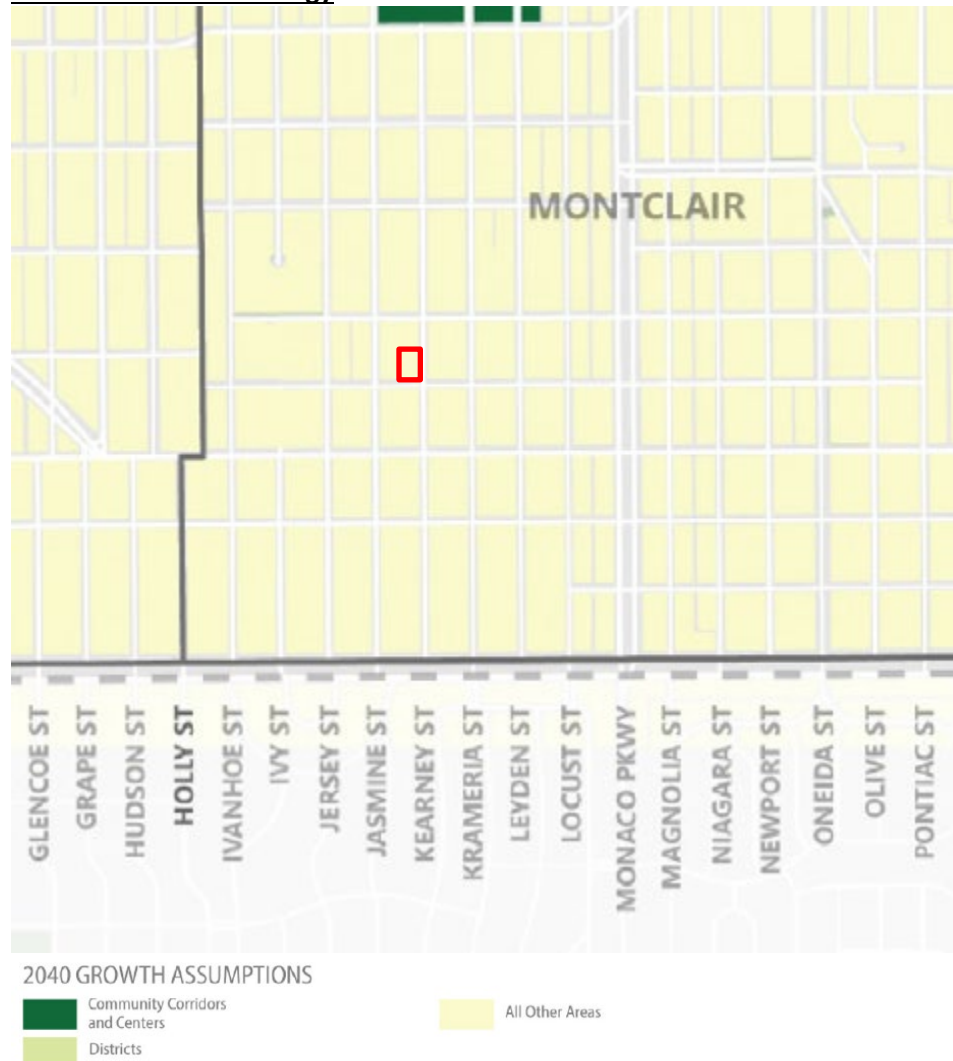


FUTURE PLACES

- | | | |
|--------------------|-----------------------------------|------------------------------|
| Community Center | High Residential | Low Residential: Two-Unit |
| Local Center | High-Medium Residential | Low Residential: Single-Unit |
| Community Corridor | Low-Medium Residential | Campus |
| Local Corridor | Low-Medium Residential: Row House | Parks and Open Space |

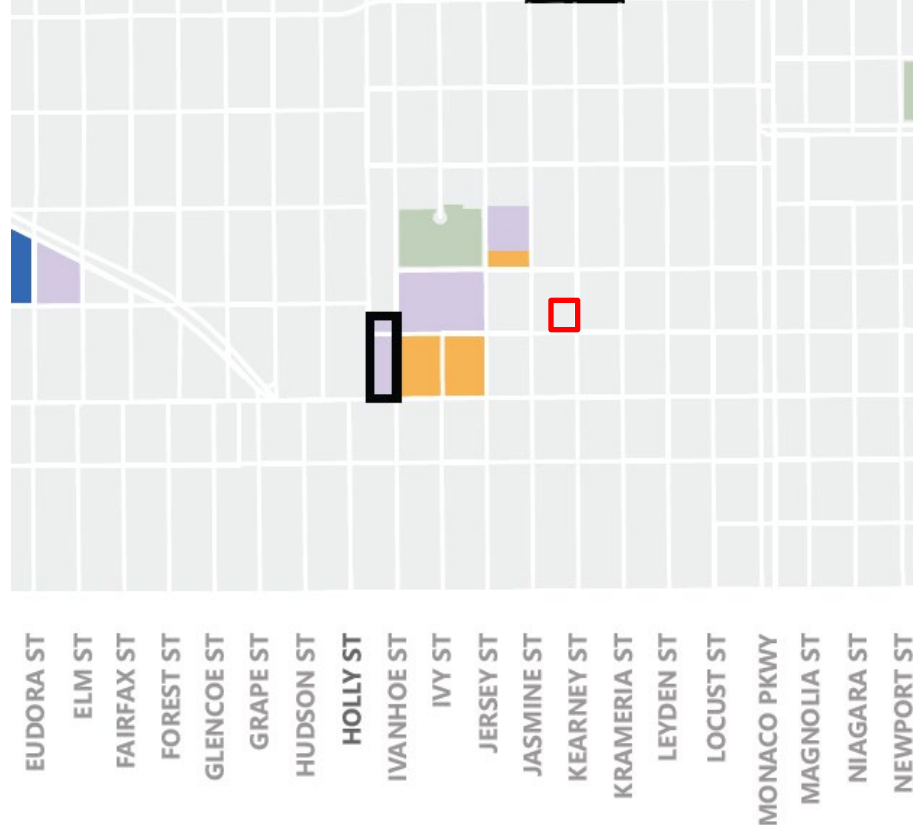
The *East Area Plan* designates the subject property as within the Low Residential: Single-Unit future place. The plan recommends this place type “in areas where single-unit homes with accessory dwelling units are appropriate” (p. 27). Land Use and Built Form policy L6 states that East Area neighborhoods should be inclusive places that integrate missing middle housing and accessory dwelling units (p. 39). The E-SU-D1x zone district allows for a single-unit residential use with an additional dwelling unit accessory to the primary single-unit use. The proposed E-SU-D1x zone district is consistent with the Low Residential: Single-Unit place description.

East Area Growth Strategy



Within the *East Area Plan* the growth strategy for the subject property is “all other areas of the city.” The plan states that “the area is expected to grow by up to 4,840 additional housing units and up to 3,090 in new jobs over the next 20 years” (p. 35). The E-SU-D1x zone district will allow limited growth consistent with the growth anticipated in the *East Area Plan*.

East Area Recommended Maximum Building Heights



The *East Area Plan* also recommends maximum building heights. For the subject property, the recommended maximum building height is up to 2.5 stories. The E-SU-D1x proposed zone district is consistent with the height guidance because it allows a maximum height of 2.5 stories.

East Area Plan Montclair Guidance

The East Area Plan includes additional guidance for individual neighborhoods. The subject property is in the Montclair neighborhood where the plan identifies specific recommendations.

Recommendations for the area include the following:

- “Integrate accessory dwelling units and missing middle housing in appropriate locations (see Policy L6)” (Policy MC-L1 and MC-E3).

The proposed rezoning to E-SU-D1x of the subject property implements these recommendations by rezoning to a zone district which will enable accessory dwelling units, so the application is consistent with the guidance for the Montclair neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x 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. It will also bring a new type of housing unit to a largely single-unit residential area, which will increase the housing diversity in the area.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* and the *East Area Plan* 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."

Both *Blueprint Denver* and the *East Area Plan* were adopted after the existing zoning and include new direction for the subject property to allow an accessory dwelling unit. The direction from these plans justify a change in zoning from E-SU-Dx to E-SU-D1x.

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

The requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context. The neighborhood context is "primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Division 4.1). These areas consist of a "regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid" (DZC, Division 4.1). The Montclair neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect [ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." It accommodates one and two and a half story urban and suburban house forms oriented towards the street in the single unit districts. This is consistent with the E-SU-D1x district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context.

Rezoning Application #2021I-00152

901 N. Kearney St.

February 3, 2022

Page 20

The specific intent of the E-SU-D1x zone district 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” (DZC 4.2.2.2.F). The subject site is in an area where Urban and Suburban Houses and lots over 6,000 square feet are common. The site at 901 N. Kearney St. is 10,090 square feet with a width of approximately 88 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

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Lisa A. Kerin-Welch & Patrick J. Welch	Representative Name	Bruce O'Donnell
Address	901 N Kearney St	Address	1115 S Acoma Street Ste.107
City, State, Zip	Denver, CO 80220	City, State, Zip	Denver, CO 80204
Telephone		Telephone	720-441-3310
Email		Email	bodonnell@starboardrealtygroup.com
*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):	901 N Kearney Street		
Assessor's Parcel Numbers:	06053-14-008-000		
Area in Acres or Square Feet:	10,900 SF / Approx. .25 acres		
Current Zone District(s):	E-SU-DX		
PROPOSAL			
Proposed Zone District:	E-SU-DX1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>7/2/2021</u> <input type="checkbox"/> No - if no, describe why not _____		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>7/15/2021</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment) _____		

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION	
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - “Promote infill development where infrastructure and services are already in place” (p. 54). The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): <u>East Area Plan</u></p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including Blueprint Denver which recommends “the expansion of accessory dwelling units throughout all residential areas” (<i>Blueprint Denver</i>, p. 84).</p>

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>E-SU-D1X</u> Zone District.</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 (e.g. Assessor’s record, property deed, etc). Proof of ownership 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.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

Please list any other additional attachments:

See exhibits A-E

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Lisa A. Kerin-Welch Patrick J. Welch	901 N Kearney St. Denver, CO 80220 (303) 475-9090 PAT.WELCH@LVMEV.COM	100%	<i>Lisa Kerin Welch</i> <i>Pat Welch</i>	7/27/21 7/27/21	A	Yes

List of Exhibits

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.7 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.8 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record

EXHIBIT A

Property Legal Description

Legal Description

901 North Kearney Street

LOTS 16 TO 18, INCLUSIVE, AND THE SOUTH 1/2 OF LOT 19, BLOCK 13, PORTER & RAYMOND'S MONTCLAIR, AN ADDITION TO THE TOWN OF MONTCLAIR, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

EXHIBIT B

Description of Consistency with Adopted City Plans

2021I-00152

Exhibit B

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately 0.25-acre properties located at 901 North Kearney Street from E-SU-DX to E-SU-D1X (the “Property”) to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is located in the Montclair neighborhood on the north side of East 9th Avenue, West of North Kearney Street. Today the Property is zoned E-SU-DX a residential zone district allowing urban houses with a minimum zone lot area of 3,000 square feet. Existing context surrounding the Property include: E-SU-DX, E-MX-2, and G-MU-5, UO-3. Located within ½ mile RTD transit route 65 along Monaco and route 6 on 6th avenue and within a mile of Colfax Avenue a Blueprint Denver designated High-Capacity Transit Corridor. There are dedicated bike lanes within a ¼ mile on Ivanhoe street, Krameria street, Monaco parkway, and 7th avenue. Denver as a city has been experiencing exponential growth, these changes have resulted in the need to rezone the Property to meet community wants and needs.

The map amendment requests to rezone the Property to the E-SU-D1x Zone District. This zone district is a single unit district that would allow the Property to have an accessory dwelling unit (ADU). This zoning is otherwise identical to the zoning today. The successful rezoning will blend in with, support, and sustain the existing residential character of the neighborhood. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs.

REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Housing an Inclusive Denver (2018), and East Area Plan (2020).

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:

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

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

Strong and Authentic Neighborhoods Goal 1, *Strategy D –Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p.34).

Environmentally Resilient Goal 8, *Strategy A –Promote infill development where*

infrastructure and services are already in place (p.54).

The proposed E-SU-D1X zone district allows for an additional dwelling unit that is accessory to the primary single-family use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-family homes that are found in much of the Montclair neighborhood. The proposed E-SU-D1X zoning would allow development at an intensity consistent with the surrounding neighborhood that would increase the diversity and supply of housing in the area. In addition, the proposed map amendment would allow additional building forms compatible with the existing neighborhood. The proposed map amendment will allow for modest density 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. The proposed map amendment is in an area where services and amenities are already in place north of Kearney between 13th and Colfax avenue and focuses growth close to a High-Capacity Transit Corridor – Colfax avenue. Therefore, the proposal is consistent with multiple strategies of the vision elements in *Comprehensive Plan 2040*.

The proposed map amendment is consistent with the objectives of Blueprint Denver 2019 including:

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban Edge* neighborhood context.

Urban Edge neighborhoods are described as:

“The urban edge context areas are predominately residential and tend to act as a transition between urban and suburban areas. Homes in this context are typically low-scale single- and two-unit residential with some small scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (BPD pg. 205)

Urban Low Residential Land use and Built Form:

*“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. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, 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 residential intensity. Low to medium buildings coverage. Building are generally up to 2.5 stories in height.” (BPD pg. 215)*

Growth Strategy for this area is designated as:

All other areas of the city: *10% of new jobs and 20% of new households.*

Street Type for the Property is designated as:

Local: *“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD pg. 160)*

The proposed E-SU-D1X zone district is an appropriate district that compliments the characteristics of Urban Edge neighborhoods and complies with the vision of a Low Residential area. It will appeal to the desired single-unit uses while introducing modest density through the allowance of an ADU. This zoning is otherwise identical to the zoning today. This zone district appeals to the City’s growth strategy,

allowing the development of an ADU is a low-intensity approach that will add to the housing stock. This zone district complies with the local street type and character through its residential uses. In addition, the multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, makes the Property an excellent multi modal accessible location ensuring that residents have access to transit and amenities.

Blueprint Denver Recommendations – Land Use and Built Form: Housing:

4. Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. (BPD pg. 82)

➤ *“Study and implement allowances for ADUs – including those attached and detached from the primary home – in all neighborhood contexts and residential zone districts”*

➤ *“A citywide approach to enable ADUs is preferred. Until a holistic approach is in place individual rezonings to enable ADUs in all residential areas, especially where adjacent 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.”*

The proposed E-SU-D1X zone district directly addresses the recommendations in Blueprint Denver. It adds to and diversifies the housing stock. The zoning standards within the E-SU-D1X zone district allow a low-scale accessory dwelling unit structure that will be compatible with the existing residential area, and consistent with the Blueprint Denver Urban context.

An Equitable City:

“While all of the vision elements are essential to Blueprint Denver, equity is especially important to the community. In recent years, Denver’s economic strength and population growth have benefited many, but not all. Today Blueprint Denver is integrating equity into planning in ways that Blueprint Denver 2002 did not. Without accounting and adjusting for important equity considerations, the forces of change acting on our city will prevent it from achieving its vision for inclusive, complete neighborhoods.” (BPD pg. 30)

Equity Concept: Expanding Housing and Jobs Diversity - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

The Importance of Housing and Jobs Diversity

“The vision of an inclusive Denver relies on a diverse range of residents, businesses and employees. Areas that become too homogeneous and exclusive threaten that vision by reducing or eliminating choice for anyone but the most affluent and privileged. A lack of housing options at various sizes and prices often means certain populations—including families, the elderly and people with disabilities—are not able to live in neighborhoods of their choice. Increasing the range of housing and job options will also advance the important goal to maintain and increase racial, ethnic and socioeconomic diversity in Denver’s neighborhoods. Certain housing types, such as attainable homeownership, can help build wealth and improve economic mobility for Denver residents.

It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD pg. 40)

The E-SU-D1X zone district will open the property to allow an ADU, which is not offered in the current zone district. While zoning predominantly addresses land uses and building form, it is important to

understand the relationship between a property's zoning and how its uses effects the community in both character and accessibility to basic needs such as housing and employment. This includes accessibility to amenities such as transit, parks/open space, healthcare, walkability/ bike-ability to a local center, local corridor, community corridor and regional center from the future places map. This zone district would allow for a low-intensity development in an appropriate location. It will modestly introduce a new housing option in an area that is predominantly single-unit homes. It is valuable to the neighborhood and the City that a E-SU-D1X zoning introduces more housing opportunities to the area than what is offered in the zoning today.

The proposed map amendment is consistent with the objectives of Housing an Inclusive Denver (2018) including:

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.” (HAID pg. 9)*
- *Key Actions: Encourage development of a mix of residential development types throughout Denver neighborhoods that provide residents with a diversity of housing choices (including price, size, and tenure of housing options) through specific zoning and land use recommendations in Blueprint Denver. (HAID pg. 50)*

The proposed rezoning to E-SU-D1X is consistent with the recommendations of the Housing an Inclusive Denver Plan. The allowance for an accessory dwelling unit will add to the mix of residential housing types in the area that is in character with the neighborhood. It will conform with the neighborhood context, building height and zone lot size recommendations in the existing zoning.

The proposed map amendment is consistent with the objectives of the East Area Plan (2020) including:

Land Use and Built Form Recommendations:

L6: *“Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations.”*

- *D. Implement adopted citywide policies in Blueprint Denver to diversify housing choice through expansion of ADUs throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction.*
 - *1. While missing middle housing (2-4 units) should be integrated into appropriate locations, ADUs should be allowed on all lots.*
 - *2. Until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs. (EAP pg.39)*

South Park Hill Recommendations – Land Use:

PH-L1 *Prioritize land use policies that aim to maintain character in South Park Hill residential areas.*

- *B. Integrate accessory dwelling units and missing middle housing in appropriate locations (EAP pg. 215)*

PH-E2 See POLICY E4: Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.

- *A. Integrate ADUs and missing middle housing in appropriate locations. (EAP pg.216)*

The proposed rezoning to E-SU-D1X is consistent with the recommendations of the East Area Plan. The East Area Plan identifies the Property as an “appropriate location” for an ADU. The integration of accessory dwelling units will address the missing middle housing while allowing for development that is in character with the neighborhood. The East Area Plan further supports the recommendations of Blueprint Denver that encourage the developments of ADUs as a low-intensity approach to diversifying the housing stock.

REVIEW CRITERION DZC § 12.4.10.7.B – 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.

Future development of the Property will result in uniformity of E-SU-D1X district regulations and restrictions.

REVIEW CRITERION DZC § 12.4.10.7.C – Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

2021I-00152

Exhibit C

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

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

Justifying circumstances for rezoning 901 N Kearney Street include:

1. *Changed or changing conditions in a particular area, or in the city generally*
2. *A city adopted plan*

The .25 acre Property is in a residentially dense neighborhood consisting of predominantly single unit homes. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This growing population has called for not only an increase of housing units but for a variety of housing options as well. As an Urban Edge Residential neighborhood immediately outside of downtown, this area will continue to be a desirable neighborhood to live in and will need to be able to provide options for the diverse population.

The adoption of Blueprint Denver in 2019 has introduced new land use recommendations and strategies to address Denver’s growing population. Blueprint specifically recommends diversifying the housing stock through the allowance of accessory dwelling units throughout all residential areas. Blueprint Denver also recommends adding additional housing in areas near transit, services, and amenities.

CRITERION DZC § 12.4.10.8.B – 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.

E-SU-D1X is a single unit district in the Urban Edge neighborhood context and which is characterized by the Denver Zoning Code as “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. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms.” (DZC 4.1.1). The proposed map amendment is consistent with surrounding building forms and is appropriate for the street type the Property is located on, therefore in character to the Urban Edge neighborhood context.

This general purpose of this residential district is to “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.” (DZC 4.2.2.1). The specific intent of the E-SU-D1X zone district 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.” (DZC 4.2.2.2). This ensures new development that contributes positively to established character of the neighborhood.

Today, the immediate neighborhood context around the Property is residential zoning. The proposed E-SU-D1X zone district of the Property will further embrace the residential character of the Montclair neighborhood through modest density. It will uphold the purpose of a residential district in an Urban Edge neighborhood context by reinforcing the desired development patterns while accommodating reinvestment.

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.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

2021I-00152

Lisa A. Kerin-Welch
Patrick J. Welch
901 Kearney Street
Denver, CO 80220

July 27, 2021

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
1115 Acoma Street, Suite 107
Denver, CO 80204
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent Lisa A. Kerin-Welch and Patrick J. Welch for the purpose of submitting and processing the rezoning application for the property owned by Lisa A. Kerin-Welch and Patrick J. Welch at 901 N Kearney Street in Denver, CO.

Sincerely,



Lisa A. Kerin Welch



Patrick J. Welch

EXHIBIT E

Proof of Ownership, Assessors Record

2021I-00152

901 N KEARNEY ST

Owner WELCH,PATRICK J & LISA A KERIN
901 KEARNEY ST
DENVER, CO 80220-4525

Schedule Number 06053-14-008-000

Legal Description L 16 TO 18 INC & S 1/2 OF L 19 BLK 13 PORTER & RAYMONDSMONTCLAIR

Property Type SFR Grade B

Tax District DENVER

Print Summary

Property Description

Style:	1 STORY	Building Sqr. Foot:	2225
Bedrooms:	2	Baths Full/Half:	2/1
Effective Year Built:	1924	Basement/Finish:	1254/1254
Lot Size:	10,900	Zoned As:	E-SU-DX

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