

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☒ CHECK IF POINT OF CONTACT FOR APPLICATION		☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Stephen Edson Elkins, Jr.	Representative Name	
Address	1245 N. Quince St.	Address	
City, State, Zip	Denver, CO, 80220	City, State, Zip	
Telephone	(505)459-6243	Telephone	
Email	steveelkins82@gmail.com	Email	
*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, 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.			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	1245 N. Quince St.		
Assessor's Parcel Numbers:	06042-24-014-000		
Area in Acres or Square Feet:	7,320 sf		
Current Zone District(s):	E-SU-Dx		
PROPOSAL			
Proposed Zone District:	E-SU-D1x		

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REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7	☒ 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need. ☒ 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. ☒ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.
Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8	Justifying Circumstances - One of the following circumstances exists: ☐ The existing zoning of the land was the result of an error. ☐ The existing zoning of the land was based on a mistake of fact. ☐ The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. ☒ 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: 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. ☐ It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code. Please provide an attachment describing the justifying circumstance. ☒ 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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- ☒ Legal Description (required to be attached in Microsoft Word document format)
- ☒ Proof of Ownership Document(s)
- ☒ Review Criteria, as identified above

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- ☐ Written Authorization to Represent Property Owner(s)
- ☐ Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

Exhibit A - Denver Zoning Code Section 4.3.4.5.A
 Exhibit B - Denver Zoning Code Section 11.8.2

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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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 or deed of trust, (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
Stephen Edson Elkins, Jr.	1245 N. Quince St. Denver, CO 80220 (505) 459-6243 steveelkins82@gmail.com	100%	<i>Stephen Edson Elkins, Jr.</i>	12/19/18	A	NO

Last updated: May 24, 2018

 Return completed form to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

 720-865-2974 • rezoning@denvergov.org

**THE NORTH 20 FEET OF LOT 31 AND ALL OF LOT 32 AND THE SOUTH 15
FEET OF LOT 33, EXCEPT THE WESTERLY 8 FEET THEREOF, BLOCK 17,
KENSINGTON, CITY AND COUNTY OF DENVER, STATE OF COLORADO**

1245 N QUINCE ST

Owner	ELKINS,STEPHEN EDSON JR 1245 QUINCE ST DENVER , CO 80220-3108
Schedule Number	06042-24-014-000
Legal Description	L 32 & N 20FT OF L 31 & S 15FTOF L 33 EXC REAR 8FT TO CITY BLK 17 KENSINGTON
Property Type	RESIDENTIAL
Tax District	DENV

Print Summary

Property Description

Style:	ONE-STORY	Building Sqr. Foot:	719
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1947	Basement/Finish:	0/0
Lot Size:	7,320	Zoned As:	E-SU-DX

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

Current Year

Actual	Assessed	Exempt
Land	\$105,200	\$7,570 \$0
Improvements	\$136,700	\$9,840
Total	\$241,900	\$17,410

Prior Year

Actual	Assessed	Exempt
Land	\$105,200	\$7,570 \$0
Improvements	\$136,700	\$9,840
Total	\$241,900	\$17,410

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/28/2018	6/12/2018	
Original Tax Levy	\$671.46	\$671.45	\$1,342.91
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$671.46	\$671.45	\$1,342.91
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$1,150.62**

Assessed Value for the current tax year

Assessed Land	\$7,570.00	Assessed Improvements	\$9,840.00
Exemption	\$0.00	Total Assessed Value	\$17,410.00

I. INTRODUCTION

This Official Map Amendment is a request to rezone 1245 N. Quince St. from E-SU-Dx to E-SU-D1x. The existing zone district is E-SU-Dx. Section 4.2.2.2.D describes the subject property's current zone district classification as "E-SU-Dx is a single unit district allowing suburban and urban houses with a minimum zone lot area of 6,000 square feet." Section 4.2.2.2.F describes the subject property's proposed zone district as "E-SU-D1x 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."

The purpose of the proposed Official Map Amendment is to allow an accessory dwelling unit to be constructed in the subject property's back yard. The Denver metro region, in particular the City and County of Denver, faces an unprecedented demand for housing due to a natural population increase coupled with continuing strong in-migration. This demand for housing has placed upward pressure on the values for Denver's housing stock and land. The subject property is large (7,320 square feet) with an existing house and attached garage comprising approximately 1,000 square feet. The subject property's existing condition represents the development pattern of its block and the greater East Colfax statistical neighborhood which is small homes on large lots. As a homeowner, with my current zone district classification, I have two options: 1) I can demolish the house and build a much larger house or 2) I can expand the house to a larger building envelope and from one (1) story to two and a half (2.5) stories. The proposed Official Map Amendment would allow me to build an accessory dwelling unit in my backyard that would be in keeping with my block's and neighborhood's existing form, mass, and scale. A central goal of this Official Map Amendment is to introduce additional housing in an area of the City that can support it due to its location and access to employment centers and regional mass transit.

In reviewing the drafts of Comprehensive Plan 2040 and Blueprint Denver 2019, it is apparent that, like me, many Denverites appreciate the form, mass, and scale of our current houses and neighborhoods. We want new development to match the existing fabric of our neighborhoods while understanding Denver's important role in meeting our City's housing needs. Hence my request for this Official Map Amendment to change the current zone district classification to allow for one (1) additional accessory dwelling unit in my large backyard. An accessory dwelling unit would add to the City's housing stock while allowing me to continue to preserve my existing home as it is without the need to demolish and rebuild it or complete a large addition to it preserving the materials, labor, and energy that were expended to build it. The accessory dwelling unit could be provided to my family members or rented to allow me to continue to live in the home while meeting a small part of the City's demand for more housing stock.

The City and County of Denver and the East Colfax neighborhood have experienced significant changes since the subject property's zone district classification was approved on June 25, 2010. Taken together with these changes, the adoption of Comprehensive Plan 2040, Blueprint Denver (2019), and Housing An Inclusive Denver further recognize the need for more and different housing types such as this Official Map Amendment's proposed accessory dwelling unit.

II. CONSISTENCY WITH ADOPTED PLANS

A. Introduction

Four (4) adopted plans apply to 1245 N. Quince St. The applicable plans are the East Montclair/East Colfax Neighborhood Plan (1994), Blueprint Denver (2019), Comprehensive Plan 2040, and Housing An Inclusive Denver (2017). These Plans were established as the City's future vision and this Official Map Amendment will show consistency with the goals and strategies of each of these Plans. (This Official Map Amendment application will not address the pending East Area Neighborhood Plan because there is currently no review draft available.) This Official Map Amendment Application addresses and uses terminology from the Denver Moves: Transit Plan. While the Plan will not be adopted, its information about transit service is relevant to the review of this Application.

B. East Montclair/East Colfax Neighborhood Plan

Generally, the East Montclair/East Colfax Neighborhood was focused on the coming redevelopment of the Lowry and Stapleton neighborhoods and the redevelopment of the East Colfax Avenue corridor. The subject property is near the Lowry and Stapleton neighborhoods. This Official Map Amendment will analyze the Plan's framework as it relates to the proposed request.

1. Land Use and Zoning Vision (Page 28)

- *"Protection of the residential character of the neighborhood."*

This Official Map Amendment supports the protection of the residential character of the neighborhood. The allowance of an accessory dwelling unit at the subject property maintains the overall low-density character of the East Colfax neighborhood. The East Colfax neighborhood, while predominantly detached single family housing, contains small and large apartment complexes, quadplexes, triplexes, and duplexes. Two small, detached single homes on a single zone lot is an existing example of slightly higher density near the subject property.

1188 Quince St. (Figure 1), approximately a half city block from the subject property, has contained two small, single family homes since their construction as kit homes in 1910 (Denver County Assessor records). This configuration has been maintained even as the greater Kensington subdivision developed in the late 1940s and early 1950s as small, single-family homes on large lots. This proposed housing type is already exists in the neighborhood and this Official Map Amendment's proposed zone district, E-SU-D1x, is consistent with this vision element and protects the residential character of the neighborhood.



Figure 1: 1188 Quince St. (Two Small Houses on a Single Lot)

2. Transportation Vision (Page 36)

- “Quiet local residential streets.”

The City block for 1245 Quince St. is bounded by Quebec Street to the west, 13th Avenue to the north, Quince Street to the east, and 12th Avenue to the south. Quince Street and 12th Avenue are undesignated local streets. Quebec Street and 13th Avenue are designated as resident arterial streets.

This Official Map Amendment, if approved, will maintain the “quiet local residential streets” vision element. Quince Street is a quiet residential street and will remain so if the Official Map Amendment is approved because the subject property’s City block has a dedicated rear public alley.

The Urban Edge Neighborhood Context's Accessory Dwelling Unit Building Form standards (see attached Exhibit A) in the Urban Edge Neighborhood Context require that any vehicular access for the subject property be taken from the alley. Further, the City's accessory dwelling units mandate that access must be shared with the primary residence. If this Official Map Amendment is approved the accessory dwelling unit will comply with the Building Form standards.

- “Convenient RTD bus transit service to all areas of the neighborhood.”

The subject property is within the quarter mile buffer of Quebec Street's Speed and Reliability Corridor as designated by Denver Moves: Transit Plan Figure 4-2 (Page 4-12). Quebec Street's RTD Route 73, a regional route connecting to light rail in Stapleton, and the Denver Tech Center, are within a City block of the subject property. RTD Route 10, along East 11th Avenue, which is partially served by a Speed and Reliability Corridor as designated by Denver Moves: Transit Plan Figure 4-2 (Page 4-12), a commuter route between East Aurora and Downtown Denver, is two City blocks from the subject property. The RTD Routes 15L and 15 regional routes along East Colfax Avenue, designated by Denver Moves: Transit Plan Figure 4-2 (Page 4-12) as a High Capacity Transit Corridor, and home to the future Colfax Bus Rapid Transit are two blocks away (approximately a third of a mile) from the subject property. If this Official Map Amendment is approved the accessory dwelling unit will be within a convenient walking distance of major transit routes.

- “A neighborhood friendly to walking and bicycling.”

The subject property hosts an attached sidewalk that is frequently used by residents who enjoy walking to the nearby Lowry Open Space and Denison Park. Bicyclists often use Quince Street to enjoy the amenities of the Lowry neighborhood. The City's proposed reconstruction project of Quebec Street will further enhance the transit, bicycle, and walking opportunities for subject property's City block.

3. Housing Vision (Page 55)

- “A strong and vital residential neighborhood.”

The proposed Official Map Amendment supports “a strong and vital residential neighborhood.” By allowing an accessory dwelling unit to be constructed in the subject property's rear yard, this Official Map Amendment will reinforce the strong and vital aspects of the existing residential neighborhood by making the retention of the existing primary economically feasible in its current form, mass, and scale. As Blueprint Denver (2019) and my own conversations with my neighbors have shown, there is a strong desire to retain existing housing stock. An accessory dwelling unit will also put additional “eyes on the street” on the subject property's public alley further contributing to this Official Map Amendment's consistency with a strong and vital residential neighborhood.

- “Sound management and a mix of income levels in rental single family homes and apartments.”

This Application is consistent with this vision element because it provides an additional housing opportunity in the East Colfax statistical neighborhood. As a housing unit for family members or a rental housing unit, the addition of this accessory dwelling unit will further this vision element’s goal of a mix of income levels.

- “Renovated and well-maintained housing.”

I have recently renovated the subject property’s primary residence which contributes to a strong and vital neighborhood. The construction of an accessory dwelling unit is consistent with the Plan’s vision element to promote renovated and well-maintained housing. The intent is for the accessory dwelling unit to mimic the existing primary residence’s form, mass, and scale, and architectural style. The existing primary residence is a proto Ranch style home that is half stucco and brick. These materials, as well as a hipped roof, may be incorporated into the design of the new accessory dwelling unit.

4. Housing Policies (Page 56)

- “H-1. Encourage home ownership and purchase of single homes by families and person will live in the homes.”

As previously discussed, the proposed Official Map Amendment is consistent with this Housing Policy because the ability to build an accessory dwelling unit on the subject property will encourage my continued ownership of the subject property and my ability to maintain the subject property. In Denver and nationwide accessory dwelling units have been shown to support the ability of homeowners to remain in their homes. Further, the City’s use limitations for accessory dwelling units in Section 11.8.2 (see attached Exhibit B) require that either the primary dwelling unit or the accessory dwelling unit be the “owner’s legal and permanent residence.” If approved, the referenced use limitations require consistency with this Housing Policy because they require the owner to reside on the subject property.

- “H-6. Familiarize residents with housing programs such as single family rehab loans, emergency home repair, and low interest loan programs for first time homebuyers. Encourage homeowners to add on additions and modernize single family homes. Utilize bank home equity loans, FHA Title One loans, FHA 203(k) loans, and other loan programs for rehabilitating and completing home upgrades.”

If approved, the proposed Official Map Amendment will allow me to obtain a construction loan to build the accessory dwelling unit. Without the appropriate zone district, E-SU-D1x, a lender will not issue a construction loan to build the accessory dwelling unit.

I have utilized a home equity loan to improve the existing primary residence. The potential income from the accessory dwelling unit will allow me to repay the construction loan for the accessory dwelling unit and my existing home equity loan. This Housing Policy also encourages additions and the modernization of single family homes. While an accessory dwelling unit is not an addition, because of its accessory nature to a primary residence, the approval of this Official Map Amendment is consistent with this Housing Policy's goal to encourage reinvestment in the neighborhood's existing single-family housing stock. The approval of this Official Map Amendment is consistent with this Housing Policy's goal to enable homeowners to improve their homes as part of the overall vision for a strong and vital neighborhood.

5. Public Safety and Crime Prevention (Page 61)

- "Increased sense of safety within the neighborhood."

This Official Map Amendment is consistent with this Public Safety and Crime Prevention vision element because the construction of an accessory dwelling unit adjacent to the subject property's public alley will put additional "eyes on the street" on the alley. My neighbors have told me about theft from their garages and their backyards. By increasing the public alley's users and the construction of the accessory dwelling unit in the subject property's rear yard, additional activation of the alley will help reduce crimes of opportunity because of the presence of additional residents. The block's alley has numerous large garages that are used infrequently as compared to an accessory dwelling unit. The construction of an accessory dwelling unit will increase the frequency of "eyes on the street" and the accessory dwelling unit will have windows that face the alley increasing the sense of safety within the neighborhood.

- "Reduced crime and 100% participation in the Neighborhood Watch Program."

As previously discussed, increased "eyes on the street" for this block's alley will assist in reducing current issues with crimes of opportunity because the alley will be further activated through the construction of the proposed accessory dwelling unit. Increased activation of the alley will help reduce crime in the block because of the alley's use as walking, biking, and driving connection to the neighborhood's streets.

C. Blueprint Denver (2019)

Introduction

Blueprint Denver is the City's newly adopted Land Use and Transportation Plan. This Plan recognizes the changes the City has experienced in the last 17 years and lays out an ambition vision to successfully accommodate the City's future growth. As part of its vision, the City recognizes the importance of the need for a mix of housing choices Citywide in response to increased population growth.

The Plan understands Denver's important role in meeting the region's growth while recommending smart growth strategies where the City's existing growth is prepared to accommodate it. The Plan, by incorporating many of Housing An Inclusive Denver's housing strategies, offers strong encouragement of this Official Map Amendment due to its plan guidance on accessory dwelling units. This Guidance encourages the allowance of accessory dwelling units, especially in areas of the City most at risk to involuntary displacement and near City designated Speed and Reliability and High Capacity Transit Corridors, such as this proposed Official Map Amendment.

1. Page 82, Housing Policy 3: "Incentivize the reuse of existing smaller and affordable homes."

This Official Map Amendment is an example of this Housing Policy. The existing smaller and affordable home is approximately 719 square feet. Denver Moves: Transit Plan Figure 3-5 (Page 3-26) shows the subject property is within the quarter mile buffer of Quebec Street, which the Plan designates as a Speed and Reliability Corridor. The subject property is also near the transit routes on East Colfax Avenue, designated by the Plan as a High Capacity Transit Corridor, and East 11th Avenue, designated by the Plan as a Speed and Reliability Transit Corridor. The allowance of an accessory dwelling unit at the subject property incentivizes the reuse of an existing smaller and affordable house by allowing a second unit to be constructed in the rear yard. The allowance of this unit removes the incentive to demolish and replace the existing home with a new, larger home.

- Housing Strategy A, "Study and implement zoning tools to incentivize the preservation of smaller, more affordable housing options. An example would be to allow the owner of an existing home to add an additional unit if the existing structure is preserved."

While these zoning tools do not currently exist, this Official Map Amendment is an interesting case study of the Housing Strategy's example. While the proposed rezoning does not require the existing primary residence to be retained, it is the intent of the Applicant to retain the existing primary residence. Further, the approval of this Official Map Amendment incentivizes the Applicant and any future property owners to retain the existing primary residence through the allowance of an additional accessory unit because the highest and best use of the property is no longer a very large home but will now be two smaller units. This Official Map Amendment can serve as a case study for the proposed example and how, in exchange for a small amount of additional density, the property owner could be required to build an accessory dwelling unit that is reflective of the surrounding structures' form, mass, and scale creating an important context sensitive outcome for the neighborhood.

2. Page 84, Housing Policy 4, “Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.”

This Official Map Amendment is an example of this Housing Policy. The subject property’s current zone district classification contains a prohibition on accessory dwelling units. This prohibition restricts the ability to expand housing choices on the subject property and incentivizes the existing home to be demolished and rebuilt to its maximum square footage. The addition of an accessory dwelling unit for the subject property will allow for the existing small, affordable home with its current form, mass, and scale to be preserved and a similarly small accessory unit to be constructed in the backyard. As previously discussed, the nearby property at 1188 Quince St. is an historic example of two small homes on one zone lot as part of the surrounding neighborhood’s larger mix of low to medium intensity residential and commercial zone districts and land uses (See Figures 2-6). This Official Map Amendment’s proposed retention of the existing home along with the addition of a small accessory unit meets the intent of this Housing Policy.

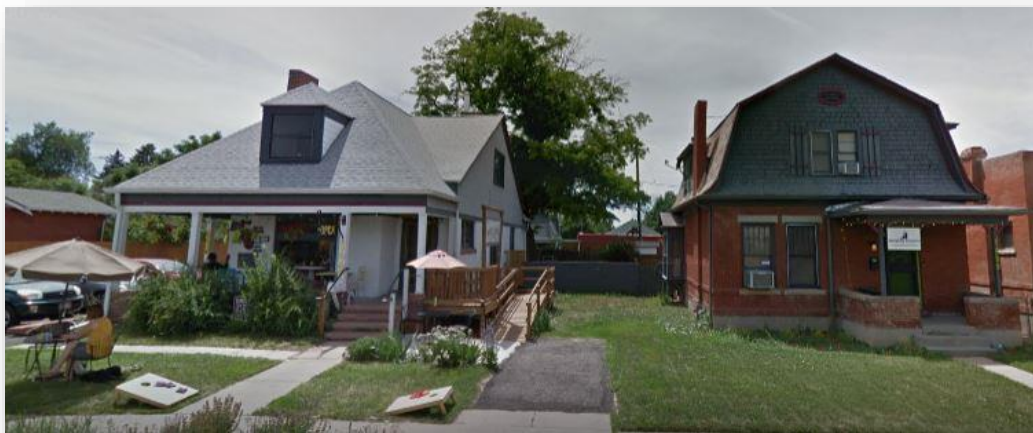


Figure 2: 1445-1447 Quince St. (Quince Essential Coffee and Sprightly Escapes)



Figure 3: 1461 Quince St. (Residential Duplex)

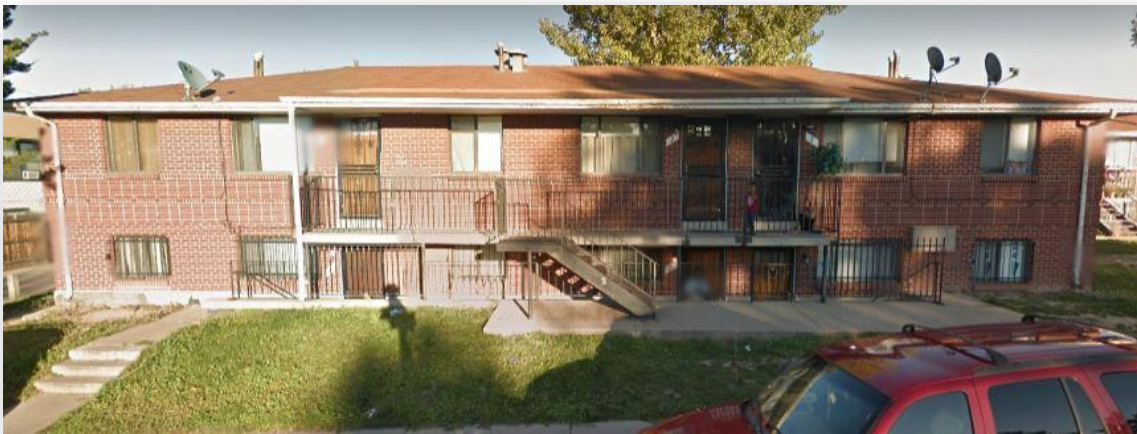


Figure 4: 1100 Block Rosemary St. (Small Apartment Building)



Figure 6: 1100 Block Syracuse St. (Commercial Property Center)



Figure 6: 1100 Block Syracuse St. (Neighborhood Retail Center)

- Strategy E: “A citywide approach to enable ADUs (accessory dwelling units) 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, these rezonings should be small in area in order to minimize impacts to the surrounding residential area.”

This Official Map Amendment is an example of this Housing Strategy. A holistic approach for the allowance of accessory dwelling units is not currently in place nor will that approach be in place for some time. This Housing Strategy provides strong plan support to this Official Map Amendment. As previously discussed, this Official Map Amendment is within one-quarter mile of a Speed and Reliability Transit Corridor along Quebec Street and is also within one-half mile of a High Capacity Transit Corridor, East Colfax Avenue.

The Denver Moves: Transit Plan states, “By 2040, the goal is for 75% of households and 75% of jobs in Denver to be within one-quarter mile of the FTN (Frequent Transit Network)... and one-half mile from an enhanced BRT or rail stop or station... (Page 3-24).” The proposed expansion of Quebec Street and the City’s \$55 million investment in Colfax Avenue Bus Rapid Transit show that the proposed accessory dwelling unit is adjacent to nearby Transit Corridors as envisioned by the Denver Moves: Transit Plan, which supports this Housing Strategy. This Official Map Amendment is for a single property, which will minimize its impact to the surrounding residential area in support of this Housing Strategy.

3. Page 84, Housing Policy 5, “Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.”

This Official Map Amendment is an example of this Housing Policy because its approval will remove an existing regulatory barrier to constructing accessory dwelling units. The rezoning of the subject property from E-SU-Dx to E-SU-D1x will remove the prohibition on the construction of an accessory dwelling unit, which supports this Housing Policy. In addition, the City’s current accessory dwelling unit building form for the E-SU-D1x zone district (see attached Exhibit A) provides an important baseline for reviewing bodies—City Council and Planning Board—as well as the public to understand the allowed form, mass, and scale of accessory dwelling units in the E-SU-D1x zone district.

- Strategy C, “Revise detached ADU (accessory dwelling unit) form standards to be more context-sensitive, including standards for height, mass, and setbacks.”

While this Official Map Amendment does not revise the building form standards for accessory dwelling units, the Applicant’s intent is to build an accessory dwelling unit in keeping with the existing neighborhood and its structures form, mass, and scale. The existing City block contains one story structures. The proposed accessory dwelling unit will be one story and built out of the same materials as the subject property’s primary residence. The proposed development outcome for the accessory dwelling unit exemplifies this Housing Strategy and can be a model for its future outcomes.

4. Page 142, The Future Places Map designates the subject property as a low intensity residential area.

Page 149 describes low intensity residential areas’ Land Use/Built Form as, “Predominantly one-and two-unit though many areas are mostly one-unit. Includes Accessory Dwelling Units. In some contexts, some higher-intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in some key locations. Buildings are predominantly low-scale houses and duplexes. Setbacks and lot coverages vary across neighborhood contexts.”

This Official Map Amendment is consistent and supported by Blueprint Denver's Future Places Map's designation of the subject property as a low intensity residential area. Low intensity residential areas specifically include accessory dwelling units. The approval of this Official Map Amendment maintains the subject property and surrounding neighborhood as a low intensity residential area while accommodating a small increase in density. The existing primary residence and proposed accessory dwelling unit will be low-scale in nature.

- Page 149 describes low intensity residential areas' Mobility as, "Access is mostly from local streets, and there may be less choice of multimodal networks. Available walksheds and bikesheds vary based on neighborhood context."

This Official Map Amendment is consistent with the low intensity residential areas' Mobility because the subject property abuts a local street. Its mobility is increased due to the presence of a public alley connected to 12th and 13th Avenue and its location on a City block bounded by two residential arterial streets, Quebec Street and 13th Avenue. The subject property's location within a quarter mile of the Quebec Street Safety and Reliability Transit Corridor and within a half mile of the East Colfax Avenue High Capacity Transit Corridor provides the subject property with an excellent choice of multimodal networks. The subject property has average to above average walksheds and bikesheds relative to available sidewalk and bicycle infrastructure.

- Page 149 describes low intensity residential areas' Quality of Life Infrastructure as, "A wide range of designated parks and recreational amenities are prevalent. Nature based, active and passive recreational opportunities are all common. Access to outdoor amenities varies depending on context."

This Official Map Amendment is consistent with the low intensity residential areas' Quality of Life Infrastructure. The subject property enjoys easy access to several designated parks including Denison Park at East 11th Avenue and Quebec Street, Crescent Park at Roslyn Street and East 8th Avenue, and the Lowry Open Space at Uinta Way and East 11th Avenue. Taken together with its close proximity to employment opportunities and neighborhood-serving and regional retail, the subject property has appropriate quality of life infrastructure to support an accessory dwelling unit.

D. Comprehensive Plan 2040

Introduction

Comprehensive Plan 2040 lays out the City's overarching planning vision for the next 20 years. This Vision contains elements, goals, and strategies that support the proposed Official Map Amendment.

The Plan's guidance encourages an expansion and mix of housing opportunities by leveraging the City's investments in infrastructure to encourage growth in areas of the City where current and proposed infrastructure can successfully accommodate it. The proposed Official Map Amendment is supported by Comprehensive Plan 2040 because it assists the City in meeting the Plan's vision elements, goals, and strategies.

I. Vision Elements: Equitable, Affordable, and Inclusive

- A. Page 18, Goal 1.1, "Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities."

The proposed Official Map Amendment furthers Plan Goal 1.1 because the allowance for accessory dwelling unit will ensure that future residents of the subject property have safe, convenient and affordable access to basic services and a variety of amenities. The subject property is in close proximity to the Quebec Street and East 11th Avenue Speed and Reliability and East Colfax Avenue High Capacity Transit Corridors. The subject property's excellent access to mass transit ensures that current and future residents will have easy access to basic services and a variety of amenities. The subject property is also in close proximity to the neighborhood/regional centers in the Stapleton and Lowry neighborhoods. Finally, the subject property is in close proximity to several neighborhood parks and open space including the Lowry Open Space and Denison and Montclair Parks. The proposed Official Map Amendment assists the City in achieving this Plan Goal by providing an additional housing unit near basic services and amenities.

- B. Page 18, Goal 1.2, "Support housing as a continuum to serve residents across a range of needs, ages and needs."

The proposed Official Map Amendment furthers Plan Goal 1.2 because this application assists the City to meet this Goal. This proposal supports the expansion of housing types and opportunities because it allows the subject property to build an additional, small scale dwelling unit. This housing unit will provide an affordable housing unit either as a rental unit or a housing unit for aging family members. The majority of the City's new housing built in the last 10 years has been geared towards the City's high-income housing needs both in single and multi-family residential development. The addition of an accessory dwelling unit at the subject property allows for not only a new dwelling unit to be built but incentivizes the retention of the existing primary residence, which fits in well with its surrounding form, mass, and scale of the neighborhood.

- I. Page 28, Goal 2, Strategy A, "Create a greater mix of housing options throughout the City for all individuals and families."

The proposed Official Map Amendment further this Strategy because this Official Map Amendment will allow for a mix of housing options where currently only single-family housing is allowed.

1188 Quince St. is an early example of two small homes on the same zone lot that predated the City's zoning regulations. The City's zoning regulations, prior to the adoption of the Denver Zoning Code, encouraged the separation of land uses and their accompanying zone districts.

This Plan Strategy encourages the surrounding neighborhood's historic development pattern of low to medium intensity residential and commercial zone districts and land uses. The proposed Official Map Amendment embraces this Strategy by recognizing the need for a mix of housing options for all of Denver's citizens.

C. Page 28, Goal 3, "Develop housing that is affordable to residents of all income levels."

The proposed Official Map Amendment furthers Plan Goal 3 because this proposal assists the City in achieving this Goal. This proposal will allow the addition of one new affordable housing unit to the City's housing stock. Moreover, the allowance for an accessory dwelling unit on the subject property will help maintain the affordability of the subject property and decrease the pressure on the existing primary residence to be redeveloped into a larger residence. Through the allowance of an accessory dwelling unit and the retention of the existing primary residence, current and new affordable housing will be maintained and expanded.

I. Page 28, Goal 3, Strategy B, "Use land use regulations that incentivize the private development of affordable and mixed-income housing."

The proposed Official Map Amendment furthers Strategy A because it supports land regulations that incentivize private development of affordable and mixed-income housing. Blueprint Denver encourages accessory dwelling units as a mechanism to introduce affordability and a mix of incomes in existing low density, single family neighborhoods. This Official Map Amendment proposes to allow a small-scale expansion of the subject property's. If this application is approved the newly constructed accessory dwelling unit will offer affordable and mixed-income housing and will allow for either renters or family members of the owner of the primary residence to live in a neighborhood where they may have been unable to live without this proposed housing unit.

D. Page 28, Goal 4, "Preserve existing affordable housing."

The proposed Official Map Amendment furthers Goal 4 by directly addressing the retention of an existing affordable single-family housing unit. Instead of the redevelopment of the existing single-family housing unit into a larger single-family housing unit. The addition of an accessory dwelling unit on the subject property will allow for the support, upkeep, and maintenance of the existing primary residence while helping to preserve its affordability. Blueprint Denver speaks directly to this issue as a reason to encourage accessory dwelling units throughout the City.

E. Page 28, Goal 5, “Reduce the involuntary displacement of residents and businesses.”

The proposed Official Map Amendment furthers this Goal because this proposal will assist the current and future property owner’s risk to involuntary displacement. Rising property values and their associated property tax increases, in addition to the escalating cost to maintain the property, are contributors to involuntary displacement. Blueprint Denver, as well as many City planning and policy initiatives, recognize the East Colfax neighborhood as highly vulnerable to displacement. As the neighborhood changes as public infrastructure and private development increases, the current and existing pressures on the East Colfax neighborhood will increase in tandem. The allowance for an accessory dwelling unit, and more broadly the larger neighborhood in future Official Map Amendment applications and planning efforts, will help address the current and future pressures on the neighborhood to gentrify. Involuntary displacement puts particular pressure on low and middle income Denverites and the allowance for accessory dwelling units will assist current residents to remain in the City.

I. Page 28, Goal 5, Strategy B, “Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community.”

The proposed Official Map Amendment furthers this Strategy because the request for an accessory dwelling unit will stabilize current and future property owners and help them stay in their existing community. The allowance of an accessory dwelling unit incentivizes the retention of the existing primary residence which is affordable than the larger houses which are currently allowed in the existing current zone district. Smaller homes assist individual properties at the micro-level and the neighborhood at a macro-level to stabilize allowing residents to avoid displacement. As previously discussed, Blueprint Denver, as well as other City planning and policy initiatives, recognize that the East Colfax neighborhood is particularly vulnerable to displacement.

E. Housing An Inclusive Denver

Introduction

In February 2018, the Denver City Council passed a 5-year plan to address the City’s housing goals and priorities. Housing An Inclusive Denver emphasized the role of accessory dwelling units to combat displacement and provided needed affordable housing. The Plan also recognizes the role of accessory dwelling units in wealth building for low and moderate income Denverites. The Plan broadly encouraged the City to not only re-examine its regulatory approach to accessory dwelling units but also the City’s commitment to take an active role in the promotion of accessory dwelling units in existing neighborhoods vulnerable to displacement and gentrification. This Plan provides an important blueprint to encourage accessory dwelling units as a means for achieve and maintain attainable homeownership.

In addition, the Plan recognizes the importance of accessory dwelling units as Denverites desire multi-generational housing so that the City's families can not only remain together but remain in the City for the long term. Housing An Inclusive Denver contains many goals and policies that show the City's support for the proposed official map amendment.

I. Page 8, Legislative and Regulatory Priorities, "*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 proposed Official Map Amendment assists the City's achievement of this Priority by allowing a zoning modification to expand the development of an accessory dwelling unit on the subject property. This Priority specifically states that the City should support regulations that expand the development of accessory dwelling unit. The approval of this proposed Official Map Amendment will assist the City in meeting this priority to expand the development of accessory dwelling units where they are not currently allowed especially in the East Colfax neighborhood, which the Plan identifies as a neighborhood vulnerable to involuntary displacement and gentrification.

II. Page 10, Attainable Homeownership, "*Promote programs that help families maintain their existing homes.* The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners."

The proposed Official Map Amendment assists the City in achieving this Goal because it promotes the ability of families to maintain their existing homes through the allowance of an accessory dwelling unit. This Goal recognizes that the development of accessory dwelling units is an important wealth-building tool to allow low and moderate-income homeowners to maintain and stay in their homes. The proposed Official Map Amendment will allow the current and future owners of the subject property to maintain and stay in their home while receiving additional income that will help achieve this Goal.

III. Page 26, *Expand and strengthen land use regulations for affordable and mixed-income housing*, "These ideas focused around three key areas that could be supported in *Blueprint Denver*, the City's long-range land use and transportation plan and part of Denveright: 1) streamlining and facilitating the development of accessory dwelling units as a tool for affordability and to stabilize residents at risk of displacement..."

The proposed Official Map Amendment assists the City in achieving this Goal because the it promotes the streamlining and facilitating the development of an accessory dwelling unit on the subject property.

The proposed accessory dwelling unit will be a key tool for the subject property's long-term affordability and assists the current and future owners of the subject property who are at risk of displacement. The East Colfax neighborhood remains an important affordable single-family neighborhood for Denver residents. The allowance of an accessory dwelling unit on the subject property and future applications will assist the City in realizing this Goal. The Plan specifically calls upon the City to utilize accessory dwelling units to combat displacement and gentrification, and the proposed Official Map Amendment furthers the purpose and intent of this Goal.

IV. Page 51, Key Action 3, "Promote development of accessory dwelling units as a wealth building tool for low and moderate-income homeowners in vulnerable neighborhoods and to support intergenerational households."

The proposed Official Map Amendment furthers this Goal because the Plan, as well as other City plans such as Blueprint Denver, recognizes the vulnerable nature of the East Colfax neighborhood to displacement and gentrification. The Plan understands that accessory dwelling units can serve as wealth building tools to not only support the property owners who build them but to allow property owners to utilize accessory dwelling units to accommodate intergenerational households. As Colorado's population grays and requires care and assistance from other generations, accessory dwelling units provide an important component for independence for Denverites to age in place in the care of their families. The rising costs of health care and long term make accessory dwelling units an important mechanism for households to retain wealth to care for their larger intergenerational households. The proposed Official Map Amendment furthers the goals of wealth building and intergenerational households through the allowance of an accessory dwelling unit.

V. Pages 51-52, *Promote programs that help families maintain their existing homes.* "Recognizing the potential for ADUs to stabilize low and moderate-income families at risk of becoming displaced from their existing homes due to rising prices, the City and partners are developing programs aimed at providing financial tools, streamlined permitting, and property management support to promote development of ADUs."

The proposed Official Map Amendment recognizes the potential of an accessory dwelling unit to combat displacement due to the rising prices of their homes and the impacts of rising property taxes on existing homeowners who are vulnerable to displacement. This Goal shows the City's commitment to assisting individual homeowners to maintain their residences in Denver by assisting them to obtain accessory dwelling units. The Plan recognizes the City's commitment to citizens through the overarching goal to allow accessory dwelling units. The proposed Official Map Amendment will allow an accessory dwelling unit thereby assisting the City in achieving this goal by encouraging homeowners to remain in their homes through this additional but limited density. Moreover, this Official Map Amendment supports the long-term vision to maintain smaller homes that are more affordable in exchange for some additional density to support the retention of existing smaller homes.

III. UNIFORMITY OF DISTRICT REGULATIONS AND RESTRICTIONS

The proposed Official Map Amendment is consistent with the uniformity of the E-SU-D1x's district regulations and restrictions because the current and future property improvements will be constructed according to the E-SU-D1x zone district's building forms and its current and future uses will be regulated and restricted through the proposed zone districts permitted, limited, and unpermitted uses. The proposed Official Map Amendment will therefore result in the uniform application of the E-SU-D1x zone district because this zone district's building and design standards and uses will be consistently applied as they are to all other zone lots in the City with the same zone district.

IV. PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE

The proposed Official Map Amendment furthers the City's public health, safety, and general welfare because the subject property is close to existing transportation infrastructure. The subject property's location is located within a quarter mile of the Quebec Street's Speed and Reliability Transit Corridor and within a half mile of the East Colfax Avenue High Capacity and East 11th Avenue Speed and Reliability Transit Corridors, and near other major regional transit routes, allowing for current and future residents to enjoy a healthier lifestyle by walking to and from transit. The subject property's location near neighborhood and regional services also contributes to the quality of life for its current and future residents. The will also support nearby employment centers in the Lowry and Stapleton neighborhoods. The proposed Official Map Amendment is consistent with the City's adopted zoning regulations and restrictions because it furthers public health, safety, and general welfare for all its citizens.

IV. JUSTIFYING CIRCUMSTANCES

- A. Justifying Circumstance 1: A justifying circumstance for this Official Map Amendment are changing conditions in the neighborhood and the City generally since June 25, 2010, when the subject property's current zone district classification, E-SU-Dx, was adopted.

Since the adoption of the subject property's zone district classification, the neighborhood has changed and continues to change because of redevelopment and the City's planned infrastructure and transit projects. Phoenix on the Fax, at 7171 E. Colfax Ave., was built in 2011 representing coming changes that continue to evolve in the East Colfax neighborhood. The City and County of Denver Office of Economic Development recently purchased the properties at 8315 E. Colfax Avenue and 1500 N. Valentia St. and 7900 E. Colfax Avenue and recently rezoned them from E-MS-3 to E-MS-5. The City's purchase and rezoning of these properties was to catalyze their redevelopment as affordable housing. The City's involvement will help continue the trend begun by Phoenix on the Fax. In addition, the City secured the closure of the Saturday's strip club, at 8315 E. Colfax Avenue, to support the neighborhood's renaissance.

Neighborhood businesses such as Quince Essential Coffee at 1447 Quince St. and Pablo's Coffee at 7701 E. Colfax Avenue represent the reinvestment in not only the greater E. Colfax Avenue commercial corridor but the reinvestment happening in the neighborhood's existing housing stock. Residents and investors have made significant improvements in the neighborhood's existing homes supporting the overall renaissance taking place in the East Colfax neighborhood. The opening of Stanley Marketplace just over the Denver/Aurora border shows the continued changing nature of the greater neighborhood providing an important gathering place for not only Aurora residents but East Denver residents as well. Continued investment and redevelopment of the adjacent Lowry and Stapleton neighborhoods including the construction of Lucky's Market at Lowry Blvd. and Quebec Street and the continue residential and commercial build out of east Stapleton compliment the East Colfax neighborhood's changed and changing conditions.

The City and County of Denver has experienced tremendous change since the adoption of the Denver Zoning Code and the subject property's subsequent rezoning into the Denver Zoning Code. In the last 8 years, the City has added over 100,000 new residents (Denver Post, March 22, 2018). Downtown Denver's workforce alone has grown by 17% to 130,227 jobs in the last 8 years (Downtown Denver Partnership). The accelerated rate of growth for populations and jobs that the City experienced since the adoption of the subject property's zone district classification serves as a justifying circumstance for this rezoning. The approval of this rezoning will result in the addition of one additional housing unit in a City that is in desperate need for more housing especially near job centers and major transit corridors. The development of new job centers in the nearby Lowry and Stapleton neighborhoods in Denver, the construction of the new Veteran's Hospital in Aurora, and the subject property's proximity to Downtown make it an ideal candidate to provide an additional housing unit. The subject property's location within a quarter mile of the Quebec Street Speed and Reliability Transit Corridor and within a half mile of the East Colfax Avenue High Capacity and East 11th Avenue Speed and Reliability Transit Corridors shows this Application meets the Denver Moves: Transit Plan's goal of high quality transit access for 75% of Denver residents and jobs by 2040 (Page 3-24). The 2017 City bond election provided an important \$55 million investment in the Colfax Avenue Bus Rapid Transit (BRT) route. This Route will provide an enhanced, faster transit experience to current and future neighborhood residents as well as Denver's citizens providing an enhanced mode of transportation from the subject property to Downtown. The subject property is approximately 3 City blocks from the planned Quebec Street and Colfax Avenue transit stop for the Colfax Avenue Bus Rapid Transit route.

- B. Justifying Circumstance 2: A justifying circumstance for this rezoning is the adoption of Blueprint Denver, Comprehensive Plan 2040, and Housing An Inclusive Denver.

The adoption of Blueprint Denver, Comprehensive Plan 2040, and Housing An Inclusive Denver provide a strong justifying circumstance for this rezoning. Taken together, the Plans provide significant plan support for additional housing of all types. While the Plans have been previously analyzed by this Official Map Amendment, Blueprint Denver (Page 56) has specific plan support for this Official Map Amendment request, “A citywide approach to enable ADUs (accessory dwelling units) is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, especially when adjacent to transit, are appropriate. These rezonings should be small in area in order to minimize impacts to the surrounding residential areas.” The proposed rezoning is an example of this plan guidance because the rezoning is within a quarter mile of the Quebec Street Speed and Reliability Transit Corridor and within one half mile of the East Colfax Avenue High Capacity and East 11th Avenue Speed and Reliability Transit Corridors and is small in area. Taken together, these Plans offer strong general support to the expansion of housing opportunities, especially affordable housing, on a Citywide basis. The adoption of these Plans serves as a justifying circumstance for this rezoning.

- C. 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.

1. The description of the Urban Edge Neighborhood Context is outlined in Division 4.1 and analyzed in this Section.

- A. *Section 4.1.1, General Character, “The Urban Edge Neighborhood Context 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. 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. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.”*

The proposed Official Map Amendment is consistent with the General Character of the Urban Edge Neighborhood Context because the existing neighborhood is a mix of elements from both the Urban and Suburban Neighborhood Contexts.

This part of the East Colfax statistical neighborhood contains some City blocks with dedicated public alleys while some City blocks contain no alleys at all or private alleys. The neighborhood is characterized by mostly consistent Primary Street setbacks.

Small-scale to medium scale residential and commercial zone districts exist in the surrounding neighborhood including existing multi-family housing at East 11th Avenue and Roslyn Street and a small neighborhood commercial center at the northeast corner of East 11th Avenue and Syracuse Street. Most single-unit residential structures contain elements of the Urban House and Suburban Housing building forms even though the majority of the neighborhood's housing stock was constructed prior to the adoption of building forms in the Denver Zoning Code as adopted in 2010. Single and two-unit residential uses are primarily located along local and residential arterial streets as evidenced by the subject property's City block. The neighborhood's mix of housing stock is interspersed among a variety of street types. The neighborhood context for the proposed Official Map Amendment is consistent with description of the Urban Edge Neighborhood Context's General Character per the above referenced section and was a significant contributing factor to this Official Map Amendment's proposed zone district, E-SU-D1x.

- B. *Section 4.1.2, Street, Block, Access Patterns, "The Urban Edge Neighborhood Context consists of a regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. Orthogonal streets provide connection and a mixed presence of alleys.*

Block sizes and shapes are consistent and include attached, detached and non-existent sidewalks, treelawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback."

The proposed Official Map Amendment is consistent with the Urban Edge Neighborhood Context's Street, Block, and Access Pattern. The subject property's City block and surrounding neighborhood show a mostly consistent regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. The subject property's City block is more consistent with an Urban Neighborhood Context in an orthogonal grid though the surrounding neighborhood is more consistent with infill development that responded to the existing subdivision plat and opportunities to develop new single-family homes on regular and irregular shaped zone lots. There is a mixed presence of alleys, which is consistent with Urban Edge Neighborhood Context. Block sizes and shapes are typically consistent with the Urban Edge Neighborhood Context and show the original subdivision as the driving force in the development of the neighborhood and its street and alley pattern. The surrounding neighborhood shows a mix of attached and non-existent sidewalks. The surrounding neighborhood has no tree lawns, however, most of the neighborhood's single-family homes provide landscaping on the front setback.

The proposed Official Map Amendment's zone district, E-SU-D1x, is consistent with the neighborhood's existing street, block, and access pattern.

- C. *Section 4.1.3, Building Placement and Location, "Single-, two-unit and multi-unit residential buildings typically have consistent moderate to deep front setbacks. Building orientation along a block face may be inconsistent or consistent. Commercial buildings typically have consistent orientation and front setbacks deep enough to allow for a mix of landscaping and some parking."*

The residential buildings of the subject property's block and surrounding neighborhood have consistent moderate to deep front setbacks. Building orientations along the subject property's block and face block are consistent as are the building placements on the City blocks to the immediate north and south. The face block to the immediate east of the subject property has inconsistent setbacks that represent an inconsistent build out over that block's build out. The proposed Official Map Amendment is consistent with the Urban Edge Neighborhood Context's building placement and location.

- D. *Section 4.1.4, Building Height, "The Urban Edge Neighborhood Context is characterized by low scale buildings except for some mid-rise commercial and mixed use structures, particularly at nodes or along arterial streets."*

The subject property's City block and surrounding neighborhood is characterized by predominantly one and one-half story single family residential structures. At nodes and along arterial streets, this building height is maintained. The subject property's building height, its City block, and surrounding neighborhood are consistent with the Urban Edge Neighborhood's building height.

- E. *Section 4.1.5, Mobility, "There is reliance on the automobile with some pedestrian and bicycle activity and low to medium level of access to the multi-modal transportation system."*

The subject property's City block and surrounding neighborhood do rely on the automobile to access essential services such as groceries, neighborhood and regional serving retail, and other services. However, the revitalization of the East Colfax Avenue corridor and the neighborhood's existing commercial nodes, as well as the redevelopment of the Lowry and Stapleton neighborhoods provide the neighborhood with important access to services and amenities. In addition, the presence of major regional transit routes allows for the neighborhood to attain the level of transit service seen in the City's Urban Neighborhood context neighborhoods. The proposed Official Map Amendment is consistent with the Urban Neighborhood Context's mobility.

2. The proposed Official Map Amendment is consistent with the stated purpose and intent of the proposed zone district as described in the following analysis.
- A. Section 4.2.2.1 contains the general purpose of the Urban Edge Neighborhood Context's Residential Districts:
 1. Section 4.2.2.1.A: *"The intent of the Residential districts is 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 proposed Official Map Amendment promotes and protects the subject property's residential neighborhood because, while the proposed zone district allows an accessory dwelling unit in the rear yard, this zone district maintains the existing scale and density of the surrounding neighborhood. The proposed zone district allows for an accessory dwelling unit that will not detract from the overall image and character of the residential neighborhood, which shows the proposed Official Map Amendment's consistency with this general purpose statement.

2. Section 4.2.2.1.B: *"The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house 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."*

The proposed Official Map Amendment's zone district promotes desirable residential areas through its employment of building form standards, design standards, and uses to provide a harmonious outcome for the City's Urban Edge neighborhoods. The standards of the proposed zone district accommodate the existing neighborhood's varied pattern of housing stock that closely align with the suburban and urban house building forms. Lot coverage in the existing neighborhood is relatively low in keeping with this general purpose statement. The subject property's City block and surrounding neighborhood's single-family homes address their adjoining Primary Streets. The proposed Official Map Amendment is therefore consistent with this general purpose statement because the proposed zone district matches this existing neighborhood pattern and context.

3. Section 4.2.2.1.C: *“These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.”*

The proposed Official Map Amendment recognizes this general purpose statement’s common residential characteristics through its harmonious building form and design standards and allowed uses and their limitations. The proposed E-SU-D1x zone district accommodates the neighborhood’s current and existing variation of multiple housing types and building configurations and therefore the proposed Official Map Amendment is consistent with this general purpose statement.

4. Section 4.2.2.1.D: *“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.”*

The proposed Official Map Amendment provides certainty to the current and future property owners of the subject property about the limits of what is allowed in a residentially-zoned area. The proposed zone district, E-SU-D1x, is consistent with the neighborhood’s current housing types and the subject property’s current zone district except the new zone district will allow for the construction of an accessory dwelling unit in the rear yard. The regulations of the E-SU-D1x zone district support the surrounding neighborhood’s mix of low to medium intensity residential and commercial zone districts and land uses, while accommodating the desired reinvestment by the East Montclair/East Colfax Neighborhood Plan’s vision. Therefore, the proposed Official Map Amendment is consistent with this general purpose statement.

- B. *Specific Intent, Single Unit D1x, (E-SU-D1x), “E-SU-D1x 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.”*

The proposed Official Map Amendment is consistent with the specific intent of the Single Unit D1x (E-SU-D1x) because this zone district allows for the requested accessory dwelling unit, which is not allowed in the subject property’s current zone district, E-SU-Dx. The subject property’s zone lot is 7,320 square feet which exceeds the proposed zone district’s minimum zone lot area of 6,000 square feet. The subject property The setback and lot coverage standards match the subject property’s existing front and side yards. In addition, the subject property has an expansive rear yard which can accommodate the allowable building footprint for the proposed accessory dwelling unit. Therefore, the proposed Official Map Amendment is consistent with the E-SU-D1x zone district’s specific intent.

DETACHED ACCESSORY DWELLING UNIT

HEIGHT		E-SU-D1	E-SU-D1x	E-SU-G1	E-TU-B	E-TU-C	E-RH-2.5 E-MU-2.5
A	Stories (max)	1.5	1.5	1.5	1.5	1.5	1.5
A	Feet (max)	24'	24'	24'	24'	24'	24'
B	Bulk Plane Vertical Height at Side interior and side street zone lot line	10'	10'	10'	10'	10'	10'
	Bulk Plane Slope from Side interior and side street zone lot line	45°	45°	45°	45°	45°	45°
SITING		E-SU-D1	E-SU-D1x	E-SU-G1	E-TU-B	E-TU-C	E-RH-2.5 E-MU-2.5
ZONE LOT							
Zone Lot Size (min)		6,000 sf	6,000 sf	9,000 sf	4,500 sf	5,500 sf	4,500 sf
Exemption from Maximum Building Coverage (Lesser of)		50%/500 sf	50%/500 sf	50%/500 sf	50%/500 sf	50%/500 sf	50%/500 sf
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15' building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking.					
Additional Standards		See Section 4.3.4.3					
SETBACKS							
Location		Located in the rear 35% of the zone lot depth					
C		5'	5'	5'	5'	5'	5'
	Side Interior and Side Street (min)	If exceeding one story or 17' must be located adjoining the southern most side setback line					
D	Rear (min)	5'	5'	5'	5'	5'	5'
PARKING							
Vehicle Access		From Alley; or Street access allowed when no Alley present see Sec. 4.3.7.6 for exceptions					
		E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size					
		6,000 sf or Less	Greater than 6,000 sf and up to 7,000 sf	Greater than 7,000 sf	E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5		
DESIGN ELEMENTS							
BUILDING CONFIGURATION							
Building Footprint (max)		650 sf	864 sf	1,000 sf	1,000 sf		
Habitable Space (max)		650 sf	864 sf	1,000 sf	na		
E	Overall Structure Length (max)	36'	36'	36'	36'		
Rooftop and/or Second Story Decks		Not allowed - See Section 4.3.5.2					
USES		E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5					
		Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted. See Division 4.4 for permitted Accessory Uses					
		See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions					

DIVISION 11.8 USES ACCESSORY TO PRIMARY RESIDENTIAL USES - LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses accessory to primary residential uses across multiple zone districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.7 above, the following specific accessory uses shall comply with this Division's use-specific standards.

SECTION 11.8.1 [RESERVED]

SECTION 11.8.2 ACCESSORY DWELLING UNIT ("ADUS")

11.8.2.1 All Zone Districts

In all zone districts where permitted with limitations:

A. Accessory to Primary Single Unit Dwelling Uses Only

1. An Accessory Dwelling Unit is permitted as accessory only to a primary Single Unit Dwelling use according to the following requirements, except that an Accessory Dwelling Unit use is not permitted as accessory to a Single Unit Dwelling use in a Tandem House building form.
2. In case of conflict between the requirements for Accessory Dwelling Units stated in this Section 11.8.2.1 and the general conditions stated in Division 11.7, Accessory Use Limitations, the requirements in this subsection shall apply.

B. General Building Requirements

1. Mobile homes, recreational vehicles, and travel trailers shall not be used as Accessory Dwelling Units.
2. Accessory Dwelling Units established in a detached accessory structure shall comply with the Detached Accessory Dwelling Unit Building form standards in the applicable zone district.

C. Structural and Location Requirements

All Accessory Dwelling Unit uses shall meet the following requirements:

1. The primary Single Unit Dwelling use shall not be altered in any way so as to appear from a public street to be a multiple-unit dwelling use.
2. The structure housing an Accessory Dwelling Unit shall not be served by a driveway separate from that serving the primary Single Unit Dwelling except to utilize a new access from an alley.
3. The Accessory Dwelling Unit may be accessed by a separate outside stairway located in conformance with all building and zoning requirements, except outside access stairways shall not be located on the front facade of the building housing the primary Single Unit Dwelling use.
4. Roof and exterior wall materials and finishes for a detached structure housing the Accessory Dwelling Unit use shall be comparable in composition and appearance to that of the primary single unit dwelling structure on the zone lot.
5. Wherever feasible, water and sewer shall be supplied to both the primary Single Unit Dwelling use and the Accessory Dwelling Unit use through single taps, and electric and/or gas utilities shall be supplied through a single meter.

6. A dwelling unit containing an Accessory Dwelling Unit use may be established with either a Partial Kitchen or Full Kitchen, but only 1 kitchen per Accessory Dwelling Unit is allowed. A Partial Kitchen in an Accessory Dwelling Unit may be permitted to change to a Full Kitchen.

D. Special Allowance for ADUs on Existing Carriage Lots

Accessory Dwelling Unit uses may be established on a carriage lot, even in the absence of a primary Single Unit Dwelling use on such carriage lot, provided the Accessory Dwelling Unit use complies with the standards in this Section 11.8.2 and with all applicable standards in Section 12.10.4, Development on Carriage Lots.

11.8.2.2 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

1. The Accessory Dwelling Unit use shall be operated and maintained under the same ownership as the primary Single Unit Dwelling use.
2. No more than one Accessory Dwelling Unit shall be established on the same zone lot as the primary Single Unit Dwelling use.
3. Accessory Dwelling Units shall not be sold apart from the primary dwelling unit.
4. The owner of the zone lot on which an Accessory Dwelling Unit use is maintained shall occupy either the primary dwelling unit or the ADU as the owner's legal and permanent residence. For purposes of this provision, "the owner's legal and permanent residence" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.
5. An Accessory Dwelling Unit use, whether detached or attached, shall not exceed a maximum size as stated in the following table, unless otherwise specifically permitted by this Code.

ZONE LOT OR CARRIAGE LOT SIZE	MAXIMUM FLOOR AREA OF ACCESSORY DWELLING UNIT USE
6,000 ft ² or less	650 ft ²
Greater than 6,000 ft ² and up to 7,000 ft ²	864 ft ²
Greater than 7,000 ft ²	1,000 ft ²

6. In order to avoid overcrowding of the accessory dwelling unit, the Accessory Dwelling Unit use shall contain a minimum of 200 square feet of gross floor area per occupant.

SECTION 11.8.3 DOMESTIC EMPLOYEES

In all zone districts, where permitted with limitations, housing of one or more domestic employee(s) is permitted as accessory to all primary residential household living uses.

SECTION 11.8.4 GARDEN

11.8.4.1 All Zone Districts

In all zone districts, where permitted with limitations, the growing of marijuana shall comply with the following:

- A. No more than 6 plants may be grown for each registry identification card holder or for each adult 21 years or older residing in a dwelling unit, not to exceed 12 plants per dwelling unit.
- B. Growing and/or storage of marijuana shall occur within a completely enclosed structure.
- C. Growing and/or storage of marijuana shall not occur in a common area associated with the dwelling unit.