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TO: Land Use, Transportation, and Infrastructure Committee Meeting
FROM: Rob Haigh, Senior City Planner
DATE: October 10, 2024
RE: Official Zoning Map Amendment Application #2022I-00162
1401 North Fairfax Avenue
Rezoning from U-TU-C to U-RH-3A

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00162.

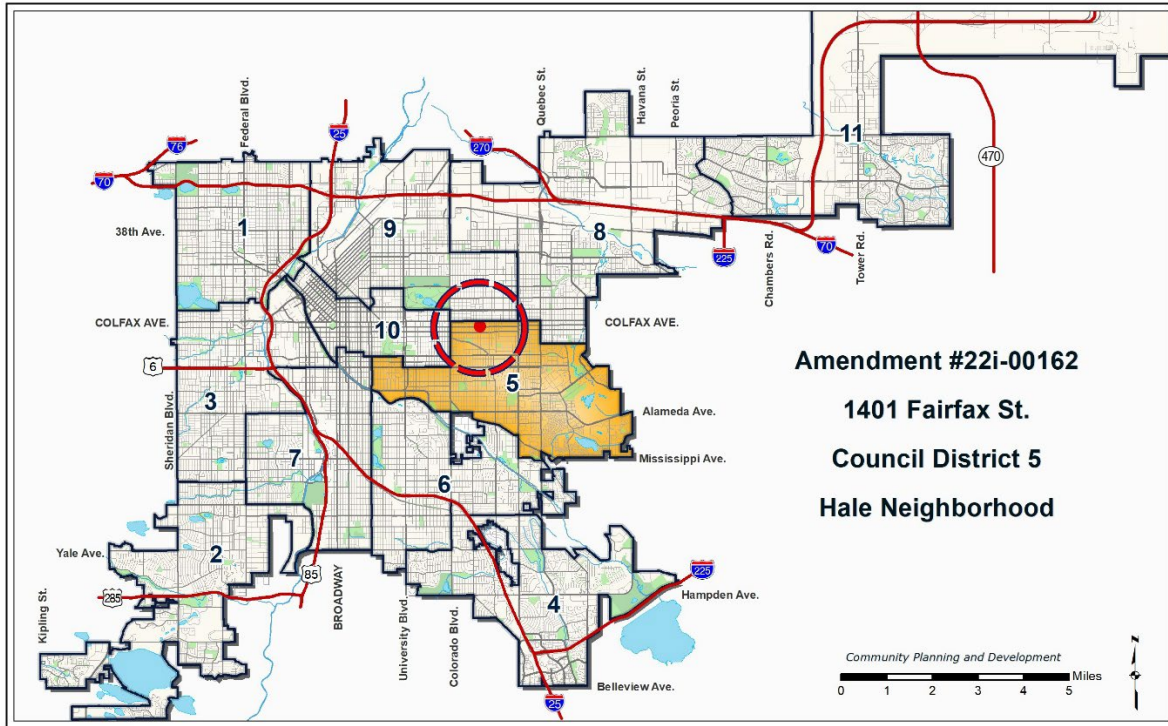
Request for Rezoning

Address: 1401 North Fairfax Avenue
Neighborhood/Council District: Hale / Council District 5
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, West Mayfair Neighbors Inc, City Park Friends and Neighbors, Colfax Mayfair Business Improvement District and Bellevue Hale Neighborhood Association,
Area of Property: 12,268 square feet or 0.28 acres
Current Zoning: U-TU-C
Proposed Zoning: U-RH-3A
Property Owner(s): 1401 Fairfax KR LLC
Owner Representative: Nick Koncilja

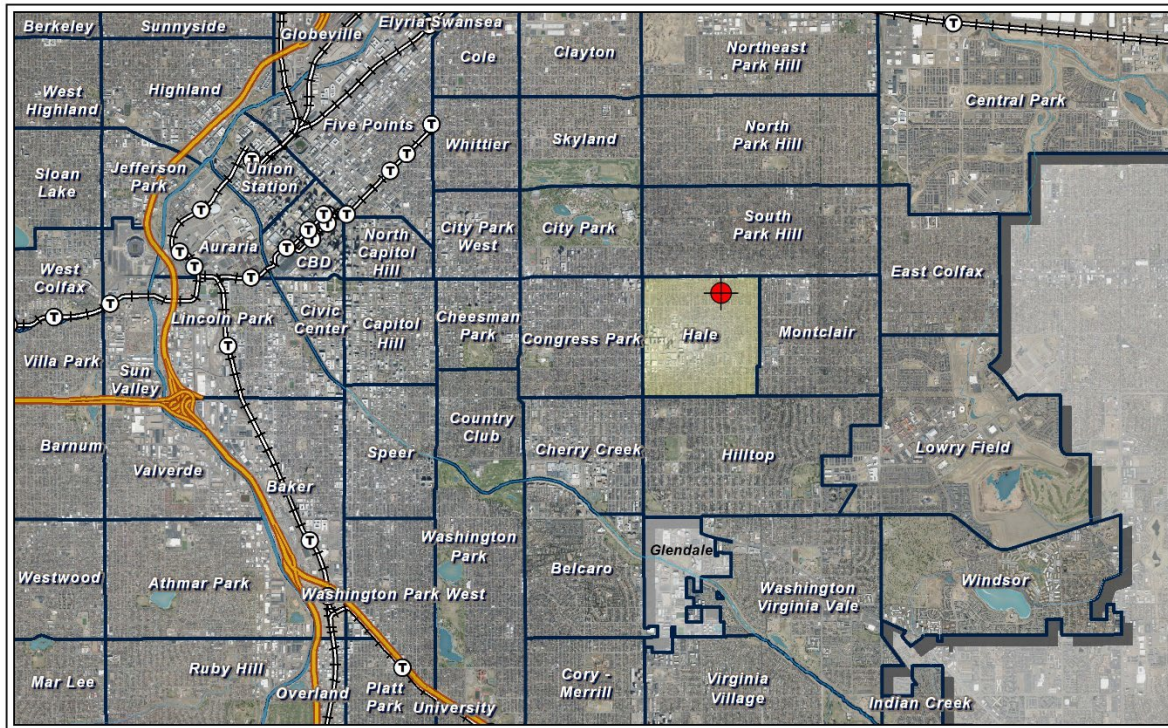
Summary of Rezoning Request

- The subject property contains a four-story, multi-unit apartment building constructed in 1938. It is located within the Hale statistical neighborhood at the northwest corner of East 14th Avenue and North Fairfax Street.
- The property owner is proposing to rezone the property to bring the existing multi-unit use into compliance.
- The proposed U-RH-3A, **U**rbain, **R**ow **H**ouse, **3** stories, zone district allows the urban house, duplex, tandem house and row house primary building forms as well as detached accessory dwelling units (only allowed as accessory to a primary single-unit residential use). Additionally, the Apartment Building Form is allowed on corner lots where at least one of the intersection streets has a functional street classification of Collector or Arterial. East 14th Avenue is designated as a residential arterial street.
- The maximum height of the allowed primary building forms ranges from 30 to 38 feet for the front 65% of the zone lot and 17 to 38 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. This district is intended for use in the Urban Neighborhood Context, which is characterized by single- and two-unit uses and allows for embedded multi-unit uses. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 5 of the Denver Zoning Code.

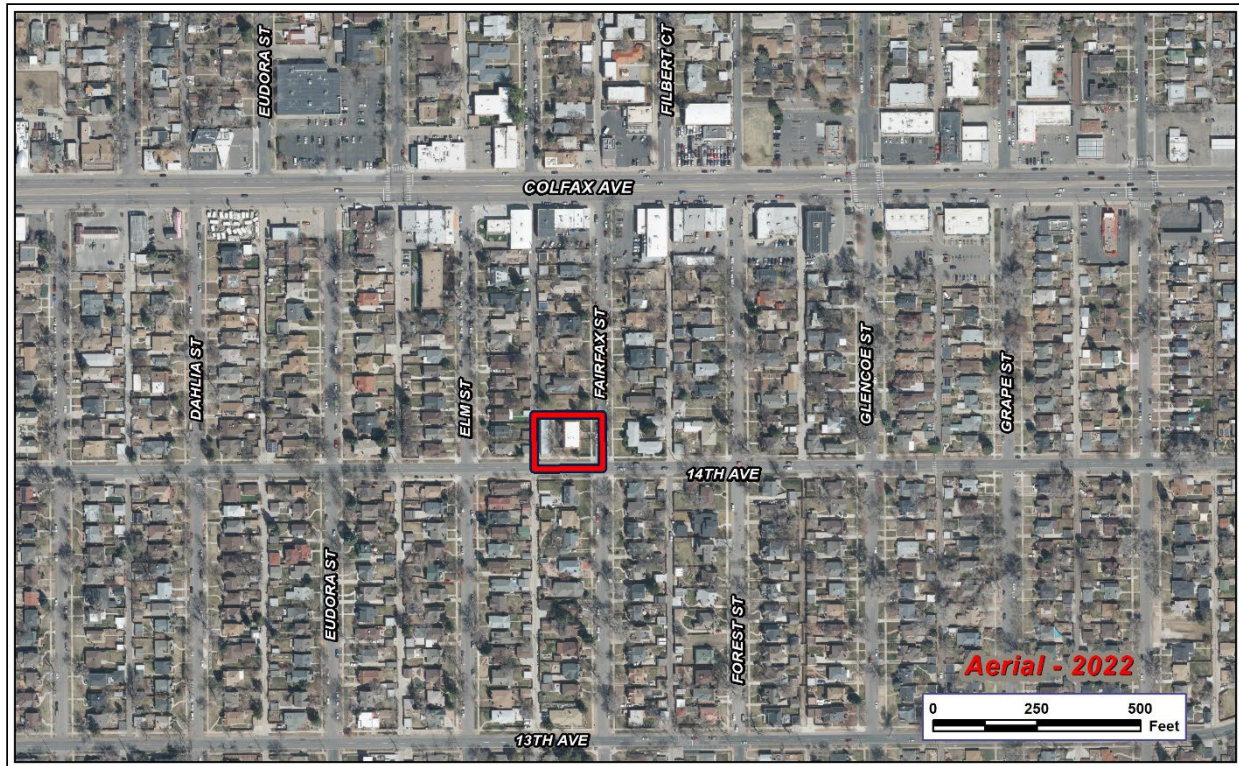
City Location



Neighborhood Location



Existing Context

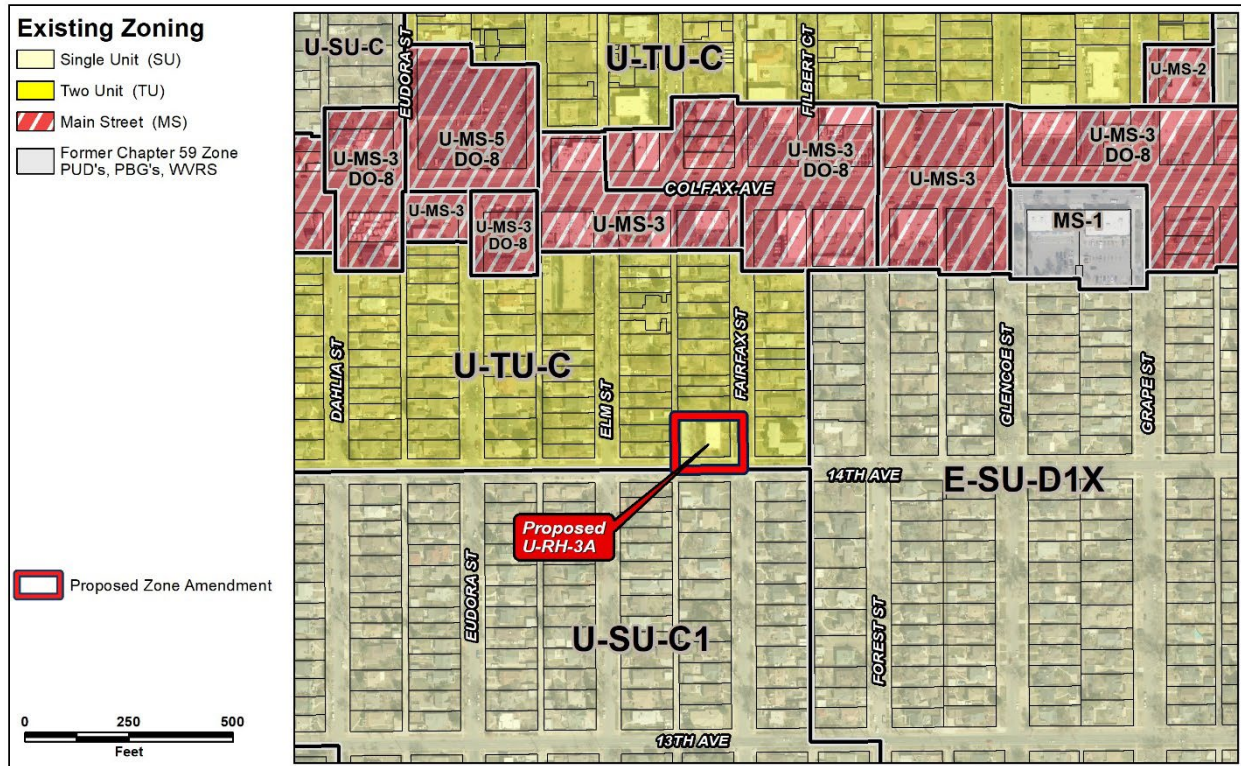


The subject property is located within the Hale statistical neighborhood, One block south of Colfax Avenue at the intersection between East 14th Avenue and North Fairfax Street. The subject property is located in a predominately residential area bound by East Colfax Avenue to the north, Colorado Boulevard 0.6 miles to the west, East Hale Parkway 0.5 miles to the south and the Mayfair Plaza shopping center 0.5 miles to the east. The subject site is serviced by RTD Bus routes 15 and 15L that run along Colfax Avenue. Lindsley and Bellevue Park is about 0.5 miles to the southwest.

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	U-TU-C	Multi-unit residential	4-story multi-unit brick building with detached garage with alley access	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. Sidewalks are attached. Driveways with front-loaded garages are common and alleys exist on most blocks.
North	U-TU-C	vacant	vacant	
East	U-TU-C	Four-unit Residential	1-story brick quadruplex with detached garage on alley	
South	U-SU-C1	Single-unit Residential	1-story brick house with detached garage on the alley	
West	U-TU-C	Single-unit Residential	1-story brick house with detached garage with access on E. 14 th Ave.	

Existing Zoning

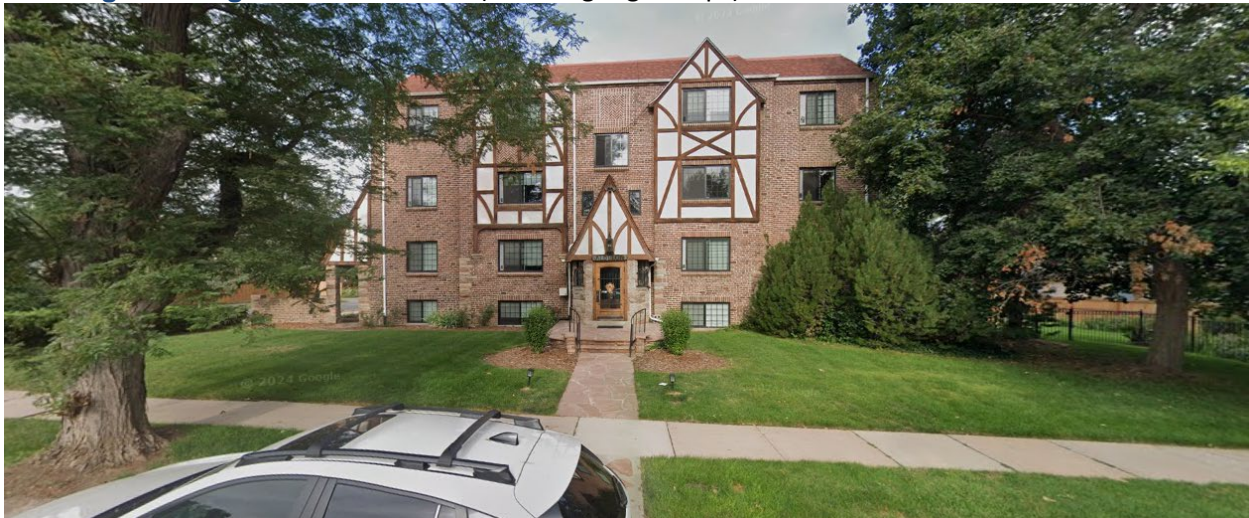


The existing zoning on the subject property is U-TU-C which is a two-unit district allowing duplexes, urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. The subject property is surrounded by U-TU-C district to the east, west, and north, with U-SU-C1 to the south. Setbacks and lot coverage standards accommodate front and side yards and allow a detached accessory dwelling unit in the rear yard. Blocks typically have a consistent pattern of 50-foot-wide lots. Allowed uses in U-TU-C are limited to single-unit and two-unit dwellings and limited nonresidential uses found in residential zone districts. For additional details of the zone district, see DZC Section 5.2.2.

Existing Land Use Map



Existing Building Form and Scale (source: google maps)



Site – View of the subject property, looking west from North Fairfax Street.



South – View of the property south of the subject property, looking southwest from N. Fillmore Street.



North – View of the properties directly north of the subject site, looking west from N. Fillmore Street.



West – View of the property to the west of the subject property, looking northeast from E. 14th Avenue.



East – View of property east of the subject property, looking east from N. Fillmore Street.

Proposed Zoning

U-RH-3A Zone District

The applicant is requesting to rezone to U-RH-3A, which allows the Urban House, Duplex, Tandem House and Row House primary building forms up to two and a half stories in height. The Apartment Building Form is allowed on corner lots where at least one of the intersection streets has a functional street classification of Collector or Arterial. East 14th Avenue is designated as a Residential Arterial. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit uses, but not to such an extent as to detract from the overall character of the residential neighborhood. The building form standards, design standards, and uses work together to provide a variety of low to medium residential housing types in a way that is compatible across the district.

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

Design Standards	U-TU-C (Existing)	U-RH-3A (Proposed)
Primary Building Forms Allowed	Urban House and Duplex	Urban House, Duplex, Tandem House, Row House, Apartment
Height in Stories / Feet, Front 65% of Zone Lot,	All forms: 2.5 stories / 30'	Urban House, Duplex, Tandem House, Row House: 2.5 stories / 35'* Apartment: 3 stories / 38'
Height in Stories / Feet, Rear 35% of Zone Lot,	All Forms: 1 story / 19'	Urban House, Duplex, Tandem House, Row House: 2.5 stories / 24'* Apartment: 3 stories / 38'
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	2 stories / 24'	2 stories / 24'
Zone Lot Size (min.)	5,500 sf	5,500 square feet*
Zone Lot Width (min.)	50 feet	50 feet*
Primary Street Block Sensitive Setback Required / If not	Yes / 20'	Yes / 20'
Side Street Setback (min.) *	All Forms: 5'	Urban House, Duplex, Tandem House, Row House: 5'* Apartment: 10'
Side Interior Setback (min.) *	All Forms: 5'	All forms: 5'*
Rear Setback, Alley / No Alley	All Forms: 12' / 20'	All forms: 12' / 20'
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	N/A
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Standard varies depending on building form

Summary of City Agency Referral Comments

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

Community Planning and Development: Approved - No Response

Assessor: Approved - No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved - No Response

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved - No Comments

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

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

- 1) If the rezoning is approved, an updated Zoning Permit should be issued for the existing structure through the Project Coordination team for the new zone district.
- 2) Any new construction will need to obtain appropriate zoning and building permit approvals.

Development Services - Fire Protection: Approve Rezoning Only - Will require additional information at Site Plan Review

Development Services – Transportation: Approved - No Response

Development Services- Wastewater: 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:	2/16/23 & 7/2/24 <i>Resent after resolving Zone Lot issue</i>
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:	9/3/24
Planning Board Public Hearing:	9/18/24
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 :	10/5/24
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	10/15/24
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	11/18/24
City Council Public Hearing (tentative):	12/9/24

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has not received any comments or position statements from applicable RNOs.

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

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC Section 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

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

Consistency with Adopted Plans

The following adopted plans currently apply to this property:

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

Denver Comprehensive Plan 2040

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

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

- Equitable, Affordable and Inclusive Goal 2, Strategy A - Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 3, Strategy B – Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (p. 28).

The proposed rezoning would improve the legal status of the existing apartment building and allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available. This is consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Goal 3 – Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture, and culture (p. 34)
- Goal 3, Strategy E – Support the stewardship and reuse of existing buildings (p. 34)

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

- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p. 54).
- Goal 7, Strategy C – Prioritize the reuse of existing building and explore incentives to salvage or reuse materials from demolished structures (p. 54)

The requested map amendment will allow an additional residential density at an infill location where infrastructure is already in place. The requested zone district enables the existing building form and use which provides this neighborhood with a mixture of housing types. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context

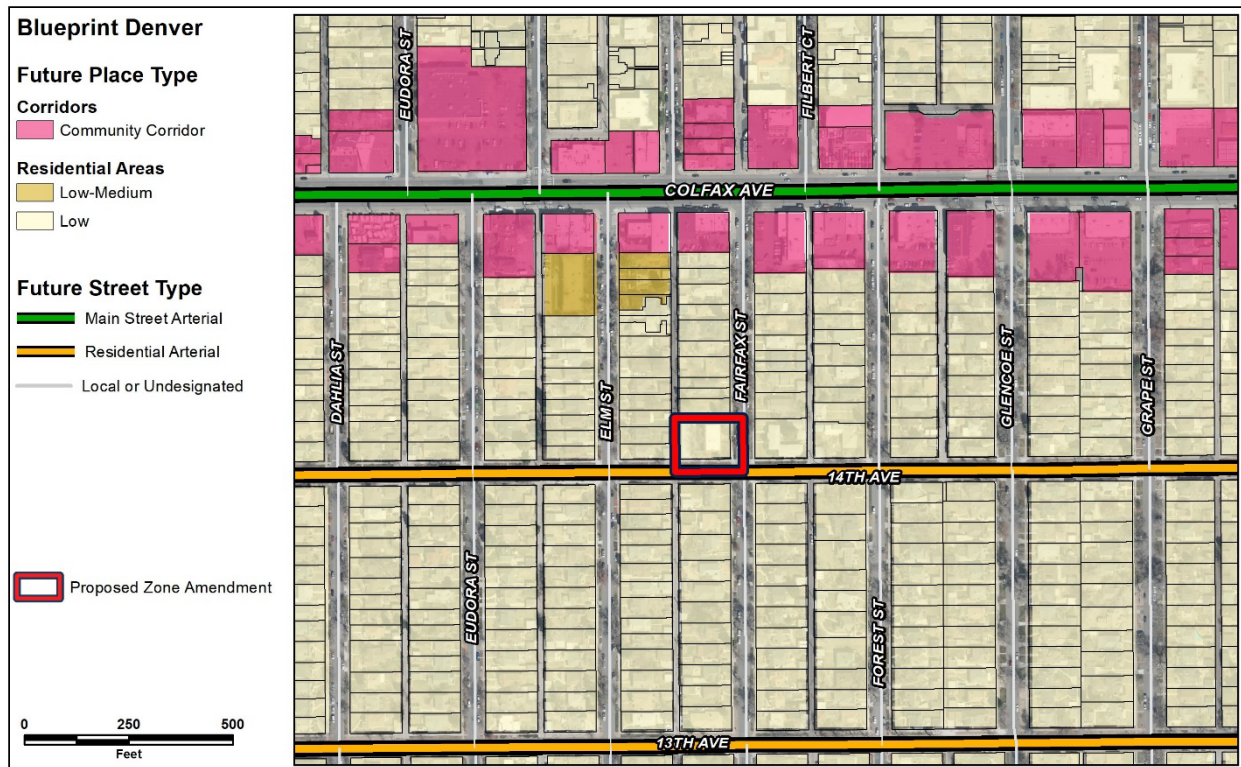


The subject property is shown on the context map as an Urban Neighborhood Context, the description of which is used to guide appropriate zone districts. “Small multi-unit residential and low-intensity

mixed-use buildings are typically embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access. Where they occur, multi-unit buildings are low scale. Mixed-use buildings are sited in a pedestrian-friendly manner near the street” (p. 222).

U-RH-3A is a zone district within the Urban Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section 5.2.2.1). U-RH-3A is consistent with *Blueprint Denver’s* future neighborhood context of Urban because it will promote the continued residential character of the neighborhood by allowing a low-medium-scale multi-unit residential building to be embedded in the surrounding single-unit and two-unit residential neighborhood.

Blueprint Denver Future Place



Within the Urban Neighborhood Context, the subject property is categorized as a Low Residential future place with a land use and built form defined by *Blueprint Denver* as “Predominately single- and two-unit uses on smaller lots... and limited mixed-use can occur along arterial and collector streets,” (p. 230). The subject property is located along an arterial street with good access to amenities on East Colfax Avenue and has contained the existing apartment building since 1938. The proposed U-RH-3A zone district allows multiple building forms up to 2.5 stories in height and the apartment building form up to 3 stories in height on certain corner lots like this one. The proposed zone district at this location is compatible with this future place as it allows for the continuation of the existing multi-unit residential use along a residential arterial street embedded in a predominately single- and two-unit residential neighborhood. Staff recognizes that the proposed rezoning is not perfectly consistent with the description of the Low

Residential Future Place, but due to the unique circumstances of the existing structure embedded in the surrounding residential neighborhood, the location along a residential arterial street, and proximity to East Colfax Avenue, the rezoning is found to be consistent with the guidance provided by *Blueprint Denver*. Additionally, the East Area Plan, adopted in 2023 provides additional guidance in support of this rezoning request.

Blueprint Denver Future Street Types

In *Blueprint Denver*, future street types work in concert with the future places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies East 14th Avenue as Residential Arterial Future Street Type, these streets are described as having primarily residential uses and are designed for the highest amount of through movement and the lowest degree of property access. This future street type aligns with the current functional classification of East 14th Avenue. *Blueprint Denver* classifies North Fillmore Street as Local or Undesignated Future Street Type. The proposed U-RH-3A district is consistent with this street type because it allows for residential uses only at a scale compatible for an intersection where 14 one street is a Residential Arterial Future Street Type.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040" (p. 51). This growth area contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to

strengthen the existing character of our neighborhoods” (p. 49). The proposed U-RH-3A zone district is appropriate in this growth area as it will enable the continuation of the existing use and maintain the area’s residential character. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

Additional Applicable Strategies

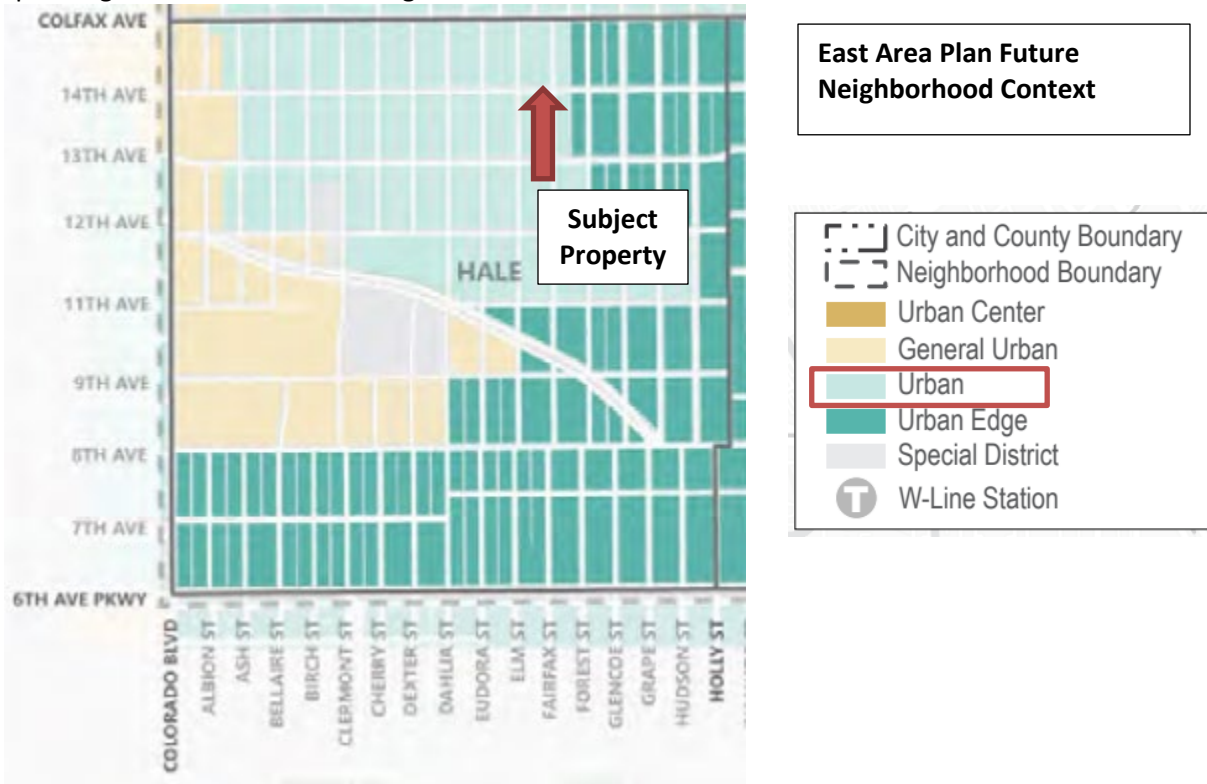
The proposed rezoning is also consistent with the following strategy from *Blueprint Denver*:

- Land Use & Built Form – Design Quality and Preservation Policy 2: Ensure residential neighborhoods retain their unique character as infill development occurs (p. 99).
- Land Use & Built Form – Design Quality and Preservation Policy 6: Incentivize the preservation of structures and features that contribute to the established character of an area, even if they are not designated as landmarks or historic districts (p. 104)

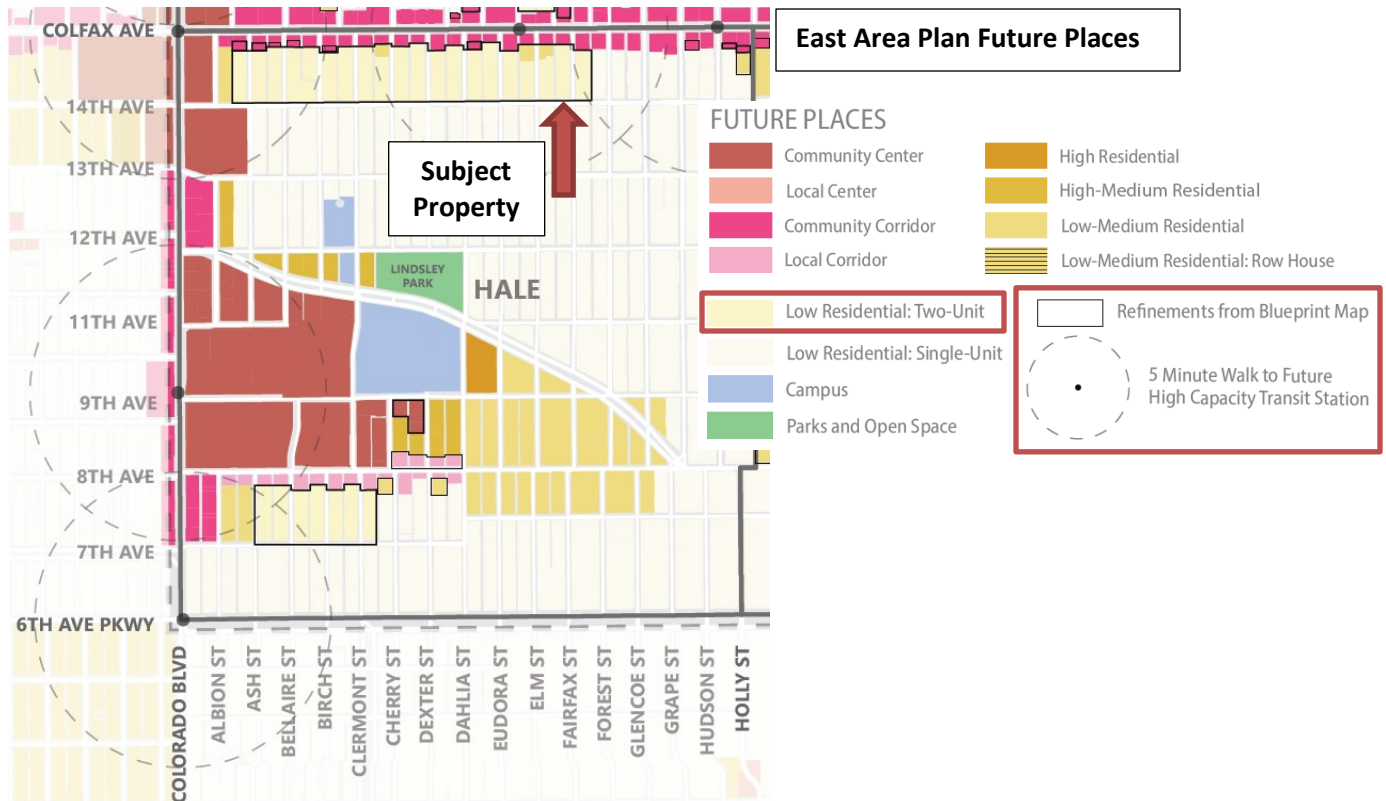
This rezoning to a U-RH-3A zone district allows for the continued use of the existing 8-unit apartment building that exists on site. This building has existed on site since 1938 and contributes to the unique character of the neighborhood. The proposed rezoning helps to enable the preservation and reuse of the existing building which is a unique character feature of the neighborhood. Therefore, the proposed rezoning is consistent with the recommendations of *Blueprint Denver*.

East Area Plan

The *East Area Plan* was adopted in November 2020 as part of Community Planning and Development’s Neighborhood Planning Initiative. It also updates some of the guidance in *Blueprint Denver* and provides specific guidance for the Hale Neighborhood.



The subject property is within the Urban Neighborhood Future Neighborhood Context. The description of Urban Future Neighborhood Contexts in the *East Area Plan* closely reflects *Blueprint Denver* and states that “primarily single and two-unit residential areas and mixed-use nodes, although there are small, multi-unit buildings and rowhouses, especially closer to East Colfax Avenue.” (p. 25). The proposed U-RH-3A zone district allows for the continued use of this multi-unit building along an arterial street and close to East Colfax Avenue.



The Future Place Map classifies the subject property as Low Residential: Two-Unit. Low residential areas are described as “predominantly single- and two-unit uses”. And the two-unit subcategory “is recommended in areas where both single- and two-unit homes with accessory dwelling units are appropriate. Additional primary units would only be appropriate where they already exist” (p. 27). The proposed U-RH-3A zone district allows for additional residential density on the subject property where additional primary units already exist. The proposed rezoning is supported by the Low Residential: Two-Unit guidance since the surrounding area will remain a predominately single- and two-unit residential neighborhood with the embedded subject property that already contains existing additional residential uses.

In addition to the specific land use guidance in the East Area Plan, the proposed rezoning also advances the following goals and policies:

- 1.2.1 Vision and Community Priorities: Priority 4 – Celebrate the architectural history of East Area neighborhoods by encouraging the preservation of existing homes and requiring complementary design of new housing.
- 2.1 Land Use and Built Form: Policy L6 - Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations.
- 2.1 Land Use and Built Form: Policy L8 – Preserve historic buildings in residential areas.
- 2.2 Economy and Housing: Policy E2 – Preserve existing affordability and housing quality

These policies and recommendations in the East Area Plan support the proposed rezoning which would enable the existing 8-unit apartment building to legally remain on site. The building on the subject property was constructed in 1938 and contributes to the unique architectural history of the area and provides an alternative housing type within this predominately single-unit residential area.

Therefore, the proposed U-RH-3A zone district is consistent with the direction given in the *East Area Plan*, specifically because the rezoning enables the preservation of this unique multi-unit building where and allows additional primary units – beyond the typical low residential future place description – where they already exist.

Uniformity of District Regulations and Restrictions

The proposed rezoning to U-RH-3A will result in the uniform application of zone district building form, use and design regulations.

Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities along Colfax Avenue and promote a walkable, urban neighborhood within walking distance to public transit.

Justifying Circumstances

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, “Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

The application identifies the recent adoption of *Blueprint Denver* and the *East Area Plan*, and the guidance provided in those plans regarding a Low Residential: Two-Unit Future Place as a justifying circumstance for this rezoning. The zoning on the subject property was established in 2010, and since that time, *Blueprint Denver* and the *East Area Plan* have been adopted. Both of these plans provide guidance that more building forms and rezonings to allow additional residential density where it already exists are in the public interest to advance stated plan goals.

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

The proposed U-RH-3A zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of primarily single-unit and two-unit residential uses, and small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid, providing a pattern of pedestrian and vehicular connections and a consistent presence of alleys.

Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. The Urban 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. There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system (DZC, Division 5.1). It is appropriate to apply zoning within the Urban Neighborhood Context at this location due to the adopted plan vision described earlier as well as the existing context. The proposed rezoning to U-RH-3A will enable development that is consistent with the neighborhood context description.

According to DZC 5.2.2.1.A, the general purpose of the Residential zone districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. Lot sizes are consistent within an area, and lot coverage is typically medium to high accommodating a consistent front and side yard. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that address the street in the same manner as an urban house building form. 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 rezoning to U-RH-3A is consistent with the zone district general purpose and recognizes the existing residential context.

Specifically, U-RH-3A is a multi-unit district that allows up to a two and a half story rowhouse building form. Apartments are allowed up to three stories, on certain corner lots. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms. The proposed zone district recognizes the subject site's existing condition, surrounding context, and plan guidance, fulfilling this Specific Intent statement.

Attachments

1. Application