



TO: Denver City Council
FROM: Libbie Adams, AICP, Associate City Planner
DATE: February 11, 2021
RE: Official Zoning Map Amendment Application #2020I-00123

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00123.

Request for Rezoning

Address:	2112 S. Emerson St.
Neighborhood/Council District:	Rosedale / Council District 6
RNOs:	Platt Park People’s Association (3PA), Rosedale Harvard Gulch Neighborhood Association, and Inter-Neighborhood cooperation (INC)
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	E-SU-B
Proposed Zoning:	E-SU-B1
Property Owner(s):	Jess and Alice Hastings
Owner Representative:	none

Summary of Rezoning Request

- The subject property contains a single unit home built in 1948 and is located near the southeast corner of Evans Ave. and S. Emerson St.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed E-SU-B1, Urban **E**dge, **S**ingle-**U**nit, **B1** (4,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by elements from the Urban and Suburban neighborhood contexts and is primarily single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House building form in the E-SU-B1 district. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, and 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

Existing Context



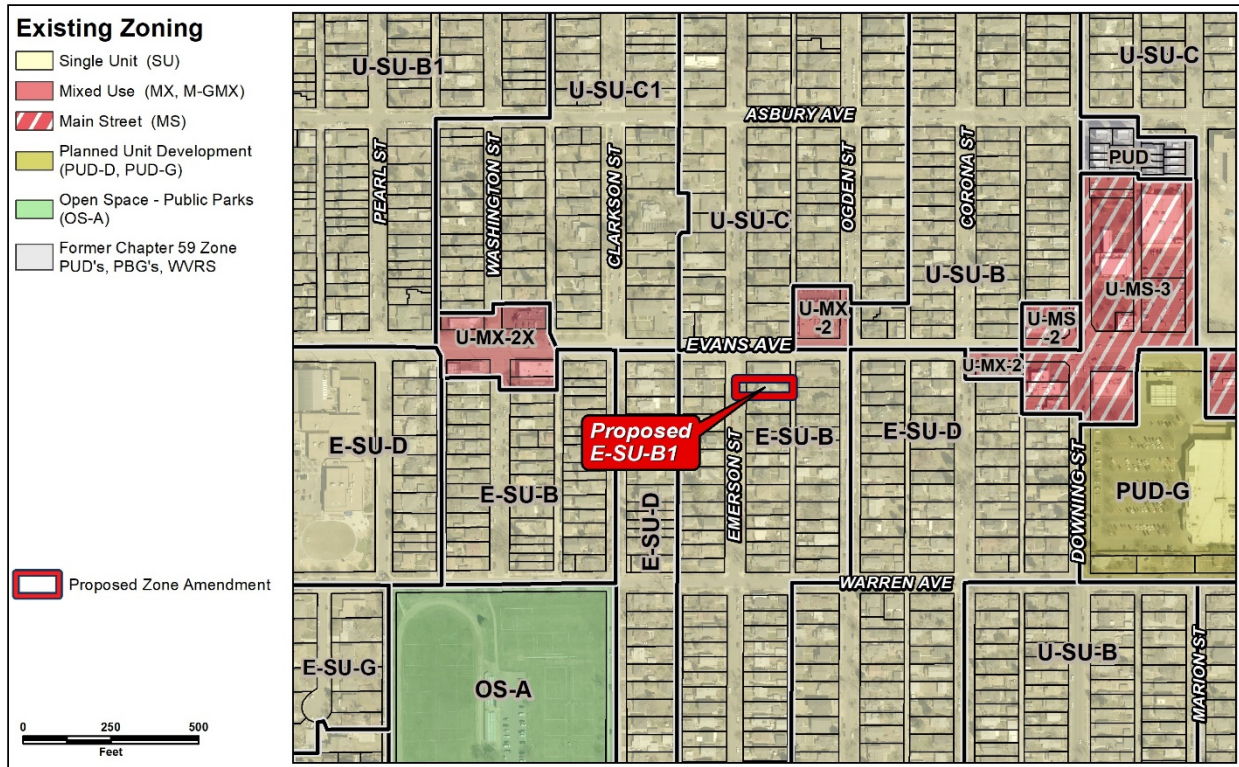
The subject property is in the Rosedale statistical neighborhood, which is characterized primarily by single-unit residential uses with some two and multi-unit uses scattered throughout and limited commercial uses located along Evans Ave. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is one block south of Evans Ave. and three blocks west of Downing St. Bus Route 12 runs along Downing St., directly east of the site with a 30-minute headway. Bus Route 21 runs along Evans Ave., directly north of the site with a 30-minute headway.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-B	Single-unit Residential	1 -story House	Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.
North	E-SU-B	Multi-unit Residential	2-story Apartment with moderate setbacks and entrances facing Evans Av.	
South	E-SU-B	Single-unit Residential	1-story House	

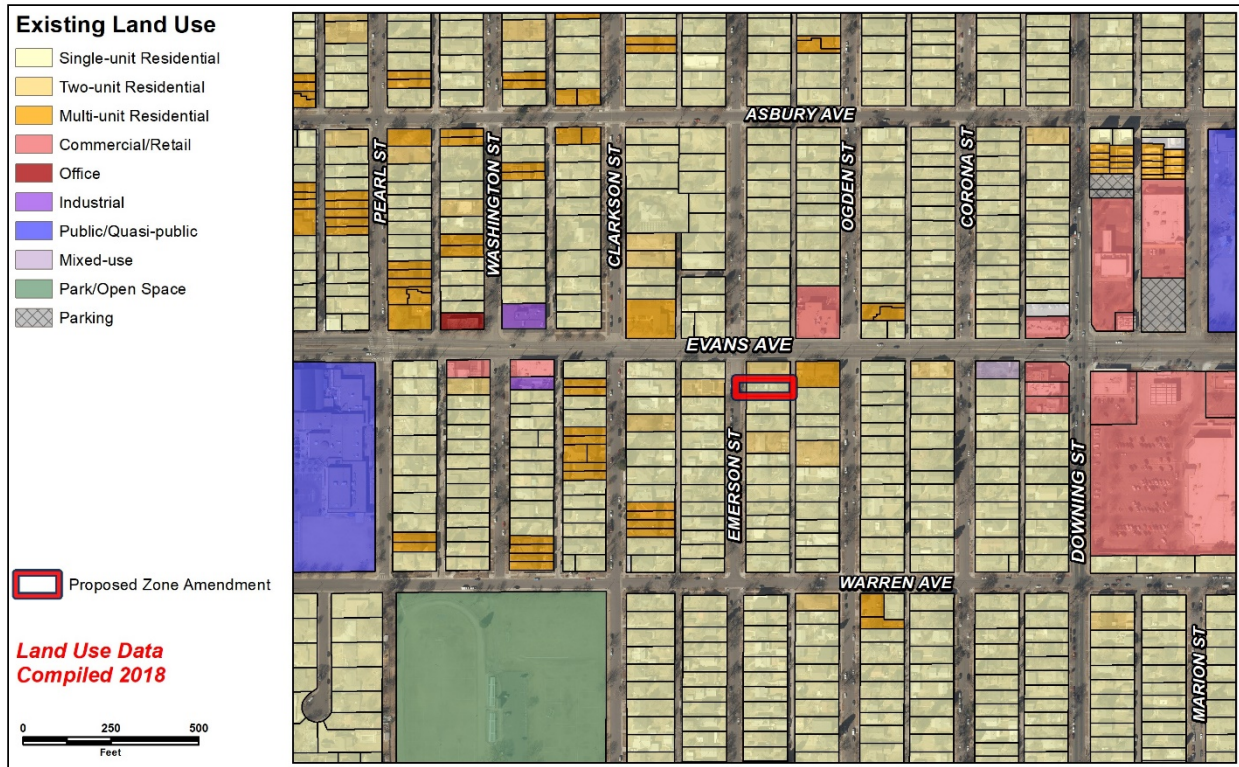
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	E-SU-B	Multi-unit Residential	1- and 2-story Condos	
West	E-SU-B	Two-unit Residential	1-story Duplex	

1. Existing Zoning



The E-SU-B zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 4,500 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet in the rear 35% of the zone lot. It allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

2. Existing Land Use Map



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



Aerial view of the site, looking north.



View of property looking east.



View of the property to the north looking south.



View of the property to the west across S. Emerson St., looking west.



View of the property to the south, looking east.



View of the property to the east across the alley, looking west.

Proposed Zoning

The E-SU-B1 is a single unit zone district with a minimum zone lot size of 4,500 square feet that allows only the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the E-SU-B1 district. Compared to the E-SU-B district, E-SU-B1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 6,250 square feet, allowing a maximum building footprint of 864 square feet for the DADU.

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

Design Standards	E-SU-B (Existing)	E-SU-B1 (Proposed)
Primary Building Forms Allowed	Urban House	Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 feet	2.5 stories / 30 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	1 story / 17 feet	1 story / 17 feet
DADU Maximum Heights in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	4,500 square feet	4,500 square feet
Zone Lot Width (Min.)	35 feet	35 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5 %	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property with width of approx. 50 feet

Summary of City Agency Referral Comments

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

Assessor: Approved – No response.

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No response.

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

Denver Parks and Recreation: Approved – No comments.

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

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response.

Development Services – Project Coordination: Approved – No comments.

Development Services – Fire Prevention: Approved – No comments.

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	10/20/2020
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	12/1/2020
Planning Board public hearing (Planning Board unanimously recommended approval of the rezoning on the consent agenda):	12/16/2020
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:	12/21/2020
Land Use, Transportation and Infrastructure Committee of the City Council (LUTI committee voted to move bill forward unanimously on consent):	1/5/2021
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	1/26/2021
City Council Public Hearing:	2/16/2021

- **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received one comment from the Platt Park People’s Association (3PA) with concerns that this rezoning could enable spot zoning. Staff Response: Based on the staff analysis detailed below, the application meets the rezoning review criteria and therefore does not constitute illegal spot zoning.
- **Other Public Comment**
 - To date, staff has received no comments from neighboring property owners.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Equitable, Affordable and Inclusive Goal 2, Strategy A – “Create a greater mix of housing options in every neighborhood for all individuals and families” (p. 28).

E-SU-B1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and new two- and multi-unit residences are not permitted in this area.

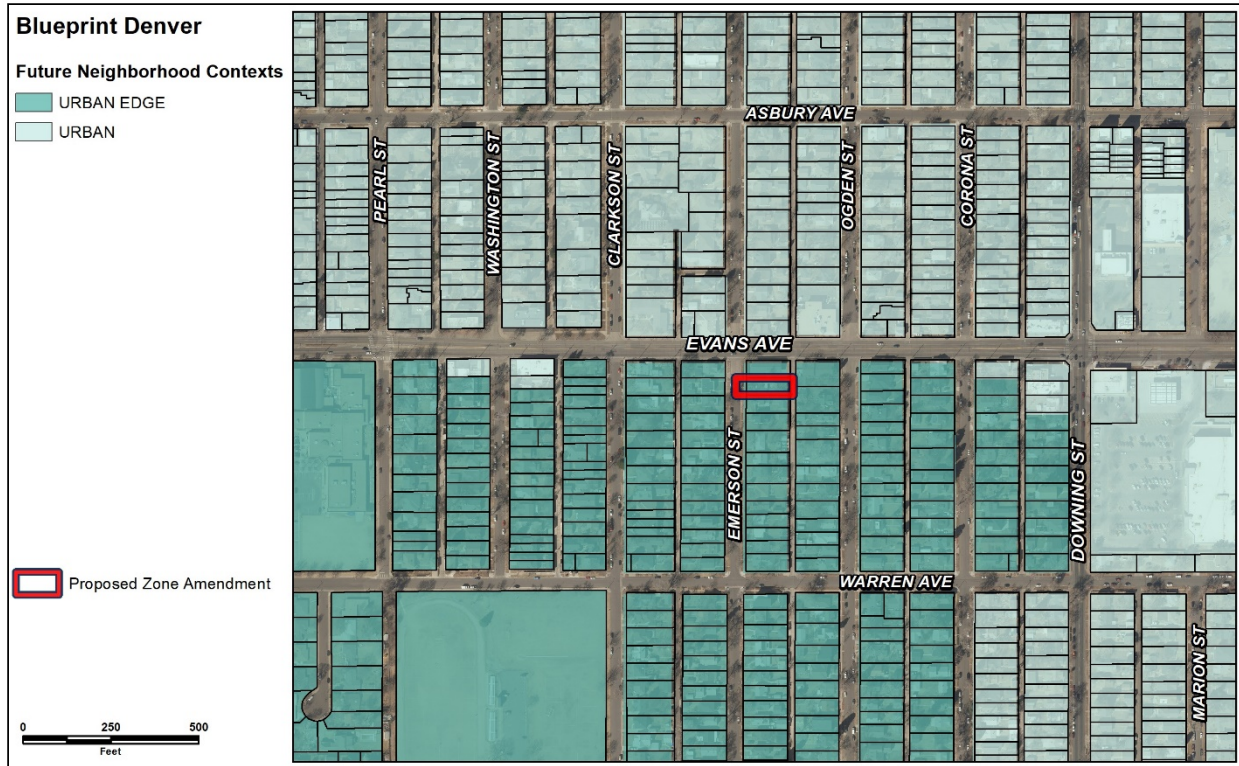
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

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

Blueprint Denver

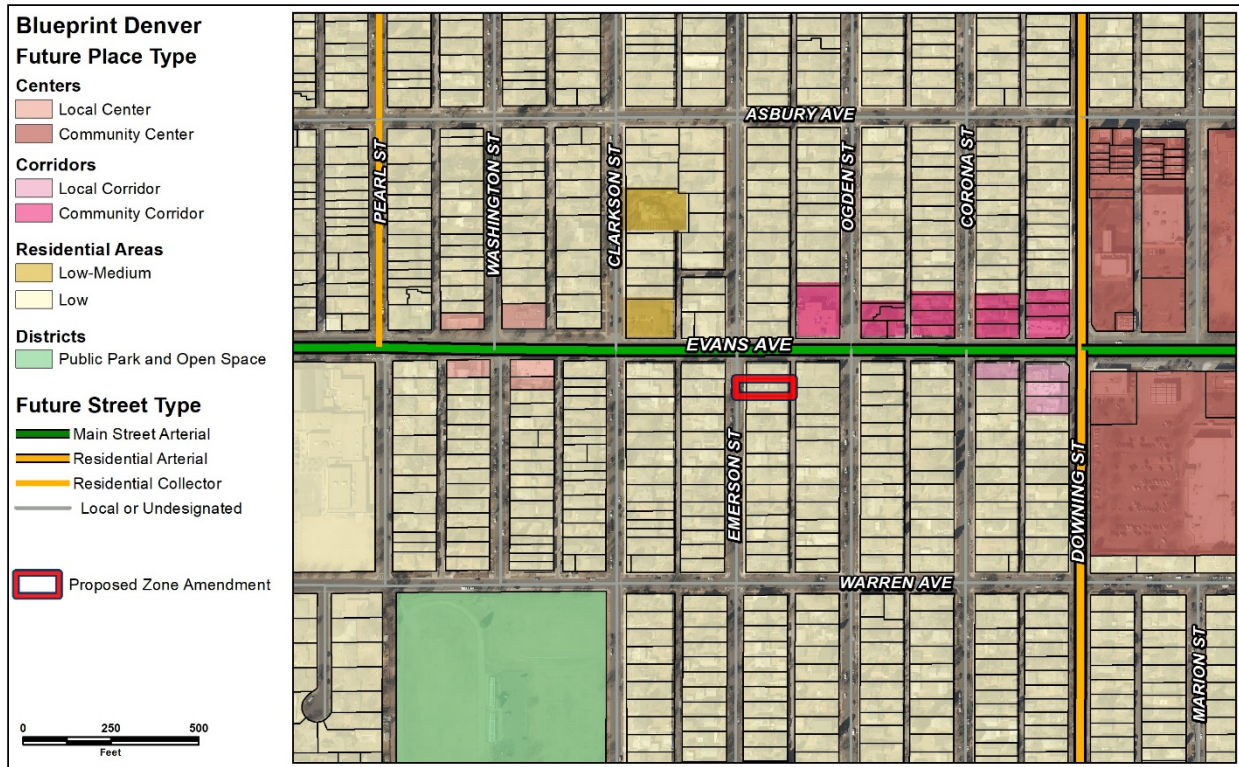
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Edge Neighborhood Context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

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as “predominately residential and tend to act as a transition between urban and suburban areas” with “good walkability with short, predictable blocks.” (p. 205). E-SU-B1 is a zone district within the Urban Edge neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-B1 is consistent with the Blueprint future neighborhood context of Urban Edge because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places

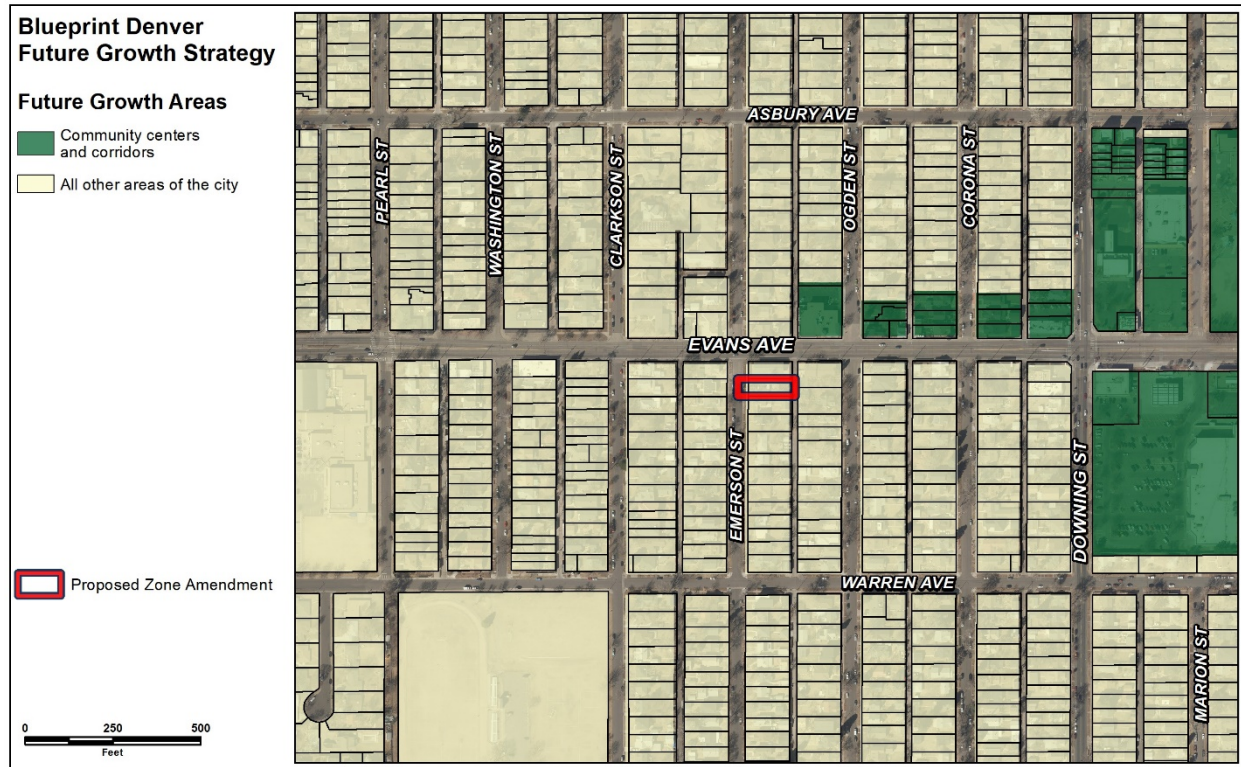


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 215). E-SU-B1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, which is consistent with the Low Residential future place type description. It allows the Urban House primary building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies S. Emerson St. as a Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). The proposed E-SU-B1 district is consistent with this description because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the "All other areas of the city" growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to E-SU-B1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Land Use & Built Form Housing Policy 4, Strategy E. says "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area" (p. 84). In this case, the requested rezoning is a single lot in a residential area within a few blocks of a bus stop for RTD Routes 12 and 21. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-B1 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

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

4. Justifying Circumstance

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. This plan was adopted after the date of approval of the existing zoning district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested E-SU-B1 zone district is within the Urban Edge Neighborhood Context. The neighborhood context is "primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Division 4.1). These areas consist of a "regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid" (DZC, Division 4.1). The Rosedale neighborhood consists of mostly single and two-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-B1 is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect [ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." It accommodates one and two and a half story urban and suburban house forms oriented towards the street in the single unit districts. This is consistent with the E-SU-B1 district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context.

The specific intent of the E-SU-B1 zone district is “a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet” (DZC 4.2.2.2.C). The subject site is in an area where Urban houses and 50-foot wide lots are common. The site at 2112 S. Emerson St. is 6,250 square feet with a width of approximately 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application
2. RNO Comment



Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Jess Hastings	Representative Name	
Address	2112 South Emerson Street	Address	
City, State, Zip	Denver, CO 80210	City, State, Zip	
Telephone	303-345-7929	Telephone	
Email	jessandalice@live.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 (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):	2112 South Emerson Street, Denver, CO 80210		
Assessor's Parcel Numbers:	05263-09-026-000		
Area in Acres or Square Feet:	6,250 SF		
Current Zone District(s):	E-SU-B		
PROPOSAL			
Proposed Zone District:	E-SU-B1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>7-31-2020</u> <input type="checkbox"/> No - if no, describe why not		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>7-13-2020 email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment)		

REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION

<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Denver Comprehensive Plan 2040 The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> • Goal 2, Strategy A. Equitable, Affordable and Inclusive – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods. • Goal 8, Strategy A. Environmentally Resilient - "Promote infill development where infrastructure and services are already in place" (p. 54). The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation. <p>Blueprint Denver The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> • Policy 4, Strategy E - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. <p>Neighborhood/ Small Area Plan (list all, if applicable): _____</p> <p>Housing an Inclusive Denver The proposed map amendment is consistent with <i>Housing an Inclusive Denver</i>, including: Attainable Homeownership, Recommendation 1: "Promote programs that help households 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" (p. 14).</p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including <i>Blueprint Denver</i> which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>

<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 40px;"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. </p> <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>E-SU-B1</u> Zone District.</p>
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REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description (required to be separate attachment in Microsoft Word document format.)
- Proof of Ownership Document (e.g. Assessor's record, property deed, etc.)

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

Please list any other additional attachments:

REZONING GUIDE

ADU Rezoning Application Page 4 of 4

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
						YES NO
Jess Edward Hastings & Alice Elizabeth Hastings	2112 S. Emerson Street Denver, CO 80210 (303) 345-7929 jessandalice@live.com	100%	<i>J. Hastings</i> <i>Alice Hastings</i>	9-14-20	(A)	NO

Lots 45 & 46,
Block 11,
MOUNTAIN VIEW PLACE,
City and County of Denver,
State of Colorado.

Accessory Dwelling Unit Zone Map Amendment (Rezoning) Application – Written Narrative

2112 South Emerson Street, Denver CO 80210

Submitted By: Jess and Alice Hastings

TABLE OF CONTENTS

- A. Introduction
- B. Consistency with Adopted Plans
 - i. Comprehensive Plan 2040
 - ii. Blueprint Denver: A Land Use & Transportation Plan
 - iii. Housing an Inclusive Denver
- C. Uniformity of District Regulations & Restrictions
- D. Furthering of Public Health, Safety & General Welfare
- E. Justifying Circumstances
- F. Consistency with Neighborhood Context, Zone District Purpose and Intent

ADDITIONAL ATTACHMENTS

Legal Description

Proof of Ownership

Narrative Describing Outreach Performed

A. Introduction

This Official Map Amendment is a request to rezone 2112 S. Emerson Street from E-SU-B to E-SU-B1. During the pre-application meeting we were made aware of the potentially forthcoming E-SU-B1 zone which aligns more with our current zoning, hence the waiver.

The purpose of the proposed Official Map Amendment is to allow an accessory dwelling unit (ADU) to be constructed in the back yard of the property along with a new garage. The City and County of Denver is experiencing an unprecedented demand for housing due to a rapidly growing population. This demand for housing has resulted in the dramatic increase of property values in and around Denver.

The existing property is 6,250 square feet with an existing single family home and surface parking off the alley. The property's existing condition represents the development pattern of its block and the Rosedale/Harvard Gulch neighborhood, which is primarily single-family homes with intermittent duplexes and multi-units. The proposed Official Map Amendment would allow us to build an affordable dwelling unit as a diverse solution to help solve Denver's affordable housing crisis. The ADU is planned to be used for multigenerational housing for grandparents or alternatively as affordable housing for DU students, hospital workers, etc. A central goal of this Official Map Amendment is to increase housing options in an area of the City that can support it due to its proximity to public transit, public schools, parks and amenities.

In reviewing the *Comprehensive Plan 2040*, *Blueprint Denver 2019* and *Housing An Inclusive Denver* plans, it is apparent that the people of Denver want new development to match the existing fabric of their neighborhoods (which we agree with) while understanding Denver's important role in meeting the City's housing needs. Hence our request for this Official Map Amendment to change the current zone district classification to allow for one (1) ADU in our backyard. This will add to the City's housing inventory while allowing us to continue to preserve our existing home.

B. Consistency with Adopted Plans

This rezoning is consistent with adopted City/County of Denver Plans (*Comprehensive Plan 2040*, *Blueprint Denver 2019*, and *Housing An Inclusive Denver*).

i. Comprehensive Plan 2040

The proposed zoning amendment is in line with the following goals outlined in the *Comprehensive Plan*:

- Equitable, Affordable and Inclusive Goal 1, Strategy A: Increase development of housing units close to transit and mixed-use developments (p. 28).
 - The proposed rezoning would increase allowed housing density along the RTD bus route of Evans Avenue and is near the Evans and DU stations for the RTD C/D and E/F/R Lines, which provide high-quality transit service to downtown Denver, Southwest Denver, and the Denver Tech Center.
- 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).

- The proposed rezoning would allow for the construction of an ADU which provides additional livable space and contributes to a more diverse mix of housing in the Rosedale neighborhood that can be used for multigenerational housing or affordable housing for DU students, hospital workers, etc.
- Strong and Authentic Neighborhoods Goal 1, Strategy B- Ensure neighborhoods offer a mix of housing types and service for a diverse population (p.34).
 - Allowing the construction of an ADU would create a greater mix of housing types on our block. While there are several duplex and multi-plexes in the nearby area, an ADU is a different type of housing arrangement and will help increase the options for a diverse population to live in the neighborhood.
- Environmentally Resilient Goal 8, Strategy A- Promote infill development where infrastructure and services are already in place (p.54).
 - The proposed rezoning would allow for the construction of an ADU which is a great form of infill development while maintaining the fabric of a neighborhood.
- Environmentally Resilient Goal 8, Strategy A: Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
 - The proposed rezoning would allow for the construction of an ADU in a neighborhood with an abundance of nearby businesses, a hospital, a university, etc. which will promote residents to live and work in their neighborhood. Additionally, there are ample parks, restaurants and attractions to play in the place they call home as well.

ii. Blueprint Denver: A Land Use & Transportation Plan

The proposed zoning amendment is consistent with *Blueprint Denver 2019*, specifically with policies 1-7 of the “Land Use and Built Form – Housing” Recommendations.

- Policy 1: “Revise city regulations to respond to the demands of Denver’s unique and modern housing needs.” (Page 82)
 - This zoning amendment will allow for the construction of an ADU in response to the demands of Denver’s unique housing needs. It will provide an affordable, diverse housing type with multigenerational or fixed income living opportunities.
- Policy 2: “Diversify housing options by exploring opportunities to integrate missing middle housing into low and low-medium residential areas.” (Page 82)
 - This zoning amendment will allow for the construction of an ADU which will provide a smaller, more affordable housing option in a neighborhood that may not otherwise be affordable to some.
- Policy 3: “Incentivize the preservation and reuse of existing smaller and affordable homes.” (Page 83)
 - This zoning amendment will incentivize the preservation and reuse of our existing smaller more affordable home. Our existing home is a ~1200 sq. ft house built in 1948. Approving our rezoning request will help preserve our home and discourage someone demolishing the existing home in the future, maintaining the character of the neighborhood.

- Policy 4: “Diversify housing choices through the expansion of accessory dwelling units throughout all residential areas.” (Page 84)
 - Approval of this zoning amendment allows for the construction of an ADU where it currently is not zoned for in a low-density residential neighborhood. Allowing this rezoning directly achieves this goal without significantly changing the character of the neighborhood
- Policy 5: “Remove barriers to constructing accessory dwelling unit and create context-sensitive form standards.” (Page 84)
 - This zoning amendment achieves this goal by removing an existing regulatory barrier to allow for the construction of an ADU. The rezoning from E-SU-B to E-SU-B1 will provide a housing option for a family member or a resident looking for a housing option smaller than a traditional single-family house.
- Policy 6: “Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services and amenities.” (Page 85)
 - The proposed rezoning would allow for the construction of an ADU in a neighborhood with an abundance of nearby services and amenities (businesses, hospital, university, parks, restaurants. Etc.). It is also along the RTD bus route of Evans Avenue and is near the Evans and DU stations for the RTD C/D and E/F/R Lines.
- Policy 7: “Expand family-friendly housing throughout the city.” (Page 85)
 - The proposed rezoning would allow for the construction of an ADU which provides a wonderful opportunity for multigenerational living with an aging family member, a dependent relative or a working young adult.

The proposed zoning amendment is also consistent with *Blueprint Denver 2019* guidance on the appropriateness of ADU’s in “Low” Residential Urban Edge neighborhoods. (Page 214)

- “Predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplex are appropriate and can be thoughtfully integrated where compatible...Low to medium buildings coverage. Building are generally up to 2.5 stories in height.”

iii. Housing an Inclusive Denver

The proposed zoning amendment is consistent with *Housing An Inclusive Denver (2018-2023)*, specifically with the following recommendations:

- **Legislative and Regulatory Priorities - Recommendation 2: “Expand and strengthen land-use regulations for affordable and mixed-income housing.** Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units.” (Page 9)

- **Attainable Homeownership - Recommendation 1: Promote programs that help households 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.” (Page 14)

C. Uniformity of District Regulations & 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.

The proposed amendment of our current zoning of E-SU-B to E-SU-B1 is only a minor zoning adjustment. Our lot size of 6,250 square feet exceeds the minimum requirement of the proposed zone as well as for the construction of an ADU (min. 6,000 SF). The style of the ADU will be consistent with the style of other homes in the neighborhood while maintaining the uniformity of the Rosedale Harvard Gulch neighborhood.

D. Furthering of Public Health, Safety & General Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the city by providing an additional and affordable unit of housing where there is currently only one unit of housing. The accessory dwelling unit would provide a reduction of auto-dependency and carbon footprint due to its proximity to public transit and surrounding amenities such as grocery stores, restaurants, shopping, parks and schools.

Additionally, the proposed zoning amendment would contribute to the wellbeing of the Rosedale neighborhood by creating a safe and hazard-free living space. It would improve the welfare of the city by providing an additional living space addressing the affordable housing crisis and homelessness currently being experienced.

E. Justifying Circumstances

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 Chapter 59 zoning.

We believe our proposed zoning amendment is justified most closely by bullet point number two. With the adoption of Blueprint Denver 2019 and its stated noble goal of, “increasing the development of affordable housing and mixed-income housing, particularly in areas near transit, services and

amenities,” best conveys our justification; along with the other goals outlines in “Section B Consistency with Adopted Plans” in this written narrative.

F. Consistency with Neighborhood Context, Zone District Purpose and Intent

This proposed rezoning is consistent with the neighborhood context and aligns with the zone district’s purpose and intent.

The proposed zoning of E-SU-B1 is consistent with the general-purpose statements for Urban Edge Neighborhoods. The Rosedale neighborhood has single-unit and two-unit residential uses primarily located on local streets. Our property is located on a local street - South Emerson Street.

The intent of the proposed E-SU-B1 is in keeping with a single-unit district that requires a minimum zone lot of 4,500 square feet. As previously stated, our property is 6,250 square feet.

- Denver Zoning 4.2.2.2B “E-SU-B is a single unit district allowing only urban homes with a minimum zone lot area of 4,500 square feet.”
- The Proposed Denver Zoning Code Text Amendment #8 will create E-SU-B1 for “E-SU-B1 is a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet.”

Denver Zoning 4.2.2.1 – General Purpose – “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.” Approving a rezoning which allows for an ADU on the back of the property will help protect the overall image of the neighborhood by encouraging the existing house to remain in place now and into the future. The ADU itself will also be constructed in conjunction with neighborhood aesthetics.

Denver Zoning 4.3.4 – District Specific Standards Summary. “Single Unit – Detached Accessory Dwelling Units” will be followed for the development of the proposed ADU.

Proof of Ownership

Assessor's records

Denver Property Taxation and Assessment System

Owner	Schedule Number	Legal Description	Property Type	Tax District
HASTINGS, JESS E HASTINGS, ALICE E 2112 S EMERSON ST DENVER, CO 80210-4505	05263-09-026-000	L 45 & 46 BLK 11 MOUNTAIN VIEW PLACE	RESIDENTIAL	DENV

[Summary](#)
[Property Map](#)
[Assessed Values](#)
[Assessment Protest](#)
[Taxes](#)
[Comparables](#)
[Neighborhood Sales](#)
[Chain of Title](#)

Additional Property Information

[Clear results](#)

Zoning [Details](#)
 Zone District: E-SU-B
 Code Version:
[Zoning Map](#)

Neighborhood [Details](#)
 Rosedale

Subdivision [Details](#)
 Mountain View Place

Historic Landmark District [Details](#)
 No

Individual Historic Landmark [Details](#)
 No

Enterprise Zone [Details](#)
 Not in enterprise zone.

Floodplain Designation [Details](#)
 Click Details button for floodplain information for this location.

Downloadable Maps

[Directions](#) | [Street View](#) | [Parcel Map](#)
2112 S EMERSON ST
 DENVER, CO 80210-4505
Schedule Number: 0526309026000
Owner:
 HASTINGS, JESS F
 0526309026000
[click for details.](#)

Narrative Describing Outreach Performed

It is recommended that the City Council Office, applicable RNO's and surrounding neighbors be contacted and involved in a zoning amendment.

We contacted City Councilman Paul Kashmann via email who said "while unable to state a position on any rezoning until after the public hearing, he is, generally, a fan of ADU's as an addition to Denver's housing stock." We also contacted the Rosedale Harvard Gulch Neighborhood Association about our intent to apply for a rezoning and they have said they will not be opposing our application or construction of an ADU and wished us luck on the project. Similarly, we have reached out to the Platt Park People's Association (3PA) regarding our zoning amendment application and look forward to their response. Last, our neighbors at 2120 and 2130 South Emerson Street (neighbors directly to our south sharing the alley) have offered positive support and encouragement for this process.

From: [Ashley E. Arroyo](#)
To: [Rezoning - CPD](#)
Cc: [Showalter, Sarah K. - CPD CE3125 City Planning Director](#); [Dalton, Kyle A. - CPD CE3124 City Planning Manager](#); [Adams, Libbie - CPD City Planner Associate](#)
Subject: [EXTERNAL] Re: Written Notice of Planning Board Hearing for map amendment application #2020I-00123 2112 S. Emerson St
Date: Wednesday, December 2, 2020 11:02:07 AM

While this application is adjacent to, it is not within Platt Park. With that said, the Platt Park People's Association does not support spot zoning where one house would be different than the rest of the block or surrounding homes.

Thanks,
 Ashley E. Arroyo

On Tuesday, December 1, 2020, 10:49:27 AM MST, Rezoning - CPD <rezoning@denvergov.org> wrote:

OFFICIAL MAP AMENDMENT (REZONING)			
PLANNING BOARD PUBLIC HEARING NOTIFICATION			
APPLICATION #	#2020I-00123	LOCATION	2112 S. Emerson St
APPLICANT	Jess Hastings 2112 S. Emerson St Denver, CO 80210		
PROPOSED ACTION TO REZONE FROM	E-SU-B	TO	E-SU-B1
CASE MANAGER	Libbie Adams Senior City Planner	PHONE/EMAIL	(720) 865-2933 / Libbie.Adams@denvergov.org
PLANNING BOARD PUBLIC HEARING INFORMATION			
DATE	Wednesday, December 16, 2020		
TIME	3:00 pm		
PLACE	ZOOM VIRTUAL MEETING at www.denvergov.org/planningboard/ Wellington Webb Bldg. 201 W. Colfax, Denver 80202		
ROOM	#4.1.5		
INTERESTED REGISTERED NEIGHBORHOOD ORGANIZATIONS			
Platt Park People's Association (3PA) Attn: Joe Beierl board@3pa.org, jbeierl@yahoo.com PO Box 100848 Denver, CO 80250-0848		Inter-Neighborhood Cooperation (INC) Attn: Loretta Koehler excomm@denverinc.org, lorettakoehler@mac.com PO Box 300684-0684 Denver, CO 80218	
Rosedale Harvard Gulch Neighborhood Association Attn: Tom Montoya colepat@gmail.com, montoya.tom@comcast.net PO Box 101512 Denver, CO 80210			
CITY COUNCIL MEMBERS AT-LARGE			
Robin Kniech		Deborah Ortega	

Robin.kniech@denvergov.org	Deborah.ortega@denvergov.org
City and County Bldg., Room 432	City and County Bldg., Room 492
Denver, CO 80202	Denver, CO 80202
CITY COUNCIL MEMBER – COUNCIL DISTRICT #6	
Paul Kashmann	
City & County Bldg Rm #487	
Denver, CO 80202	

The application for the above-referenced Official Map Amendment and the City’s map amendment process may be viewed at www.DenverGov.org/ProposedRezoning.

Any questions regarding this amendment may be directed to the Case Manager above. For more information about the map amendment process, visit www.DenverGov.org/Rezoning.

RNOs are encouraged to submit the “RNO Position Statement.pdf” located at www.DenverGov.org/Rezoning by email to CPD at rezoning@denvergov.org prior to the Planning Board Public Hearing.

WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:

Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board. Written comments received after that time and prior to 12 p.m. (noon) on the day before the Hearing will be emailed regularly to the Board; hard copies of these comments also will be distributed to the Board at the Hearing. Written comments received after 12 p.m. (noon) on the day before the Hearing will not be distributed to the Board; to ensure these comments are considered by the Board, please submit them to the Board during the Hearing.

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PLANNING BOARD HEARING AND AT THE PUBLIC HEARING