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**TO:** Denver City Council  
**FROM:** Tony Lechuga, Senior City Planner  
**DATE:** April 4, 2024  
**RE:** Official Zoning Map Amendment Application #2023I-00093 rezoning multiple properties in Hale from E-SU-Dx; E-SU-G; and U-SU-C to E-SU-D1x; E-SU-G1; and U-SU-C1

### **Staff Report and Recommendation**

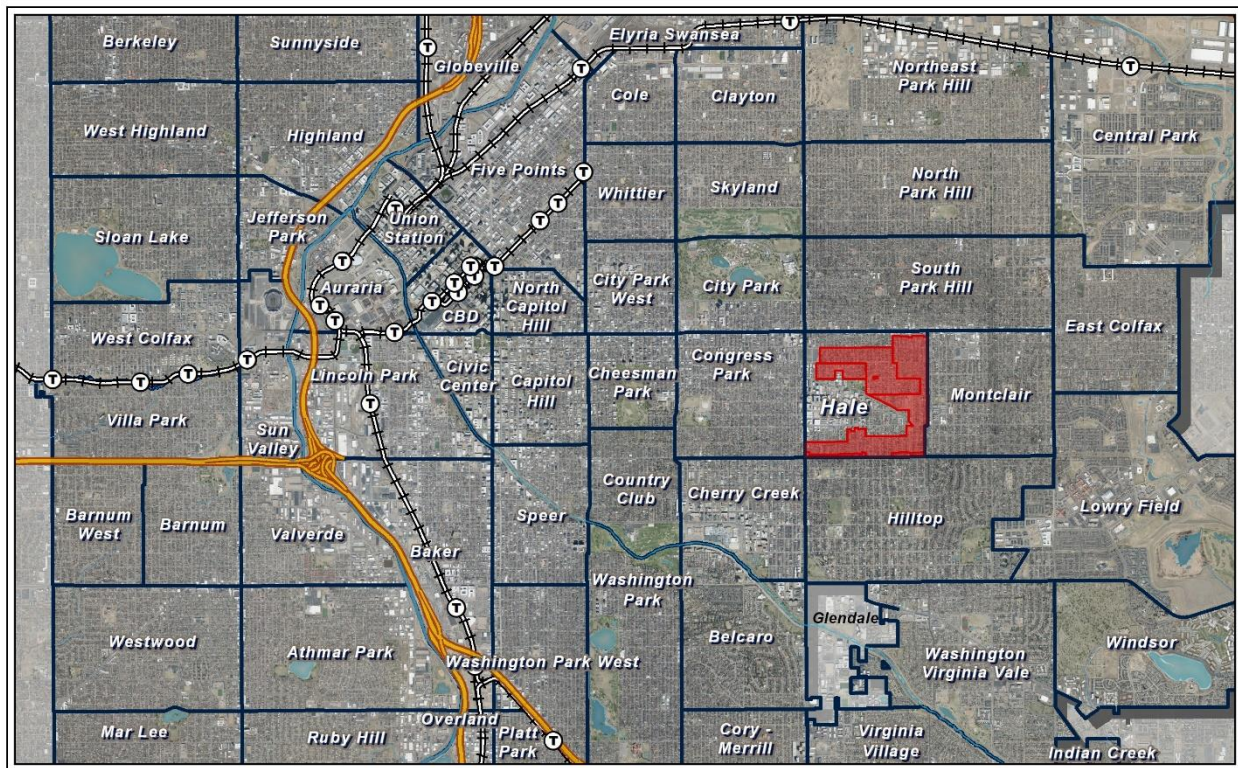
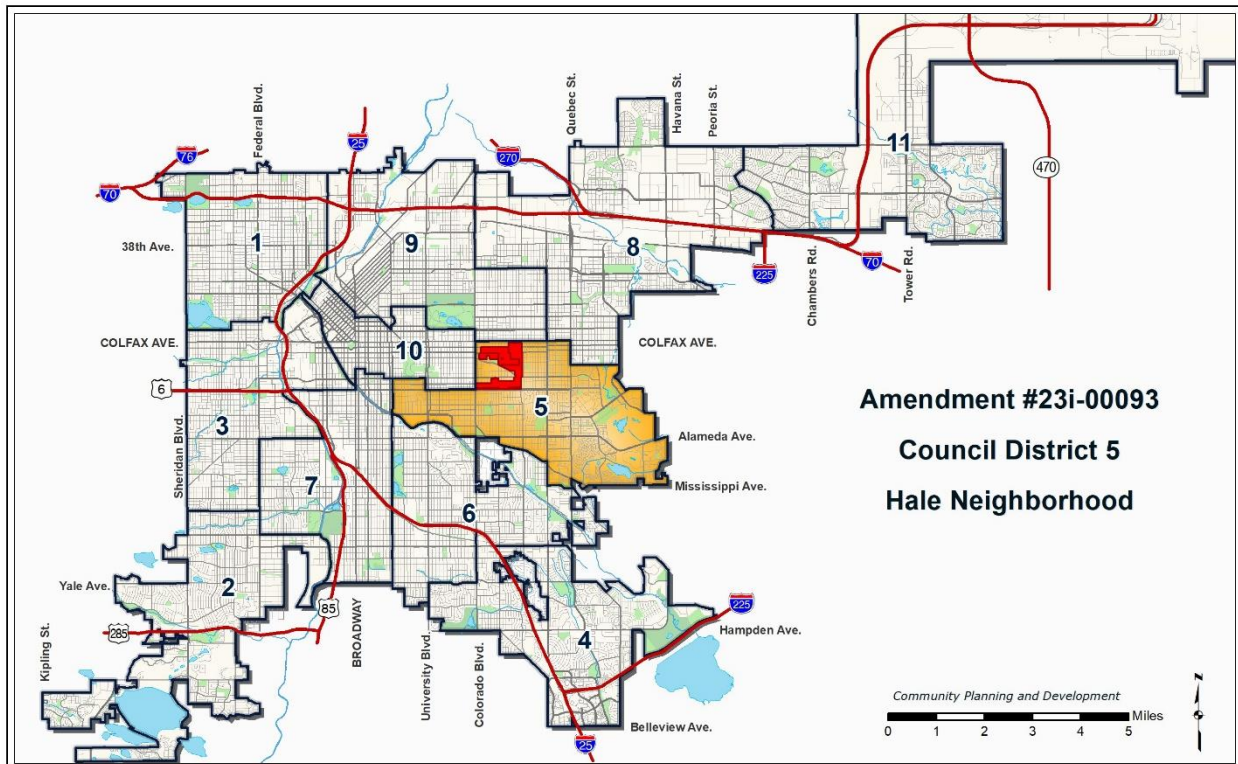
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2023I-00093.

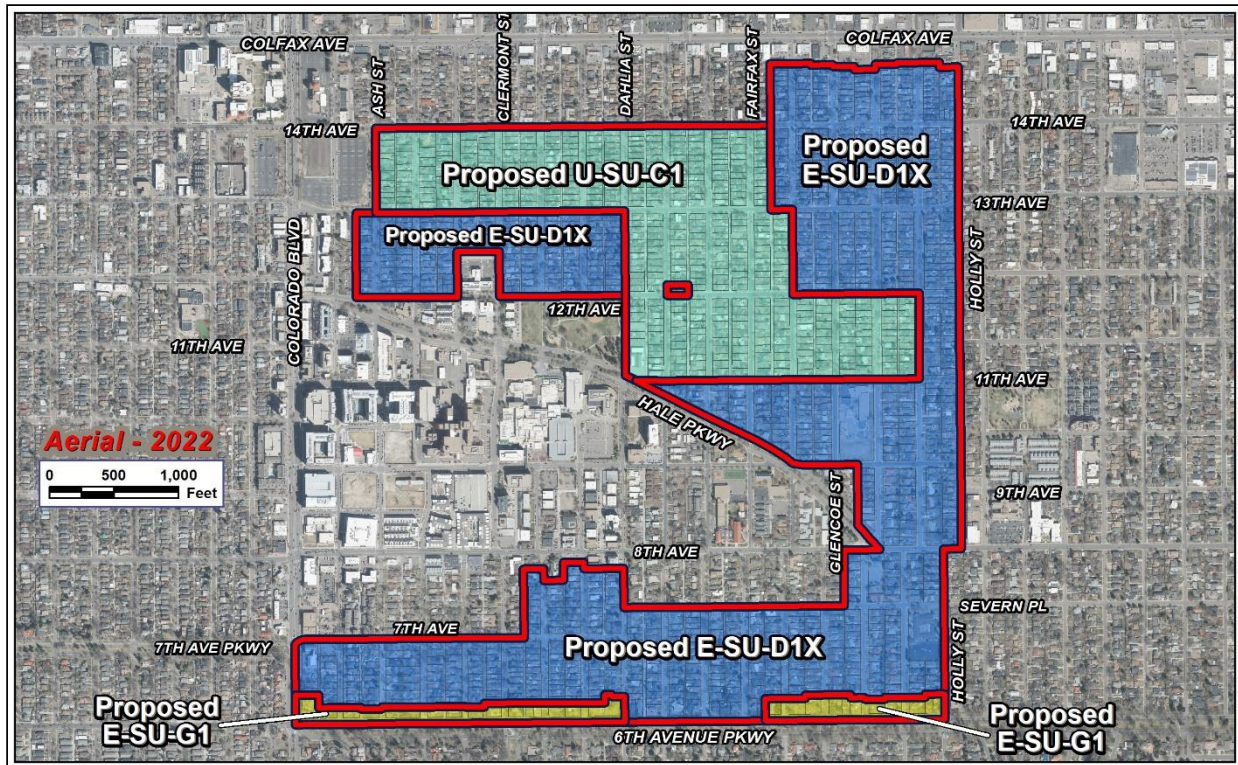
### **Summary and Purpose**

Councilmember Amanda Sawyer is sponsoring a map amendment to rezone the single unit residential zone districts in the Hale neighborhood to allow accessory dwelling units (ADUs).

- The proposed rezoning includes the area in the Hale neighborhood that has single unit residential zoning. This includes approximately 336 acres bounded by Colorado Boulevard, 6<sup>th</sup> Avenue Parkway, Holly Street, and Colfax Avenue.
- The proposed rezoning includes about 1,500 properties. The proposed map amendment would rezone these properties from E-SU-Dx; E-SU-G; and U-SU-C to E-SU-D1x; E-SU-G1; and U-SU-C1.
- The proposed zone districts are the same as the current districts except that they allow the accessory dwelling unit use and detached accessory dwelling unit building form. The accessory dwelling unit use is allowed either within the primary structure or in a detached accessory dwelling unit structure. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Articles 4 and 5 of the Denver Zoning Code (DZC).

### Existing Context



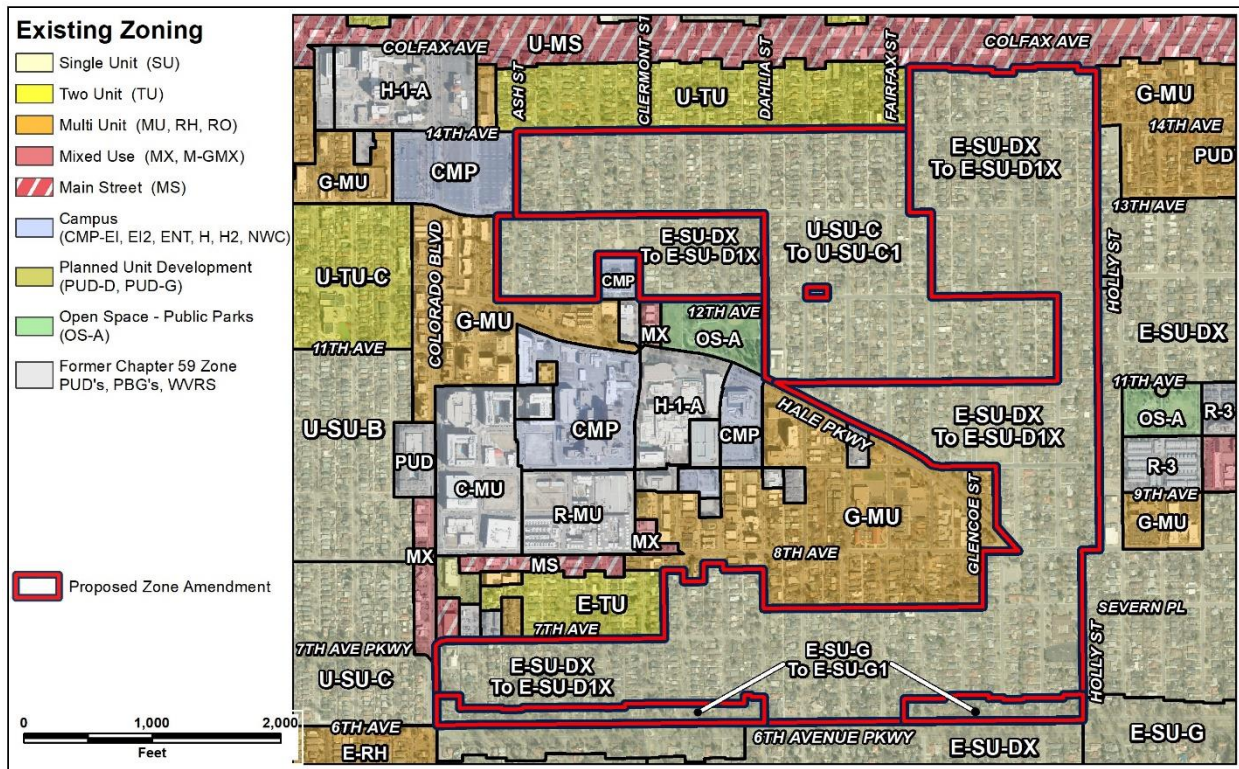


The subject properties are in the Hale Neighborhood, which is primarily single-unit residential uses transitioning to two- and multi-unit residential adjacent to commercial/retail, industrial, office, and mixed-use land uses along East Colfax Avenue and Colorado Boulevard. The area bound by Hale Parkway, 7<sup>th</sup> Avenue, and Colorado Boulevard is largely two- and multi-unit residential, commercial/retail, office, and public/quasi-public land uses occupied prominently by the Rose Medical Center and redevelopment of the site of the University of Colorado’s former medical-school campus and hospital. There is a pattern of regular blocks surrounded by orthogonal streets within a grid except for where broken by the diagonally running Hale Parkway and the large blocks of Rose Medical Center and the former University of Colorado campus.

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
Rezoning area	E-SU-Dx; E-SU-G; U-SU-C	Single-unit residential	1- and 2-story residential buildings with moderate setbacks	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North (generally north of 14 <sup>th</sup> Avenue and Colfax Avenue)	G-MU-3, UO-3; U-TU-C; U-MS-3; U-MS-3, DO-8; MS-1; E-MU-2.5; PUD	Single-, two-, and multi-unit residential; Office, Commercial/Retail; Industrial; Public/Quasi-Public	Largely 1- and 2-story residential buildings with moderate setback; along Colfax Avenue mostly 1-story commercial/retail, office, or industrial	
South	E-SU-G; E-SU-Dx;	Single-unit residential	1- and 2-story residential buildings with moderate setback	
East	E-SU-Dx; E-SU-D1x; E-MU-2.5	Single-, two-, and multi-unit residential; Public/Quasi-public;	1- and 2-story residential buildings with moderate setback; 2-story church	
West	U-SU-C; U-MX-3; G-MU-5, UO-3; CMP-H2	Single- and Multi-unit Residential; Parking	1- and 2-story residential buildings with moderate setback; surface parking lot	
Center	E-MU-2.5; G-MU-8, UO-3; G-MU-3; G-MU-3, UO-3; E-TU-C; E-RH-2.5; PUD; E-MX-3; G-MU-20, UO-3; OS-A; G-MX-3; CMP-EI2; G-MU-5, UO-3;	Single-, Two, and Multi-unit Residential; Public/Quasi-public; Open Space	1-, 2-, and 3-story residential buildings with moderate setback; church and school; 8-story residential; Lindsley Park; 4-story medical clinic	

## 1. Existing Zoning



The proposed rezoning area is currently three single-unit zone districts. One area is zoned E-SU-Dx, which allows the urban house and suburban house primary building forms with a maximum height of 30 to 35 feet, a minimum lot width of 50 feet wide, and minimum lot area of 6,000 square feet. A second area is zoned E-SU-G, which allows the urban house and suburban house primary building forms with a maximum height of 30 to 35 feet, a minimum lot width of 62.5 feet wide, and a minimum lot area of 9,000 square feet. The final area is zoned U-SU-C, which allows the urban house building form with a maximum height of 30 to 35 feet, a minimum lot width of 50 feet wide, and a minimum lot area of 5,500 square feet.

## 2. Designated Parkways

The Hale Parkway is a Denver Designated Parkway that runs diagonally through the Hale Neighborhood southwest of part of the rezoning area. The Parkway extends from the intersection of East 12<sup>th</sup> Avenue at North Colorado Boulevard to East 8<sup>th</sup> Avenue at North Grape Street, and the rezoning boundary fronts the Parkway from North Dahlia Street at East 11<sup>th</sup> Avenue to East 8<sup>th</sup> Avenue at North Grape Street. Along this stretch, the Parkway requires a 15-foot building setback and a 15-foot sign setback on both sides of Hale Parkway. Detached ADUs are required to be in the rear of a lot, so they would not be affected by this parkway setback. Expansion to construct attached ADUs would be subject to these setbacks.

The East 6<sup>th</sup> Avenue Parkway is a Denver Designated Parkway, a Denver Landmark Historic District, and located on the National Register of Historic Place that runs from North Colorado

Boulevard to North Quebec Street. The Parkway, from North Colorado Boulevard to North Holly Street, runs along the southern edge of the rezoning boundary. Along this stretch, the Parkway requires a 35-foot building setback and a 35-foot sign setback on both sides of East 6<sup>th</sup> Avenue Parkway. Detached ADUs are required to be in the rear of a lot, so they would not be affected by this parkway setback. Expansion to construct attached ADUs would be subject to these setbacks.

Colorado Boulevard is a Denver Designated Boulevard, that runs from Hampden Avenue to East 44<sup>th</sup> Avenue. The rezoning boundary briefly fronts the Boulevard from East 6<sup>th</sup> Avenue to East 7<sup>th</sup> Avenue. Along this stretch, the Boulevard requires a 20-foot building setback and a 10-foot sign setback on both sides of North Colorado Boulevard. Construction of an attached or detached ADU would be subject to these setbacks.

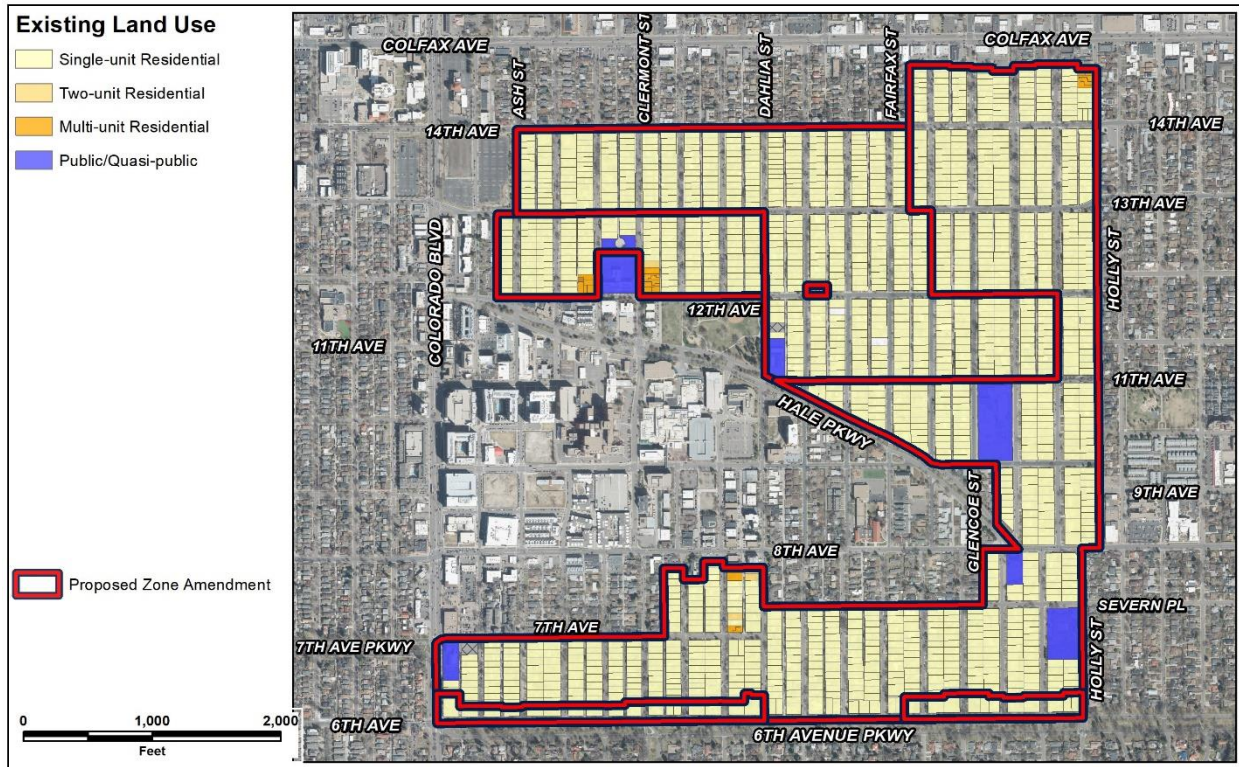
### **3. Historic Structures**

There are two historic structures within the rezoning area: 1360 Birch Street and 4775 East 6<sup>th</sup> Avenue. Development under the proposed rezoning would be subject to the historic district regulations that currently exist on the properties. East 6<sup>th</sup> Avenue Parkway is a Denver Historic Landmark District along the southern edge of the rezoning area and development on those properties would be subject to the Design Guidelines for Denver's Designated Parkways and Boulevards as described above as well as oversight from Landmark Review staff.

### **4. Large Development Review**

The applicability of the large development review process is defined by DZC Section 12.4.12.2. There is no specific development concept for this legislative map amendment proposal, no adopted plan recommends use of the LDR process for this proposal, no major infrastructure network or system improvements are anticipated, and there is no existing general development plan that needs to be amended. Therefore, although the area of the rezoning is larger than 5 acres, large development review was found to be inapplicable.

### 5. Existing Land Use Map



### 6. Existing Building Form and Scale

All images are from Google Street View



View facing west on Ash Street south of 7<sup>th</sup> Avenue – within the proposed rezoning (E-SU-Dx)



View facing north on East 6<sup>th</sup> Avenue west of Grape Street – within the proposed rezoning (E-SU-G)



View facing east on Hudson Street north of 9<sup>th</sup> Avenue – within the proposed rezoning (E-SU-Dx)





View facing west on Elm Street north of 12<sup>th</sup> Avenue – within the proposed rezoning (U-SU-C)



View facing south on Hale Parkway between Dahlia Street and Eudora Street – near the proposed rezoning area



View facing south on Colfax Avenue between Glencoe Street and Grape Street – near the proposed rezoning area

## Proposed Zoning

The proposed zone districts are all single-unit residential districts and the primary building forms allowed in the proposed zone districts are the same as those allowed in the existing zone districts.

The proposed E-SU-D1x would allow accessory dwelling units, including a detached accessory dwelling unit in the rear yard. E-SU-D1x has a maximum height of 30 to 35 feet, a minimum lot width of 50 feet wide, and minimum lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to the existing E-SU-Dx zone district. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC).

The proposed E-SU-G1 would allow accessory dwelling units, including a detached accessory dwelling unit in the rear yard. E-SU-G1 has a maximum height of 30 to 35 feet, a minimum lot width of 62.5 feet wide, and a minimum lot area of 9,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to the existing E-SU-G zone district. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC).

The proposed U-SU-C1 would allow accessory dwelling units, including a detached accessory dwelling unit in the rear yard. U-SU-C1 has a maximum height of 30 to 35 feet, a minimum lot width of 50 feet wide, and a minimum lot area of 5,500 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to the existing U-SU-C zone district. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

## 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.

**Development Services - Fire:** Approved – See Comments Below.

Approved, however, in some of these areas additional hydrants may be required to provide adequate coverage for the additional housing that may be constructed.

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

- 1) Future development is subject to zoning and building permit review and approval prior to construction beginning. Projects with two units or less will be reviewed by the Residential Team.
- 2) Future development on the site will need to comply with the chosen building form standards for the new zone district.

**Development Services - Transportation:** Approved – No Response.

**Development Services – Wastewater:** Approved – No Response.

**Parks and Recreation:** Approved – No Comments.

**Public Health and Environment:** Approve Rezoning Only - Will require additional information at Site Plan Review.

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the project site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

--Information suggests a dry-cleaning facility(ies) may have historically operated near the Site. Because of past waste handling practices, dry cleaning sites may be associated with historical releases of solvents to soil and groundwater.

--A gas station(s) may have historically operated in the vicinity of the Site. Historically, gas stations have been related to releases of petroleum products or solvents to soil and groundwater.

--A petroleum release(s) from an underground fuel storage tank(s) has been documented at a nearby property(ies). For more information on petroleum releases, please contact the Colorado Department of Labor and Employment, Division of Oil and Public Safety (OPS) at 303-318-8547 or by email at [cdle\\_remediation@state.co.us](mailto:cdle_remediation@state.co.us)

--An area of buried historical urban fill is potentially located in the vicinity of the Site. A map of potential areas of buried historical urban fill in Denver is available at <https://www.denvergov.org/opendata/dataset/city-and-county-of-denver-historical-fill-areas>. Historical urban fill can be associated with buried wastes, contaminated environmental media, and subsurface soil vapors, including methane gas. If present in concentrated amounts, methane gas can be a safety concern. The locations of buried fill areas are approximations and should not be used for detailed planning or engineering purposes. If encountered during construction, contaminated environmental media (soil, groundwater, soil vapor) or underground storage tanks should be properly managed in accordance with applicable regulations.

--For future ground disturbing activities or redevelopment, proper due diligence, including environmental site assessments (ESAs), should be considered in order to determine the potential presence, nature and extent of possible contamination and to identify specific cleanup needs within the project area. If encountered during development activities, contaminated environmental media and regulated materials must be properly managed in accordance with applicable local, state, and federal environmental regulations and statutes. State and federal environmental regulations and guidance may be applicable to the handling and disposition of suspect materials depending on the conditions encountered.

Because of the potential for vapor intrusion into buildings from contaminated soil or groundwater, the applicant may wish to consider installation of a vapor mitigation system, which would also accommodate concerns for naturally occurring radon gas. This is of special concern should the proposal include on-grade or below-grade living or working spaces.

EQD does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**Department of Transportation & Infrastructure – City Surveyor: Approved – No Comments.**

**Public Review Process**

	<b>Date</b>
Council member postcards and flyers	<b>08/23</b>
Council member Community Town Halls	<b>09/12/23 and 09/19/23</b>
Council member Public Survey	<b>08-09/23</b>
Council member newsletters	<b>08/23; 09/23; and 10/23</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>11/20/23</b>
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:	<b>01/02/24</b>
Planning Board public hearing	<b>01/17/24</b>
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 (10) working days before the meeting:	<b>01/21/24</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>02/06/24</b>
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:	<b>03/05/24</b>  (tentative)
City Council Public Hearing:	<b>03/26/24</b>  (tentative)

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - At the time of this staff report, no comments from RNOs have been received.
  - **General Public Comments**
    - At the time of this staff report, 4 public comments were received from neighborhood residents expressing support for the application and citing the benefits of subtle expansion of housing while remaining a family-oriented neighborhood.
    - At the time of this staff report, 2 general comments were received. One expressed a desire to re-evaluate the application of ADUs in this geography and further consider negative impacts. A second considered the impacts to flooding and the appropriateness of this being applied to all residential properties.
    - At the time of this staff report, 24 public comments were received expressing opposition for the application citing added traffic and density as issues. Several comments noted their displeasure at a blanket approval of ADUs construction throughout the neighborhood. This is a misunderstanding of the process as each individual property would still need to apply for permits to build an ADU. The permitting process would require unique tailoring based on the property and in some instances may determine that an ADU is not feasible or appropriate.
    - Additionally, City Council District 5 published an online survey in English and Spanish from August 2023 to September 2023 seeking residents' input. Of the 212 responses received from the Hale Neighborhood, 124 participants said they supported the proposed rezoning to allow ADUs, 78 said they opposed it, and 10 answered "unsure." Survey participants were also invited to provide comments, all of which are included with the application, attached to this staff report.

### **Criteria for Review / Staff Evaluation**

The City Attorney's Office has determined this to be a legislative map amendment proposal. Therefore, the criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.7 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

#### **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

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

### ***Denver Comprehensive Plan 2040***

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

The map amendment enables ADUs in an entire neighborhood. ADUs can provide additional housing options, including for seniors and families, and they can provide residents more flexibility to remain in their houses. Therefore, the map amendment is consistent with the following Equitable, Affordable and Inclusive strategies:

- 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 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments* (p. 28).

Because ADUs are not currently allowed in the Hale neighborhood, the map amendment would provide an additional housing type and is therefore consistent with the following Strong and Authentic Neighborhoods strategy:

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

Similarly, the map amendment will allow additional housing units on lots with existing houses where infrastructure and services such as water, stormwater, and transit already exist. Therefore, the map amendment is consistent with the following Environmentally Resilient strategy:

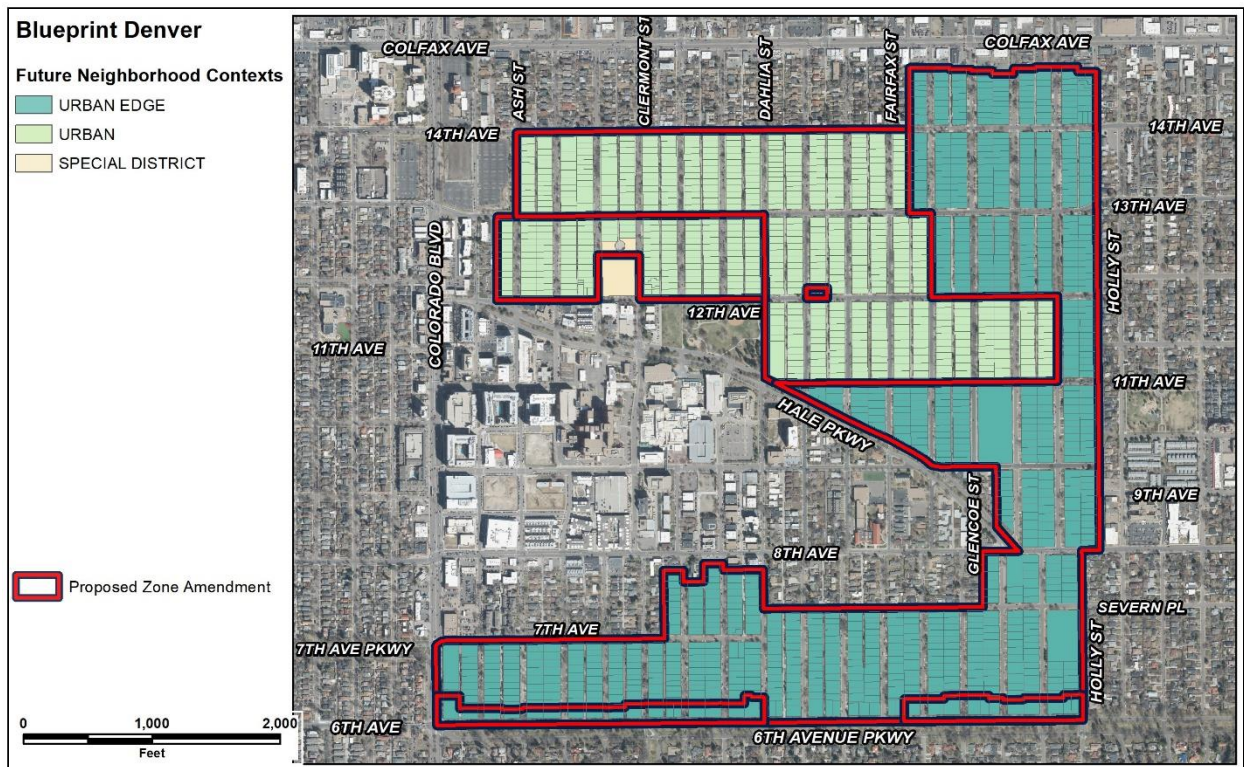
- Environmentally Resilient Goal 8, Strategy A – *Promote infill development where infrastructure and services are already in place* (p. 54).

### ***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 most of the subject properties as part of a Residential Low place, with some areas as part of the Residential Low-Medium, within the Urban Edge and Urban Neighborhood Contexts, a small portion of the site as part of the Campus place type within the District neighborhood context, and provides guidance from the future growth strategy for the city.

### **Blueprint Denver Future Neighborhood Context**

The proposed rezoning is largely within the Urban Edge neighborhood context, which predominantly contains “single-unit and two unit uses, with some low-scale multi-unit embedded throughout” with “a mix of suburban and urban elements— streets may be rectangular or curved and alleys are sometimes present” (p. 206). The Denver Zoning Code states that residential zone districts within the Urban Edge context are “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context,” further clarifying that “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1).

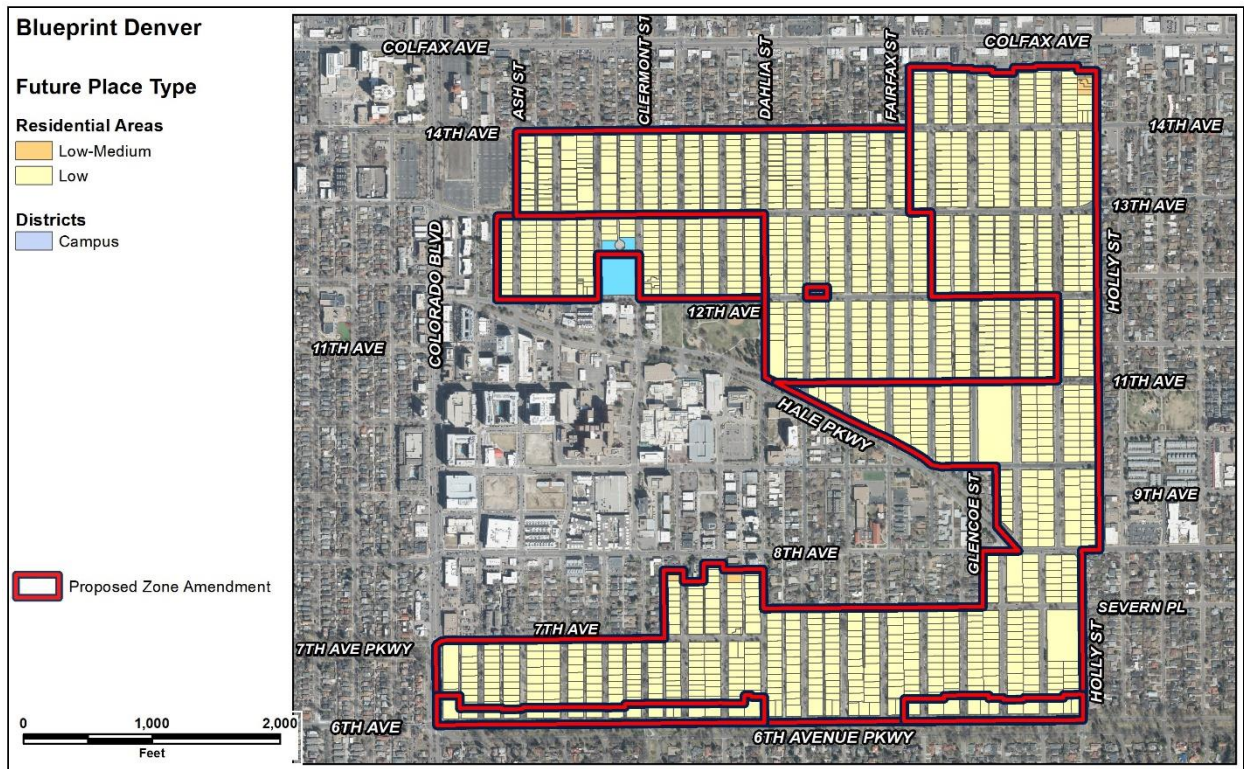


A smaller portion of the rezoning area is within the Urban neighborhood context is described as varying from “multi-unit developments to single-unit homes” and offering a “mix of uses, with good street activation and connectivity” while “residents living in this context have access to varied transit options and amenities” (p. 221). The Denver Zoning Code states that residential zone districts within the Urban context are “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context,” further clarifying that “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1).

There is portion of a single parcel of the rezoning area within the District neighborhood context which are described as “developed with a specific use or purpose in mind” (p. 280). Districts are further defined in Article 9 of the Denver Zoning Code.



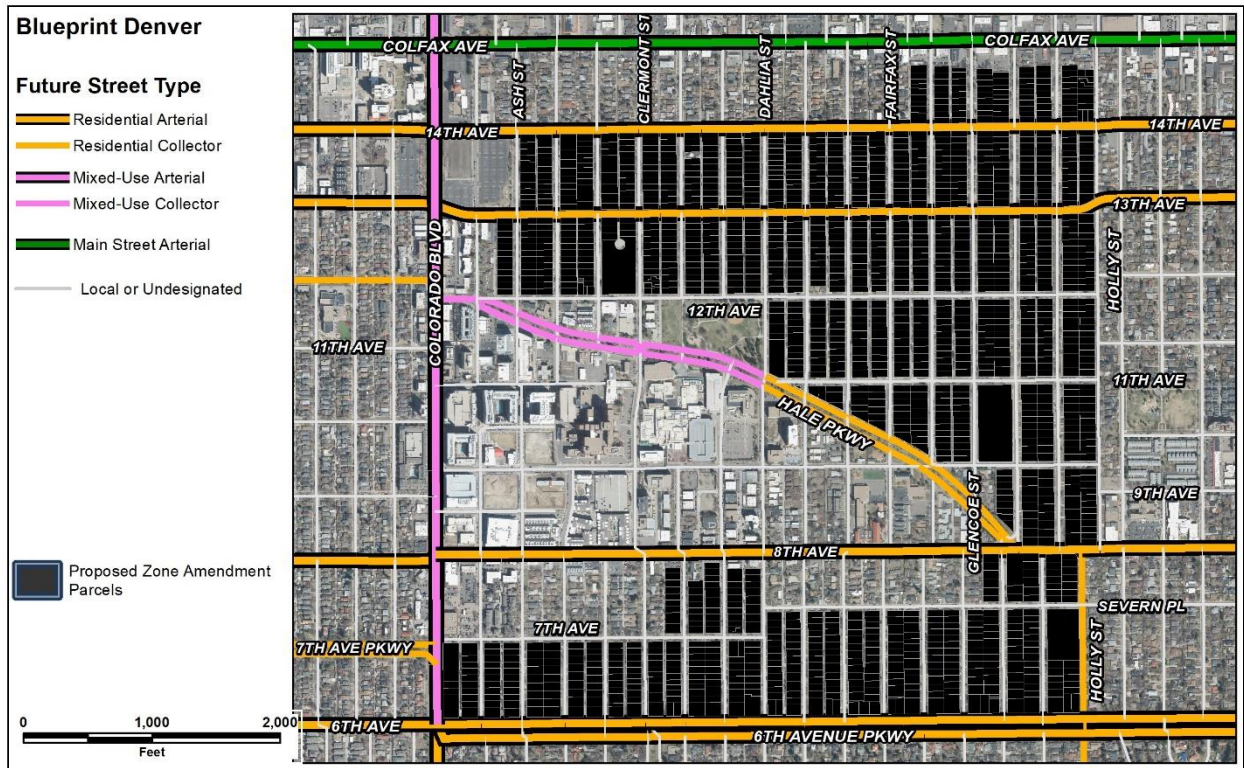
## Blueprint Denver Future Places



The proposed rezoning is largely within the Residential Low future place, which 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 “buildings are generally up to 2.5 stories in height” (p. 214). Portions of the proposed rezoning are also within the Residential Low-Medium future place, which includes a “mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential... Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form” (p.217). The proposed map amendment is consistent with these future place designations because it allows single-unit residential uses with accessory dwelling units.

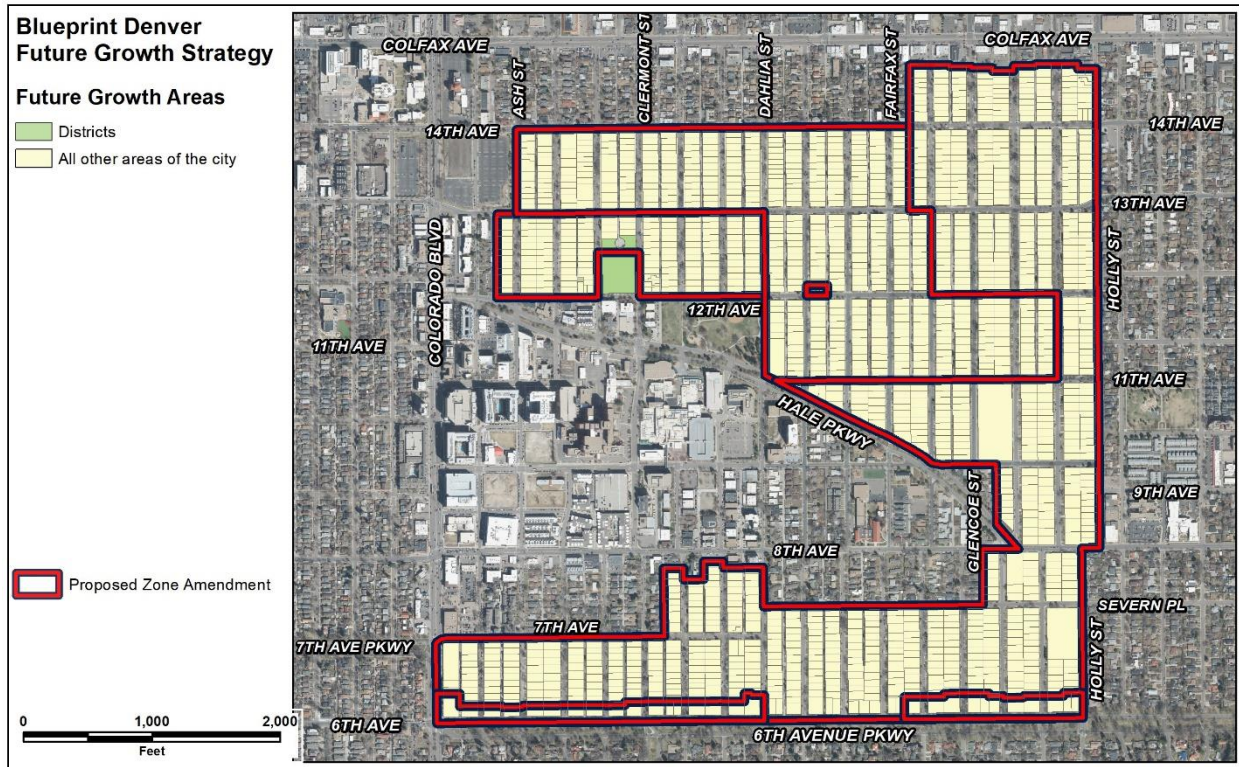
As explained above, there is part of a parcel that is identified as part of the District neighborhood context and specifically the Campus place type. The Campus context “generally consists of midsize to large medical, institutional, educational, or entertainment sites (DZC 9.2.1). This site is currently zoned E-SU-Dx and is an open space associated with the adjacent mental health center to the south.

Street types help inform the appropriate intensity of the adjacent development (p. 67). *Blueprint Denver* classifies 6<sup>th</sup> Avenue, 8<sup>th</sup> Avenue, 13<sup>th</sup> Avenue, 14<sup>th</sup> Avenue, and Hale Parkway as Residential Arterials, which are “designed for the highest amount of through movement and the lowest degree of property access” (p. 154). The remaining streets in the proposed rezoning are undesignated local streets, which are “most often characterized by residential uses [and] provide the lowest degree of through travel but the highest degree of property access” (p. 154).



E-SU-D1x, E-SU-G1, and U-SU-C1 are residential districts, which include regulations intended to reinforce desired development patterns in existing neighborhoods. Therefore, the proposed text and map amendments will result in an intensity that is appropriate for the network of street types in the area.

### Growth Strategy



Because the subject properties are designated Residential Low and Residential Low-Medium in the Future Places map, the *Blueprint* Growth Strategy categorizes it as “All other areas of the city.” These areas are anticipated to experience approximately 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). There is part of a single parcel that is included in the District growth area strategy where we anticipate approximately 5% of new housing and 15% of new employment growth by 2040 (p. 51). The map amendment is consistent with this growth strategy because they will allow low-intensity residential growth in this area, which is consistent with the growth strategy.

### **Blueprint Denver Strategies**

*Blueprint Denver* includes additional recommendations that are relevant for this proposed map amendment.

#### **Land Use & Built Form, Housing, Policy 4:**

- This policy recommends "Diversify[ing] housing choice through the expansion of accessory dwelling units throughout all residential areas" (p. 84), which is consistent with the map amendment.
- The policy is aimed at a citywide approach to ADUs, and it includes several strategies for integrating accessory dwelling units, including using "an inclusive community input process to respond to unique considerations in different parts of the city", "expanding[ing] access to ADUs as a wealth-building tool for low- and moderate-income homeowners", and "identify[ing] strategies to reduce involuntary displacement – especially in areas that score high for Vulnerability to Displacement – in conjunction with expanding the allowance for ADUs" (p. 84). This legislative rezoning removes the burden on individual homeowners to rezone their own property and allows for families to grow in place.

#### **Land Use & Built Form, General, Policy 11:**

- This policy is to "Implement plan recommendations through city-led legislative rezonings and text amendments" (p. 79).
- **Strategy A** recommends "prioritiz[ing] larger-scale, legislative rezonings over site-by-site rezonings to implement plan recommendations and to achieve citywide goals, including equity goals" (p. 79). A legislative rezoning for the entire area is consistent with this strategy.
- **Strategy C** directs text amendments and city-led rezonings to utilize "a robust and inclusive community input process." Both *Blueprint Denver* and the East Area Plan, which recommend ADUs in this area, were products of robust and inclusive community processes. Councilwoman Amanda Sawyer conducted additional outreach as part of this rezoning proposal, including town-halls, a survey, and direct mailings to residents as detailed in the attached rezoning proposal.

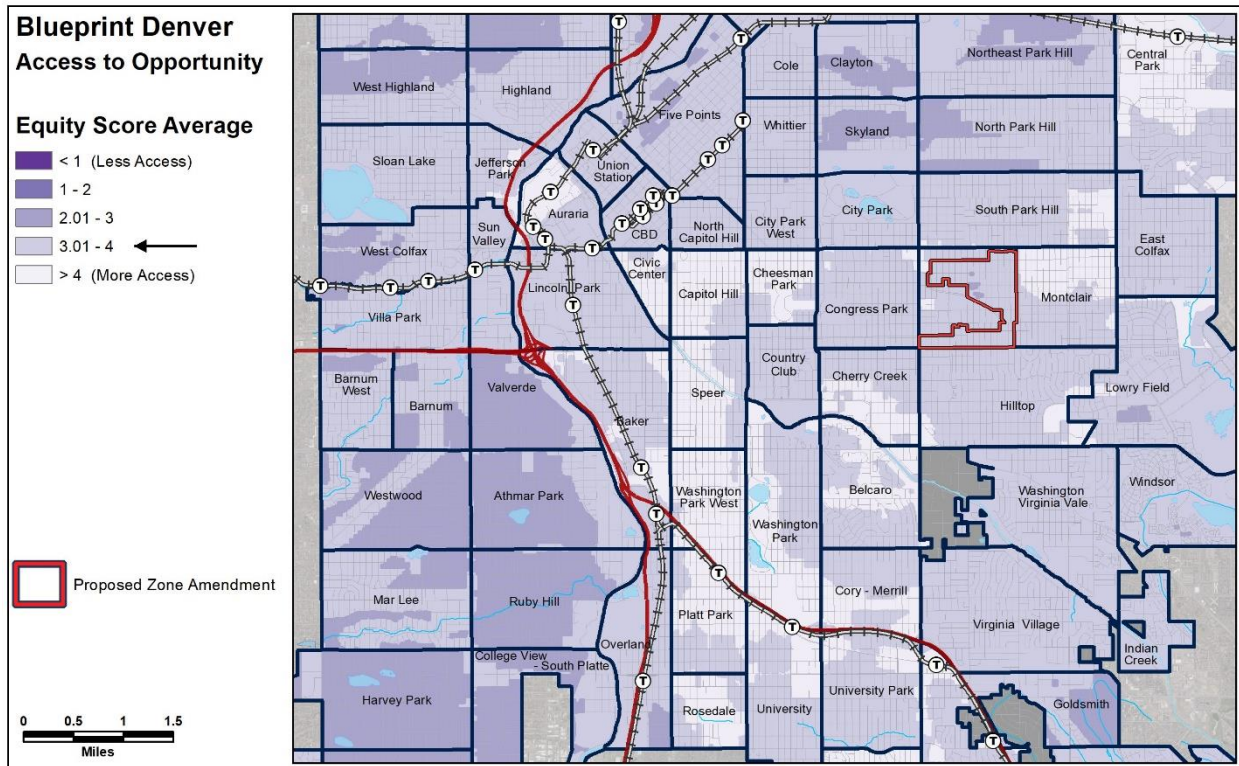
#### **Land Use and Built Form: General, Policy 5:**

- This policy is to "Integrate mitigation of involuntary displacement of residents and/or businesses into major city projects" (p. 75)
- **Strategy B** recommends "For major city investments and projects—including regulatory changes and legislative rezonings— analyze the potential for the involuntary displacement of lower-income residents and local businesses." Discussion of impacts on involuntary displacement is included below in discussion of the *Blueprint Denver* equity concepts.

### **Blueprint Denver Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

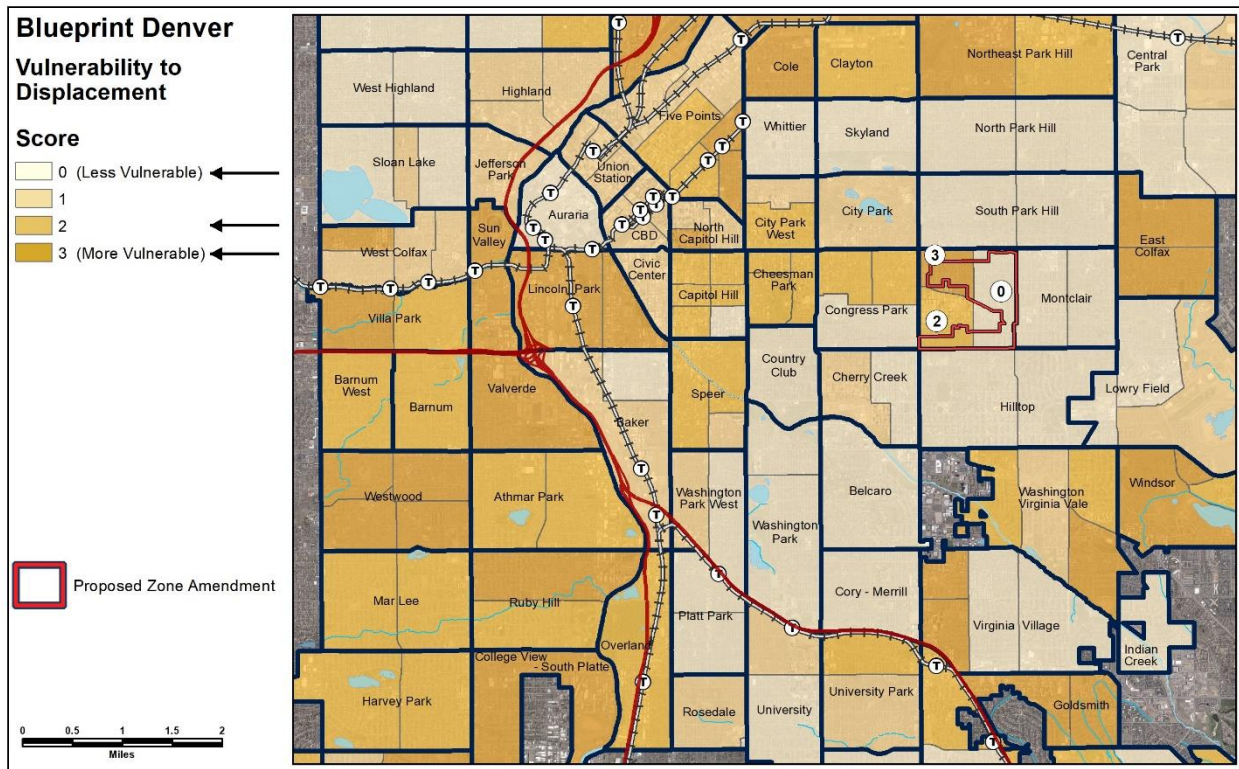
#### **I. Access to Opportunity**



This equity concept measures access to amenities, services, and quality transit. Generally, Hale is showing good access to healthcare, open space, and fresh foods. Areas of Hale closer to Colorado Boulevard and Colfax Avenue show higher scores on access to transit and access to centers and corridors.

This rezoning, with its focus on allowing additional housing units, will increase the availability of homes near transit, especially on those properties closer to Colfax Avenue and Colorado Boulevard, and expand the number of residents who can access jobs and services along key centers and corridors. Further, this rezoning will not exacerbate or worsen inequities in the access to opportunity concept scores as it promotes every Denver resident to live in a complete neighborhood with basic services and amenities.

## II. Vulnerability to Involuntary Displacement

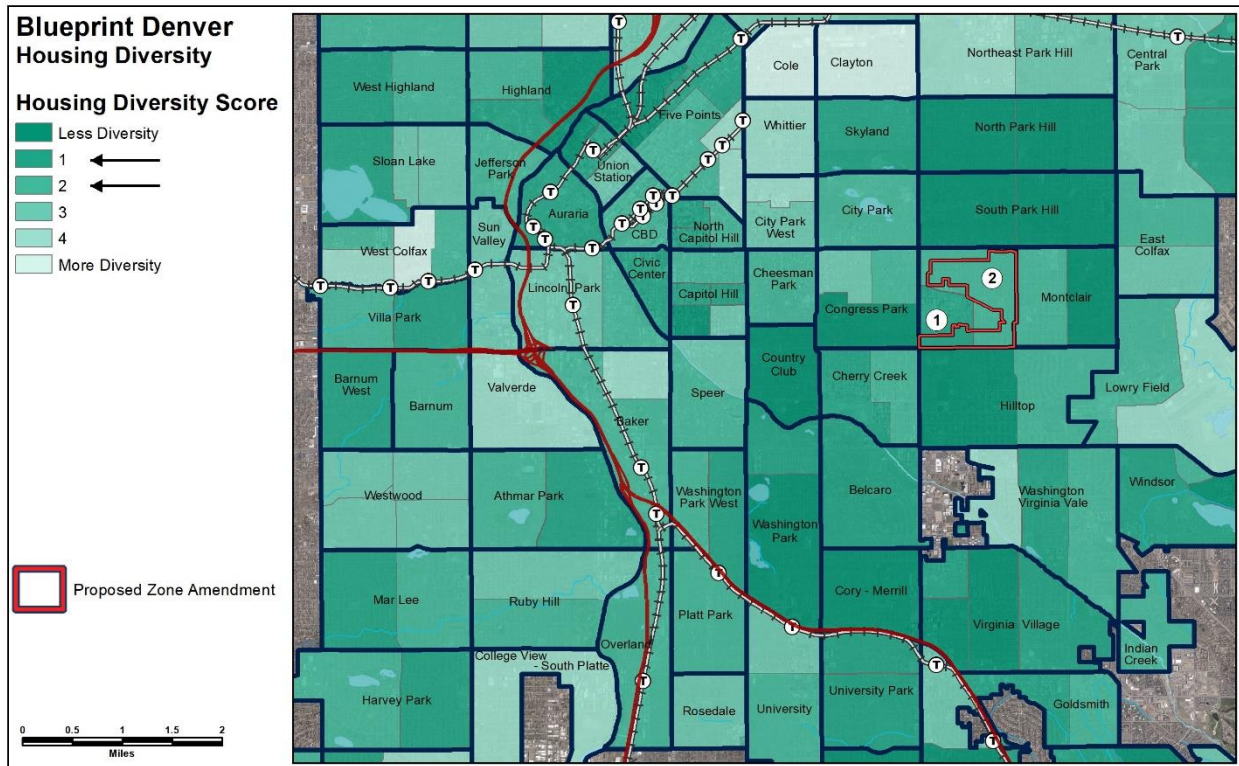


This concept seeks to stabilize residents and businesses who are vulnerable to displacement due to increasing property values and rents. The basis for measuring vulnerability to involuntary displacement was developed by the Department of Housing Stability (HOST) and combines the following data points from the U.S. Census: median household income, percent of renter-occupied units and percent of residents with less than a college degree. The Hale neighborhood, as divided along Eudora Street, shows a stark difference in vulnerability to displacement. The northwestern corner, north of Hale Parkway and west of Eudora Street, is vulnerable to involuntary displacement based on all three indicators scoring worse than the citywide averages. The southwest corner of the neighborhood, south of Hale Parkway and west of Eudora Street, is vulnerable to involuntary displacement based on two indicators, rental occupancy and median household income, scoring worse than the citywide averages. The half of the neighborhood east of Eudora Street is not vulnerable to involuntary displacement based on all three indicators scoring higher than the citywide averages.

This rezoning will not increase inequities but instead allow more property owners to establish an accessory dwelling unit on their property which can be an opportunity to build wealth and help keep current residents in place and provide more housing options for households who are vulnerable to displacement.

### III. Expanding Housing and Jobs Diversity

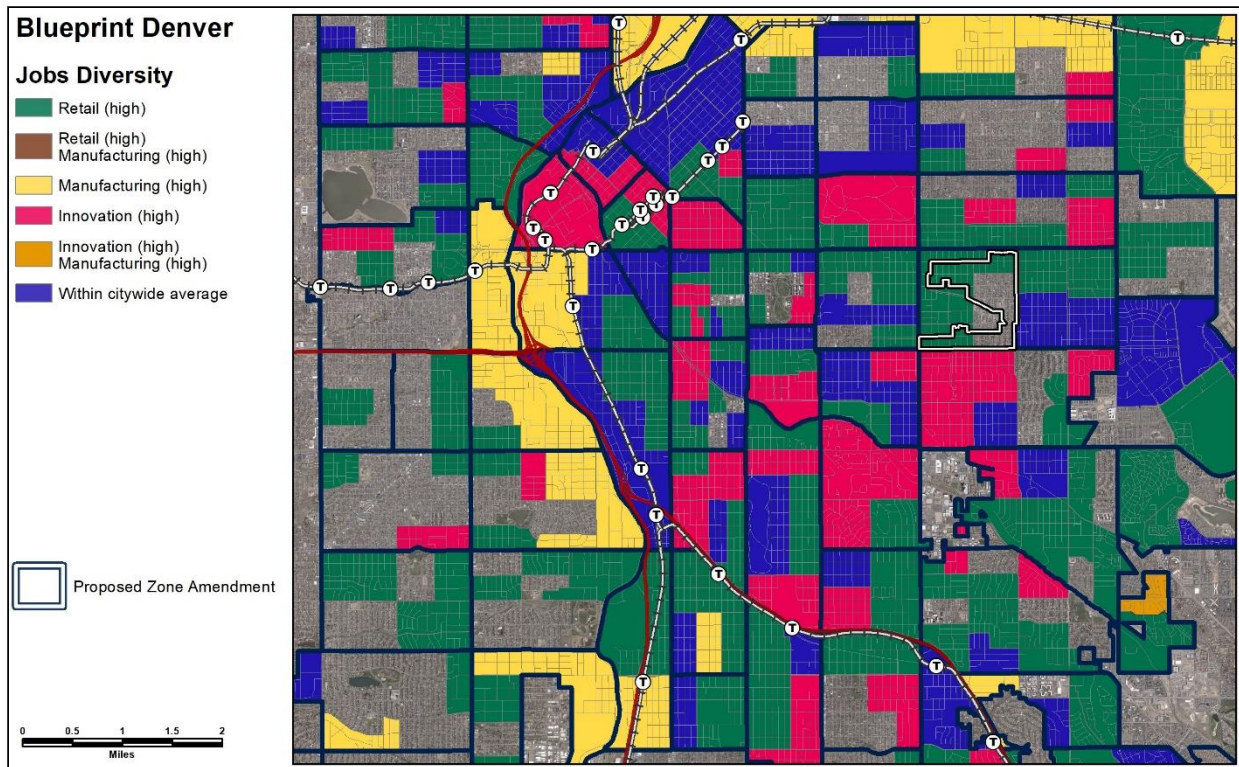
This concept seeks to provide a better and more inclusive range of housing and employment options in all neighborhoods. A diverse range of housing options, including different prices, sizes, types and a mix of rental and for-sale is key to encouraging complete neighborhoods and households of all types and incomes. Similarly, access to quality employment options allows residents of varying incomes and education levels to find jobs and wealth-building opportunities.



The housing diversity score combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership versus rental, housing costs, and the number of income-restricted units. The Hale neighborhood was again analyzed in three sub-areas that all showed concerning housing diversity scores. The northwestern corner, north of Hale Parkway and west of Eudora Street, scored as not diverse on three metrics based on having a higher-than-average number of renters, high housing costs, and a lower-than-average number of income restricted units. The southwest corner of the neighborhood, south of Hale Parkway and west of Eudora Street, scored as not diverse on four metrics based on having a lower-than-average number of 2–19-unit housing options, a low diversity of bedroom counts, a higher-than-average percentage of renters, and a lower-than-average number of income restricted units. The half of the neighborhood east of Eudora Street, scored as not diverse on three metrics based on having a lower-than-average number of 2–19-unit housing options, a low diversity of bedroom counts, and a lower-than-average number of income restricted units.

This zoning proposal will expand housing diversity by creating a new housing option that is typically smaller and at a different price point than the existing single-unit homes in the neighborhood. ADUs can accommodate households of different ages, sizes, and incomes which would also advance the goal to increase racial, ethnic, and socioeconomic diversity in Denver’s neighborhoods.

Jobs diversity measures two key factors related to the availability and variety of employment options: the number of jobs per acre in different parts of the city (jobs density) and the mix of jobs in different parts of the city (jobs diversity). Overall, the Hale neighborhood has a high density of jobs, focused largely along 9<sup>th</sup> Avenue, Colorado Boulevard, and Colfax Avenue, and the jobs that are located within the neighborhood have an emphasis on retail compared to other areas of the city.



As the existing and proposed zone districts do not allow for commercial uses, the rezoning will not impact jobs diversity. However, the proposed district could enable residents with different incomes and education levels to live in a neighborhood with greater access to a variety of jobs and lead to wealth-building opportunities.

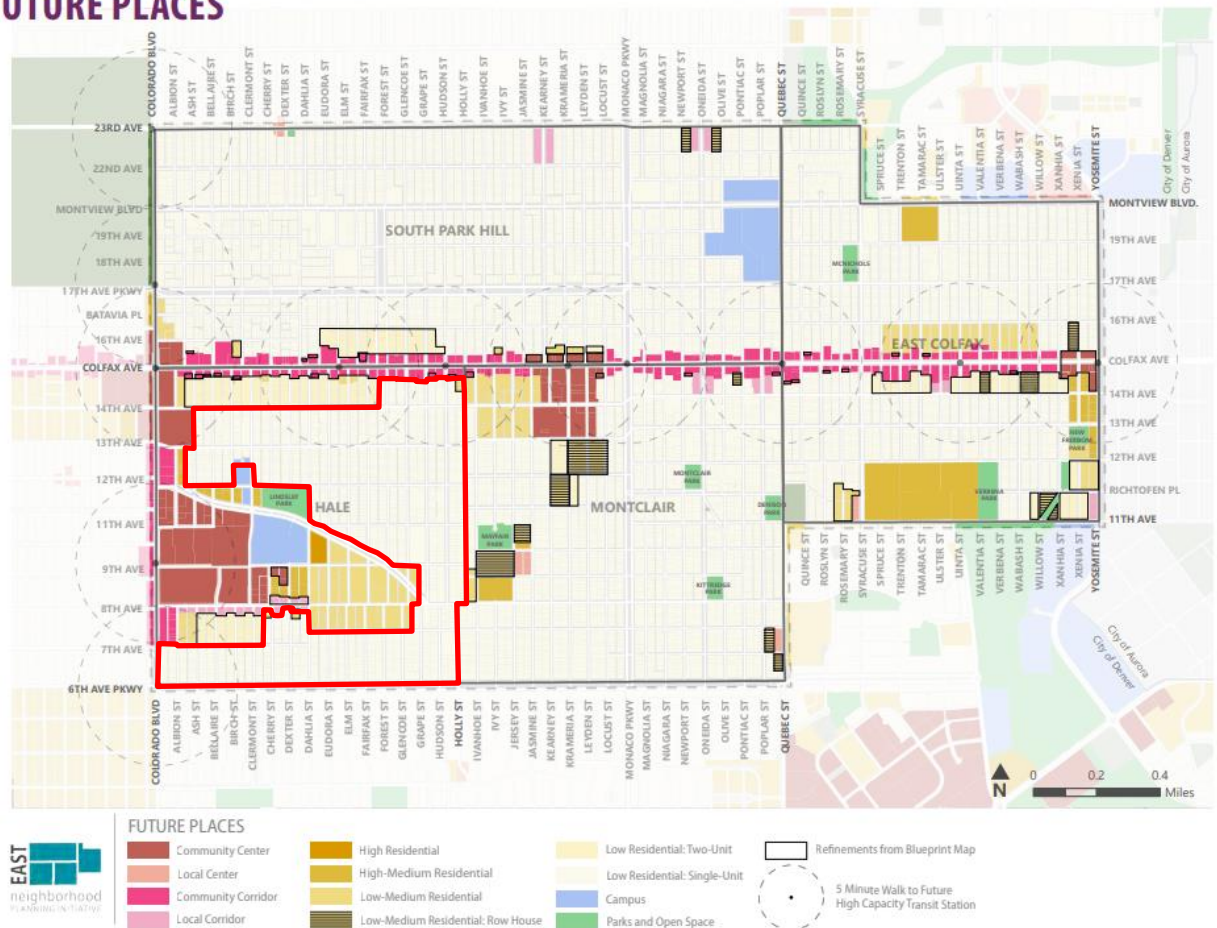


## East Area Plan

The *East Area Plan*, adopted in 2020, includes the proposed rezoning area. This plan “provides a vision and policy guidance for land use, urban design, housing, mobility, parks, and the local economy for the next 20 years” (p. 2).

The *East Area Plan* builds on the Future Places designated in *Blueprint Denver* and provides additional detail for what these categories should mean in the neighborhoods included in this plan.

### FUTURE PLACES



The parcels within this proposed rezoning fall under three Future Place categories, two of which specify that accessory dwelling units are appropriate. The majority of the parcels are within the Low-Residential: Single-Unit, which is “recommended in areas where single-unit homes with accessory dwelling units are appropriate” (p. 27). Three parcels are within the Low-Medium Residential areas, which are “predominantly low-scale multi-unit residential mixed with one- and two-unit residential uses” (p. 27). There is one area where north of 12<sup>th</sup> Avenue, between Birch Street and Claremont Street, where E-SU-Dx zoning currently exists but both *Blueprint* and

the *East Area Plan* designate as a Campus place. The area is currently undeveloped green space associated with the adjacent medical building. The proposed rezoning would maintain the same regulations as the current district with the additional allowance for ADUs. Given this, the proposed rezoning is consistent with the plan guidance as it would allow for additional housing than the current zone district.

The *East Area Plan* has several other recommendations that are relevant to consider for this rezoning.

### **Land Use Recommendations**

- Land Use and Built Form Recommendation L6 - Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations (p. 39).
- Land Use and Built Form Recommendation L6, Strategy D - Implement adopted citywide polices in *Blueprint Denver* to diversify housing choice through expansion of ADUs throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction. 1. While missing middle housing (2-4 units) should be integrated into appropriate locations, ADUs should be allowed on all lots. 2. Until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs” (p. 39).

The proposed rezoning implements this policy by allowing ADUs on all single unit zoned lots.

The Hale neighborhood chapter of the plan reinforces this area-wide policy with specific a recommendation for this neighborhood.

- Land Use Recommendation H-L2, Strategy B – Integrate accessory dwelling units and missing middle housing in appropriate locations (p. 187).

This rezoning proposal helps maintain the character of the neighborhood by allowing for the construction of ADUs, giving homeowners the opportunity to add living space and potential income without having to modify their existing homes or change the low-intensity residential character of the neighborhood. The addition of ADUs in the neighborhood also increases diversity in housing choices by providing a smaller, lower-cost option for tenants.

### **Economy and Housing Recommendations**

- Economy and Housing Recommendation E1, Strategy D - Integrate resources and strategies to address equity considerations and mitigate involuntary displacement of residents with the implementation of major City investments and projects, including regulatory changes, legislative rezonings, and transportation infrastructure improvements. Strategies include incentives or requirements for affordable housing and targeted engagement to connect vulnerable residents with resources” (p. 52).

In addition to the legislative rezoning, the Hale neighborhood is slated for a City-led investment with Bus Rapid Transit (BRT) and other infrastructure investments along Colfax Avenue, and BRT for Colorado Boulevard is planned in the longer term. This proposed legislative rezoning supports the creation of additional income sources for homeowners who are at risk of involuntary displacement while also providing tenants with increased access to lower-cost housing options in the neighborhood.

- Economy and Housing Recommendation E4, Strategy C - Integrate accessory dwelling units (ADUs) and missing middle housing in appropriate locations (See Policy L6) with strategies for affordability and wealth-building for low- and moderate-income residents, such as: 1. Providing technical assistance and reducing barriers in permitting and construction for existing homeowners. 2. Exploring an adaptation of the West Denver Single Family Plus (WDSF+) ADU pilot program that provides technical assistance and financial incentives to help existing homeowners build ADUs. An East pilot program should offer forgivable loans or grants in exchange for a long-term affordability commitment, pre-approved prototype designs (with universal design features) and streamlined access to lenders and builders” (p. 54).

This legislative rezoning proposal removes barriers for homeowners to add diverse housing stock in Hale, allowing for more diverse living arrangements and increased options for families of different sizes, ages, and incomes. This legislative rezoning would reduce structural and financial barriers by eliminating the need for homeowners to pursue individual rezonings. Additionally, the City passed amendments to ADU regulations in 2023 which were aimed at removing regulatory barriers to constructing an ADU.

The Hale neighborhood chapter of the plan reinforces this area-wide policy with specific a recommendation for this neighborhood.

- Economy Recommendation H-E4 – Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods. A. Integrate missing middle housing and accessory dwelling units in appropriate locations.

A legislative rezoning to allow ADUs would help increase access to diverse housing options in this area for households of different sizes, ages, and incomes by removing the critical barrier of zoning. It would also support homeowners in building wealth, thus reducing the potential for displacement.

Given the plan’s direction to expand the allowance of ADUs through the proposed rezoning, and the additional conversations around equity and access, this proposed rezoning is consistent with the *East Area Plan*.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to E-SU-D1x, E-SU-G1, and U-SU-C1 will result in the uniform application of zone district building form, use and design regulations.

### **3. Public Health, Safety and General Welfare**

The proposed rezoning will improve public health, safety, and general welfare through implementing adopted plans.

Additionally, a rezoning to allow ADUs throughout the neighborhood introduces a new type of housing in an area, which provides several benefits. First, it expands housing diversity and opportunities to help residents at a range of income levels continue to live in the neighborhood. Second, it provides more flexibility for existing residents of Hale, which can allow families to remain in place as they grow and age. This flexibility supports family cohesion and can increase economic security. Providing more flexibility can also provide additional income, which helps homeowners remain in place if they otherwise can't afford rising taxes. This can also help build generational wealth.

The proposed rezoning would also allow infill development through a minimal, context-sensitive increase in housing units. This infill, taking place where utilities, services, and a mix of uses are already in place, is more environmentally sustainable than the alternative of greenfield development. And because ADUs are either attached to the main building or behind the main building, they allow extra housing options while maintaining the character of the neighborhood.

#### **Attachments**

1. Application
2. Public Comments