



**TO:** Denver City Council  
**FROM:** Francisca Penafiel, Associate City Planner  
**DATE:** April 13, 2022  
**RE:** Official Zoning Map Amendment Application #2021I-00211

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00211.

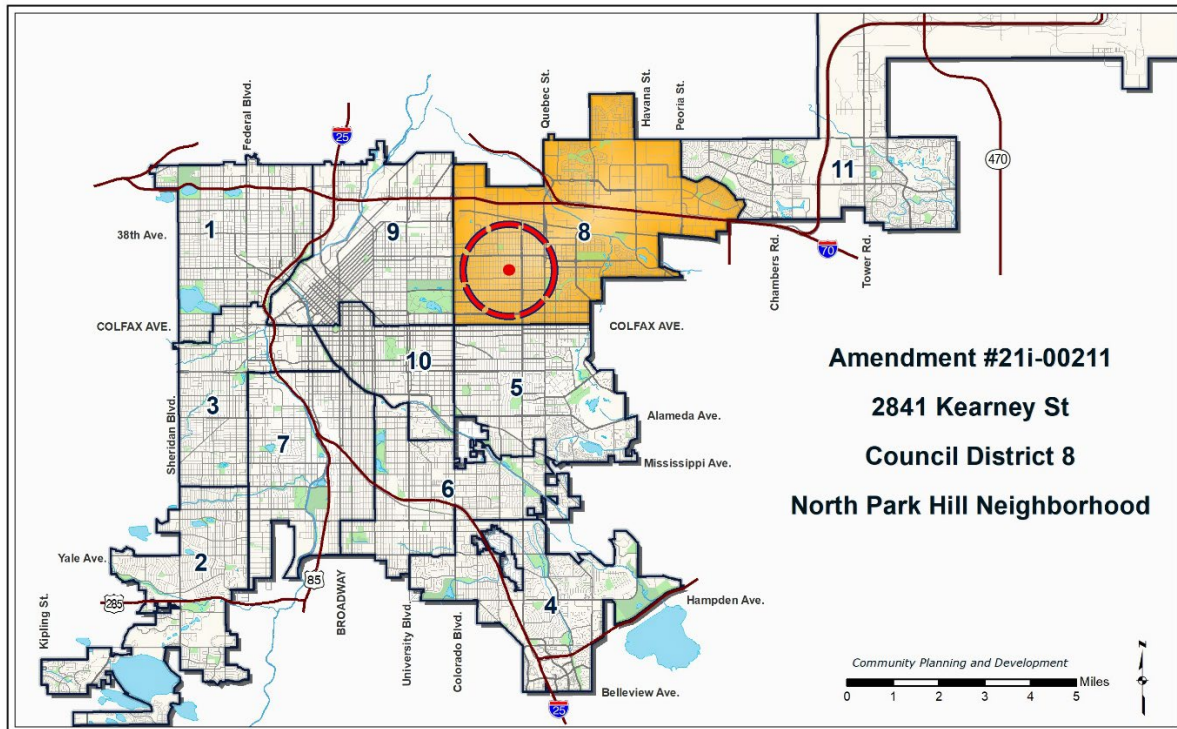
### Request for Rezoning

Address:	2841 North Kearney Street
Neighborhood/Council District:	North Park Hill/ Council District 8 – Christopher Herndon
RNOs:	Inter-Neighborhood Cooperation (INC), East Denver Residents Council, District 8 Neighborhood Coalition, Inc., United Northeast Denver Residents, Greater Park Hill Community, Inc., Opportunity Corridor Coalition of United Residents, Denver for ALL, City Park Friends and Neighbors, Opportunity Corridor Coalition of United Residents
Area of Property:	6,200 square feet or ~0.14 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Samuel Stonberg
Owner Representative:	None

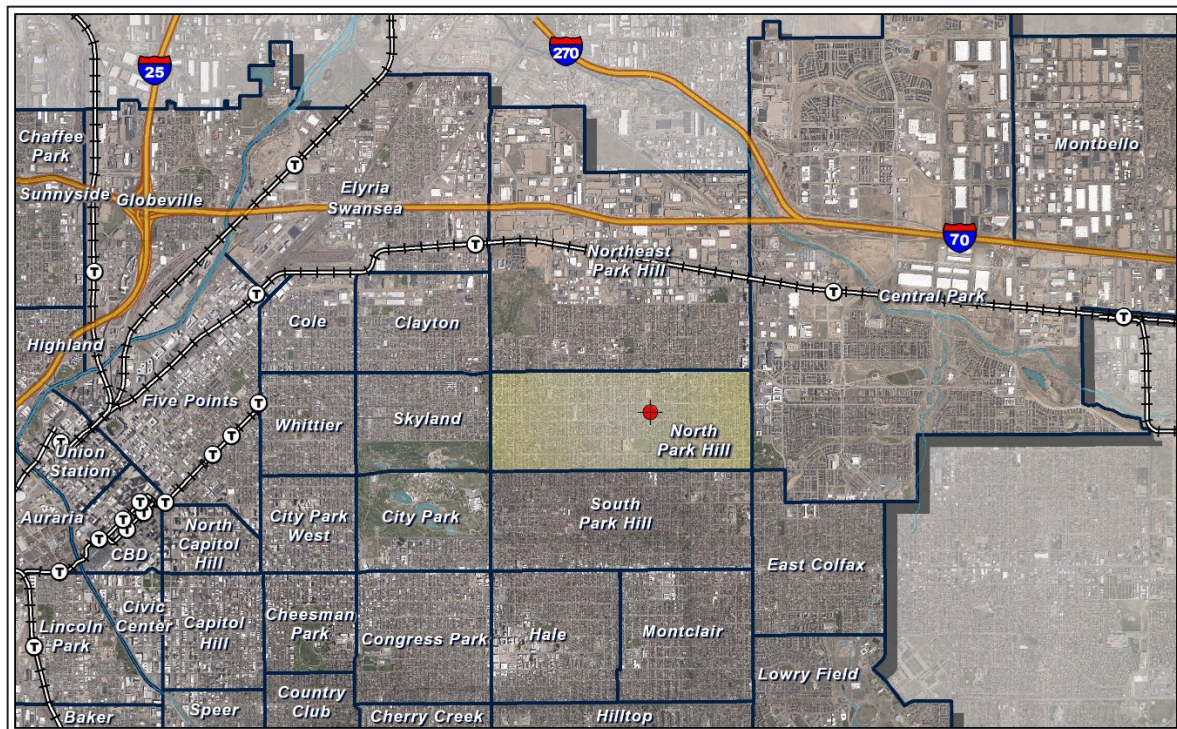
### Summary of Rezoning Request

- The subject property contains a single-story, single-unit dwelling built in 1947, the property is located between East 28<sup>th</sup> and East 29<sup>th</sup> Avenue, along North Kearney Street.
- The property owner is proposing to rezone the property to allow an accessory dwelling unit (ADU).
- The proposed E-SU-D1x, Urban **Edge**, **Single-Unit**, **D1x** district allows suburban houses, urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 6,000 square feet. The district is intended for use in the Urban Edge Neighborhood Context, which is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House and Suburban House building forms. Single and two-unit residential uses are primarily located along local and residential arterial streets. 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 while the maximum height of the Suburban House building form is 30 to 35 feet. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

## City Location

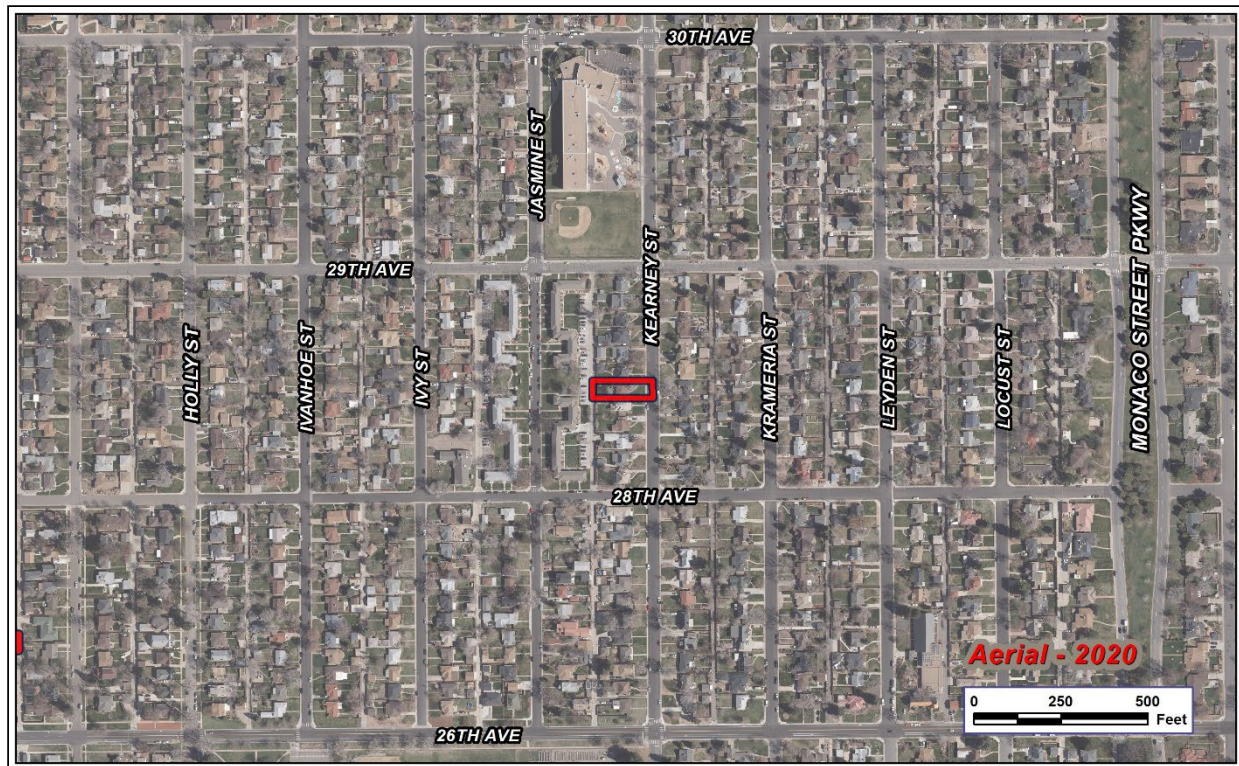


## Neighborhood Location – North Park Hill Neighborhood





## Existing Context



The subject property is in the North Park Hill neighborhood, which is characterized by predominately single-unit residential uses with embedded two-unit residential, multi-unit residential, commercial/retail, and public/quasi-public uses throughout. The subject property is located one block south of Hallett Academy and two blocks north of McAuliffe International School. Bus Route 28 runs along 29<sup>th</sup> Avenue, directly north of the site with a 60-minute headway.

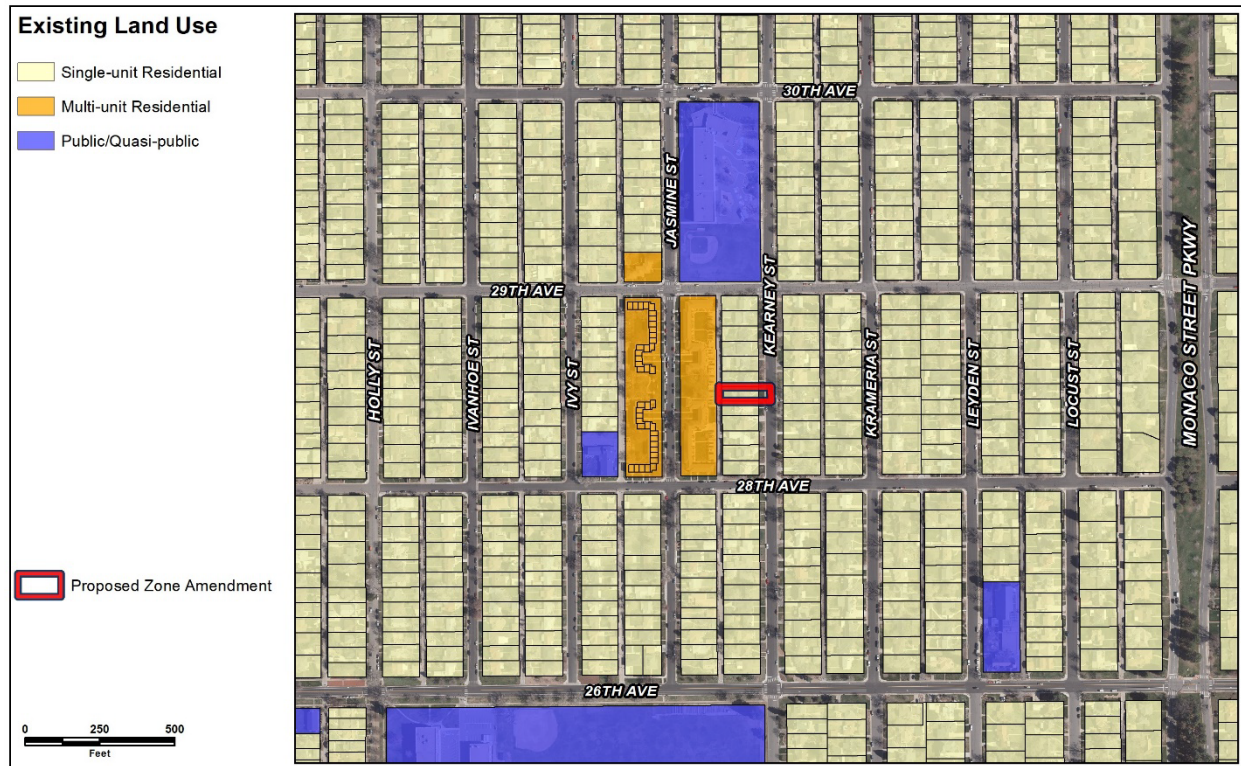
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Single-unit Residential	1-story house with detached accessory structure in the rear	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking. Sidewalks are generally attached.
North	E-SU-Dx	Single-unit Residential	1-story house with a detached garage with alley access	
South	E-SU-Dx	Single-unit Residential	1.5-story house with a detached garage with alley access	
East	E-SU-Dx	Single-unit Residential	1-story house with driveway access on North Kearney Street	
West	E-RH-2.5	Multi-unit Residential	2-story multi-unit development with off-street parking along the alley	





## 2. Existing Land Use Map



## 3. Existing Building Form and Scale (source: Google Maps)



View of the subject property looking west.





View of the property to the north, looking west.



View of the property to the south, looking west.





View of the property to the west (across the alley), looking west.

### **Proposed Zoning**

The applicant is requesting to rezone to E-SU-D1x, which allows the Suburban House and Urban House building forms on a zone lot with a minimum area of 6,000 square feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The E-SU-D1x district allows for the same uses and building forms as the current E-SU-Dx district, with the addition of the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form, to be located in the rear 35 percent of the lot. 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, also applies to the DADU building form. This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet. The district does not require any off-street vehicular parking for single-unit dwellings or accessory dwelling units, but if provided, parking for the DADU must be accessed from the alley; street access is allowed when no alley is present.

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

<b>Design Standards</b>	<b>E-SU-Dx (Existing)</b>	<b>E-SU-D1x (Proposed)</b>
Primary Building Forms Allowed	Urban House; Suburban House	Urban House; Suburban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot*	2.5 stories / 30 feet	2.5 stories / 30
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 feet	Urban House: 1 story / 19 feet Suburban House: 2.5 stories / 30 feet
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.)*	5 feet	5 feet
Side Interior Setback (Min.)*	5 feet	5 feet
Primary Structure Rear Setback, Alley / No Alley	12 feet / 20 feet	12 feet / 20 feet
DADU Rear Setback	DADUs not permitted	5 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 width of 50 feet



## **Summary of City Agency Referral Comments**

**Assessor:** Approved – No Response.

**Asset Management:** Approved – No Comments.

**Denver Public Schools:** Approved – No Response.

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

**Development Services – Project Coordination:** Approved – Will require additional information at Site Plan Review

- 1) New development will need to comply with zoning district and building form standards.
- 2) Zoning will be reviewed by the Residential review team.
- 3) Construction plans will need to be reviewed and approved prior to construction beginning.

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

**Development Services – Wastewater:** Approved – See Comments Below.

There is no objection to the rezone. Application noted an addition and ADU. Upon rezoning applicant will need to obtain a building permit. Please note Denver does have flow depth mapping for stormwater adjacent to the parcel. Please see link or google “Denver Potential Inundation Area” select Floodplain and under “What is My Flood Risk” select the Potential Inundation Area map  
<https://geospatialdenver.maps.arcgis.com/apps/webappviewer/index.html?id=12500a3b06b34bfc2c297697a64c4de>

Independent sanitary service lines may be required, historical drainage paths must be maintained. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

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

**Public Health and Environment:** Approved – No Comments.

**Department of Transportation & Infrastructure – City Surveyor:** Approved – See Comments Below.

Legal Description revised by Survey reviewer and saved.

## 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:	<b>12/09/2021</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>01/18/2022</b>
Planning Board public hearing: (recommended for approval unanimously on consent agenda)	<b>02/02/2022</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 working days before the meeting:	<b>02/01/2022</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>02/15/2022</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>03/28/2022</b>
City Council Public Hearing:	<b>04/18/2022</b>

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received comment letters from Registered Neighborhood Organizations.
- **Other Public Comment**
  - To date, staff has not received letters from the public.



## **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)
- Park Hill Neighborhood Plan

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

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

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

E-SU-D1x allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that characterize most of the North Park Hill neighborhood.

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

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

- 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 home where infrastructure and services such as water, stormwater, and streets 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 future place within the Urban Edge future neighborhood Context and provides guidance on the future growth strategy for the city.

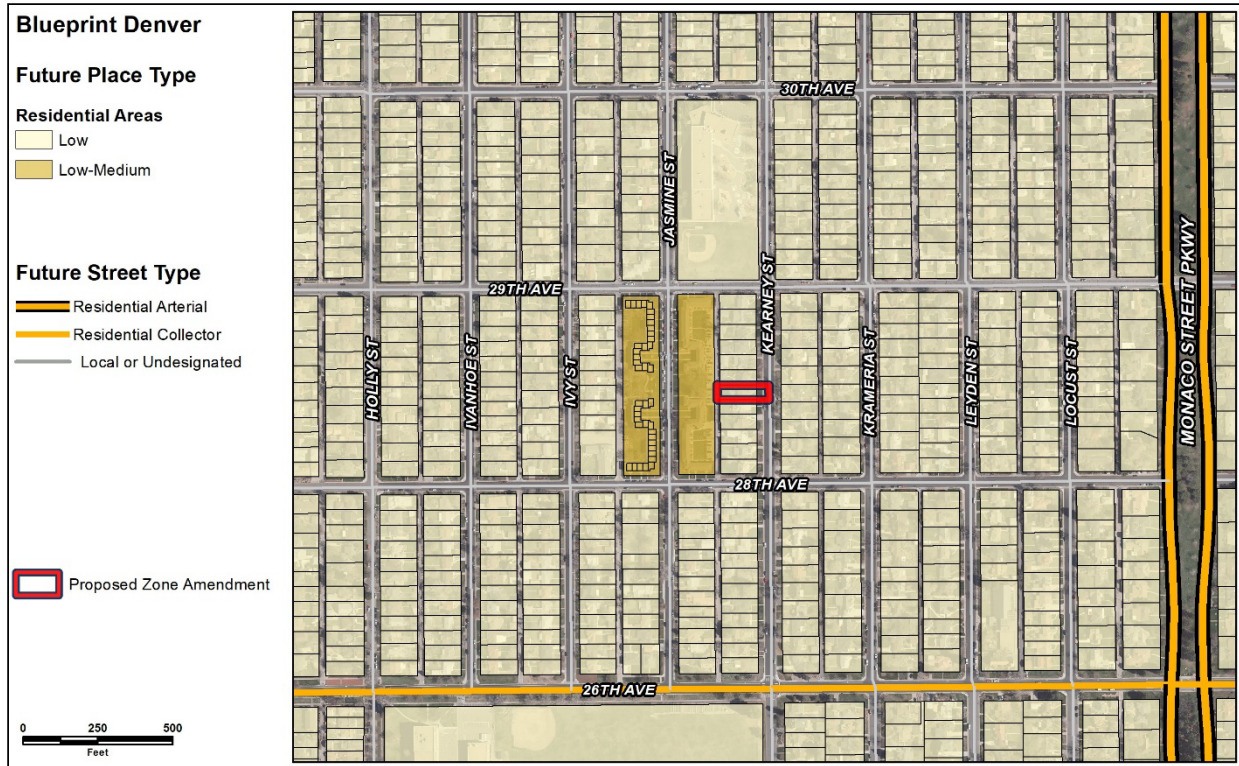
### ***Blueprint Denver Future Neighborhood Context***



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 property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context as follows: “Residential areas generally are single-unit and two-unit uses, with some low-scale multi-unit embedded throughout. Commercial nodes are generally found along key corridors or at intersections. Block patterns are generally a mix of suburban and urban elements—streets may be rectangular or curved and alleys are sometimes present. Multi-unit buildings and commercial nodes are generally low-scale” (p. 206). E-SU-D1x is a zone district within the Urban Edge Neighborhood Context in the Denver Zoning Code. The Urban Edge residential zone districts are intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1). E-SU-D1x is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing single-unit residential uses and a small-scale ADU that will be compatible with the existing residential area.



### **Blueprint Denver Future Place**

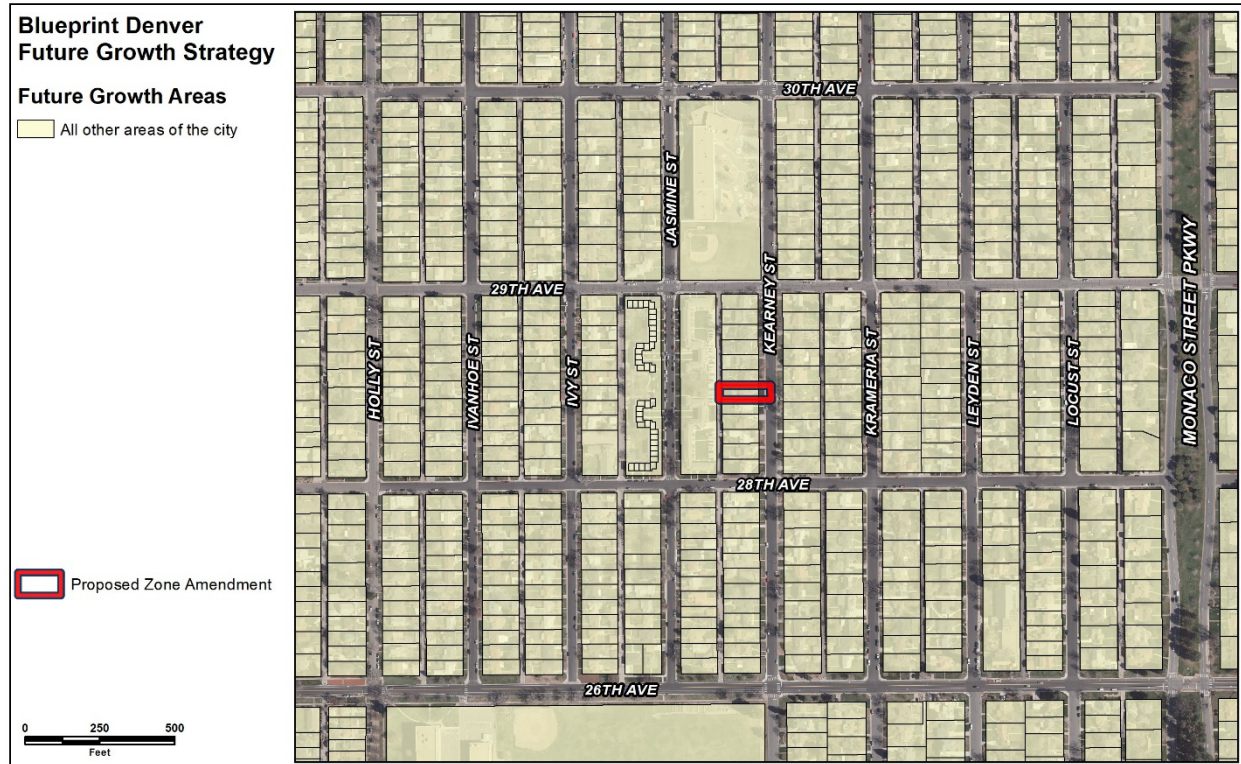


Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible. Low to medium building coverage. Buildings are generally up to 2.5 stories in height” (p. 214). The proposed E-SU-D1x zone district, allowing a 1.5-story detached ADU on the rear of a small lot, is compatible with this Future Place designation.

### **Blueprint Denver Future Street Types**

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies North Kearney Street as a Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed E-SU-D1x district is consistent with this street type because it allows for primarily residential 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 contains "mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed E-SU-D1x zone district which would allow an ADU is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area's single-unit residential character.

### **Blueprint Denver Strategies**

*Blueprint Denver* provides additional recommendations related to rezoning to allow for ADUs.

- Housing Policy 4 Strategy E – "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 zone lot in a residential area, within one block of an RTD bus route. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.



***Small Area Plan: Park Hill Neighborhood Plan (2000)***

The request meets the following goal and recommendation from the *Park Hill Neighborhood Plan*:

- **Land Use and Zoning Goal:** “Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities” (p. 32).
- **Land Use and Zoning Action Recommendation 3:** “Create and maintain a mix of housing types and sizes that are attractive and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds” (p. 33).

The proposed rezoning would maintain the existing integrity of North Park Hill and increase the mix of housing options in the neighborhood, which is comprised of single-unit, two-unit, and multi-unit dwellings, and is thereby consistent with the small area plan.

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

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

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

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city’s adopted land use plan (*Blueprint Denver* p.84) which recommends “the expansion of accessory dwelling units throughout all residential areas”. The proposed rezoning would provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. Additionally, the rezoning would bring a new type of housing unit to a largely single-unit residential area, which will increase housing diversity in the North Park Hill neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

## **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. The plan was adopted after the date of approval of the existing zone 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-D1x zone district is within the Urban Edge Neighborhood Context, which “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, Section 4.1.1). This context “consists of a regular pattern of block shapes” and “a mixed presence of alleys” (DZC, Section 4.1.2). The residential area of the North Park Hill neighborhood consists mostly of single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” (DZC Section 4.2.2.1.A). “The building form standards, design standards, and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1.B). Common residential characteristics are recognized but variation is accommodated. The proposed E-SU-D1x district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

The specific intent of the E-SU-D1x zone district “is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard” (DZC Section 4.2.2.2.F.). The subject property at 2841 North Kearney Street contains a single-unit dwelling on a lot of 6,200 square feet. Adopted plans recommend allowing detached accessory dwelling units and limited growth in this area compatible with the existing character. Therefore, rezoning this site would be consistent with the specific intent of the requested zone district.

### **Attachments**

1. Application

## 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	Samuel Stonberg	Representative Name	
Address	2841 N Kearney Street	Address	
City, State, Zip	Denver, CO 80207	City, State, Zip	
Telephone	404-734-3435	Telephone	
Email	samstonberg@gmail.com	Email	
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):		2841 N Kearney Street, Denver, CO 80207	
Assessor's Parcel Numbers:		0129321008000	
Area in Acres or Square Feet:		6,200 SF	
Current Zone District(s):		E-SU-DX	
PROPOSAL			
Proposed Zone District:		E-SU-D1x	
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?		<input checked="" type="checkbox"/> <b>Yes - if yes, state the meeting date</b> <u>Tuesday October 5, 2021 at 9:30am</u> <input type="checkbox"/> <b>No - if no, describe why not</b> _____	
Did you contact the City Council District Office regarding this application?		<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> <u>Email - Friday, October 15, 2021</u> <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment)</b> _____	



**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"/> <b>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.</b></p> <p><b>Denver Comprehensive Plan 2040</b> The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> <li>• <b>Goal 2, Strategy A. Equitable, Affordable and Inclusive</b> – "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.</li> <li>• <b>Goal 8, Strategy A. Environmentally Resilient</b> - "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.</li> </ul> <p><b>Blueprint Denver</b> 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"> <li>• <b>Policy 4, Strategy E</b> - Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.</li> </ul> <p><b>Neighborhood/ Small Area Plan (list all, if applicable):</b> <u>Park Hill Neighborhood Plan</u></p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including Blueprint Denver which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>

# REZONING GUIDE

## ADU Rezoning Application Page 3 of 4

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria.</p> <p>(Check boxes to affirm.)</p> <p>DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> <b>Justifying Circumstances - One of the following circumstances exists:</b>          Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> <li>a. Changed or changing conditions in a particular area, or in the city generally; or,</li> <li>b. A City adopted plan; or</li> <li>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</li> </ul> <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"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>E-SU-D1x</u> Zone District.</p>
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### REQUIRED ATTACHMENTS

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

- ☒ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☒ Proof of Ownership Document (e.g. Assessor's record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.

### ADDITIONAL ATTACHMENTS (IF APPLICABLE)

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

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

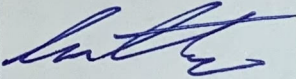
Please list any other additional attachments:

Deed of Trust  
 Quit Claim Deed  
 Legal Description  
 Site Plan  
 Supporting Email Documents



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).
<b>EXAMPLE</b> 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
Samuel S. Stanberg	2841 Kearney St Denver, CO 80207 404-734-3435 SamStanberg@gmail.com	100%		12/1/21	(D)	Yes

November 19, 2021

Robert Haigh  
Associate City Planner  
Community Planning and Development  
City and County of Denver

**RE: 2841 Kearney Street Rezone**

Dear Rob,

Thank you for accepting this application for a rezone of parcel number 0129321008000 located at 2841 N Kearney Street in Denver, Colorado. The need for this application is to rezone the subject property from E-SU-Dx to E-SU-D1x to allow for the construction of a two-car garage on the property site that will accommodate an accessory dwelling unit on the second floor. Presently, the existing zoning designation does not allow for an ADU.

There are two existing structures on the site including a single-family residence (923 sf) and a gardening shed (~100 sf). The garage is proposed for the rear of the property, taking the place of the gardening shed and allowing access to the alleyway behind the property. This alleyway is also the access for the existing roughly 4.5-acre multi-family residential development to the west of the subject property. Traffic impact is not a concern for the ADU as it is designed to be a studio or at most one-bedroom design floor plan and would most likely not contribute more than 1 or 2 vehicles (2-4 trips) per day to the area and alleyway.

In reading through all approved plans that affect this property, including Denver's Comprehensive Plan, Blueprint Denver, and the Park Hill Neighborhood Plan, it appears that the wish to build an ADU on this property, is appropriate and in line with the goals of those plans. Additionally, I learned from our pre-application meeting on October 5<sup>th</sup> that the E-SU-Dx zone district was created prior to the comprehensive plan and its goals to include more ADUs in residential zone districts, hence the creation of the E-SU-D1x. For this reason, I believe that the request to rezone 2841 N Kearney Street to E-SU-D1x is congruent with the goals of the City and County of Denver and the Community Planning and Development department.

I have made sure to reach out to the City Council District Office, Registered Neighborhood Organizations, and surrounding neighbors. Please see attached email correspondence.

Please accept this application and the attached materials, I thank you for your consideration.

Sincerely,



Samuel Stonberg  
2841 N. Kearney Street  
Denver, CO 80207



Attachments:

- Cover Letter and Written Narrative (this document)
- Accessory Dwelling Unit Zone Map Amendment (Rezoning) Application
- Deed of Trust
- Quit Claim Deed
- Legal Description
- Site Plan Drawing
- Supporting Email Documents

## PROJECT LOCATION MAPS





## **REVIEW CRITERIA:**

### ***Denver's Comprehensive Plan 2040 April 22, 2019***

The proposed 2841 N Kearney Street rezone/map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040 in the following ways:

#### **Goal 2, Strategy A - Equitable, Affordable, and Inclusive**

*Create a greater mix of housing options in every neighborhood for all individuals and families.*

The proposed rezone supports this goal in that it allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. ADUs contribute to housing as a continuum to serve residents across a range of incomes, ages, and needs as well as developing housing that is affordable to residents of all income levels. As Denver continues to grow in population, it has become apparent that more options in housing are needed to support that growth. Offering housing units such as ADUs is an effective way to utilize infill development to increase density therefore utilizing pre-existing utilities, amenities, and transportation options within the City boundary.

#### **Goal 8, Strategy A – Environmentally Resilient**

*Promote infill development where infrastructure and services are already in place.*

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. Additionally, these types of infill development are also a great way to include smart urban design while matching or meeting guidelines for neighborhood character and aesthetic.

#### **Additionally -**

##### **Strong and Authentic Neighborhoods**

ADUs support the goal of creating stronger and authentic neighborhoods as they are a contribution to a diverse population within growing and changing areas such as Park Hill. Populations with diverse incomes, ages, family-sizes, transportation needs, backgrounds, and abilities make for stronger, more resilient, and economically successful as well as less exclusionary neighborhoods.

##### **Economically Diverse and Vibrant**

The development of an ADU on the subject property supports the goal of making Denver more economically diverse and vibrant by making it possible for more people to live in in-demand neighborhoods such as Park Hill. As Denver changes and our neighborhoods become more desirable places to live, more people are priced out and require additional options for housing within these areas. ADUs are valuable sources of income for the property owners and supply rental housing for Denver residents who are either not interested in or unable to become homeowners themselves.

**Blueprint Denver**  
**April 22, 2019**

The proposed 2841 N Kearney Street rezone/map amendment is consistent with the applicable neighborhood context, place, street type, and strategies in the adopted Denver Blueprint Plan in the following ways:

**Policy 4, Strategy E**

*Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.*

**Park Hill Neighborhood Plan**  
**April 22, 2019**

The proposed 2841 N Kearney Street rezone/map amendment is consistent with the applicable Park Hill Neighborhood Plan in the following ways:

**The Park Hill Vision for the Future**

*Preserve and continue to build on the image of a vibrant community that celebrates diversity of people in ages, income, ethnic and cultural heritage.*

**Land Use and Zoning**

*Goal – Maintain the existing integrity of the residential character of Park Hill. Assure that continued growth and development in Park Hill results in a balanced and compatible mix of housing types and densities.*

*Action Recommendations – Create and maintain a mix of housing types and sizes that are attractive to and affordable to a diversity of ages, incomes, household types, sizes, cultural and ethnic backgrounds.*

**Return To &  
Mail Tax Forms To:**  
Samuel Stonberg  
2841 Kearney Street  
Denver, CO 80207

**Property Tax ID:** 01293-21-008-000  
**Order:** VQLT-21VLT-0140CO

## **QUIT CLAIM DEED**

This deed, made this 11 day of September, 2021, by and between SAMUEL STONBERG and ANNA PENDLETON, husband and wife, as tenants in common, whose address is 2841 Kearney Street, Denver, CO 80207, Grantor, and SAMUEL STONBERG, as his sole and separate property, whose address is 2841 Kearney Street, Denver, CO 80207, Grantee;

Witness, that the Grantor, for and in consideration of the sum of ZERO and 00/100 DOLLARS (\$0.00), the receipt and sufficiency of which are hereby acknowledge, has granted, bargained, sold and conveyed, and by these presents does grant bargain, sell, convey and confirm unto the Grantee, Grantee's heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado, described as follows:

### **SEE COMPLETE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"**

Parcel ID: 01293-21-008-000  
Commonly known as: 2841 Kearney Street, Denver, CO 80207

Together, with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and reminders, rents, issues and profits thereof, and all the estate, right title, interest; claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;


To have and to hold the said premises above bargained and described, with the appurtenances, unto the Grantee, Grantee's heirs and assigns forever. The Grantor, for Grantor's self, heirs and personal representatives, does covenant, grant, bargain and agree to and with the Grantee, Grantee's heirs and assigns, that at the time of the ensealing and delivery of these presents, well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law in fee simple and has good right, full power and lawful authority to grant bargain, sell and convey the same in manner, encumbrances and restrictions of whatever kind or nature whatsoever, except:

Except general taxes for the current and subsequent years; covenants, conditions, restrictions, easements and rights-of-way of record, if any.



IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

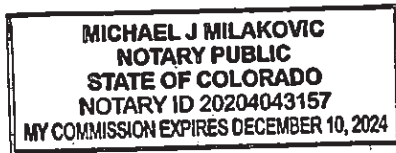
  
\_\_\_\_\_  
SAMUEL STONBERG


  
\_\_\_\_\_  
ANNA PENDLETON

STATE OF Colorado }

COUNTY OF Denver }

The foregoing instrument was hereby acknowledged before me this 11<sup>th</sup> day of Sept, 2021,  
By SAMUEL STONBERG and ANNA PENDLETON, who is personally known to me or who has  
produced Driver License, as identification, and who signed this instrument willingly.



  
\_\_\_\_\_  
Notary Public  
My commission expires: 12/10/24

No title search was performed on the subject property by the preparer. The preparer of this deed makes neither representation as to the status of the title nor property use or any zoning regulations concerning described property herein conveyed nor any matter except the validity of the form of this instrument. Information herein was provided to preparer by Grantor/Grantee and /or their agents; no boundary survey was made at the time of this conveyance.

Prepared By:  
National Deed Network, Inc.  
36181 East Lake Road #382  
Palm Harbor, FL 34685

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DENVER,  
STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

LOTS 35 AND 36, EXCEPT THE REAR OR WESTERLY 8 FEET OF SAID LOTS, BLOCK 402,  
WATERTOWN PLACE, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Parcel ID: 01293-21-008-000

Commonly known as 2841 Kearney Street, Denver, CO 80207

**EXHIBIT A**  
Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DENVER, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

LOTS 35 AND 36, EXCEPT THE REAR OR WESTERLY 8 FEET OF SAID LOTS, BLOCK 402, WATERTOWN PLACE, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Parcel ID: 01293-21-008-000

Commonly known as 2841 Kearney Street, Denver, CO 80207  
However, by showing this address no additional coverage is provided

Property Address: 2841 Kearney Street, Denver, CO, 80207  
Parcel No.: 01293-21-008-000

This being the same property conveyed to Samuel Stonberg, as his sole and seperate property by deed of SAMUEL STONBERG, AN INDIVIDUAL dated November 2, 2018, filed 11/02/2017, and recorded in Instrument 2017144248, in the Register of Deeds for Denver County, Colorado.





jessie stonberg &lt;jess.stonberg@gmail.com&gt;

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**Stonberg - Intent to apply for re-zoning**

1 message

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**Sam Stonberg** <samstonberg@gmail.com>  
To: christopher.herndon@denvergov.org  
Cc: jess stonberg <jess.stonberg@gmail.com>

Fri, Oct 15, 2021 at 2:03 PM

Hello Chris,

My name is Sam Stonberg. I live in your district at 2841 Kearney St and have lived here for 5+ years. I recently spoke with Leya on your team and am following up with an email to inform you of my intent to apply for a rezoning from E-SU-Dx to E-SU-D1x - to allow for the construction of an accessory dwelling unit above a two-car garage. I also plan to email other neighborhood stakeholders (and to cc you) in the near future, but wanted to first make you aware.

I have been studying approved Denver community plans including Denver Comprehensive Plan 2040, Denver Blueprint, as well as the Park Hill Neighborhood Plan and I intend to design the garage and apartment in a way that fits with our neighborhood aesthetic and the character of the community.

Please let me know if you have any questions. I can be reached directly by email at [SamStonberg@gmail.com](mailto:SamStonberg@gmail.com)

Thank you very much  
Sam



jessie stonberg &lt;jess.stonberg@gmail.com&gt;

## Park Hill Rezoning ADU

2 messages

**Sam Stonberg** <samstonberg@gmail.com>

Tue, Oct 19, 2021 at 10:00 AM

To: Sam S &lt;samstonberg@gmail.com&gt;

Cc: christopher.herndon@denvergov.org, jess stonberg &lt;jess.stonberg@gmail.com&gt;

Good Morning,

My name is Sam Stonberg. I live in North Park Hill at [2841 Kearney St.](#) As an organization with an interest in the Park Hill neighborhood, I am writing to inform you of my intent to apply for a rezoning from E-SU-Dx to E-SU-D1x to allow for the construction of an accessory dwelling unit (ADU) on my property above a two-car garage.

I have lived in Park Hill for five years and I love this neighborhood and community. I plan to stay here for a long time and I have an interest in its future.

I have been studying approved Denver community plans including [Denver Comprehensive Plan 2040](#), [Denver Blueprint](#), as well as the [Park Hill Neighborhood Plan](#) and I intend to design the garage and apartment in a way that fits with our neighborhood aesthetic and the character of the community.

Please let me know if you have any questions. I can be reached directly by email at [SamStonberg@gmail.com](mailto:SamStonberg@gmail.com)

Thank you

Sam Stonberg

**Sam Stonberg** <samstonberg@gmail.com>

Sat, Oct 23, 2021 at 3:17 PM

To: jess stonberg &lt;jess.stonberg@gmail.com&gt;

----- Forwarded message -----

From: **Lana Cordes** <[director@greaterparkhill.org](mailto:director@greaterparkhill.org)>

Date: Wed, Oct 20, 2021 at 12:31 PM

Subject: Re: Park Hill Rezoning ADU

To: Sam Stonberg <[samstonberg@gmail.com](mailto:samstonberg@gmail.com)>CC: jess stonberg <[jess.stonberg@gmail.com](mailto:jess.stonberg@gmail.com)>, Board Chair <[chair@greaterparkhill.org](mailto:chair@greaterparkhill.org)>, jon bowman <[ibjb14@yahoo.com](mailto:ibjb14@yahoo.com)>

Hi Sam,

Thank you for notifying us of your upcoming plans for 2841 Kearney. By way of this email I am looping in the relevant district rep and our board chair. Once a formal application is made with the City, we will broadly disseminate notice of your application to our constituents. If we require any additional information or if we receive any feedback from other stakeholders, we will contact you directly.

Please note that GPHC generally only takes a position on matters with significant or broad community impact. However, if you would like to pursue a letter of support on this matter, please note the following process:

- Provide a copy of your proposed letter/resolution for the board's consideration along with any documents pertinent to the request including applications, plans, and proof of notification to/feedback from immediate neighbors.
- Plan to make a presentation at a Community and Board Meeting regularly scheduled the first Thursday of each month at 6:30pm except for July, October and December. Your request and information must be received FOURTEEN (14) days prior to the meeting, or the matter may have to be pushed to the following month's agenda.
- After reviewing materials in advance and hearing your presentation, the board will vote on the request or may opt to defer or request additional information.

Very best,

**Lana Cordes**

Executive Director

Greater Park Hill Community, Inc.

2823 Fairfax St. Denver, CO 80207

[director@greaterparkhill.org](mailto:director@greaterparkhill.org)

(303) 388-0918

[www.greaterparkhill.org](http://www.greaterparkhill.org)

[Quoted text hidden]