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TO: City Council Land Use, Transportation, and Infrastructure Committee
FROM: Fernando Abbud, Senior City Planner
DATE: October 12, 2023
RE: Official Zoning Map Amendment Application #2023I-00070
3701 W 9th Avenue
Rezoning from E-SU-D1 to E-RH-2.5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2023I-00070 forward for consideration by the full City Council.

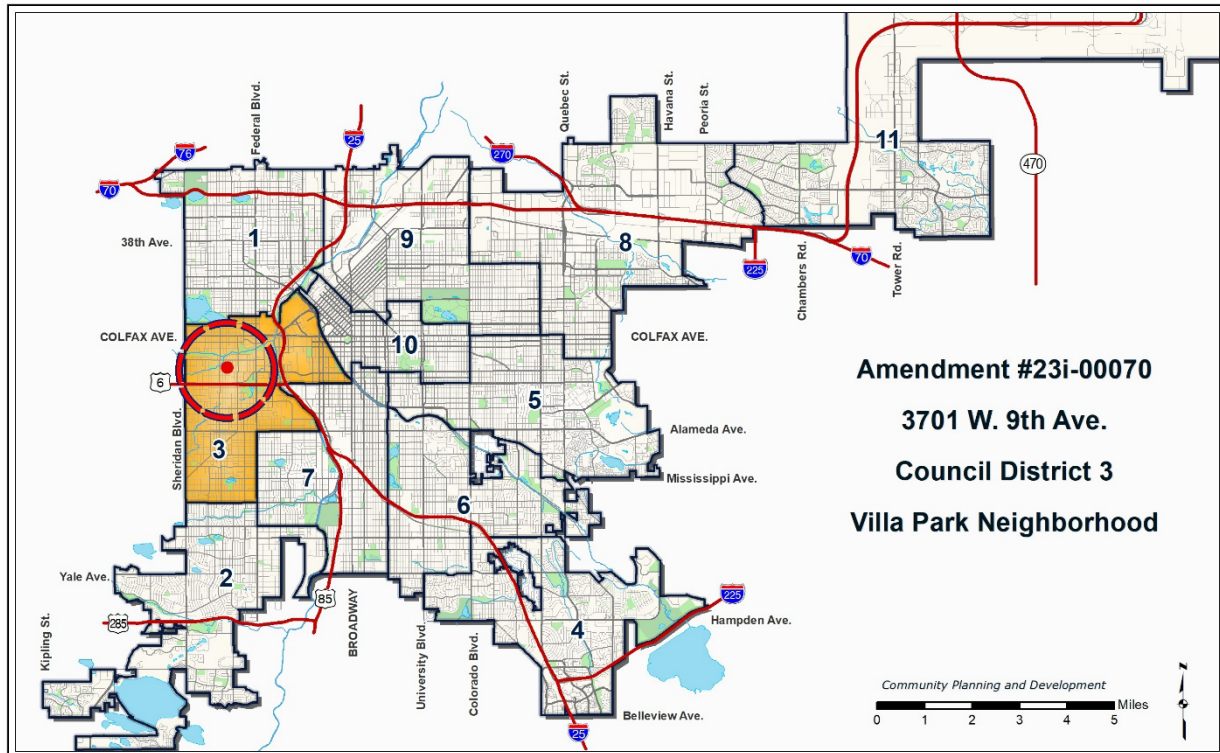
Request for Rezoning

Address:	3701 W. 9 th Avenue
Neighborhood/Council District:	Villa Park / Council District 3
RNOs:	Inter-Neighborhood Cooperation (INC), Strong Denver, Villa Park Neighborhood Association, United Northwest Denver, and Southwest Vida.
Area of Property:	6,240 square feet or 0.14 acres
Current Zoning:	E-SU-D1
Proposed Zoning:	E-RH-2.5
Property Owner(s)/Applicant:	Monique Maciel

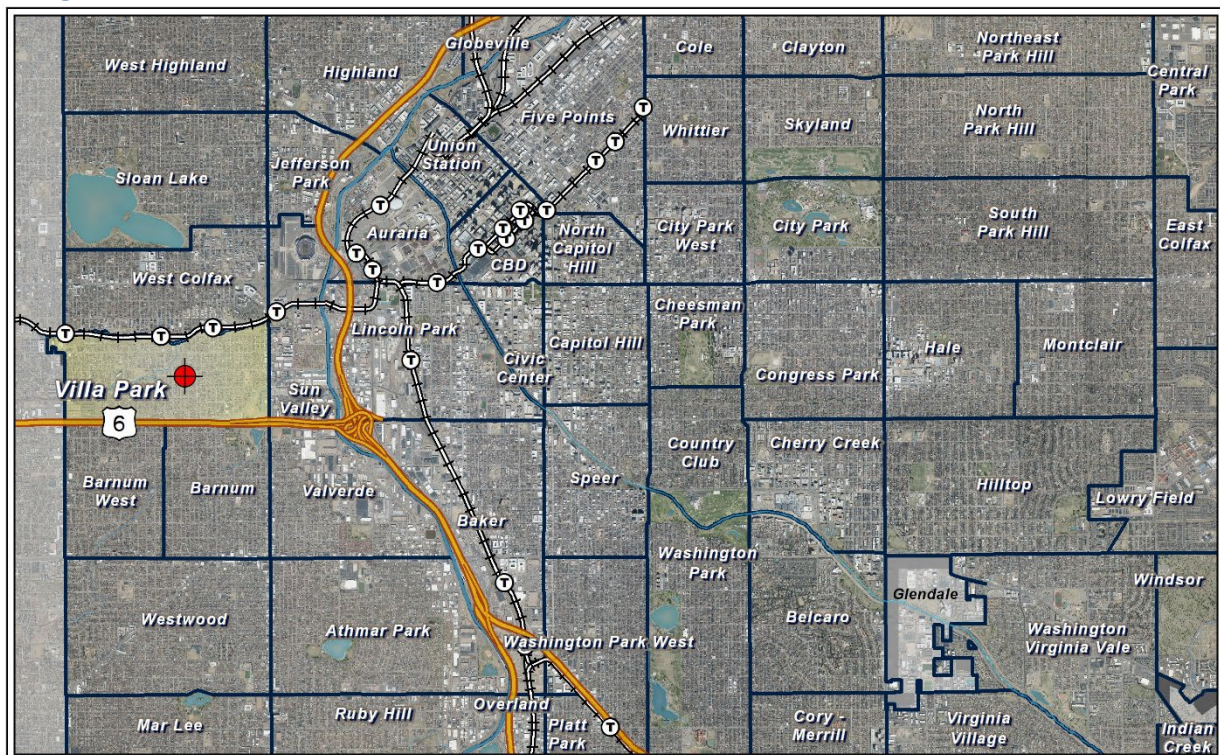
Summary of Rezoning Request

- The subject property contains an abandoned single-story, single-unit dwelling built in 1890 and a detached garage. It is located within the Villa Park statistical neighborhood at the corner of West 9th Avenue Meade Street.
- The property owner is proposing to rezone the property to accommodate missing middle housing and provide additional housing units.
- The proposed E-RH-2.5, Urban Edge, Row House, 2.5 stories, zone district allows the suburban house, urban house, duplex, tandem house and row house primary building forms as well as detached accessory dwelling units. The maximum height of the allowed primary building forms is 30 to 35 feet for the front 65% of the zone lot and 17 to 30 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. This district is intended for use in the Urban 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- and two-unit uses with small-scale multi-unit residential uses embedded in residential areas. Further details of the zone district can be found in the proposed zone district of this staff report (below) and in Article 4 of the Denver Zoning Code.

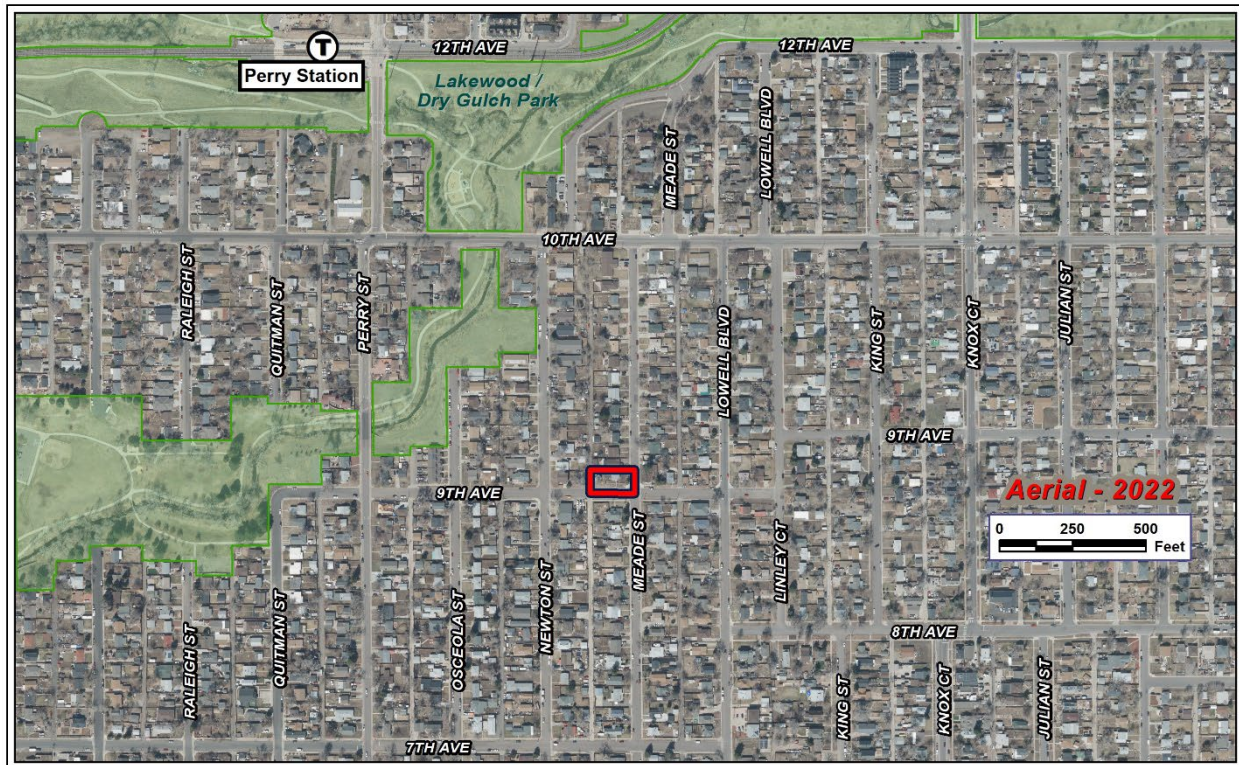
City Location



Neighborhood Location



Existing Context

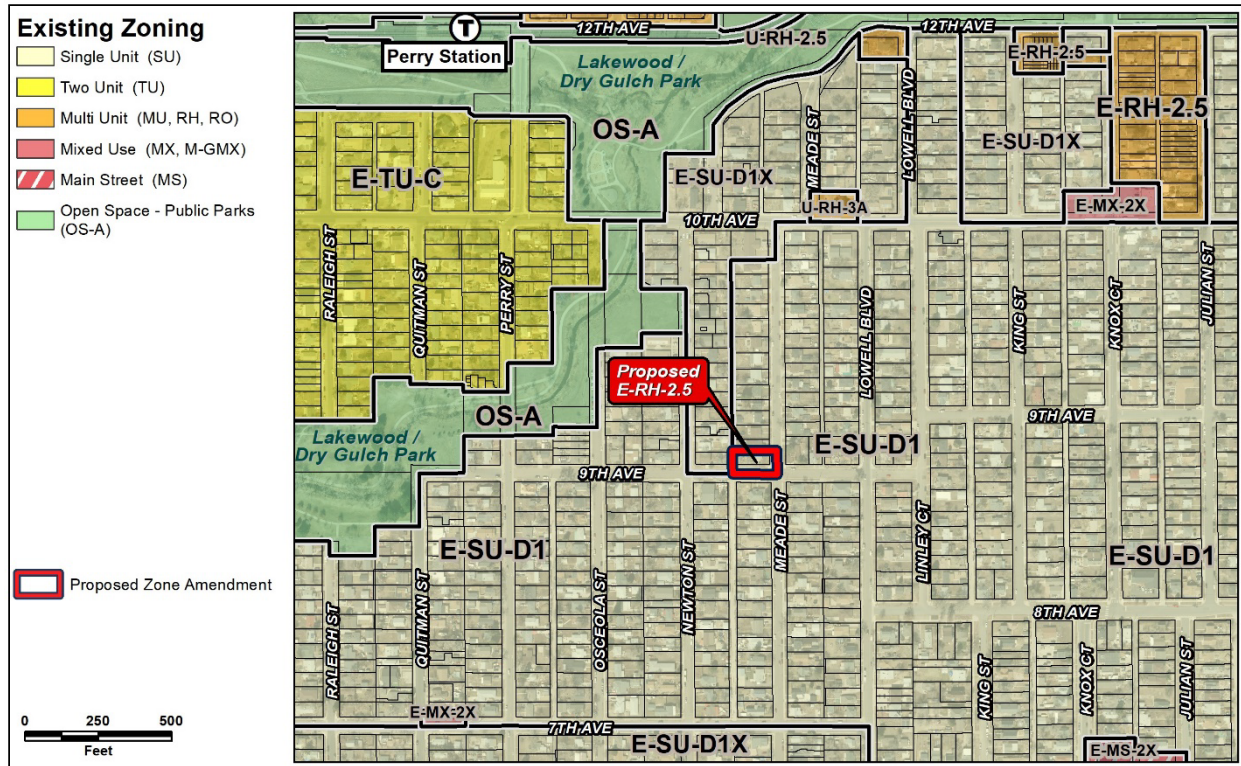


The subject property is located within the Villa Park statistical neighborhood, at the corner of West 9th Avenue and Meade Street. The Joseph P Martinez Park is four blocks east, and the Lakewood Dry Gulch Park is two blocks north of the subject property. The subject site is in walking distance of the Perry RTD Light Rail Station and is also served by RTD bus route 9 on West 10th Avenue.

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-D1	Single-unit Residential	1-story dwelling unit with detached garage.	Block sizes and shapes are consistent and rectangular and shaped by a grid street pattern. Sidewalks are attached, and mostly missing along 9 th Avenue. Driveways with front-loaded garages are present and alleys exist on most blocks.
North	E-SU-D1	Single-unit Residential	1-story dwelling unit with detached garage and driveway on Meade St.	
East	E-SU-D1	Single-unit Residential	1-story dwelling unit with detached garage and driveway on Meade St.	
South	E-SU-D1	Single-unit Residential	1.5-story dwelling unit.	
West	E-SU-D1X	Duplex	2-story duplex with 2 dwelling units fronting West 9 th Ave.	

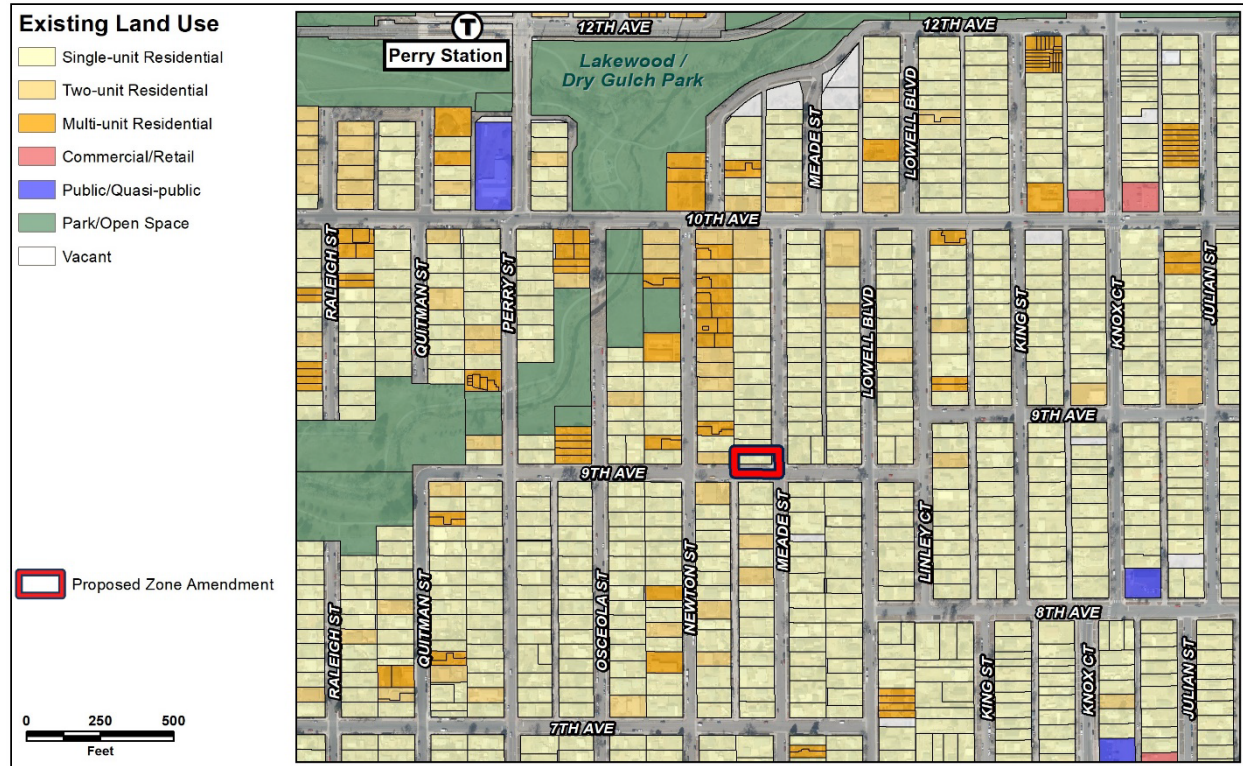
1. Existing Zoning



The existing zoning on the subject property is E-SU-D1 which is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Allowed uses in E-SU-D1 are limited to single-unit dwellings and limited nonresidential uses found in single-unit zone districts. For additional details of the zone district, see DZC Section 4.2.2.

The subject property is surrounded by E-SU-D1 district to the south/west/north and E-SU-D1X to the west.

2. Existing Land Use Map



3. Existing Building Form and Scale (source: google maps)



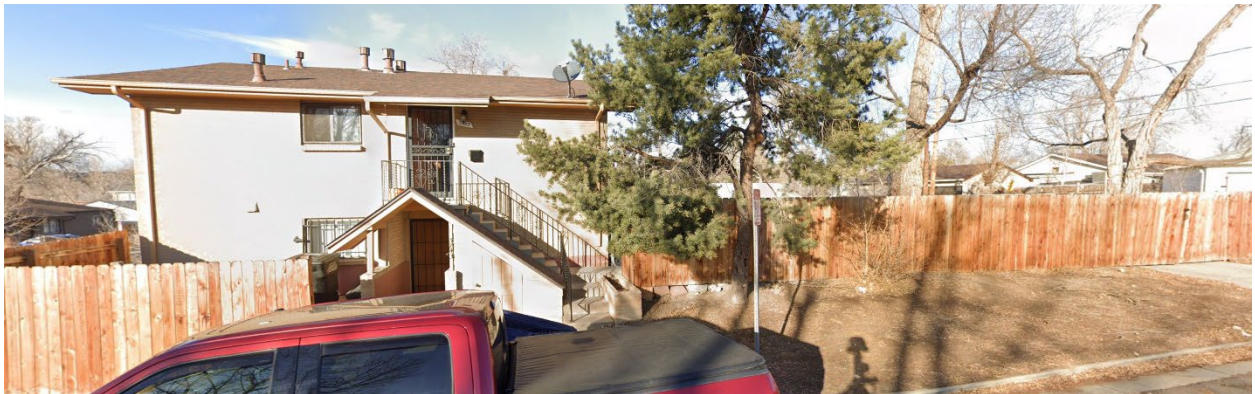
Site – Looking northwest at the corner of West 9th Avenue and Meade Street



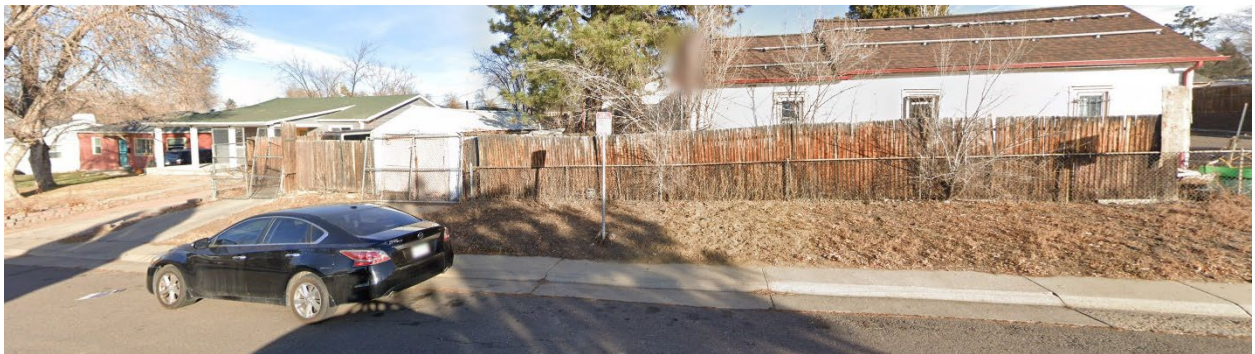
South – Properties to the south of the subject site across the street on 9th Avenue.



North – View of single-unit properties directly north of the subject site.



West – View of the duplex located across the alley from the subject property



East – Single unit houses across the street on Meade Street. Looking east.

Proposed Zoning

E-RH-2.5 Zone District

The applicant is requesting to rezone to E-RH-2.5, which allows the Suburban House, Urban House, Duplex, Tandem House and Row House primary building forms up to two and a half stories in height. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. The minimum parking requirement for a multi-unit residential use is one space per unit.

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

Design Standards	E-SU-D1 (Existing)	E-RH-2.5 (Proposed)
Primary Building Forms Allowed	Urban House	Suburban House, Urban House, Duplex, Tandem House, Row House
Height in Stories / Feet, Front 65% of Zone Lot, (max.)	2.5 stories / 30 feet*	2.5 stories / 30 feet*
Height in Stories / Feet, Rear 35% of Zone Lot, (max.)	1 story / 17-19 feet	1-2.5 stories / 19-30 feet**
Height in Stories / Feet, Detached Accessory Dwelling Unit, (max.)	2 stories / 24 feet	2 stories / 24 feet
Zone Lot Size (min.)	6,000 sf	4,500-6,000 sf**
Zone Lot Width (min.)	50 feet	35-50 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**
Rear Setback, Alley / No Alley*	12 feet / 20 feet	12 feet / 20 feet**
Building Coverage per Zone Lot including all accessory structures (max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 50 feet

**Standard varies depending on building form

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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.

Denver Parks and Recreation: Approved - No Comments

Department of Transportation & Infrastructure - City Surveyor: Approved - No Comments

Development Services – Project Coordination: Approved - No Comments

Development Services - Fire Protection: Approved - No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	07/27/22
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:	09/18/23

Planning Board Public Hearing:	10/04/23
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 (tentative):	10/6/23
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	10/17/23
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (tentative):	11/13/23
City Council Public Hearing (tentative):	12/4/23

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has not received letters of support nor letters of opposition.
- **Other Public Comment**
As of the date of this report, staff has not received letters of support nor letters of opposition.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

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

Denver Comprehensive Plan 2040

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

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

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

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available, consistent with the following strategy in the Strong and Authentic Neighborhoods vision element:

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

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

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

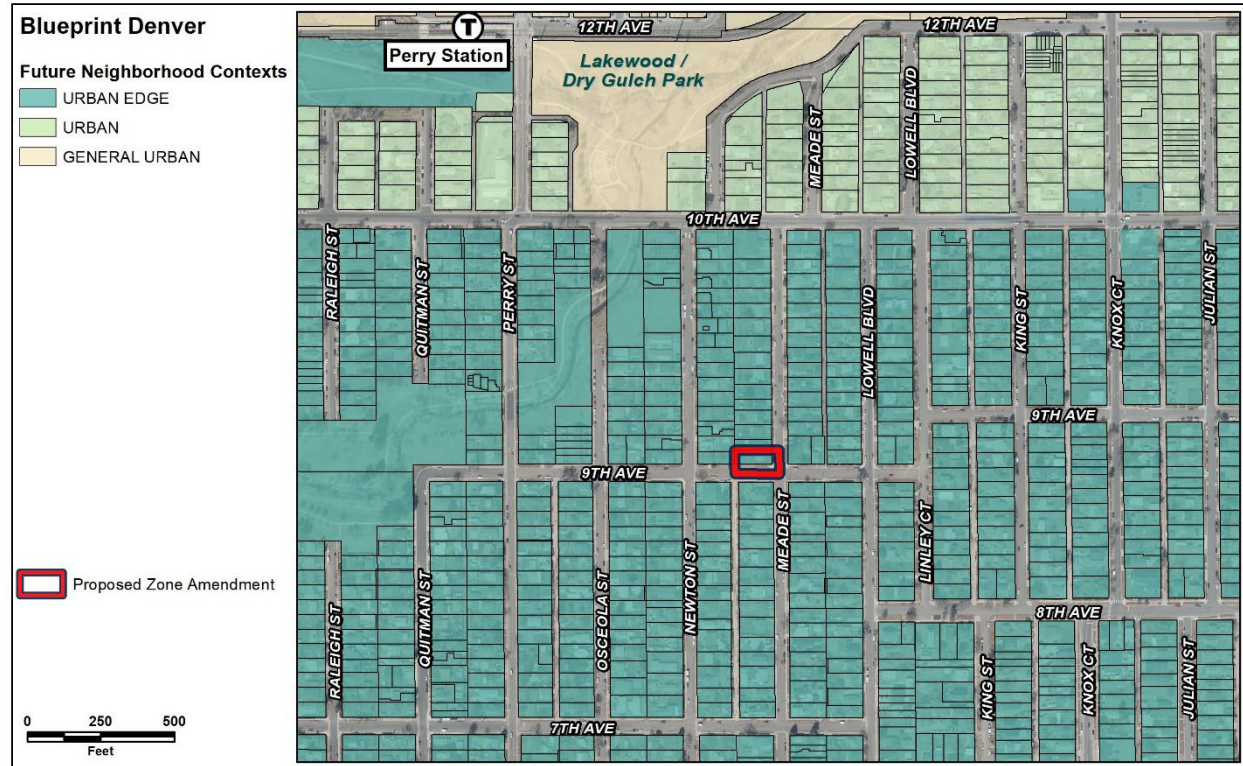
The requested map amendment will allow additional residential units at an infill location where infrastructure is already in place. The requested zone district enables a building form and use which can provide residents with a mixture of housing types. Therefore, the rezoning is consistent with *Denver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

Blueprint Denver (2019)

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions.

Blueprint Denver identifies the subject property as part of a Low-Medium Residential place within the Urban Edge Neighborhood and provides guidance from the future growth strategy for the city.

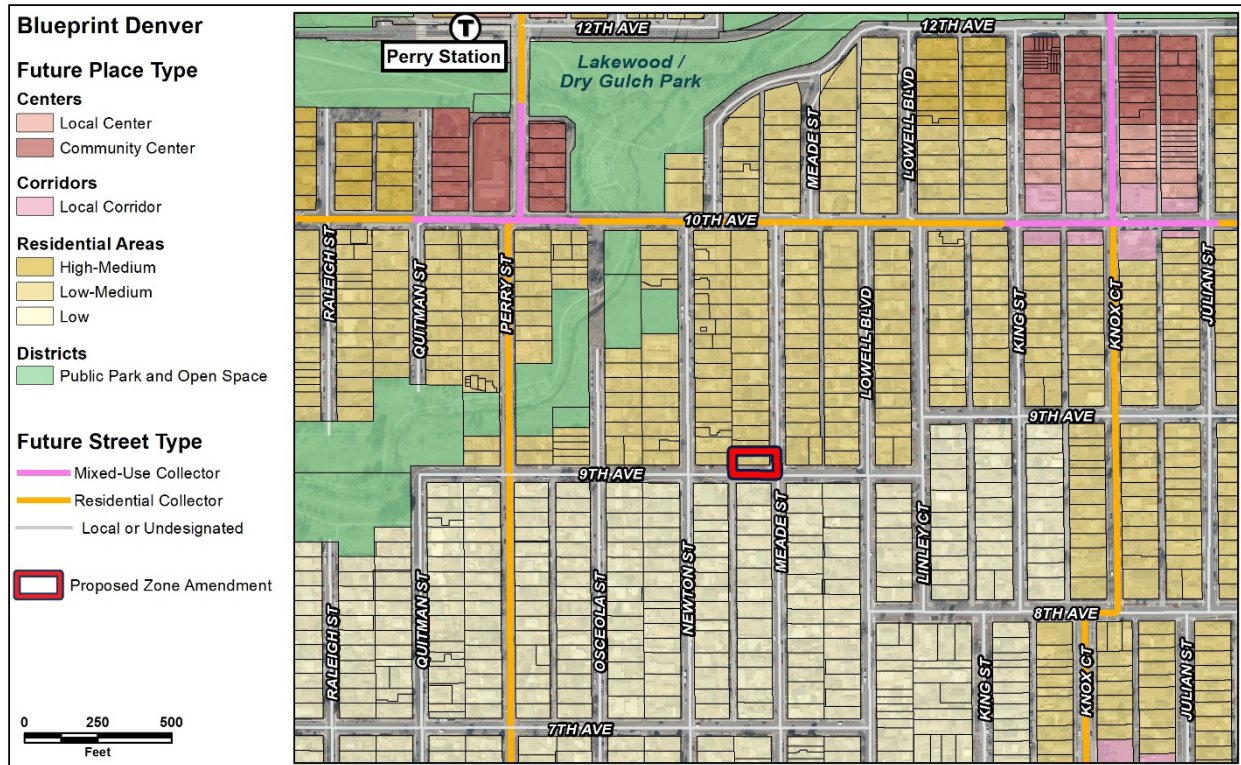
Blueprint Denver and West Area Plan Future Neighborhood Context



The subject property is shown on the context map as an Urban Edge Neighborhood Context in Blueprint Denver. The description of which is used to guide appropriate zone districts. “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-RH-2.5 is a zone district within the Urban Edge Neighborhood Context and is intended “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1). E-RH-2.5 is consistent with *Blueprint Denver’s* future neighborhood context of Urban Edge because it will promote the residential character of the neighborhood by allowing a variety of building forms including low-scale multi-unit residential building that will be compatible with the existing residential area.

Blueprint Denver and West Area Plan Future Place



Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low-Medium future place in *Blueprint Denver*

The Low-Medium future place land use and built form section is defined by *Blueprint Denver* as “mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential. Limited mixed-use along arterial and collector streets and at some intersections. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. 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. 216).

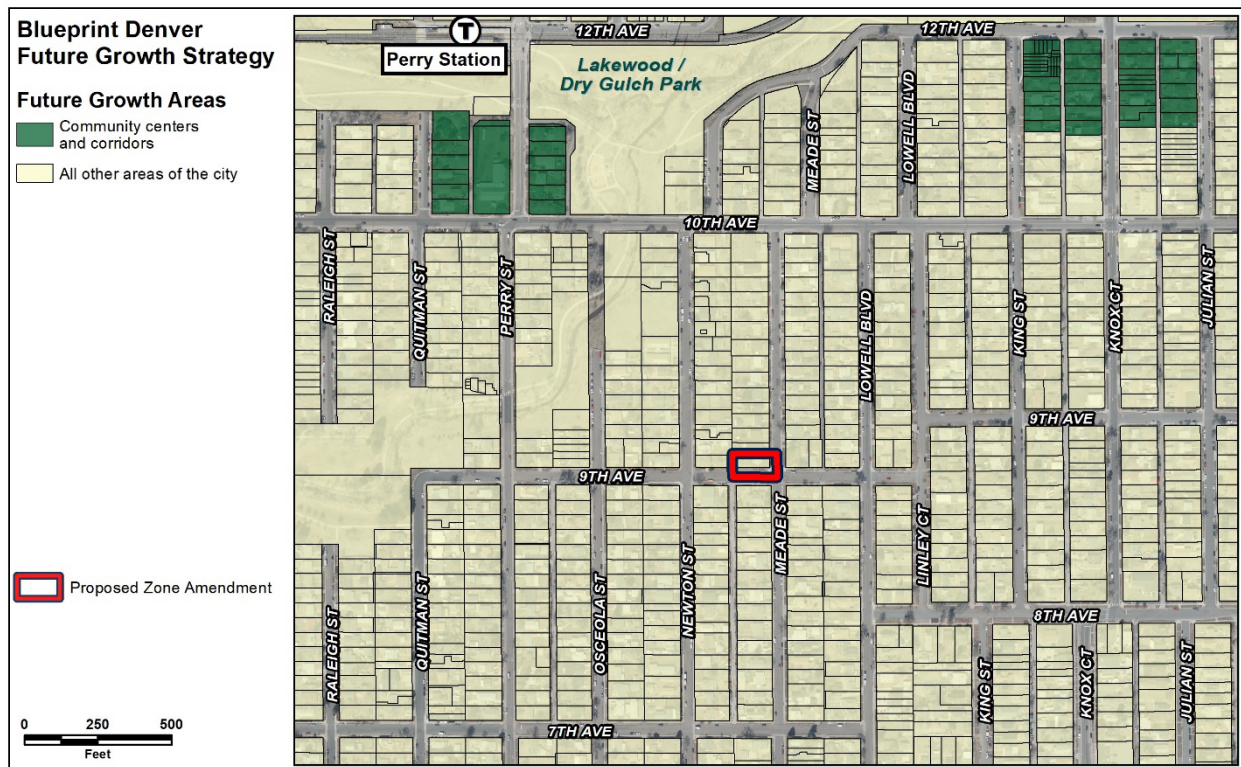
Additionally, *Blueprint Denver* also describes Low-Medium residential areas as “predominantly low-scale multi-unit residential mixed with one- and two-unit residential uses. Some higher intensity residential uses may be mixed throughout. Neighborhood-serving retail may be found in key locations. Buildings include rowhouses and smaller multi-unit buildings. Some contexts may also have a significant mix of houses and duplexes.” (p. 148).

The proposed E-RH-2.5 zone district, allowing multiple residential building forms up to 2.5 in height. Therefore, the proposed E-RH-2.5 is compatible with this future place.

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 West 9th Avenue and Meade Street as Local or Undesignated Future Street Type, which are designated as streets that “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-RH-2.5 district is consistent with this street type because it allows for residential uses only.

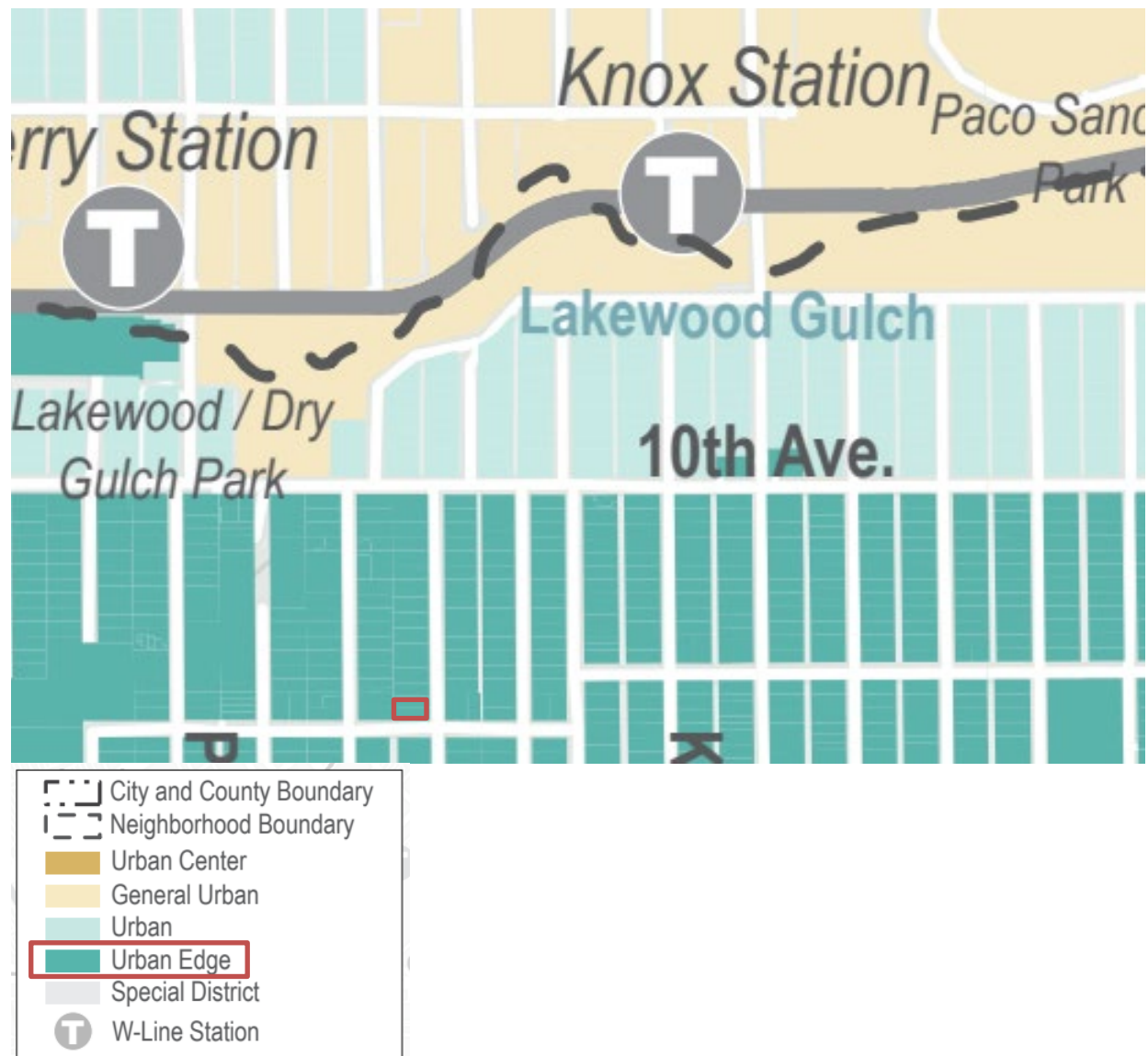
Blueprint Denver and West Area Plan Growth Strategy

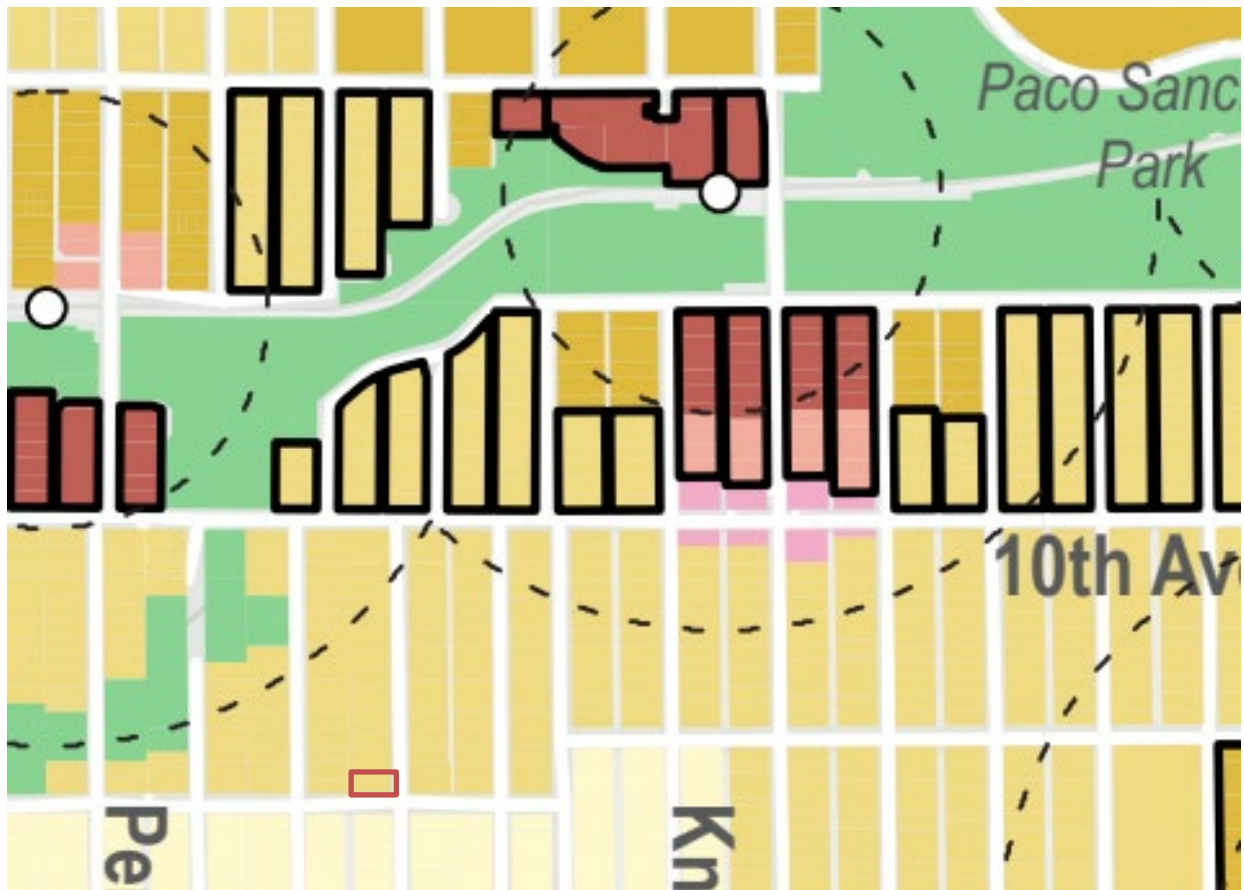


Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area in both *Blueprint Denver*. These areas anticipate experiencing around 20 percent of new housing growth and 10 percent of new employment growth by 2040” (p. 51). This growth area contains “mostly residential areas with embedded local centers and corridors (that) take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed E-RH-2.5 zone district is appropriate in this growth area as it will minimally contribute to development intensity in the neighborhood while maintaining the area’s residential character. Therefore, the proposed rezoning is consistent with the *Blueprint Denver* growth strategy.

West Area Plan

The *West Area Plan* was adopted in March 2023 as part of Community Planning and Development's Neighborhood Planning Initiative. In the *West Area Plan*, the subject property is within the Urban Edge Neighborhood Context and in the Future Place Map is classified as Low-Medium Residential, which is defined as: "Mix of low- to mid-scale multi-unit residential building forms. Small-scale multi-unit buildings are dispersed among single and two-unit residential building forms" (p. 166).

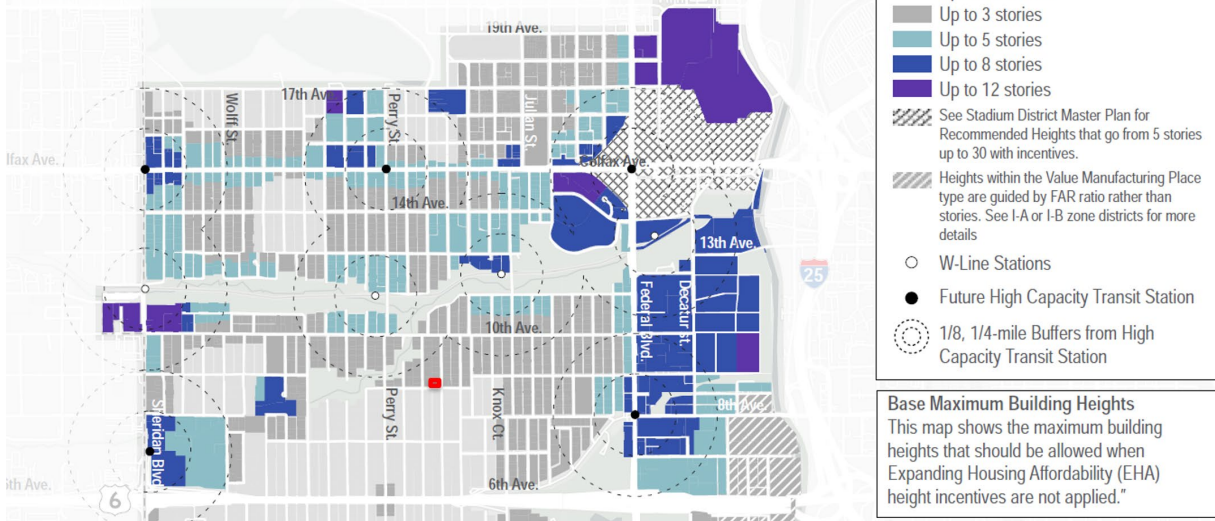




- City and County Boundary
- Low Residential
- Low-Medium Residential
- High-Medium Residential
- High Residential
- Regional Center
- Community Center
- Community Corridor
- Local Center
- Local Corridor
- Value Manufacturing
- Innovation/Flex
- Public Park and Open Space
- Future High-Capacity Transit Station
- 1/8, 1/4-mile Buffers from High Capacity Transit Station
- Refinements from Blueprint Map
- W-Line Station

West Area Plan Additional Height Guidance

FUTURE BASE HEIGHT GUIDANCE MAP



The *West Area Plan* provided additional guidance in terms of heights. The subject property is shown as 3 stories. Taller heights of up to 5-8 stories are shown closer to the RTD Light Rail Stations. The areas surrounding taller areas are shown as 3 stories, acting as a transition area from the 5-8 stories areas to the 2.5 stories areas further out. The subject property is located in this 3-story transition area.

The proposed E-RH-2.5 zone district allows for multiple residential building forms up to 2.5 stories in height. Therefore, the proposed E-RH-2.5 zone district is consistent with the future places and future context direction in the *West Area Plan*.

Additional West Area Plan Missing Middle Policies

L5

POLICY

Small-Scale Multi-Unit Housing Options

Expand housing options within Low Residential places.

- A. Expand “missing middle” housing in targeted locations. The following should be considered:
 1. Allow low-medium “missing middle” housing (e.g., duplex, fourplex) on corner lots and/or near transit, parks/open spaces, gulches, and schools. Greater allowances should be considered when one or more units provide long-term affordability.
 2. Encourage family-friendly housing with larger units, more bedrooms, and family-supportive amenities (see Blueprint Denver Policy LU-H 07 and West Plan Policy “E5”).

L7

POLICY

Neighborhood-Compatible and Accessible Housing

Work with neighborhoods within low and low medium residential areas composed primarily of single-unit, duplex, and row house structures to ensure that zoning tools help new construction fit into the neighborhood and meet the needs of all residents.

STRATEGIES

- A. Consider the use of regulatory design quality tools, such as conservation overlays and [universal design standards](#). Further studies are needed to help identify and prioritize where these design quality tools may be most appropriate, and to determine community design values and input regarding residential design quality and desired building form characteristics.
- B. Update zoning regulations to create more contextual standards for massing, materials, scale, and height. The following should be considered and studied in greater detail:
 - 1. Adjustments to the building lot coverage standard to ensure compatibility with existing neighborhood patterns and side setback standards to promote more gradual transitions in height, size and scale.
 - 2. Adjustments to the height and bulk plane standards to promote more compatible scale and massing.
 - 3. Additional form standards to reduce the appearance of building scale and incentives to promote architectural features (e.g., front porches) that are unique to a neighborhood and/or desired by residents.
- C. Explore how to include universal, accessible design principles and visitability standards in new development projects. Universal design is the design and production of buildings and products that promote equal opportunity for use by individuals, whether or not they have a disability. Visitability is a movement to change construction standards so that new housing is designed to allow people with mobility impairments to live in units and visit others.
 - 1. Consider incorporating universal design standards into the Denver Zoning Code.
 - 2. Consider incorporating visitability standards into the Denver Zoning Code.
- D. To fully realize the vision for Residential Low-Medium areas, create new 3 story residential zone districts for the Urban and Urban Edge contexts.
 - 1. The new districts should address how to properly incorporate low to mid-scale multi-unit residential building forms alongside single-unit and two-unit building forms.
 - 2. Until such time that the new 3 story districts are created, 2.5 story zoning is appropriate in low-medium residential places.

E2

Affordable Housing Diversity

Explore strategies so affordable housing is available everywhere by implementing approaches that promote a diversity of affordable housing options within all neighborhoods and new development.

- B. Prioritize new affordable housing and increase housing diversity within lower-scale residential neighborhoods that are more context-sensitive. Introduce residents to programs such as the West Denver Renaissance Collaborative's West Denver Single Family Plus program, ADU Pilot program, Stay-in-Place programs, land trusts, and land banking programs (see Policy "L5").

E3

Overall Housing Diversity

Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.

- B.** Integrate accessory dwelling units (ADUs) and missing middle housing (See Policy “L5” in locations with strategies that promote 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. Supporting and partnering with local organizations on housing initiatives/pilot programs and other efforts, such as the West Denver Single Family Plus (WDSF+) ADU Pilot Program lead by the West Denver Renaissance Collaborative (WDRC).
- D.** Encourage family-sized units (2-3 bedrooms) and family-supportive amenities in residential developments (see Blueprint Denver Policy LU-H 07).
 - 1. Family-sized units should be located close to family-friendly facilities and amenities such as schools, parks, public open spaces, trails, and recreation centers.
 - 2. Work with community partners, affordable housing developers, and community land trusts to identify opportunity sites for affordable, family-friendly housing. Develop partnerships and affordable housing pilot programs that can be refined over time to expand affordable family housing options throughout the West Area.

Policies L5, L7, E2 and E3 of the West Area Plan provide guidance for encouraging missing middle housing near community amenities, that serve families, fits within the neighborhood character, and increases housing diversity and affordability. The proposed E-RH-2.5 would allow for a greater density and diversity of housing units near transit and community amenities with the capacity of providing family-size units and a low-scale character that fits within the neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-RH-2.5 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 through implementation of the city’s adopted land use plans. The proposed rezoning would also facilitate increased housing density near services and amenities and promote a walkable, urban neighborhood within walking distance to public transit.

4. Justifying Circumstances

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

The application identifies the changing conditions north of the property along the West Corridor Light Rail line as the Justifying Circumstance. There has been increasing redevelopment in the Villa Park and West Colfax neighborhoods and significant investment in infrastructure has occurred around the Perry

RTD Light Rail station. This increase in the intensity of land use in the area has created additional need for higher intensity residential uses like those allowed in the E-RH-2.5 zone district. This changed and changing condition make continued residential uses appropriate at this site.

The application also identifies a city adopted plan as the justifying circumstance. As discussed above *Blueprint Denver* mapped this site as Low-Medium Residential Future Place type, and confirmed through the *West Area Plan* as Urban Edge Low-Medium Residential consistent with the proposed E-RH-2.5. Therefore, the proposed map amendment is justified in order to recognize the changed character of the land.

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

The proposed E-RH-2.5 zone district is within the Urban Edge Neighborhood Context, characterized by a mix of elements from both the Urban and Suburban Neighborhood Context. The neighborhood context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. The Urban Edge Neighborhood Context is characterized by low-scale buildings except for some mid-rise commercial and mixed-use structures, particularly at nodes or along arterial streets. There is a reliance on the automobile with some pedestrian and bicycle activity and low to medium level of access to the multimodal transportation system (DZC, Division 4.1). It is appropriate to apply zoning within the Urban Edge Neighborhood Context at this location due to the adopted plan vision described earlier as well as the existing context. The proposed rezoning to E-RH-2.5 will enable development that is consistent with the neighborhood context description.

According to DZC 4.2.2.1., the general purpose of the Residential zone districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. The building form standards, design standards, and uses work together to promote desirable residential areas. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi-unit building forms that typically address the street in the same manner as an urban house building form. The regulations provide a consistent framework to property owners, developers, and neighborhood residents to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts. The rezoning to E-RH-2.5 is consistent with the zone district general purpose and recognizes the existing residential context.

Specifically, E-RH-2.5 is a multi-unit district that allows up to a two and a half story rowhouse building form. It also allows the suburban house, urban house, duplex, tandem house, and detached accessory dwelling unit building forms. The proposed zone district recognizes the subject site's existing condition, surrounding context, and plan guidance, fulfilling this Specific Intent statement.

Attachments

1. Application