



TO: Denver City Council
FROM: Courtney Levingston, AICP, Principal City Planner
DATE: April 27, 2023
RE: Official Zoning Map Amendment Proposal #2022i-00215 rezoning multiple properties in Athmar Park and Valverde Neighborhoods from E-SU-D, E-SU-B and E-SU-Dx to E-SU-D1, E-SU-B1 and E-SU-D1x.

Staff Report and Recommendation

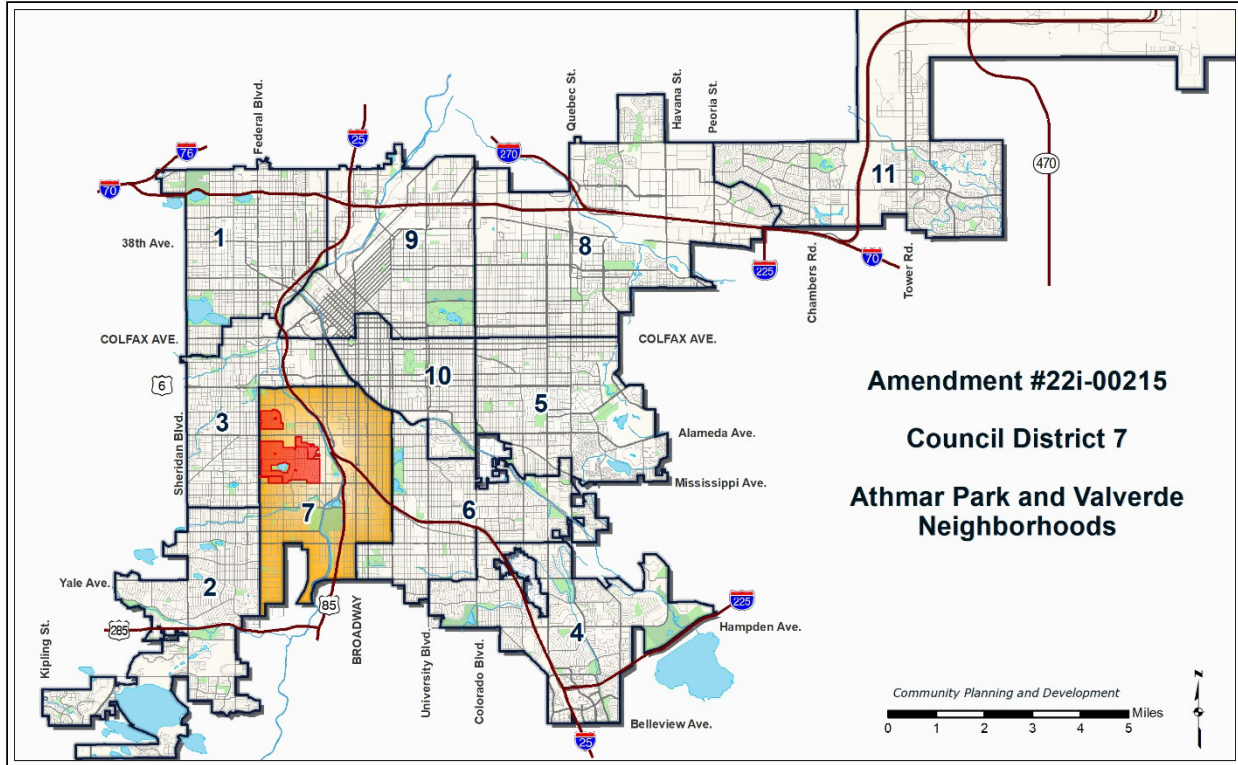
Based on the criteria for review in the Denver Zoning Code, Staff recommends that Denver City Council **approve Application #2022i-00215** rezoning multiple properties in the Athmar Park and Valverde Neighborhoods.

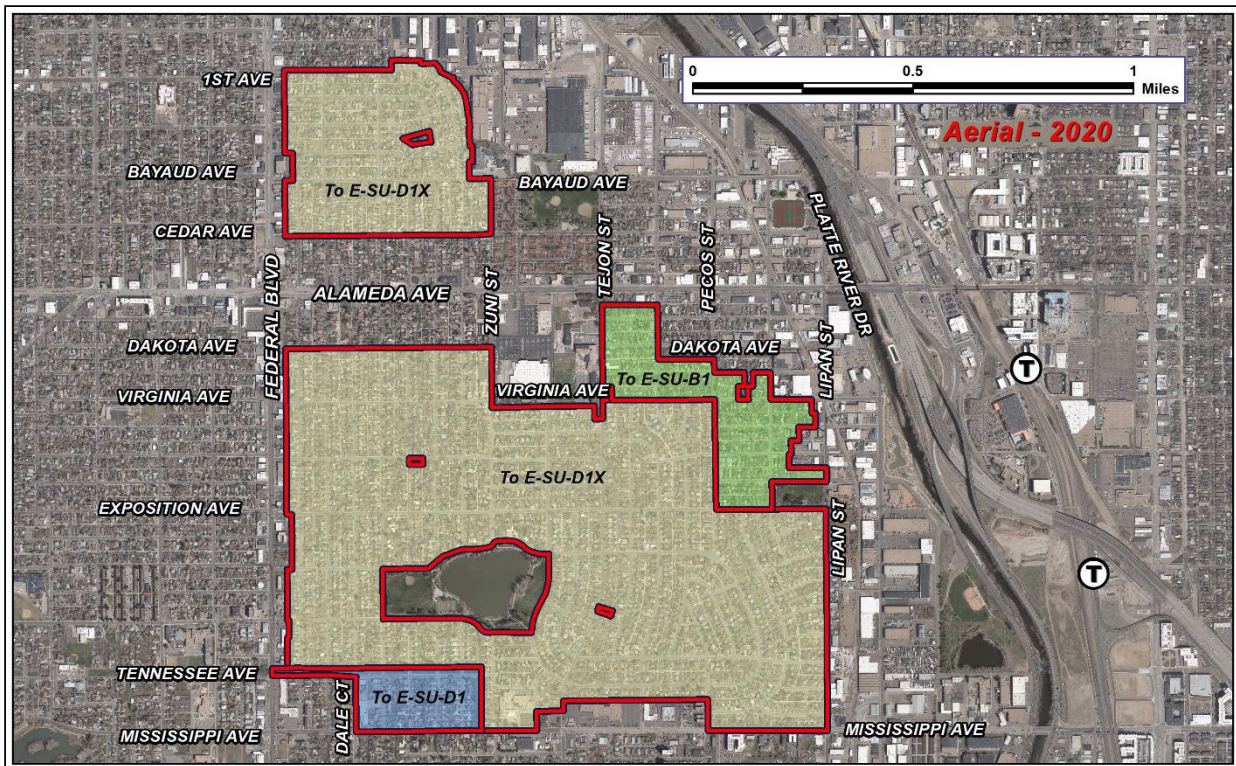
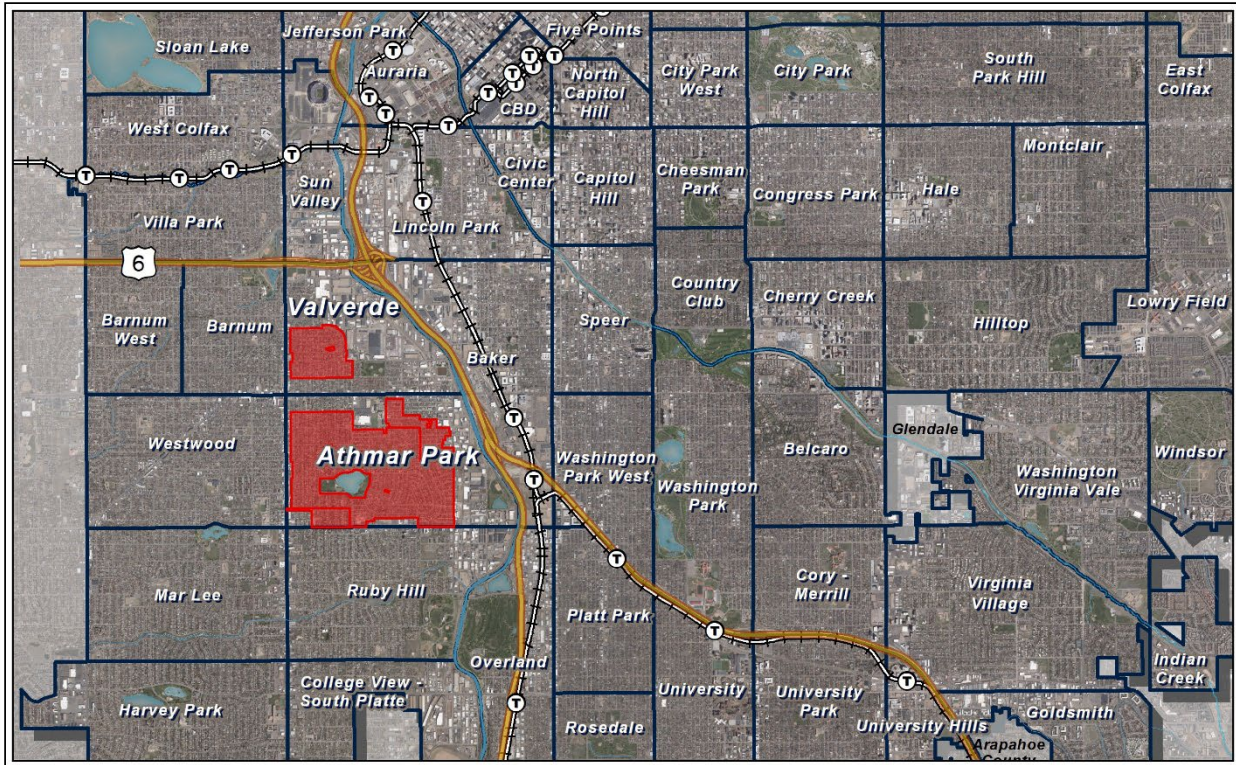
Summary and Purpose

Councilmember Jolon Clark is sponsoring a map amendment to rezone the single-unit residential zone districts in the Athmar Park and Valverde neighborhoods to allow for accessory dwelling units (ADUs)

- The proposed rezoning includes areas of single-unit zoning east of Federal Boulevard, south of First Avenue, west of Lipan Street and north of W. Mississippi Avenue in the Athmar Park and Valverde neighborhoods.
- The proposed rezoning includes approximately 2,721 single unit residential properties, comprising an area of about 469 acres. The proposed map amendment would rezone these properties from E-SU-B, E-SU-D and E-SU-Dx to E-SU-B1, E-SU-D1 and E-SU-D1x, respectively.
- The proposed zone districts are the same as the current districts except that they allow for 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 Article 4 of the Denver Zoning Code (DZC).

Existing Context



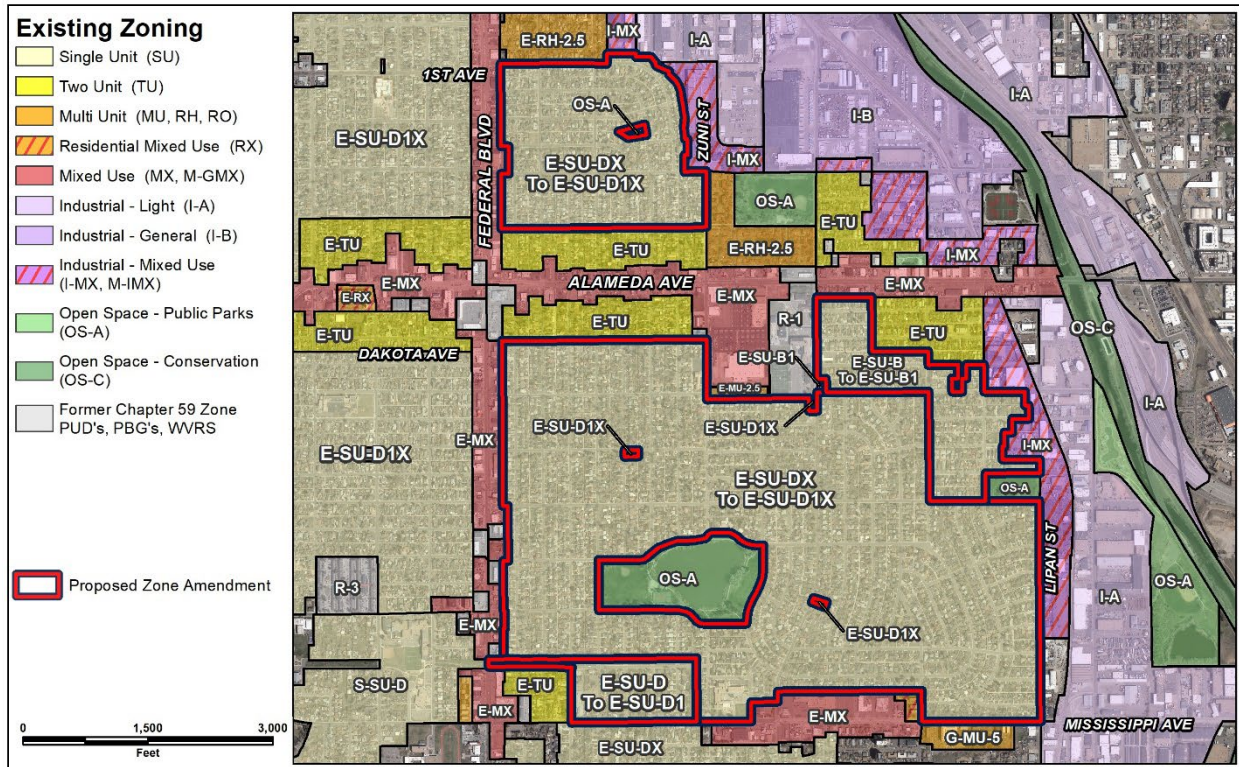


The subject properties are in the Athmar Park and Valverde neighborhoods, which is primarily single-unit residential uses abutting primarily commercial uses along Federal Boulevard and industrial uses to the west. To the north in the Valverde neighborhood, there are single and two unit uses along with light industrial uses to the north and northeast. Block patterns in both Athmar Park and Valverde are a mixture of orthogonal streets to the eastern portion and then transition to a more irregular pattern with curvilinear streets on the western portion, approaching the industrial. Generally, the single-unit homes all have alley access.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site(s)	E-SU-D, E-SU-Dx, E-SU-B	Single-unit residential	1-story residential buildings with moderate setbacks.	Generally regular grid of streets on the west sides of the Athmar Park and Valverde Neighborhoods. The eastern side has curvilinear streets and irregular block patterns. Vehicle parking is mixed. Alleys are predominate but also front loaded single car garages and driveways exist.
North	E-MX, E-RH-2.5,	Various commercial uses along Alameda Avenue, single-unit residential north of 1 st Avenue with some industrial	1- story residential buildings with moderate setback. 1 story industrial warehouse buildings	
South	Multiple; E-SU-Dx, E-MX-3A	Single unit residential, Auto-oriented commercial uses along W. Mississippi Ave.	1-story residential homes with moderate setback, Single-story commercial uses with deep setbacks	
East	Multiple; I-MX, I-A	Industrial uses	1-story industrial warehouses	
West	E-MX, E-SU-D1x beyond	Various commercial uses along Federal Boulevard, single unit residential beyond	1-story commercial; 1 story residential uses beyond	

1. Existing Zoning



The proposed rezoning area is currently zoned E-SU-Dx, E-SU-D, E-SU-B, which are all single unit districts.

- Most of the proposal is currently zoned E-SU-Dx, which allows for suburban and urban houses with a minimum zone lot area of 6,000 square feet.
- The E-SU-B zone district allows only the urban house form with a minimum zone lot area of 4,500 square feet.
- The E-SU-D zone district allows only the urban house form with a minimum zone lot area of 6,000 square feet.

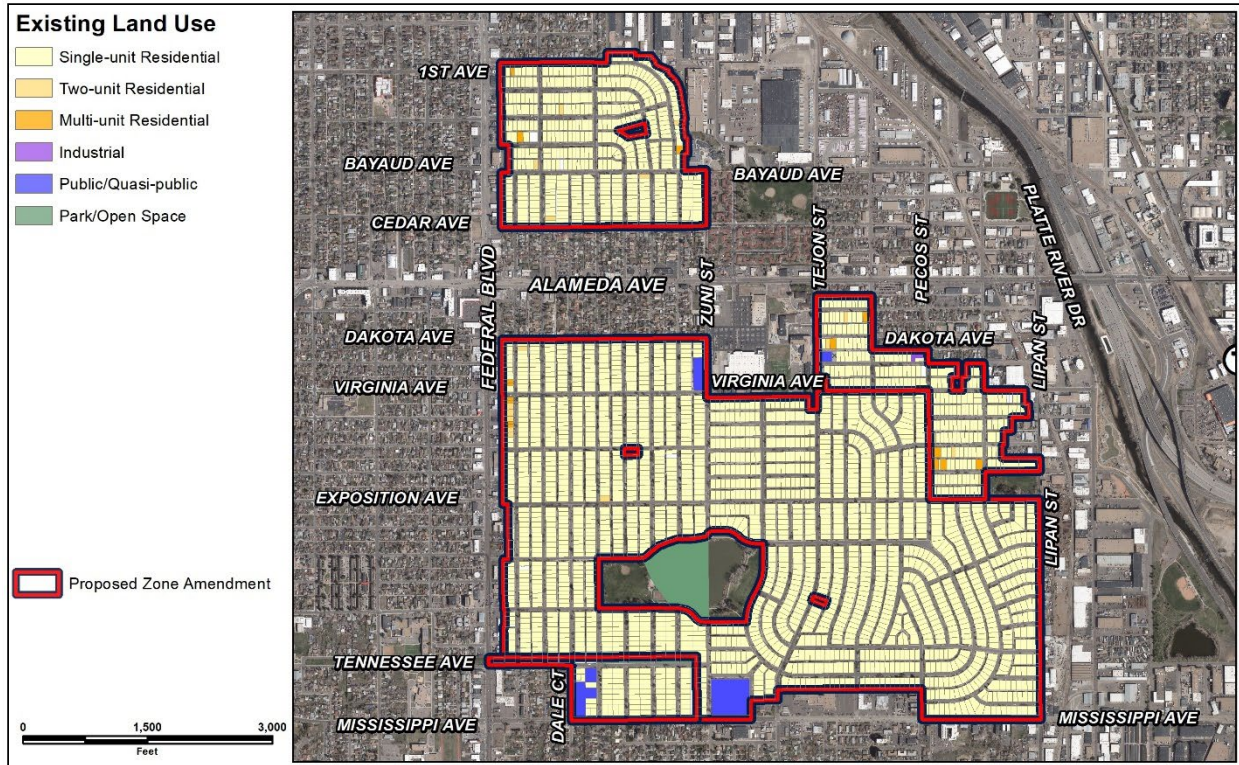
2. Historic Structures

There are not any Denver Landmark structures in the proposed rezoning area.

3. 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 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.

4. Existing Land Use Map



5. Existing Building Form and Scale



All images are from Google Street View. View facing south on 1st Avenue, between Decatur Street and Clay Street, within proposed E-SU-D1x rezoning area.



View looking north on W. Alaska Place, east of S. Pecos Street— within proposed rezoning area of E-SU-B1



View looking west on S. Navajo Street, just north of W. Exposition Avenue – within proposed E-SU-B1 area



View looking south on West Virginia Avenue, just west of South Bryant Street – within proposed E-SU-D1x area



View looking west on S. Canosa Court, between W. Tennessee Avenue and W. Mississippi Ave – within proposed E-SU-D1 area

Proposed Zoning

The area is proposing to be rezoned to E-SU-D1x, E-SU-D1, E-SU-B1, which are all single unit districts that allow detached accessory dwelling units. The primary building forms allowed in the proposed zone district are the same as those allowed in the existing zone district.

- Most of the area is proposed as E-SU-D1x, which allows for suburban and 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.
- The E-SU-D1 zone district allows the urban house form and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.
- The E-SU-B1 zone district allows the urban house form and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet.

Further details of the zone districts can be found in Article 4 (Urban Edge Neighborhood Context) 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.

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

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.

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

Development Services - Transportation: Approved – See Comments Below

DES Transportation approves the subject zoning change. Note that redevelopment of any property may require additional engineering, ROW dedication to the City, access changes, traffic studies and/or right of way improvements. The extent of the required design and improvements will be determined when a property begins the redevelopment process.

Development Services – Wastewater: Approve – See Comments Below.

All DOTI WW design criteria and policies will apply to all developments. Onsite detention and water quality will be required if the total disturbing area is .5 acre or more.

Development Services – Project Coordination: Approved – No comments

Development Services – Fire Prevention: Approved – No Comments

Public Review Process

	Date
Athmar Park Neighborhood Association ADU survey – 128 surveys returned majority indicated support	Fall 2021
As part of West Area Plan, virtual open houses to discuss ADUs	2022
Printed District 7 newsletter announced pursuit of legislative rezoning. Distributed to every home in district	October 2022
CPD informational notice of the rezoning application to all affected members of City Council, registered neighborhood organizations, and postcards sent to all property owners:	2/8/23
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:	2/28/23
Planning Board public hearing:	3/15/23

<i>Planning Board voted unanimously to recommend approval of this proposed rezoning</i>	
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:	3/7/23
Land Use, Transportation and Infrastructure Committee of the City Council:	3/21/23
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):	4/10/23
City Council Public Hearing:	5/1/23

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
As of the date of this staff report, no comments have been received from Registered Neighborhood Organizations.
 - **General Public Comments**
As of the date of this staff report, CPD has received four letters from residents indicating support for the legislative rezoning and two comments against the rezoning. These comments are attached

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)*
- *Athmar Park Neighborhood Perimeter Plan (2000)*
- *West Area Plan*

Overview of Plan Consistency

Several adopted plans, detailed below, recommend allowing accessory dwelling units (ADUs) as one tool in a broader strategy to diversify the types of housing that are available and provide affordable housing options. This rezoning, if approved, would allow ADUs throughout the Athmar Park and Valverde neighborhoods.

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 large portions of the Athmar Park and Valverde neighborhoods. 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 these areas of the Athmar Park and Valverde neighborhoods, 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).

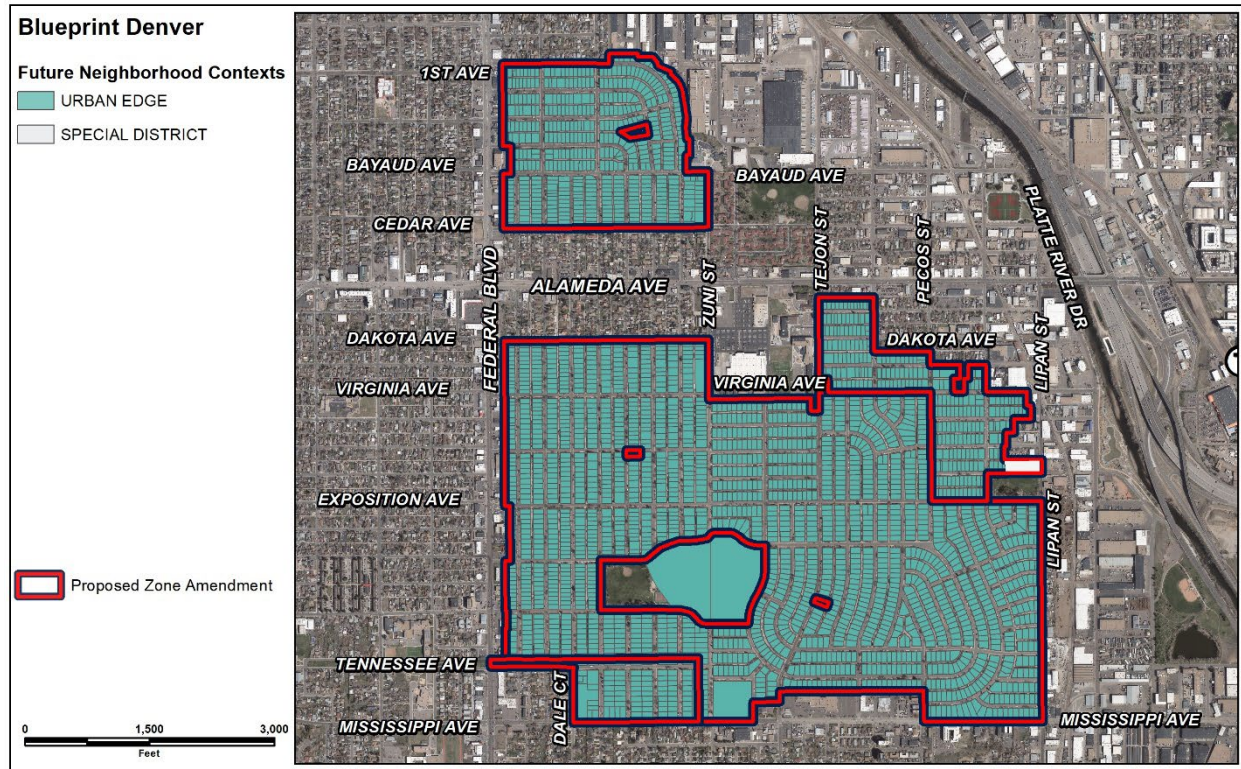
Similarly, the map amendment will allow additional housing units on lots with existing houses where infrastructure and services such as water, stormwater, and transit already exist. Therefore, the map amendment is consistent with the following Environmentally Resilient strategy:

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

Blueprint Denver

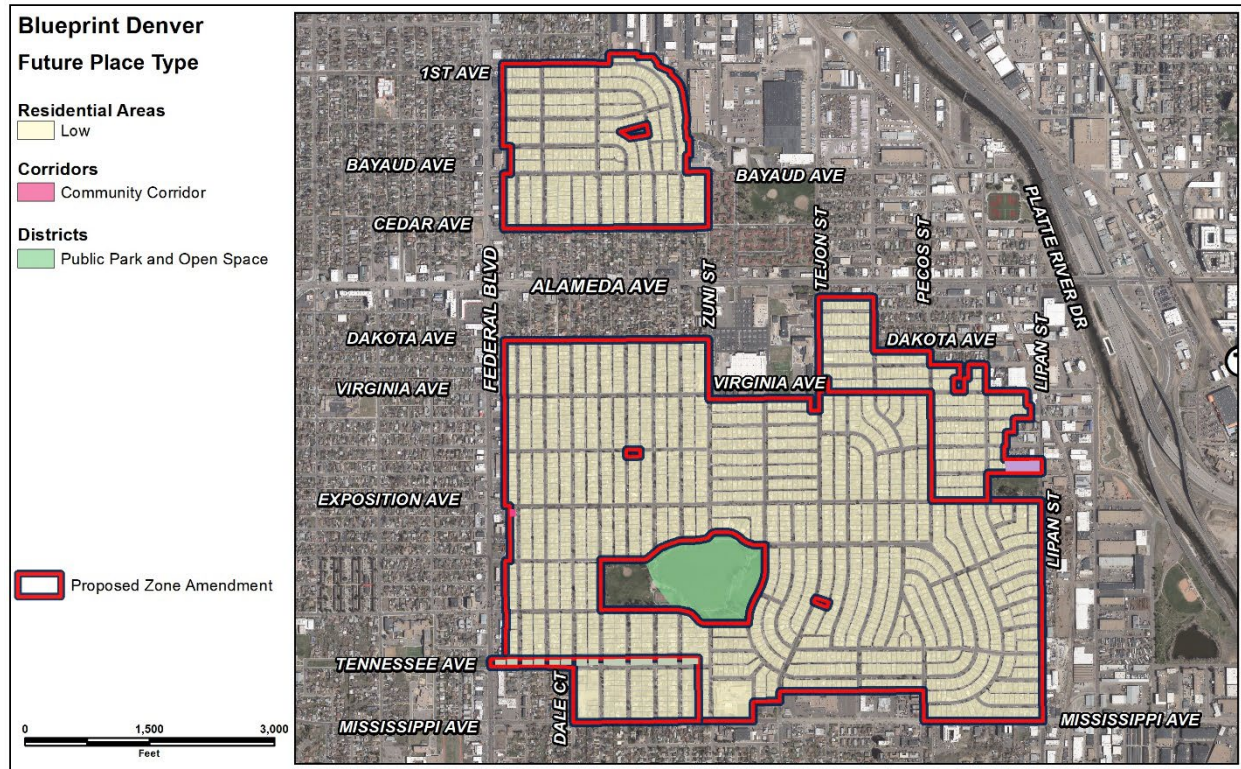
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential place within the Urban Edge Neighborhood Context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

Blueprint Denver Future Neighborhood Context



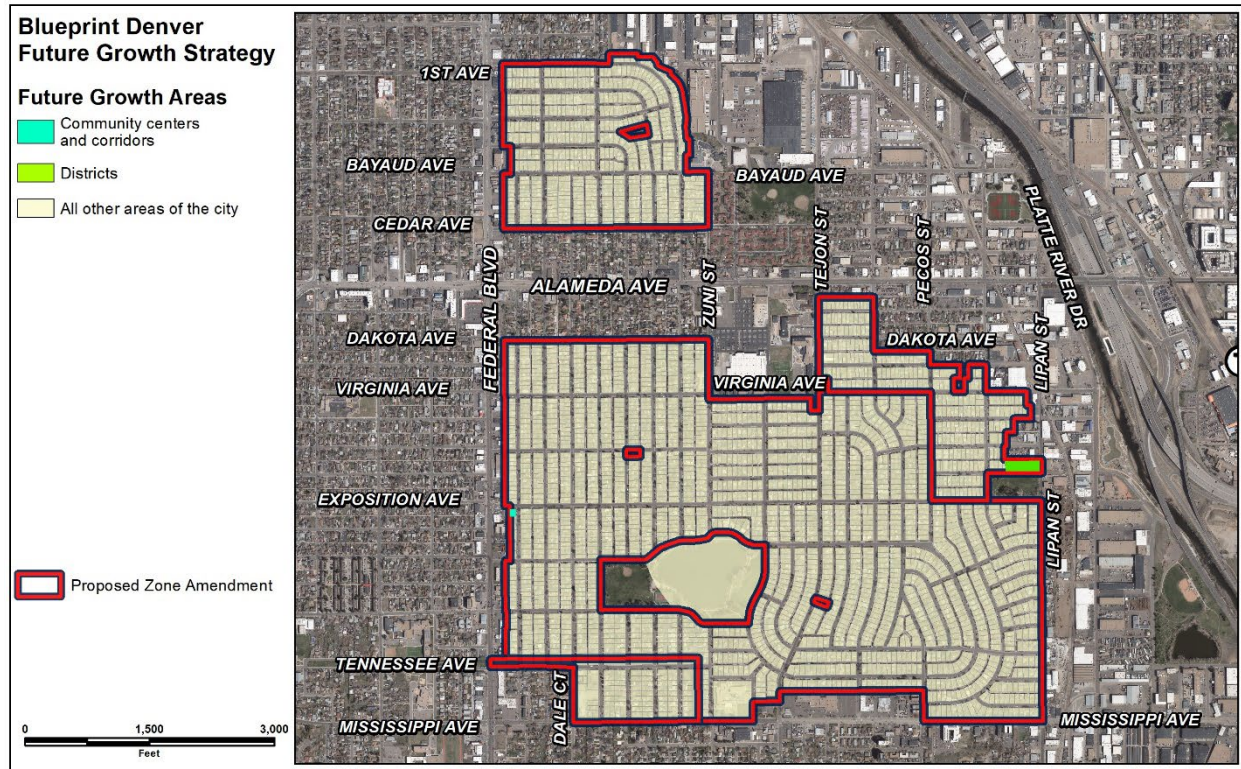
In Blueprint Denver, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject properties are shown on the context map as Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as containing “many single and two unit residential areas” (p. 206). E-SU-D1, E-SU-D1X and E-SU-B1 are all zone districts within the Urban Edge neighborhood context 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 Section 4.2.2.1). E-SU-D1, E-SU-D1X and E-SU-B1 are consistent with Blueprint Denver’s future neighborhood context of Urban Edge because it will promote residential character by allowing a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Places



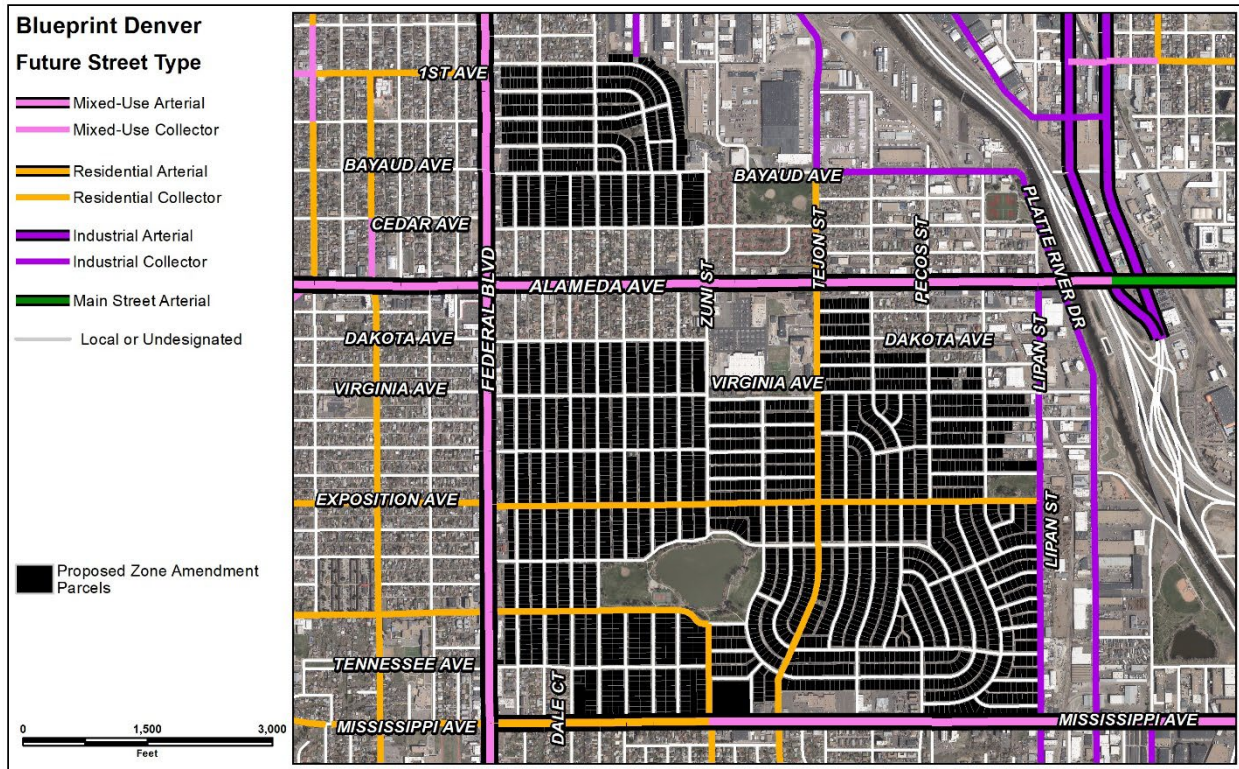
The subject properties are in the Valverde and Athmar Park neighborhoods are designated within a Low Residential future place type on the Blueprint Denver Future Places map. This place type is “predominately single and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 214). The E-SU-D1, E-SU-D1X and E-SU-B1 zone districts are all single unit residential zone districts that allows for an additional dwelling unit accessory to an established single-unit home, which is consistent with the Low Residential future place type description. The E-SU-D1 and E-SU-B1 districts allow the Urban House primary building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

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 properties are 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-D1, E-SU-D1x and E-SU-B1 zone districts allowing 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 Street Types



Street types described in Blueprint Denver help inform the appropriate intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Exposition Avenue, Tejon Street and W. Kentucky Ave. and a portion of S. Zuni Street as Residential Collectors. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets,” such as Federal Boulevard to the west. (p.159). 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-D1, E-SU-D1X AND E-SU-B1 are residential districts within the Urban Edge Neighborhood Context, which include regulations intended to “accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space.” (DZC Section 4.2.2.1.B). Therefore, the proposed map amendment will result in an intensity that is appropriate for the network of street types in the area.

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.

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). Given broad interest in rezoning to allow ADUs on single properties in the Valverde and Athmar Park neighborhoods, 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." Full details of the outreach and the input received are included in the attached rezoning proposal.

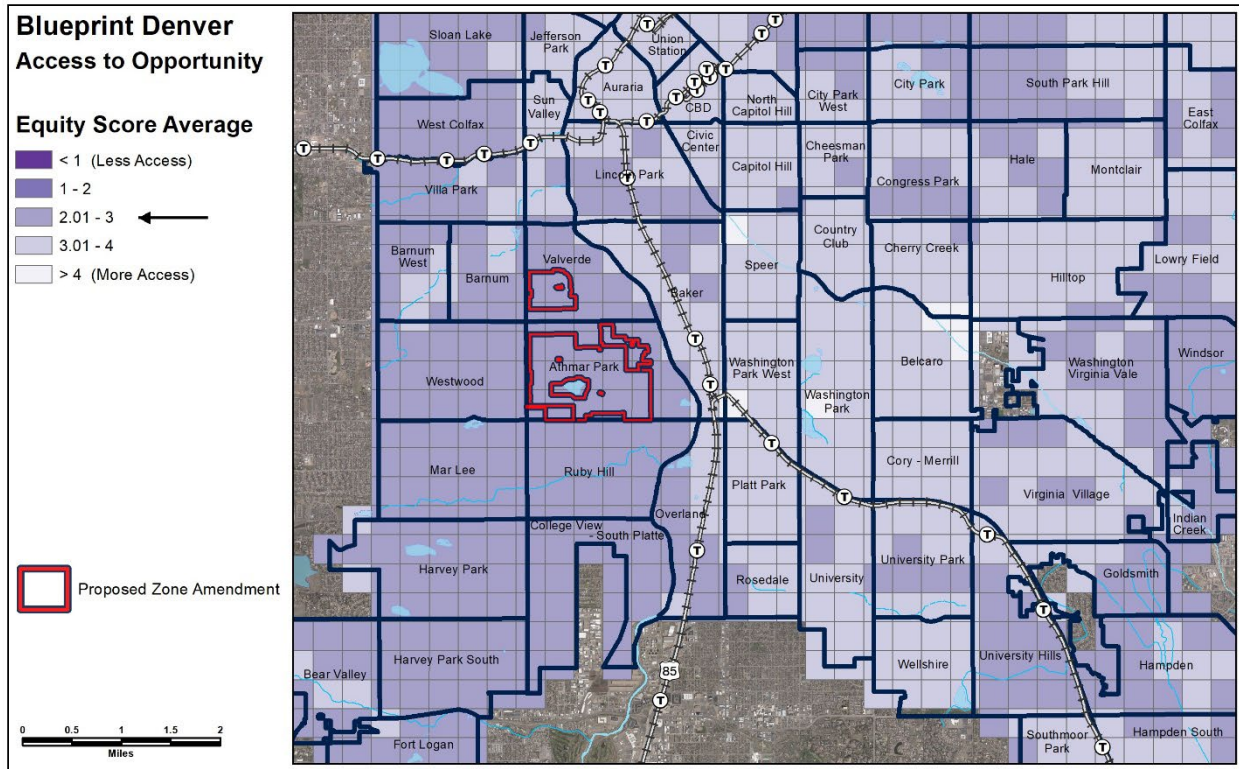
Land Use and Built Form: General, Policy 5:

- 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 *Blueprint Denver* equity concepts. Additionally, the use limitations of ADUs, including a requirement of single ownership of the primary house and the ADU, are designed to encourage their use by existing residents rather than speculative buyers.

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.

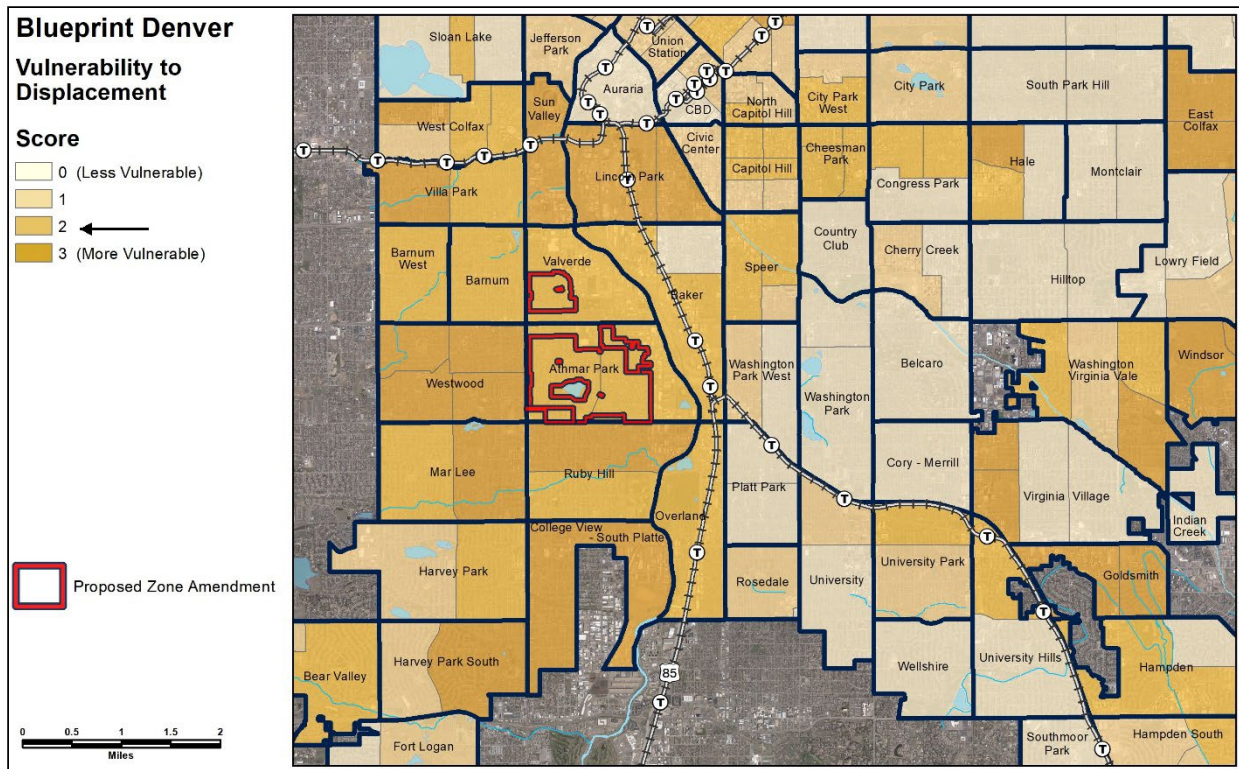
I. Access to Opportunity



This equity concept is measured using a six-indicator index of data points for neighborhood equity and scores measuring access to amenities, services and quality transit. Generally, Valverde and Athmar Park neighborhoods are shown to have average access when measuring social determinants of health, access to healthcare and childhood obesity. The neighborhood has less than average scores for access to transit and centers and corridors.

This rezoning, with its focus on allowing additional housing units, may likely increase the availability of homes near transit and expand the number of residents who can access jobs and services along nearby centers and corridors, such as Alameda Avenue and Federal Boulevard. Further, this rezoning will not exacerbate or worsen inequities in the access to opportunity concept scores as it promotes opportunities for 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 three 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.

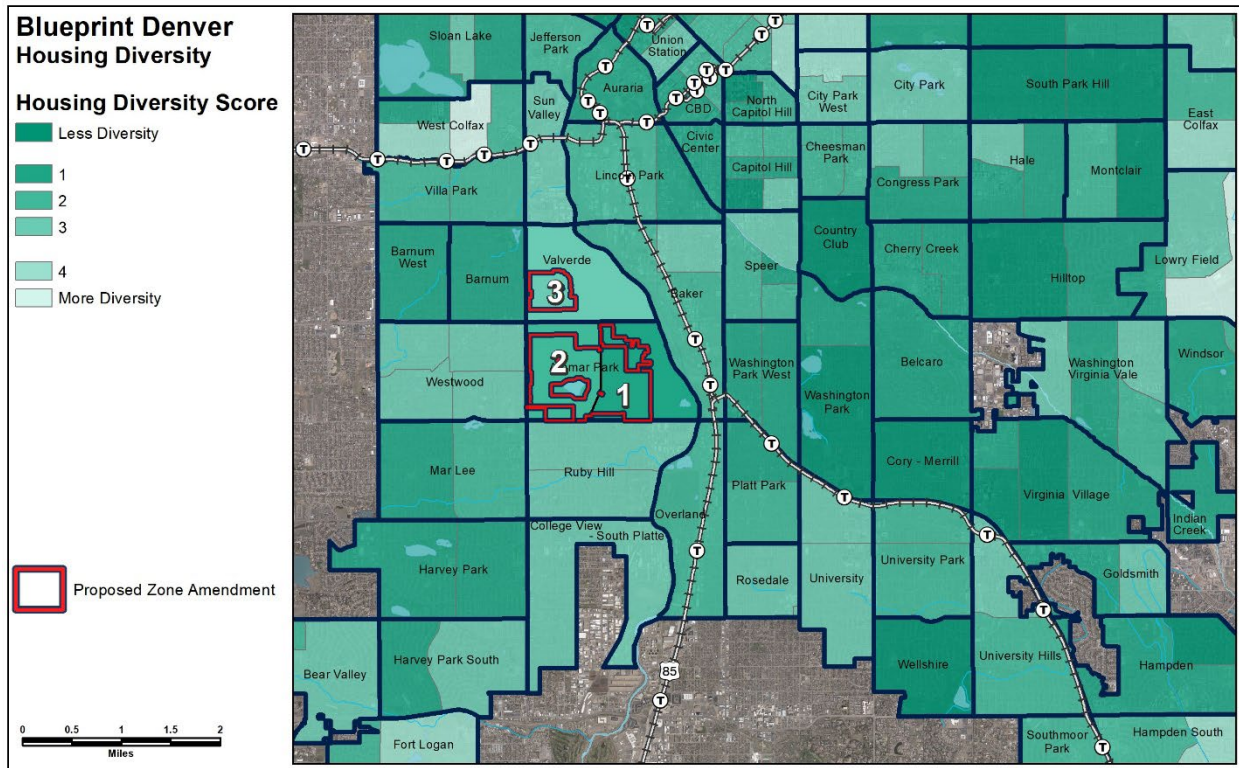
In the Valverde neighborhood, these indicators showed a lower percentage than average of residents who own their homes than the citywide average of 50% and a higher percentage of residents with less than a college degree, making the neighborhood more vulnerable to displacement.

In the Athmar Park neighborhood, these indicators showed a higher percentage of residents with less than a college degree and a lower median household income (\$58,000 a year) than the citywide average of \$72,661, making the neighborhood more vulnerable to displacement.

This proposed 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

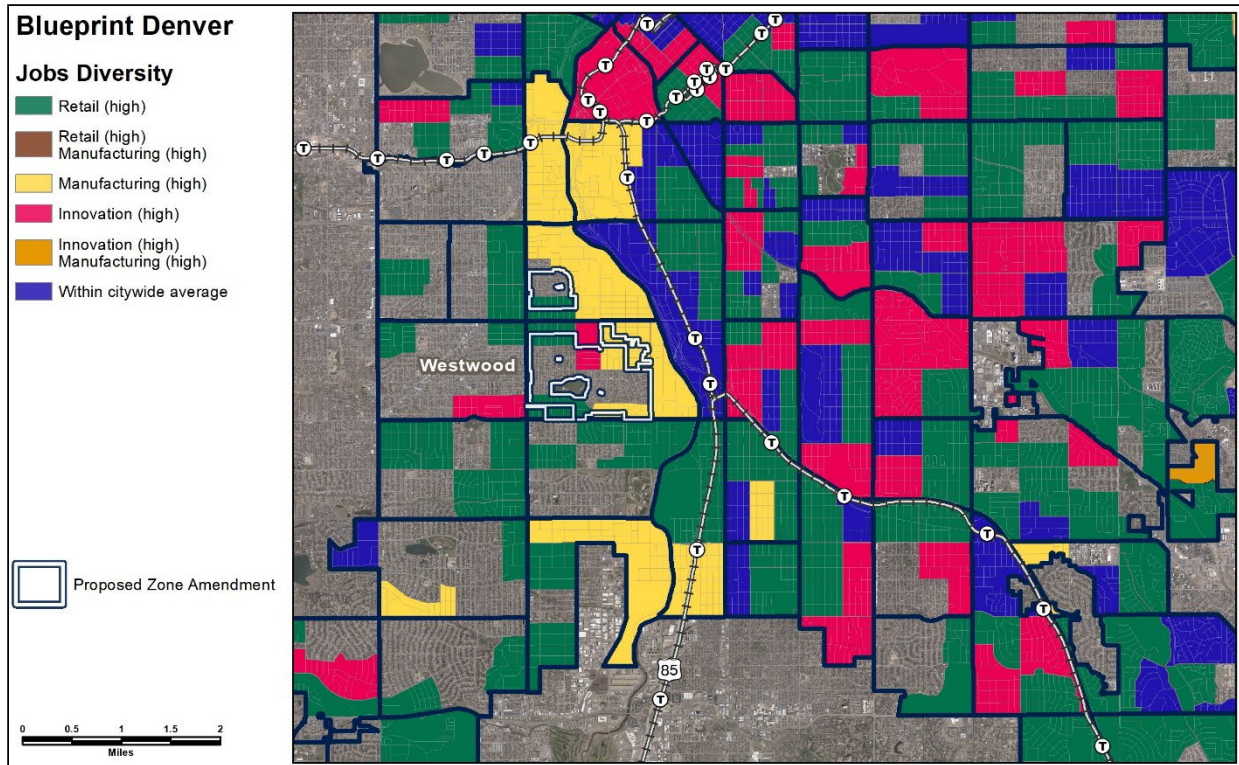
This concept seeks to provide a better and more inclusive range of housing and employment options in all neighborhoods. A diverse range of housing options, including different prices, sizes, types and a mix of rental and for-sale is key to encouraging complete neighborhoods and households of all types 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 census tract that makes up the Valverde neighborhood offers moderate housing diversity overall, scoring more diverse than the citywide average for bedroom count, number of affordable units and missing middle housing types.

For the Athmar Park neighborhood, the indicators show a lower-than-average number of income restricted units and “missing middle” housing options.

This zoning proposal will help preserve and expand existing 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 amount 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 subject property areas Valverde and Athmar Park neighborhoods do not have a high density of jobs, typical of single-unit residential areas. Part of the southern half of the rezoning in the Valverde neighborhood and a small northern and southern portion of the rezoning area in Athmar Park reflects a higher proportion of retail related jobs. The area in Athmar Park proposed to be zoned E-SU-B1 shows a high proportion of manufacturing jobs, likely due to its proximity to the industrial area to the east.

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.

Denver Department of Housing Stability Five Year Strategic Plan

The [HOST Five Year Strategic Plan](#) is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council in 2021 and can be considered relevant to the review criteria for this map amendment. The map amendment will help reduce regulatory barriers to developing ADUs and are therefore consistent with the following plan guidance:

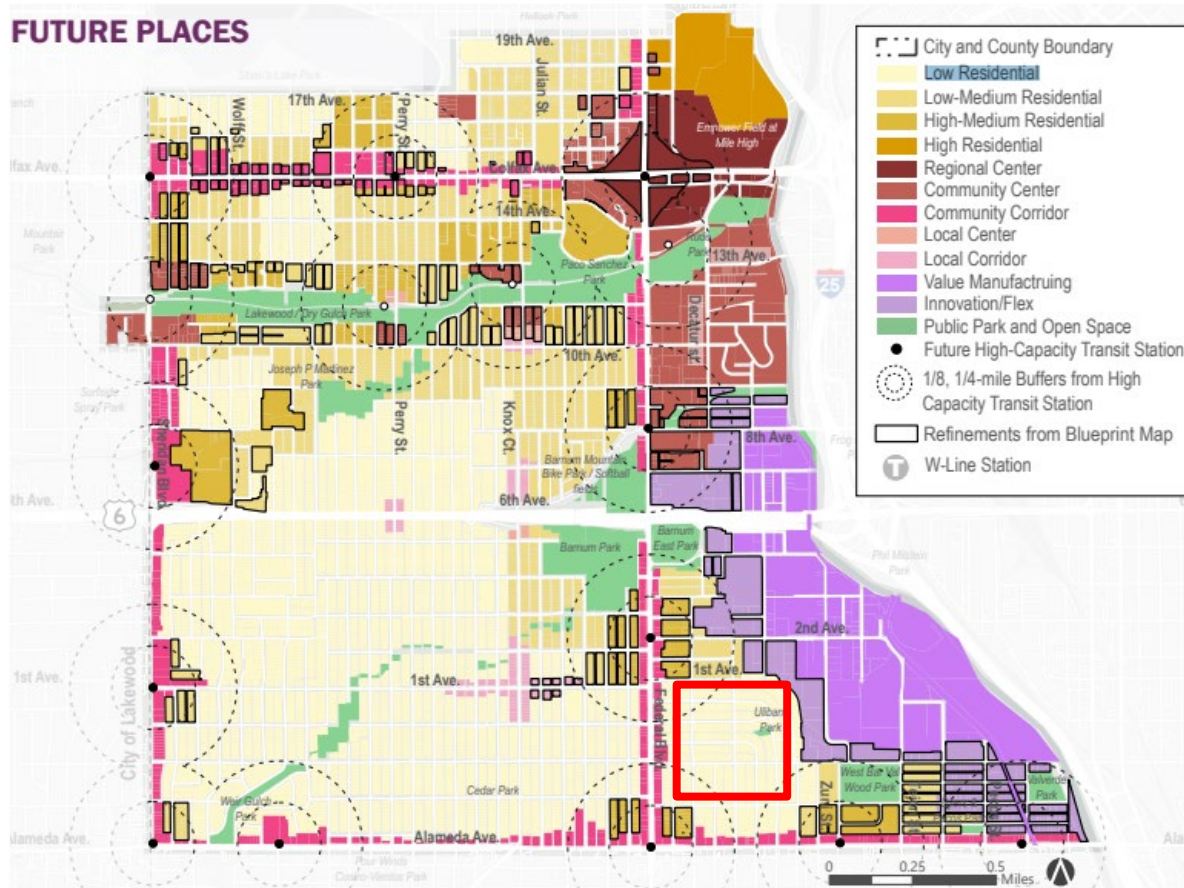
- **Program and Development Strategies:** Partner with agencies involved in the development review process to assess barriers to small-scale affordable housing and propose solutions that enable smaller projects (e.g., projects with a small number of units, accessory dwelling units, etc.). (p. 31)
- **Policy and Systems Change Strategies:** Support efforts to advance key land use strategies to advance affordable housing outlined in Blueprint Denver. These include: Diversify housing choice through the expansion of accessory dwelling units and remove barriers to the construction. (p. 51)

Athmar Park Neighborhood Perimeter Plan (2000)

The Athmar Park Neighborhood Perimeter Plan was adopted by Denver City Council in 2000 and is applicable to a portion of the subject properties south of Alameda Avenue. The proposed rezoning to a single-unit district to allow for accessory dwelling units is consistent with the action agenda item #5, Implementation Strategy: “Maintain existing residential R-1 and R-2 zoning in the neighborhood...” (p. 59). The plan also recommends “continu[ing] to monitor zoning change, variance, street and alley vacation, and conditional use requests to ensure the continuity and character of the neighborhood in all zone districts” (p. 59). Rezoning to allow for ADUs to be built will maintain the existing residential character of the Athmar Park neighborhood.

West Area Plan

The West Area Plan, which was approved by City Council in March, includes the Valverde neighborhood within its boundary. Community input received during that planning process and reflected in the draft plan identified the desire to expand housing options within Low Residential places. In West, single-unit homes are the predominate use in low residential areas and other types of housing options are limited.



The West Area Plan recommends expanding housing options within Low Residential places with the following strategies:

- L5 - “Implement adopted citywide policies from Blueprint Denver to diversify housing choice throughout all residential areas by expending detached and attached accessory dwelling units (ADUs) while also addressing context-sensitive detached ADU design and the removal of barriers to ADU construction” (p. 182) Additionally, the plan states “Until a uniform approach to ADU development is complete, consider neighborhood-wide and individual rezonings to allow ADUs where prohibited (, p. 182).
- E3.B - “Integrate accessory dwelling units (ADUs) and missing middle housing”

The legislative proposal would allow for ADUs to be constructed in areas identified as residential low in the West Area Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-B1, E-SU-D1 and 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 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 the Athmar Park and Valverde neighborhoods, which can allow families to remain in place as they grow and age. This flexibility supports family cohesion and can increase economic security.

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 (includes outreach summary from Council District 7)
2. Public Comments