



TO: Denver City Council
FROM: Chelsea Bennouna, Senior City Planner
DATE: June 15, 2023
RE: Official Zoning Map Amendment Application #2022I-00251

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2022I-00251.

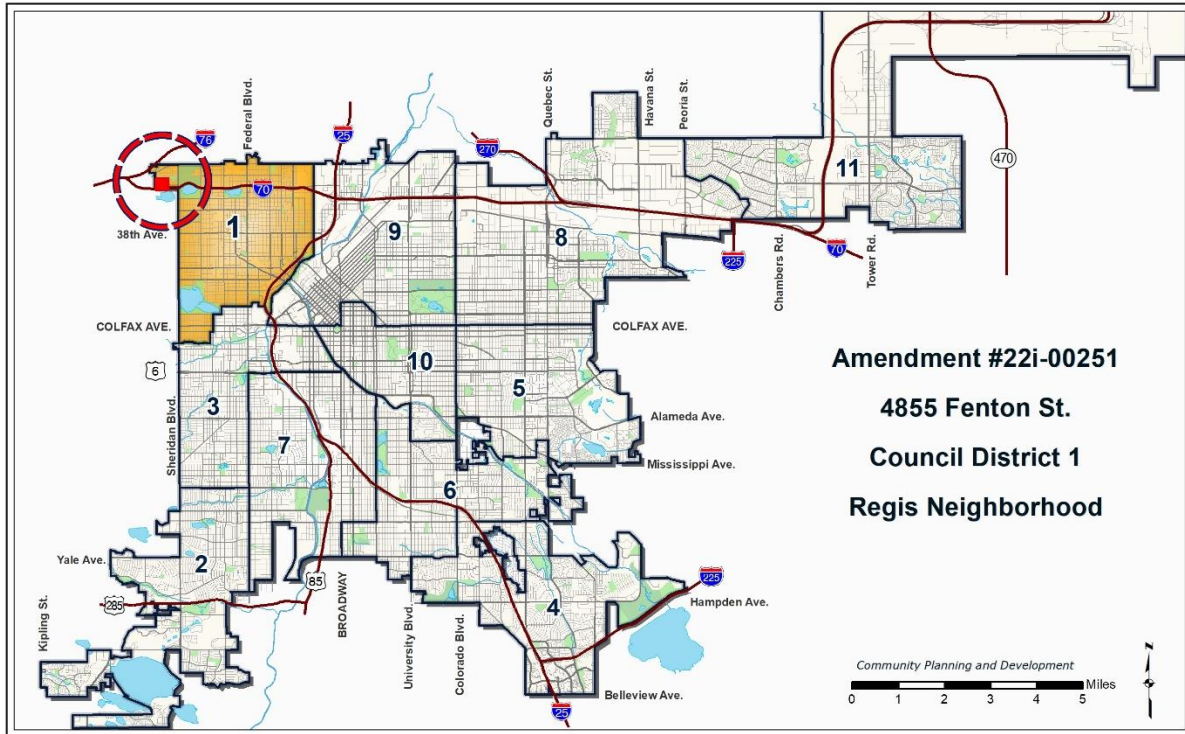
Request for Rezoning

Address: 4855 N Fenton Street
Neighborhood/Council District: Regis / Council District 1 – Amanda Sandoval
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, Inspiration Point Neighborhood Association, Unite North Metro Denver
Area of Property: 6,210 square feet
Current Zoning: E-SU-Dx
Proposed Zoning: E-SU-D1x
Property Owner(s) Representative: N/A
Property Owner(s): Michelle Lee Iarussi (maiden name Danner)

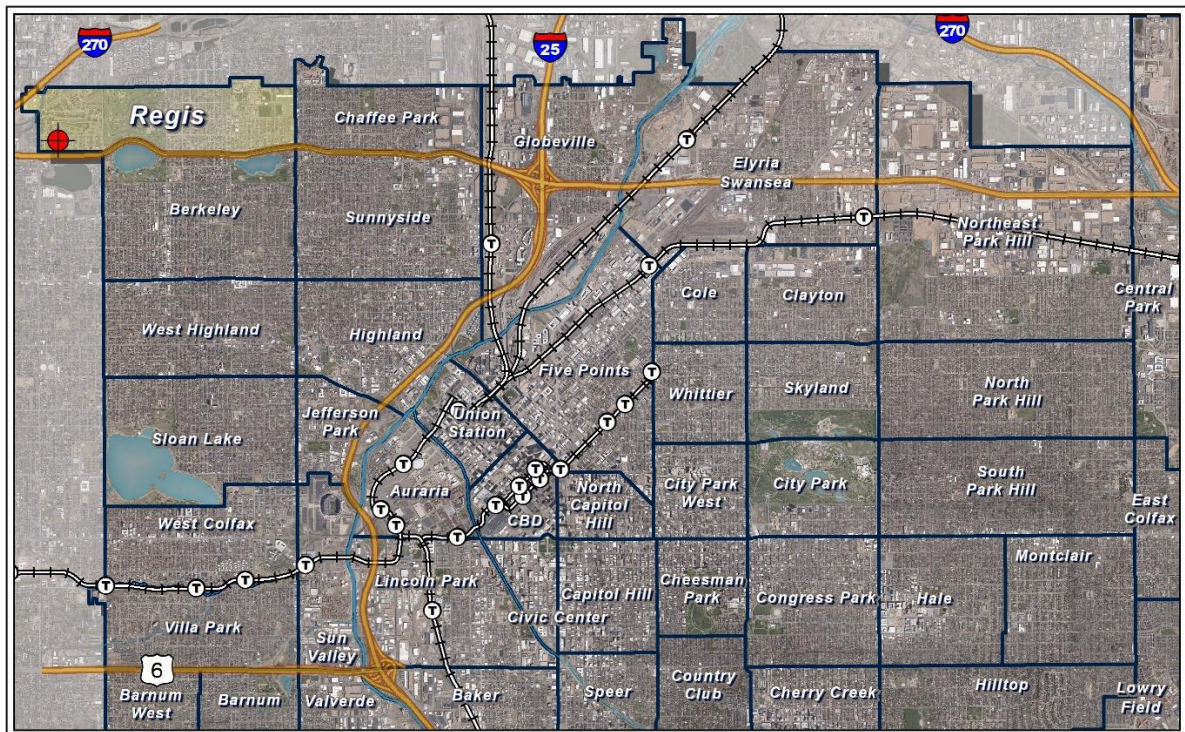
Summary of Rezoning Request

- The subject property contains a single-unit home built in 1954 located between West 48th Avenue and West 49th Avenue, along North Fenton 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 (6,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Edge Neighborhood Context which is characterized by elements from the Urban and Suburban neighborhood contexts and is primarily single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures can be either the Urban or Suburban House building form. The maximum height of both the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, and 17 to 19 feet in the rear 35% of the zone lot. The Suburban House building form allows up to 30 to 35 feet in height for the entirety of the zone lot depth, with a shorter side bulk plane. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 4 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location – Regis



1. Existing Context



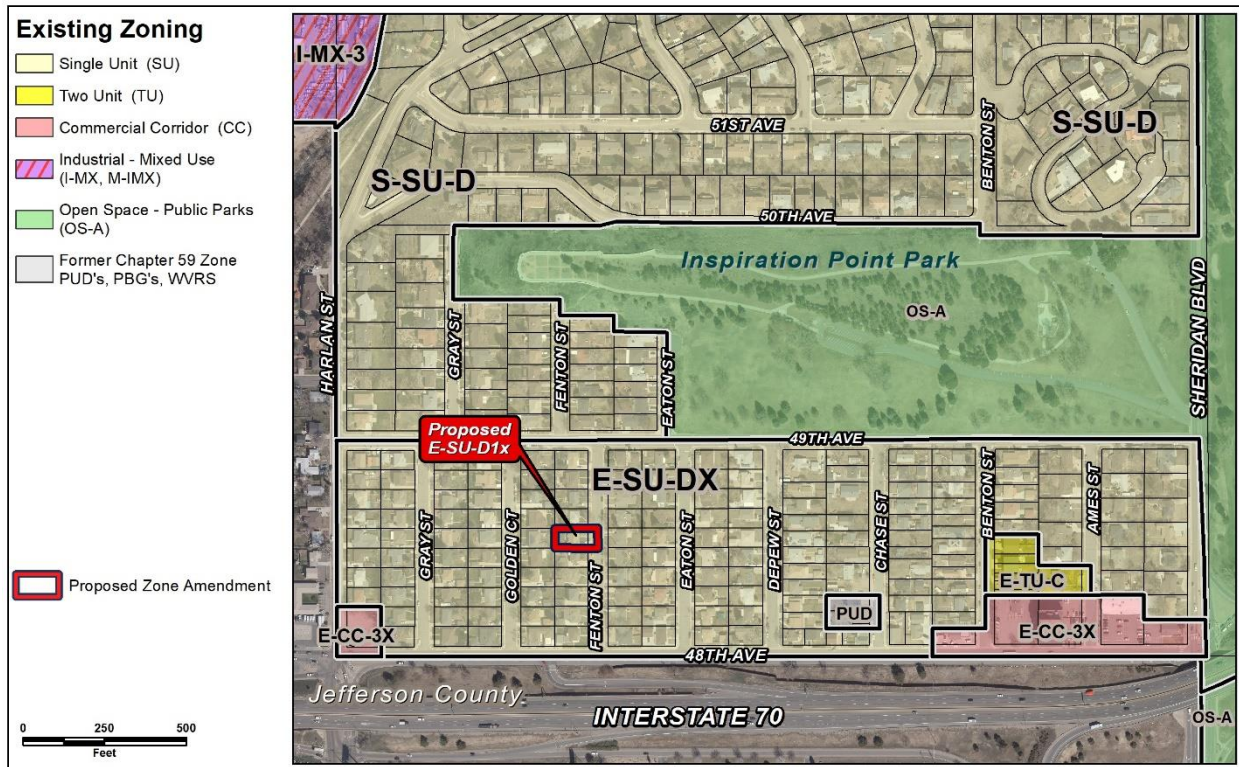
The subject property is in the Regis statistical neighborhood, which is characterized mostly by single-unit residential uses, with some multi-unit residential uses nearby. Generally, there is a pattern of rectangular blocks in a street grid pattern nearby, with block patterns becoming more irregular north of West 50th Avenue. The subject property is one half of a block north of West 48th Avenue and Interstate 70, approximately one and a half blocks south of Inspiration Point Park, six blocks west of Willis Case Municipal Golf Course, and three blocks east of North Harlan Street. RTD Bus Route 51 runs east-west along West 48th Avenue and has a bus stop one half of a block southwest of the subject property.

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 on N Fenton Street	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Sidewalks are attached. Detached
North	E-SU-Dx	Single-unit Residential	1 story house on N Fenton Street	
South	E-SU-Dx	Single-unit Residential	1 story house with detached garage on N Fenton Street	

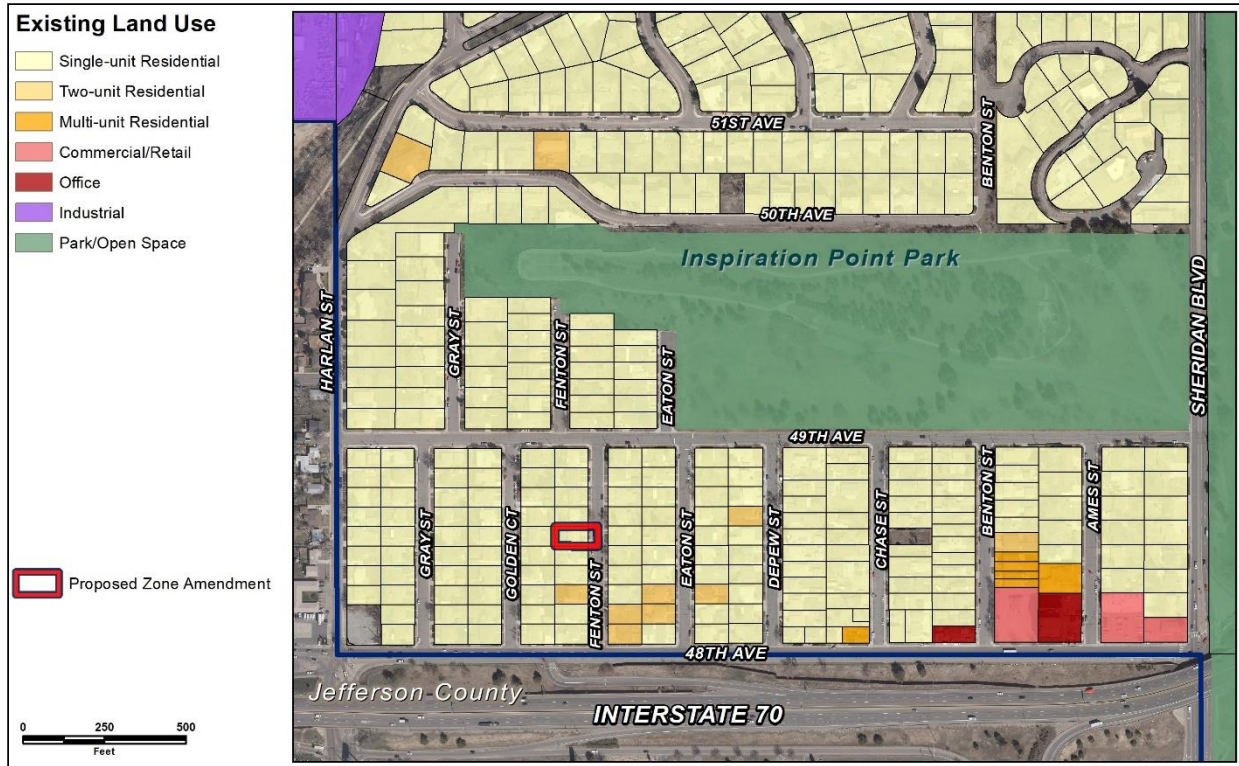
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	E-SU-Dx	Single-unit Residential	1 story house on N Fenton Street	garages and on-street vehicle parking.
West	E-SU-Dx	Single-unit Residential	1 story house on N Golden Court	

2. Existing Zoning



The E-SU-Dx zone district is a single-unit district allowing both the Urban House and Suburban House primary building forms on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet. Additionally, the Urban House form allows for a maximum of 1 story or 17 feet to 19 feet in the rear 35% of the zone lot. E-SU-Dx allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

3. Existing Land Use Map



4. Existing Building Form and Scale (all images from Google Maps)



Subject Site - View of the subject property, looking east.



North - View of the properties to the north, looking northeast.



South - View of properties to the south, looking east.



East - View of properties to the east, looking west.

Rezoning Application #20221-00251

4855 N Fenton St

June 15, 2023

Page 7



West - View of the properties to the west (on Golden Ct), looking west.

Proposed Zoning

E-SU-D1x is a single-unit zone district with a minimum zone lot size of 6,000 square feet allowing both the Urban House and Suburban House primary building forms. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1x district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. The subject site has a lot size of 6,210 square feet, allowing a maximum gross floor area of 864 square feet for the ADU.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
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/35 feet	2.5 stories/35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	2.5 stories/35 feet Suburban House 1 story/17-19 feet Urban House	2.5 stories/35 feet Suburban House 1 story/17-19 feet Urban House
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	10 feet / 10 feet Suburban House 17 feet / 10 feet Urban House	10 feet / 10 feet Suburban House 17 feet / 10 feet Urban House
DADU Maximum Heights 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 (Min.)	Yes / 20 feet	Yes / 20 feet
Side Interior Setback (Min.)*	7.5 feet Suburban House 5 feet Urban House	7.5 feet Suburban House 5 feet Urban House
Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5%	37.5%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 75 feet

**1' for every 3' increase in side setback up to a maximum height of 19'

Summary of City Agency Referral Comments

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

Assessor: Approved – No Response.

Asset Management: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Comments.

Development Services – Project Coordination: Approved – No Comments.

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below.

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Independent sanitary service lines may be required, historical drainage paths must be maintained. An increase in imperviousness and resulting increase in runoff will need to be conveyed to public ROW (Fenton) and not to adjacent neighbor. Sanitary connection to be made to N Fenton public sanitary main. 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. Please show all existing easements on building plans.

Parks and Recreation: Approved – No Comments.

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.

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

Revised Legal Description:

Lot 16,
Block 3,
Inspiration Subdivision,

Rezoning Application #20221-00251
4855 N Fenton St
June 15, 2023
Page 10

City and County of Denver,
State of Colorado.

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:	1/31/2023
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:	3/21/2023
Planning Board voted unanimously via the consent agenda to recommend approval to the City Council.	4/5/2023
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:	4/14/2023
Land Use, Transportation and Infrastructure Committee of the City Council:	4/25/2023
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:	5/30/2023
City Council Public Hearing:	6/20/2023

- **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 any comment 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)

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 Regis 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.

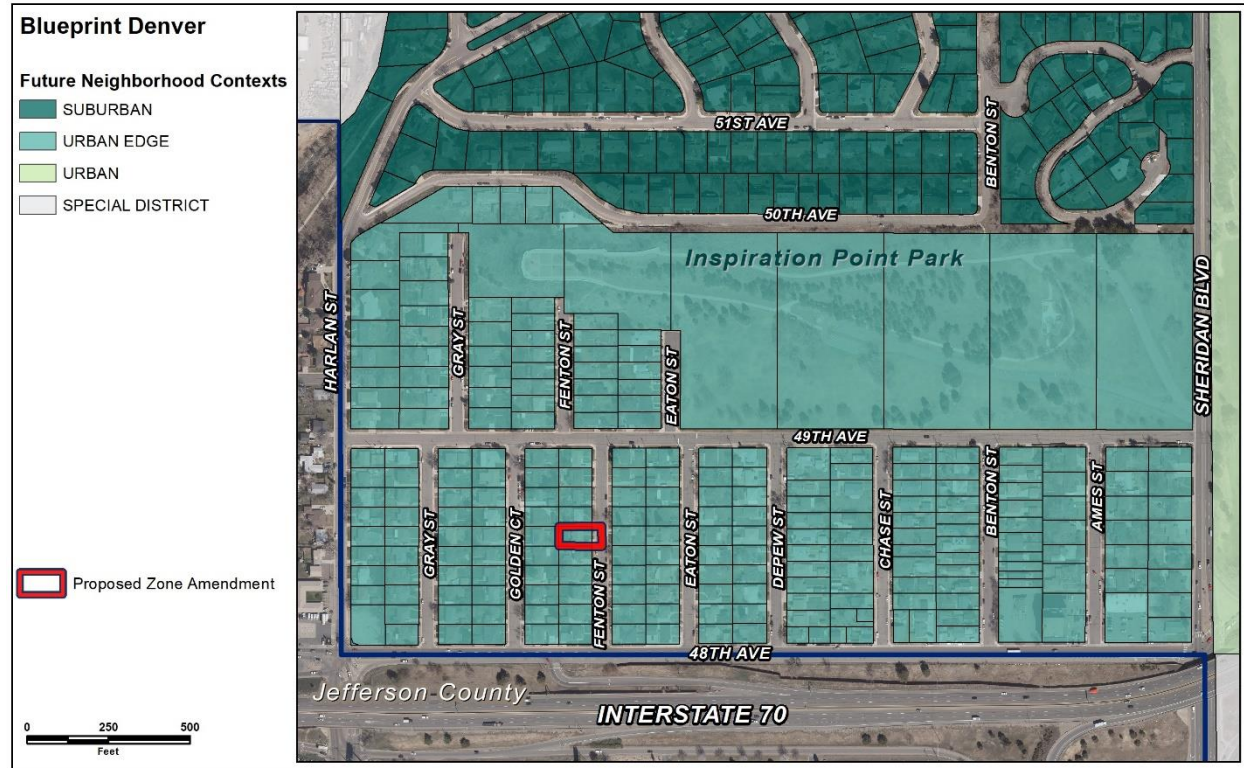
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

The proposed map amendment will allow an additional housing unit on the site of an existing single-unit 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 Residential Low place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

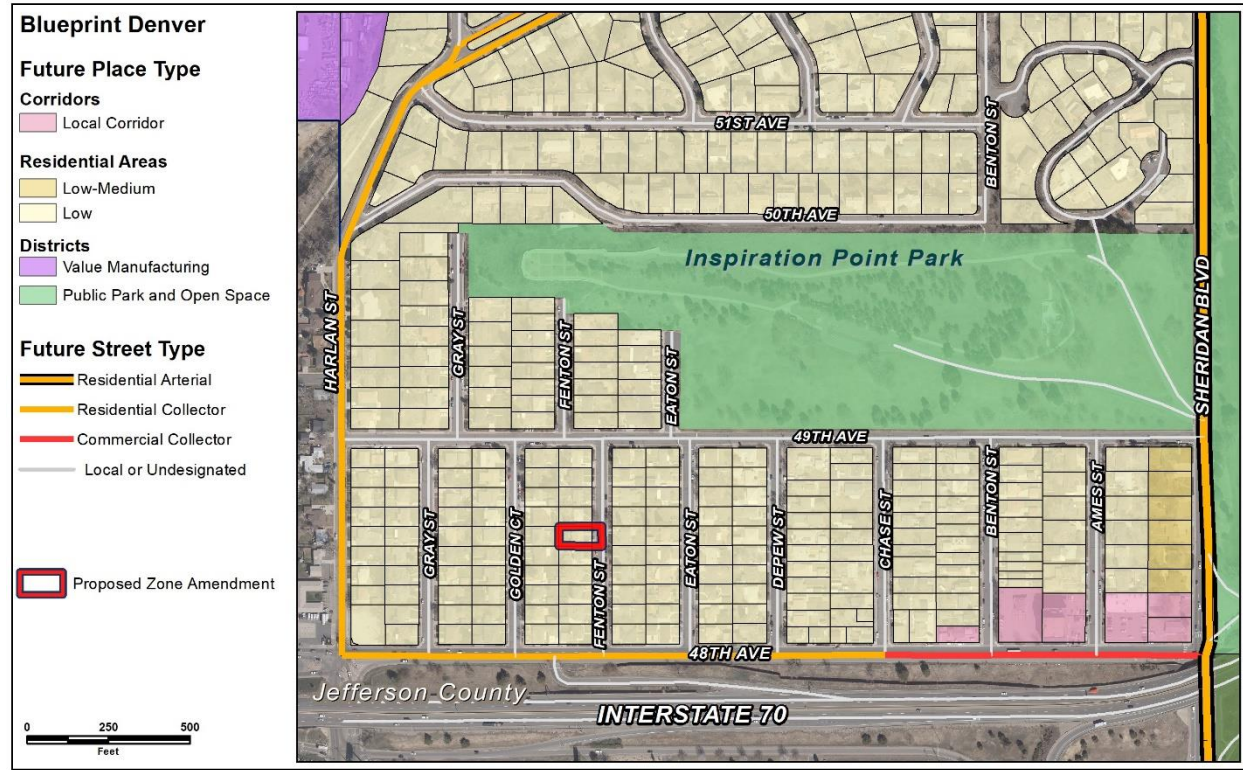
Blueprint Denver Future Neighborhood



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as “predominately residential and tends to act as a transition between urban and suburban areas” with “good walkability with short, predictable blocks” (p. 205).

E-SU-D1x 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-SU-D1x is consistent with the *Blueprint Denver* future neighborhood context of Urban Edge because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

Blueprint Denver Future Place

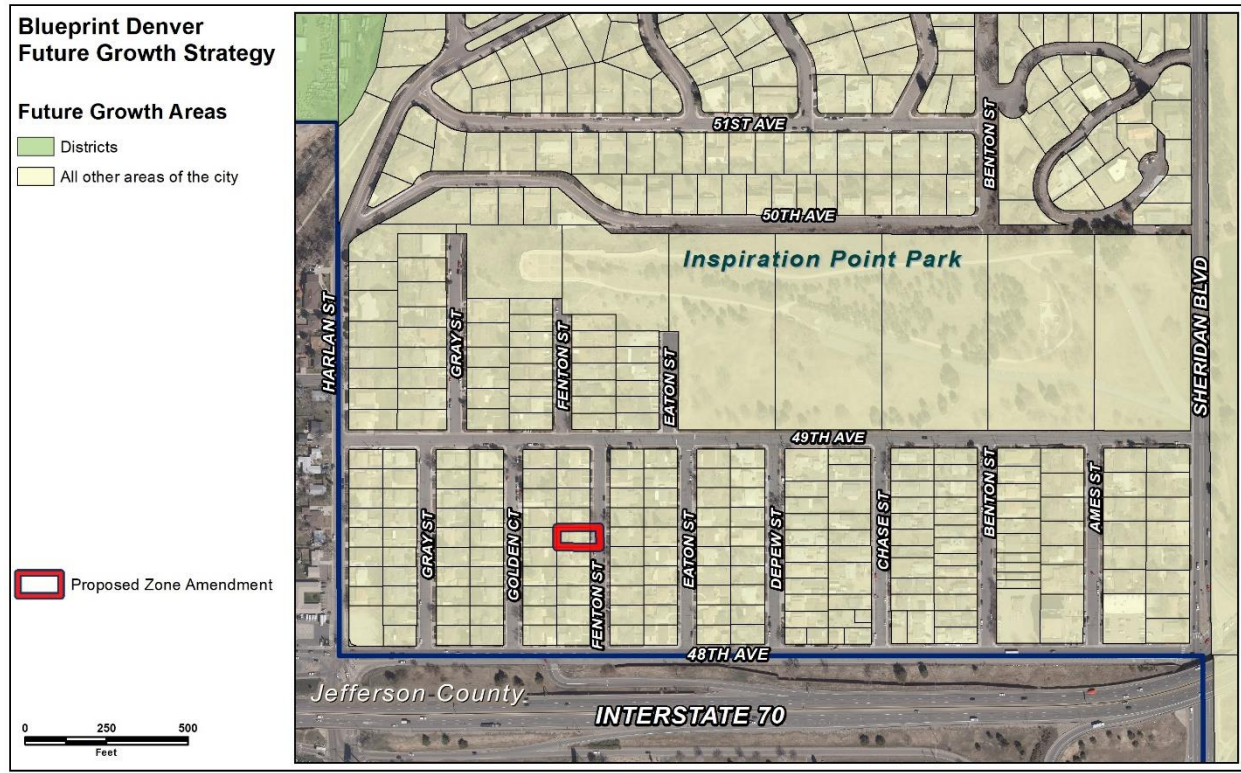


The subject site is designated within a Residential Low future place on the *Blueprint Denver* Future Places map. This place type is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 214). E-SU-D1x is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, consistent with the Residential Low future place description. It allows the Urban House and Suburban House primary building forms, which have a maximum height of 2.5 stories, also consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies North Fenton Street and West 49th Avenue as Local Future Street Type, along which the land use and built form is described as, “most often characterized by residential uses” (p. 160). West 48th Avenue is classified as a Residential Collector Future Street Type, which are described as serving “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160). The proposed E-SU-D1x district is consistent with these descriptions because it allows for residential and some civic uses.

Blueprint Denver Growth Strategy



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040” (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to E-SU-D1x will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver Strategies

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

- 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 lot in a residential area within walking distance of a bus route. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-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 which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

The application identifies the adoption of *Blueprint* 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. The neighborhood context is "primarily single-unit and two-unit residential uses" and "single-unit residential structures are typically the Urban House and Suburban House building forms" (DZC, Division 4.1). These areas consist of a "regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid" (DZC, Division 4.1). The Regis neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." It accommodates one and two and a half story urban and suburban house forms oriented towards the street in the single unit districts. This is consistent with the E-SU-D1x district

Rezoning Application #2022I-00251

4855 N Fenton St

June 15, 2023

Page 17

as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban Edge neighborhood context

The specific intent of the E-SU-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” (DZC 4.2.2.2.G). The subject site is in an area where Urban and Suburban Houses and lots over 6,000 square feet are common. The site at 4855 N Fenton Street is 6,210 square feet with a width of approximately 60 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

Attachments

1. Application