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TO: Land Use, Transportation, and Infrastructure Committee
FROM: Joe Green, Associate City Planner
DATE: June 13, 2024
RE: Official Zoning Map Amendment Application #2024I-00016

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 #2024I-00016 forward for consideration by the full City Council.

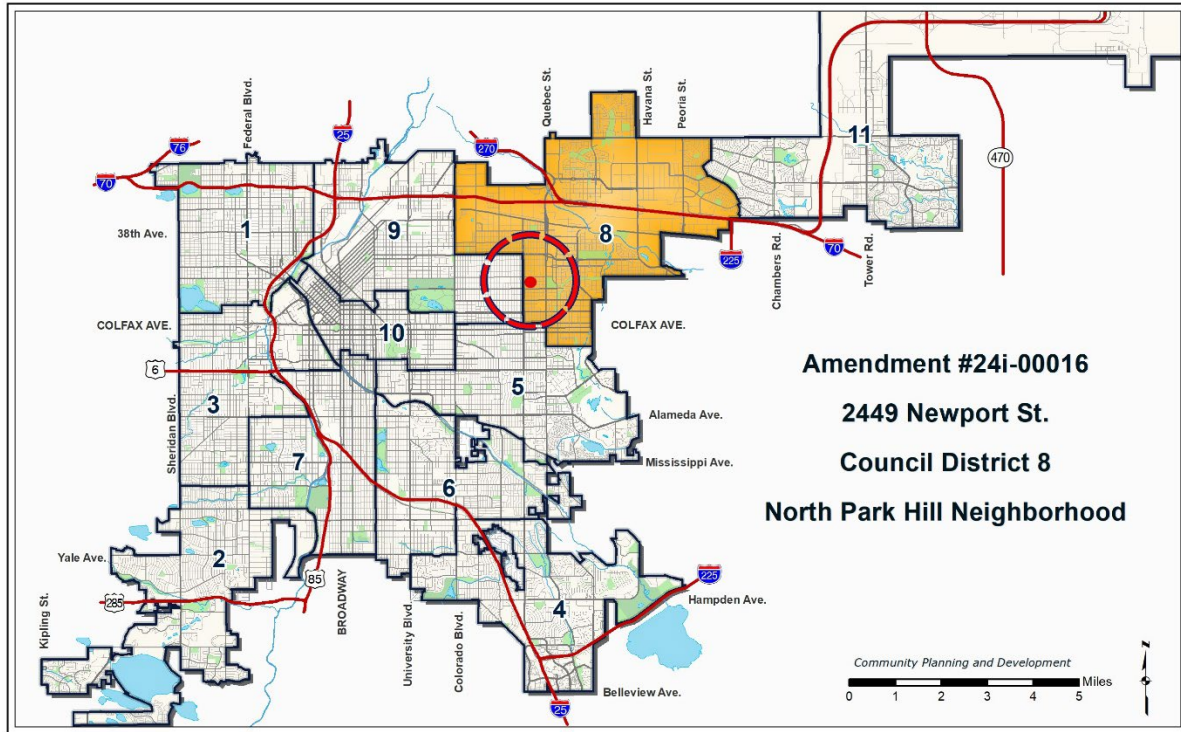
Request for Rezoning

Address: 2449 N Newport Street
Neighborhood/Council District: North Park Hill/Council District 8 – Shontel Lewis
RNOs: Inter-Neighborhood Cooperation (INC), Strong Denver, East Denver United Neighbors, Greater Park Hill Community Inc., Opportunity Corridor Coalition of United Residents
Area of Property: 6,710 square feet or ~0.15 acres
Current Zoning: E-SU-DX
Proposed Zoning: E-SU-D1X
Property Owner(s): Amy Kuo & Matt Alessio
Owner Representative: None

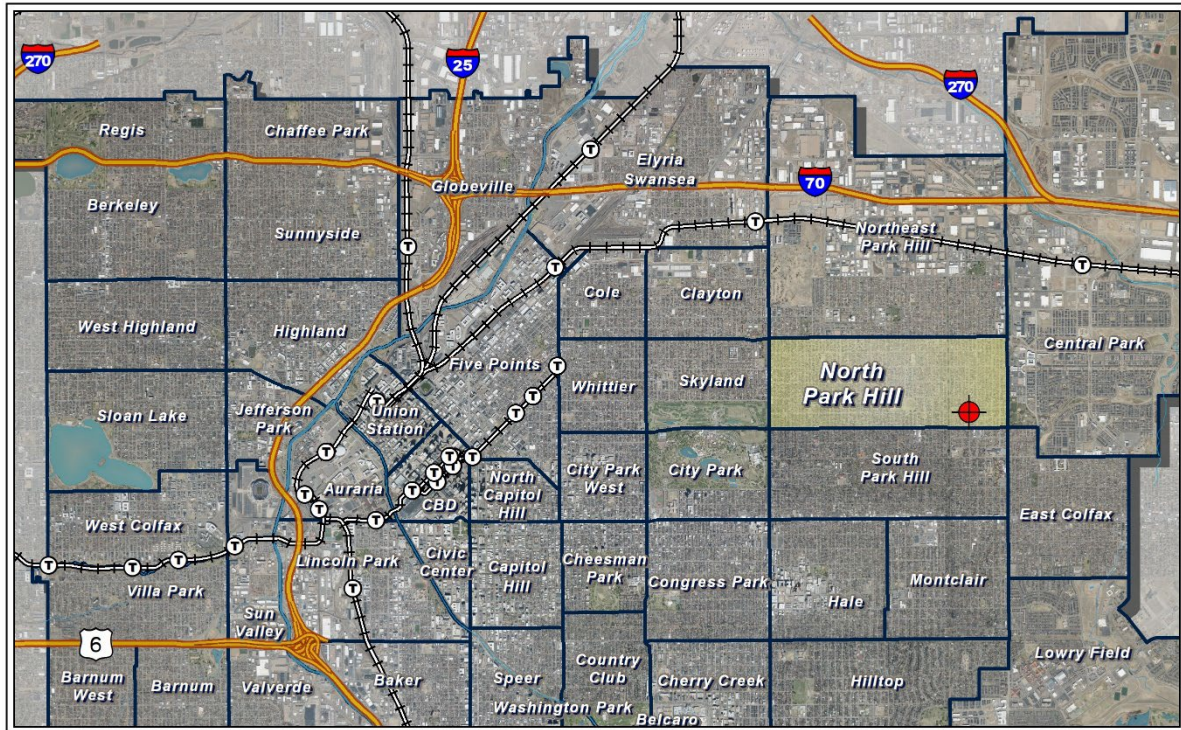
Summary of Rezoning Request

- Planning Board recommended approval for this item and had no comments.
- The subject property contains a one-story, single-unit dwelling built in 1947. The property is located between East 25th and East 24th Avenue, along North Newport 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 and requires 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. Residential structures are typically the Urban House and Suburban House building forms, which have a maximum building height of 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).

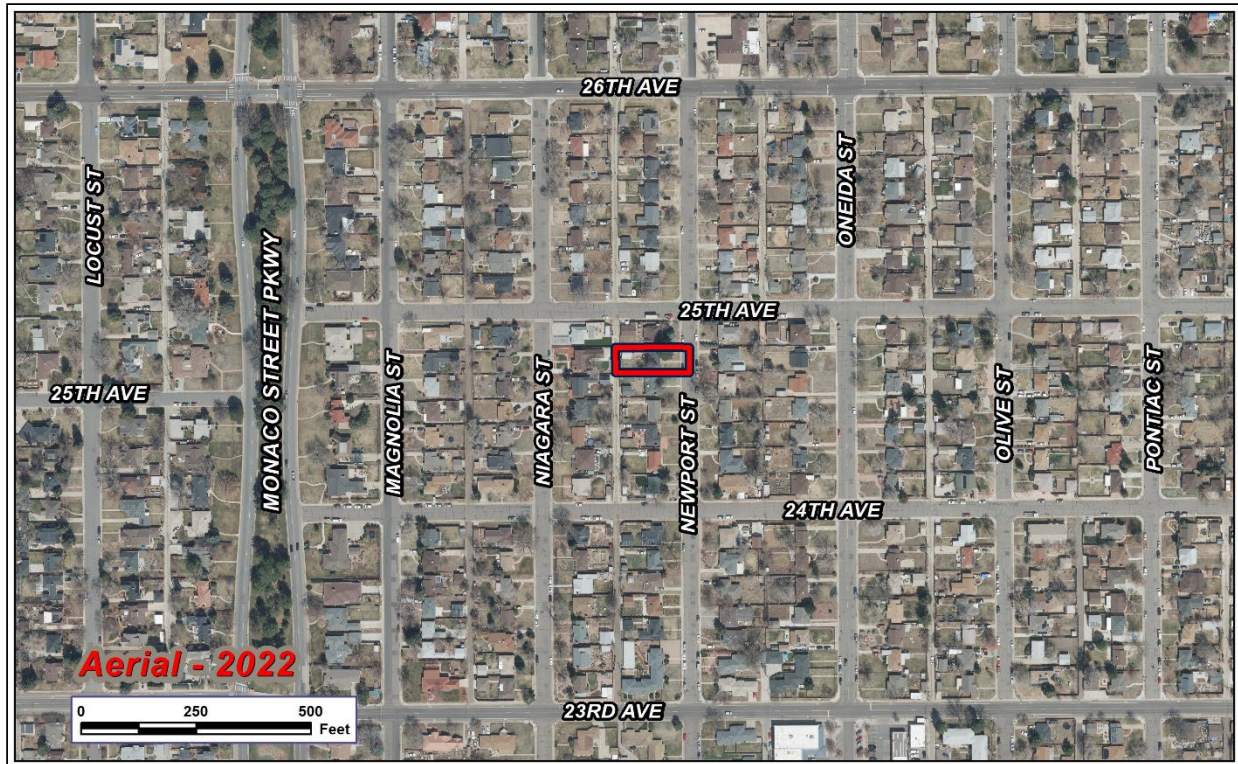
City Location



Neighborhood Location – North Park Hill Neighborhood



Existing Context

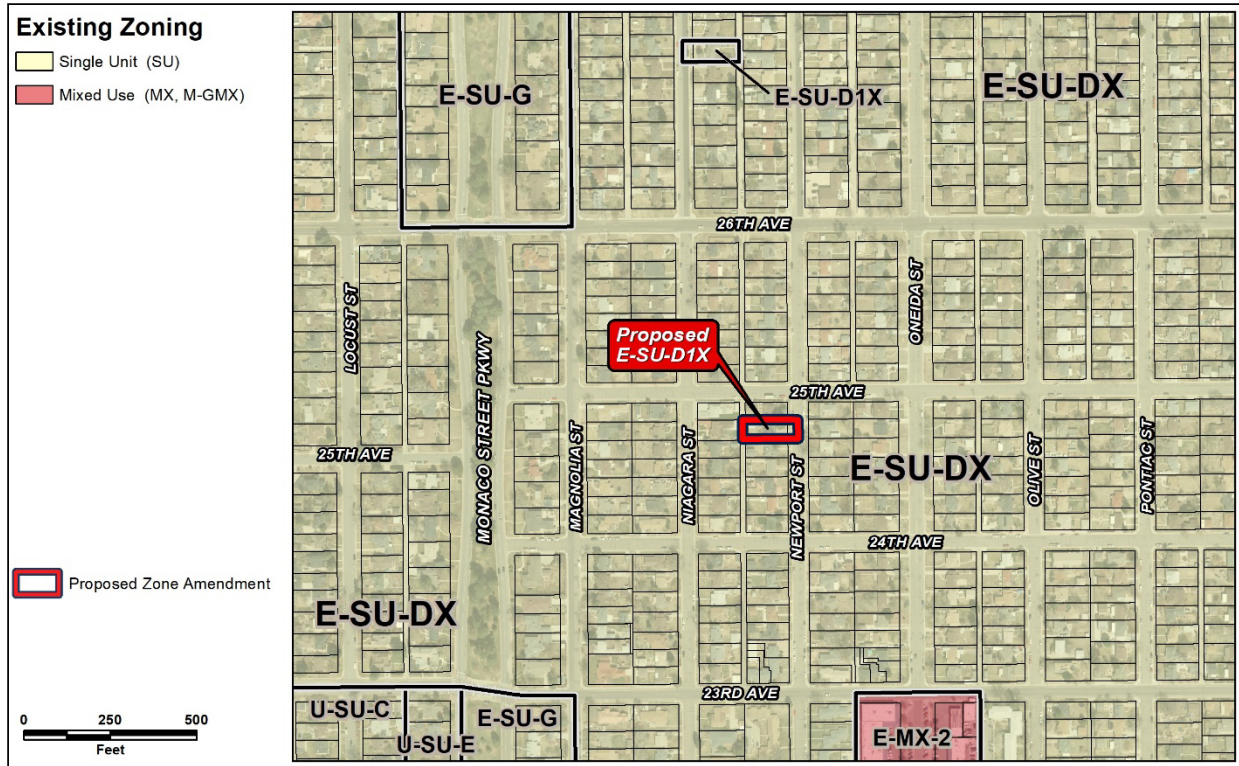


The subject property is in the North Park Hill neighborhood, which is characterized by predominately single-unit residential uses with embedded two-unit residential, multi-unit residential, commercial/retail, and public/quasi-public uses throughout. Bus Route 20 runs along 23rd Avenue two blocks south of the site, while Bus Route 65 runs along Monaco Parkway to three blocks to the west.

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

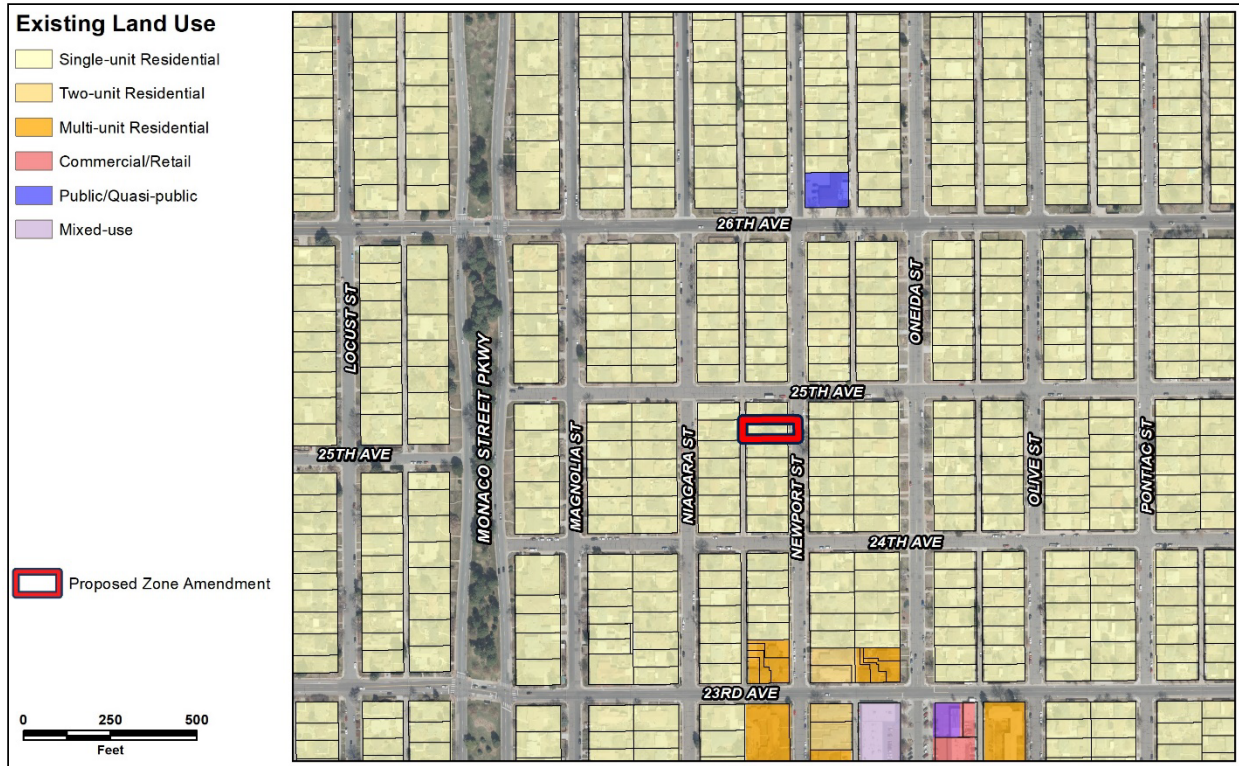
| | Existing Zoning | Existing Land Use | Existing Building Form/Scale | Existing Block, Lot, Street Pattern |
|-------|-----------------|-------------------------|--|--|
| Site | E-SU-Dx | Single-unit Residential | 1-story house with a detached garage with alley access | Generally regular grid of streets. Block sizes and shapes are consistent and rectangular, generally with access to 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-story house with a detached garage with alley access | |
| East | E-SU-Dx | Single-unit Residential | 1-story house with a detached structure. | |
| West | E-SU-Dx | Single-unit Residential | 1-story house with alley access | |

1. Existing Zoning



E-SU-Dx is a single unit district allowing Suburban and Urban House primary building forms on a minimum zone lot area of 6,000 square feet and a minimum zone lot width of 50 feet. The maximum allowed 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 across the entire lot. The maximum building coverage per zone lot, including accessory structures, is 37.5%, with allowed exceptions. The district allows two accessory structure building forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 15 to 17 feet. No vehicular parking is required for single-unit dwelling uses.

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 east, looking east.



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

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 24 feet and requires a bulk plane rising 10 feet vertically from the side interior or side street zone lot line, then sloping 45 degrees. This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet. For zone lots less than 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.

| 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 / 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 | 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: Approve Rezoning Only - Will require additional information at Site Plan Review

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

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – No Response

Parks and Recreation: Approved – No Comments.

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

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

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

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

Public Review Process

| | Date |
|---|----------------------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners: | 04/10/2024 |
| 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: | 05/21/2024 |
| Planning Board public hearing: | 06/05/2024 |
| 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: | 06/04/2024 |
| Land Use, Transportation and Infrastructure Committee of the City Council | 06/18/2024 |
| 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: | 07/15/2024 (tentative) |
| City Council Public Hearing: | 08/05/2024 (tentative) |

Registered Neighborhood Organizations (RNOs)

To date, staff has not received comment letters from Registered Neighborhood Organizations.

Other Public Comment

To date, staff has received one letter of support 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 (2000)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with the following 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 and introduces a new housing type to a largely single-unit 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.

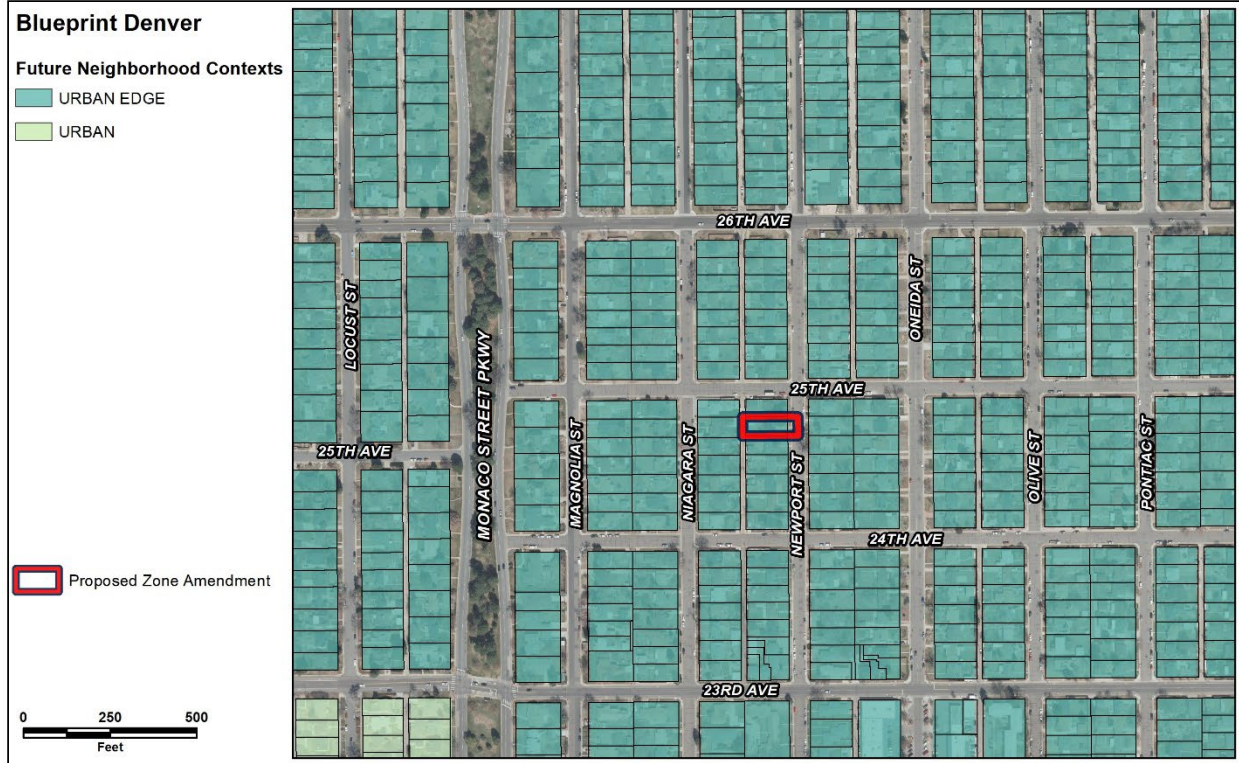
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

The proposed rezoning 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.

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

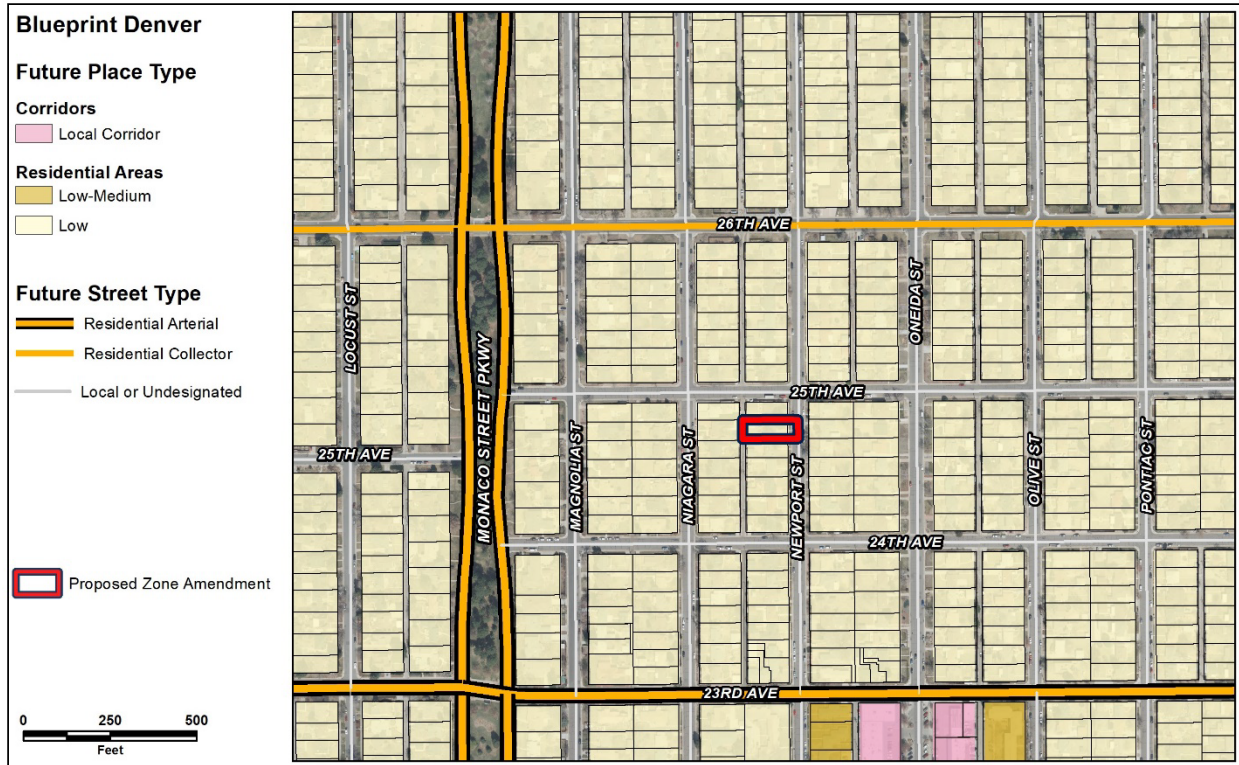


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between the land use, built form, and mobility between neighborhoods. The subject property is shown as the Urban Edge Neighborhood Context, which is described as follows: “Residential areas generally are single-unit 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 in 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

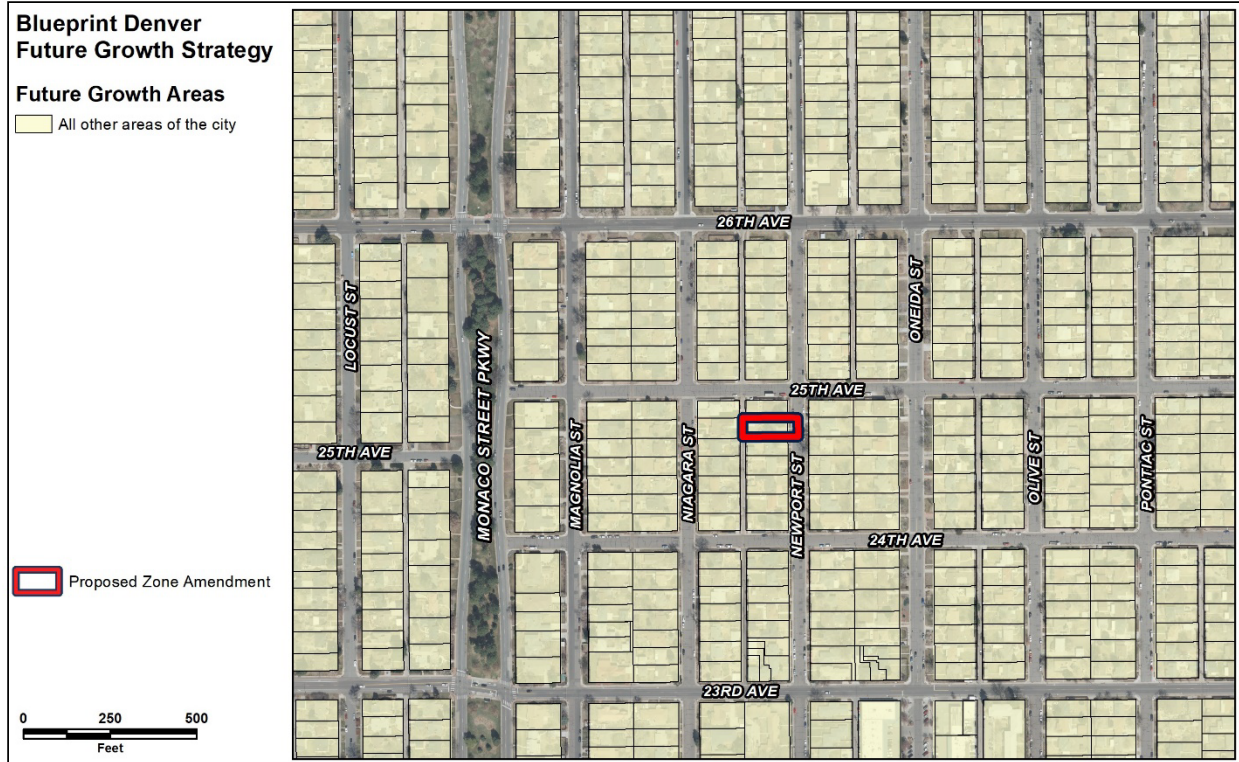


Within the Urban Edge Neighborhood Context, the subject property is categorized as a Residential Low Future Place with a land use and built form defined by *Blueprint Denver* as “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and 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 detached ADU on the rear of a 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 Newport 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 two blocks 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 the zone district’s 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 plans.

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 2449 North Newport Street contains a single-unit dwelling on a lot of 6,710 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