



TO: Denver City Council
FROM: Valerie Herrera, Senior City Planner
DATE: May 23, 2022
RE: Official Zoning Map Amendment Application #2021I-00174

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2021I-00174.

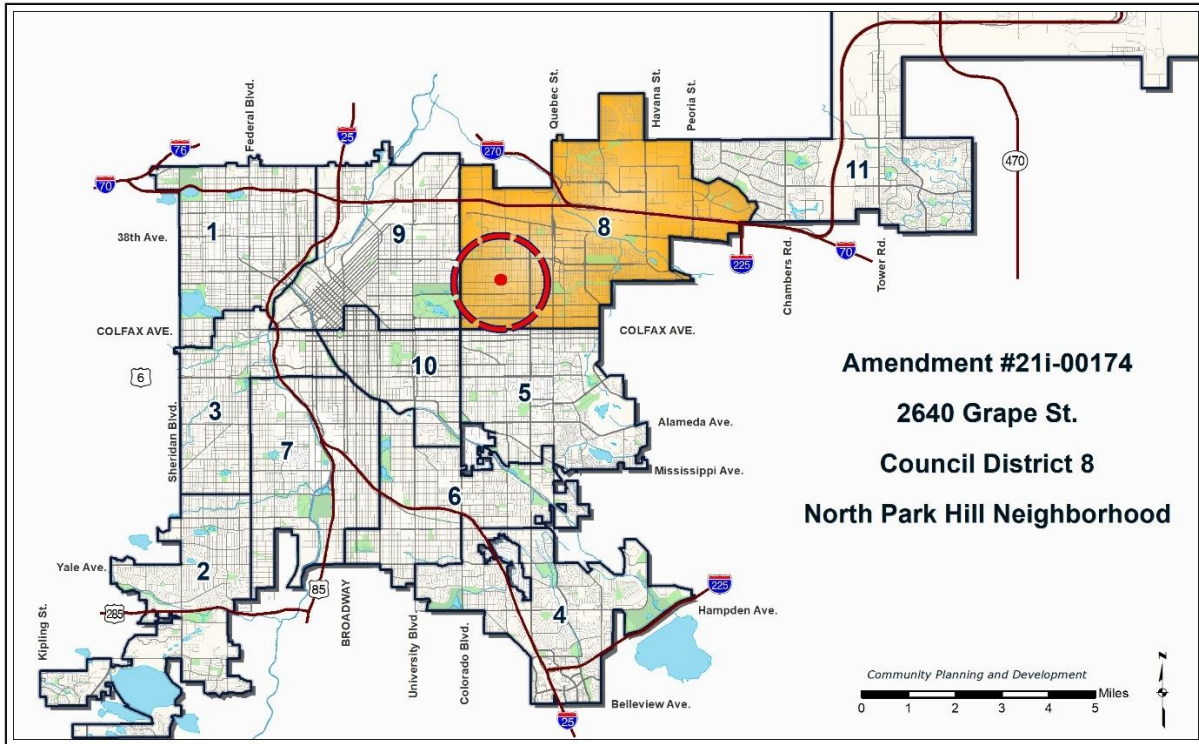
Request for Rezoning

Address:	2640 North Grape Street
Neighborhood/Council District:	North Park Hill / Council District 8
RNOs:	Inter-Neighborhood Cooperation (INC) Greater Park Hill Community, Inc. Opportunity Corridor Coalition of United Residents City Park Friends and Neighbors (CPFAN) United Northeast Denver Residents East Denver Residents Council District 8 Neighborhood Coalition, Inc.
Area of Property:	6,190 square feet or 0.14 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Sarah Yael Morris
Owner Representative:	Rebecca P. Aldaco, Zaga Design Group, Inc

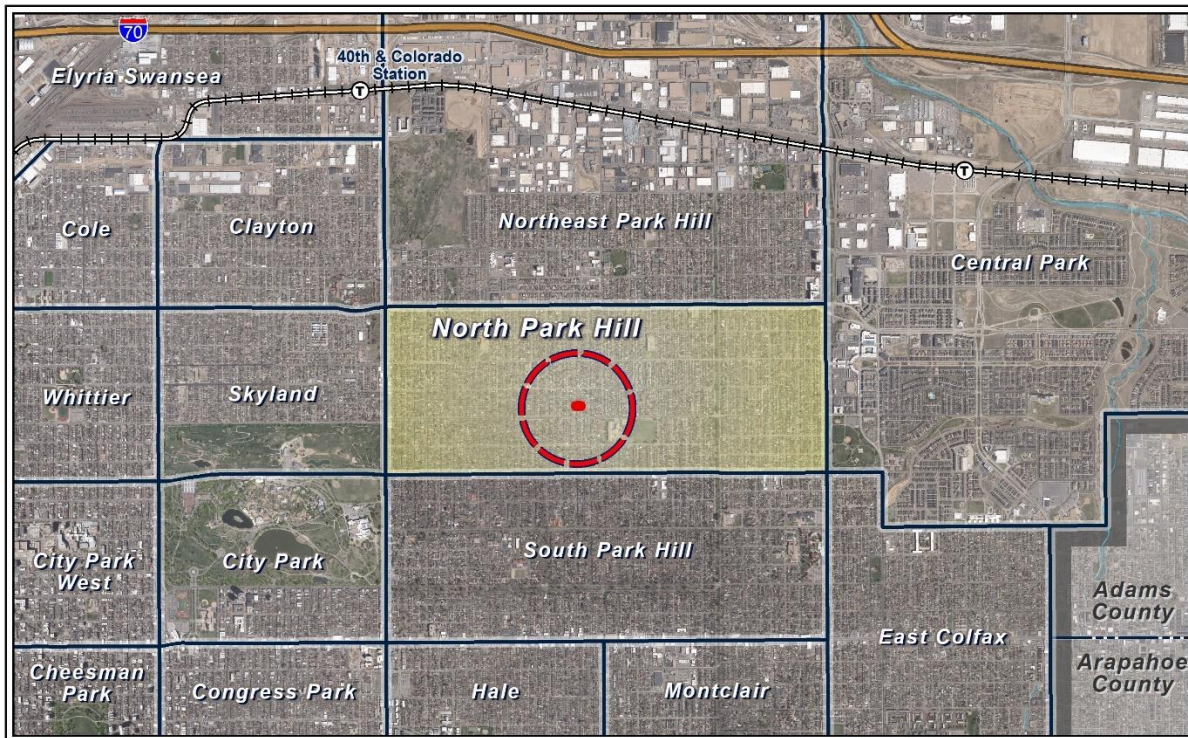
Summary of Rezoning Request

- The subject property contains a single-unit one-story dwelling built in 1953 and a detached garage in the rear. The site is located between East 28th Avenue and East 26th Avenue, along North Grape Street. The property owner is proposing to rezone the property to build 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 a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. The maximum height of the Suburban and Urban House building forms are 30 feet for the front 65% of the zone lot, 30 feet for Suburban and 17 feet for Urban in the rear 35% of the zone lot. 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).

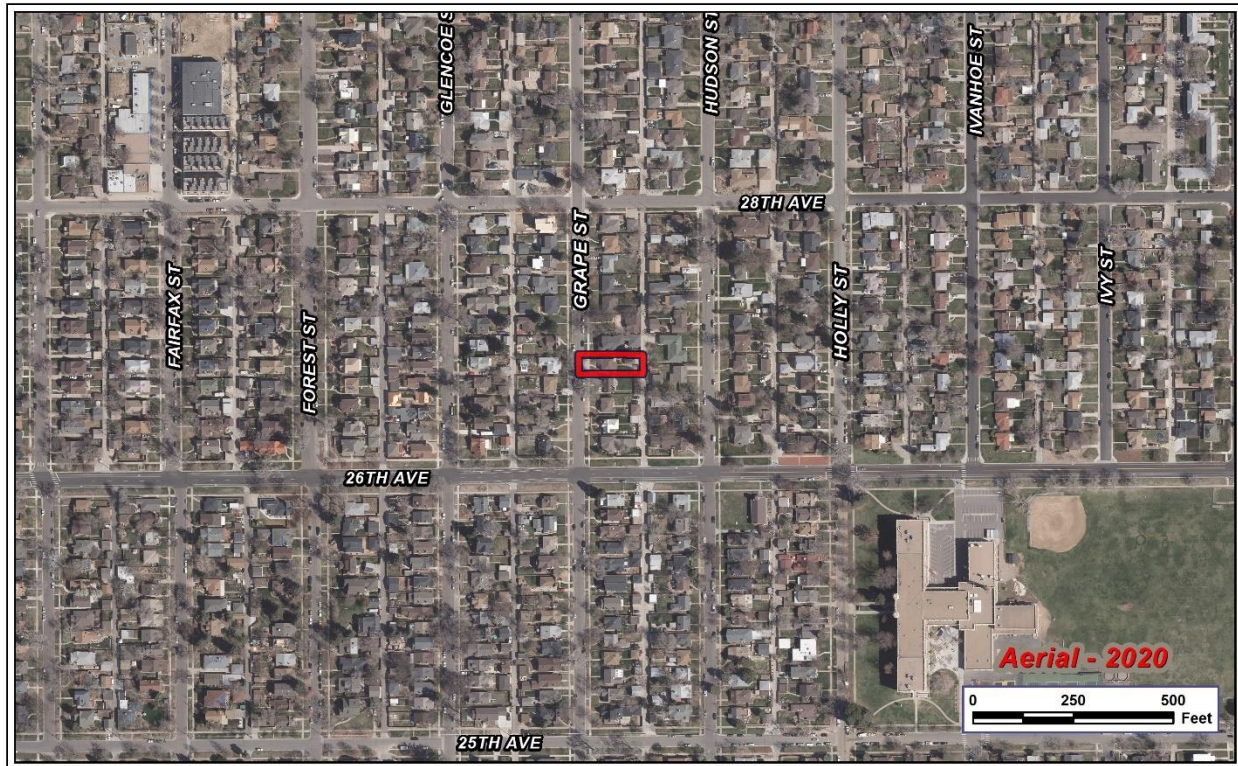
City Location



Neighborhood Location – North Park Hill



1. Existing Context



The subject property is in the North Park Hill statistical neighborhood, which is characterized primarily by single-unit residential uses. Two-unit and multi-unit residential uses can also be found throughout the neighborhood north of East Martin Luther King Blvd. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is near a few different public/quasi-public existing land uses, including McAuliffe International School, Hallett Academy, and Stedman Elementary School. Looking at transit in the neighborhood, route 28 runs along 28th Avenue north of the property about 1.5 blocks away, and connects west to Colorado Blvd, and east to Quebec Street.

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

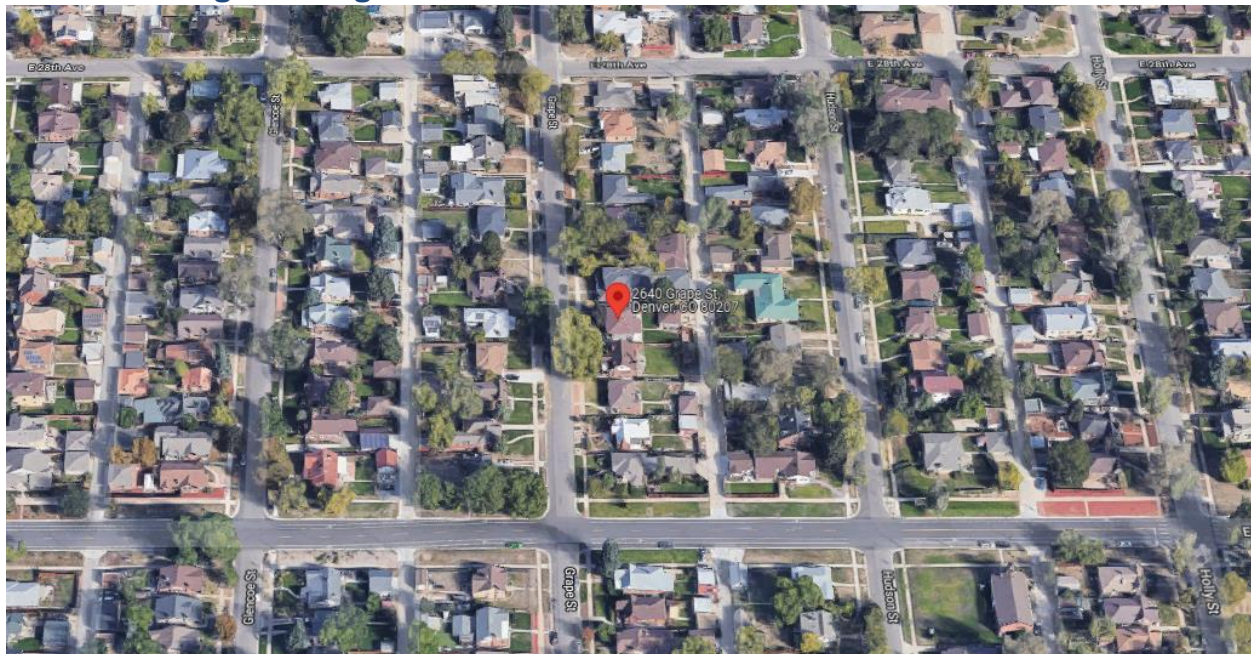
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Driveway and two-car garage in the rear abutting the alley.	Generally regular grid of streets. Block sizes and shapes are consistent and generally a pattern of rectangular blocks. Detached sidewalks with tree lawns and
North	E-SU-Dx	Single-unit Residential	2 -story brick residence with moderate setback. Accessory structure	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			located in the rear. No driveway or curb cut.	existing alleys. Detached garages and on-street vehicle parking are consistent throughout the neighborhood.
South	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Driveway and garage in the rear abutting the alley.	
East	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Driveway and two-car garage in the rear abutting the alley.	
West	E-SU-Dx	Single-unit Residential	1-story brick residence with moderate setback. Accessory structure located in the rear. No driveway or curb cut.	

3. Existing Land Use Map



4. Existing Building Form and Scale



Aerial view of the subject site, looking north. (Google Maps)



View of subject property looking east. (Google Street View)



View of the rear of the lot from the alley, looking west. (Google Street View)



View of single-unit properties across North Grape Street from the subject property, looking west.
 (Google Street View)

Proposed Zoning

E-SU-D1x is a single-unit zone district with a minimum zone lot of 6,000 square feet that allows Suburban and Urban House primary building forms. A variety of residential and civic uses are permitted as primary uses in the E-SU-D1x district. Compared to the E-SU-Dx district, E-SU-D1x introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 6,190 square feet, allowing a maximum building footprint of 864 square feet for the detached accessory dwelling unit.

The primary 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	Suburban and Urban House	Suburban and Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 stories / 30 feet	2.5 stories / 30 feet for both building forms allowed: Suburban and Urban
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 30 feet	1 story / 30 feet (Suburban) 1 story / 17 feet (Urban)
DADU Maximum Height in Stories / Feet	DADUs not permitted	1.5 stories / 24 feet
Zone Lot (Min.)	6,000 square feet	6,000 square feet
Minimum Zone Lot Width (Min.)	50 feet	50 feet

Primary Street Block Sensitive Setback Required / If not*	20 feet	20 feet
Side Street Setback (Min.)	5 feet	5 feet
Side Interior Setback (Min.) *	5 feet	5 feet
Rear 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 Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

* Based on zone lot width of 50 feet

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 Comments

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Comments

Department of Public Health and Environment: Approved – No Comments

Denver Parks and Recreation: Approved – No Comments

Transportation and Infrastructure – R.O.W.- City Surveyor:

Denied January 24, 2022 - Provided legal description is the truncated version from the CCD Assessor's webpage. The correct legal description is, as referenced from the most recent vesting instrument in the chain of title: *Lots 15 and 16, except the North 2 feet of the rear 28 feet of said Lot 15, Block 25, Park Hill Annex, City and County of Denver, State of Colorado.*

Legal Description was corrected and re-submitted by applicant representative on January 27, 2022 and approved by the City Surveyor.

Development Services – Project Coordination: Approved - No Comments

- 1) Any new development on the property will need to meet the zone district and building form standards.
- 2) Zoning and building permits plans will need to be reviewed and approved. The residential review team will process and review plans.

Development Services – Fire Protection: Approved - No Comments

Development Services – Transportation: Approved – No Comments

Development Services- Wastewater: Approved - See Comments Below

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:	01/04/2022
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:	03/01/2022
Planning Board public hearing:	03/16/2022
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:	03/15/2022
Land Use, Transportation and Infrastructure Committee of the City Council:	03/29/2022
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:	05/02/2022
City Council Public Hearing:	05/23/2022

- **Registered Neighborhood Organizations (RNOs)**
 - To date, no comments have been received from RNOs or 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
- Blueprint Denver (2019)
- Park Hill Neighborhood Plan (2000)

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 residential 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 neighborhood.

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

The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

Blueprint Denver 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 Residential place within the Urban Edge Neighborhood Context and provides guidance on the future growth strategy for the city.

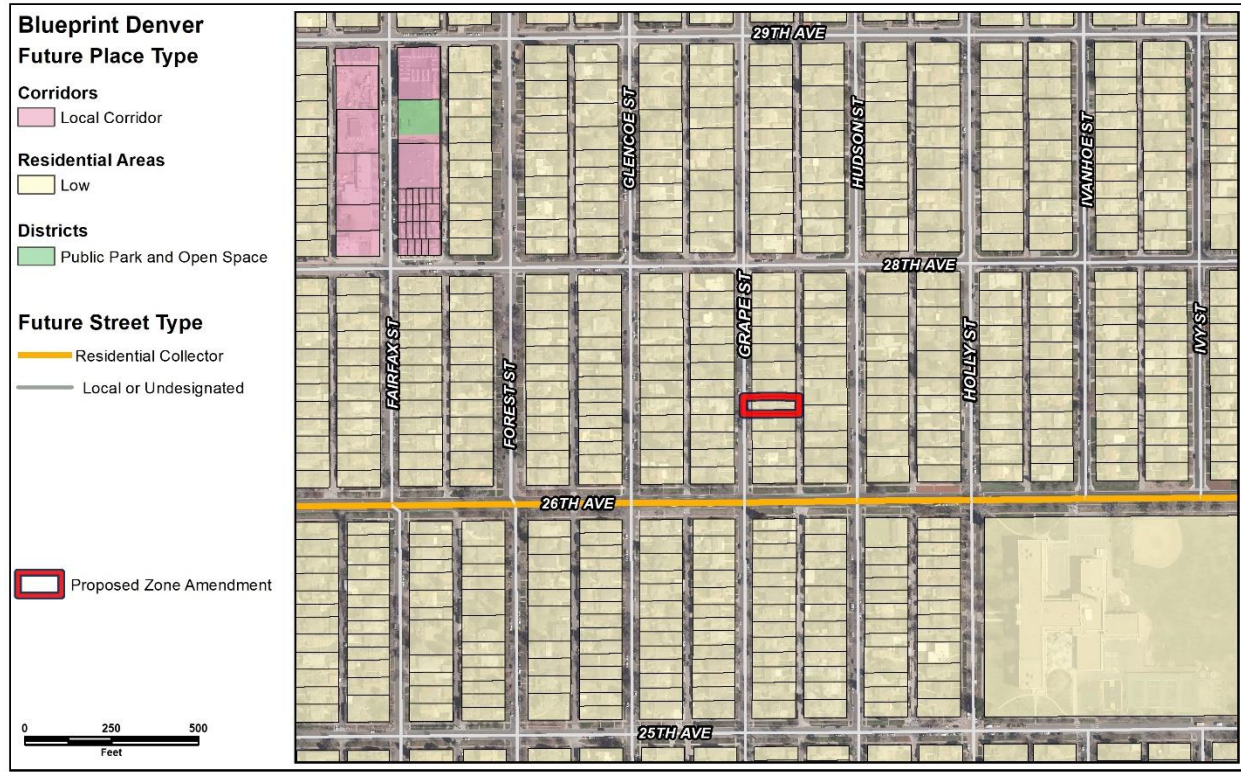
Per *Blueprint Denver*, the Urban Edge context is described as made up of "small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street. Walkable and bikeable with access to transit but still some reliance on cars. Parks of various sizes and scales. Various types of schools, civic and social spaces. Mixed occurrence of tree lawns/planting strips with higher percentage of tree canopy cover." (p. 137).

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 site is shown on the context map as Urban Edge neighborhood context, the description of which is “when a new zone district is proposed for a site, the neighborhood contexts map and description should be used to guide which zone” (p. 66). The Urban Edge neighborhood context is described as containing “elements of the suburban and urban contexts. Small multi-unit residential and commercial areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and generally set back farther from the street.” (p. 136). Urban Edge neighborhood context and is “intended 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.” (DZC Section 4.2.2.1.A.). 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 Places

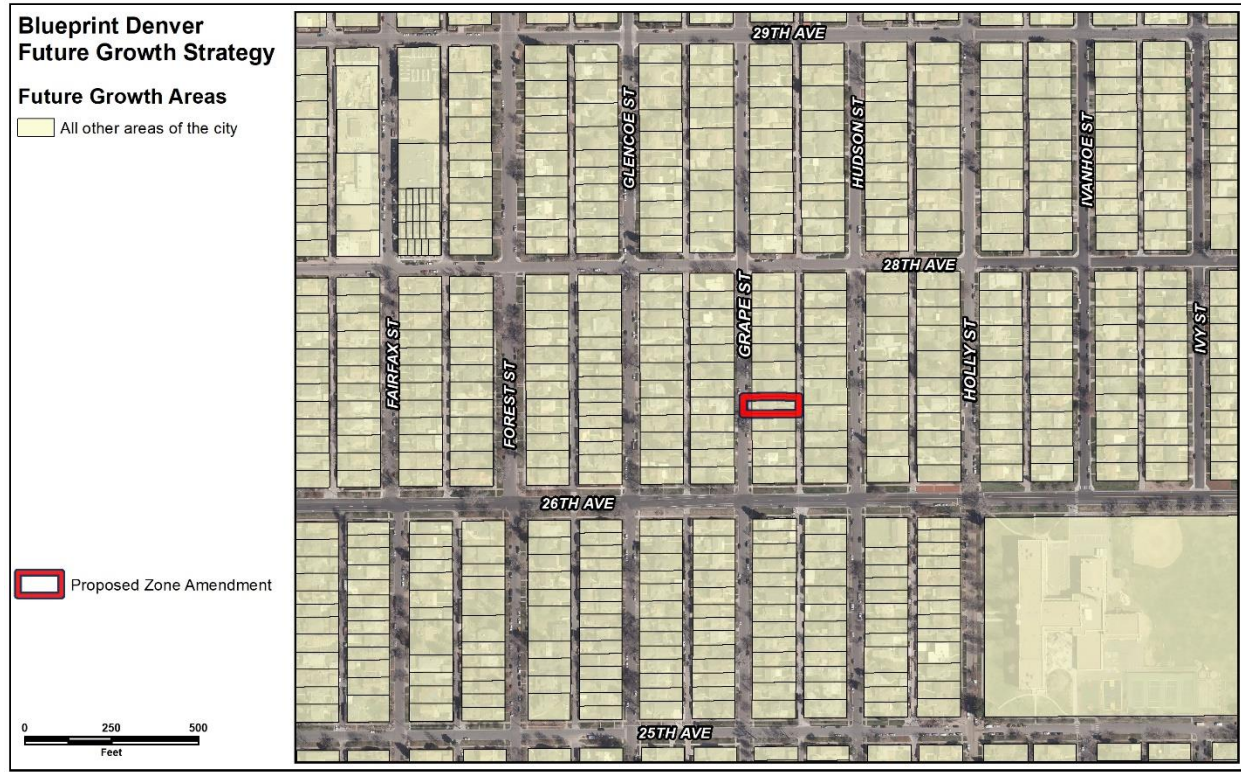


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). E-SU-D1x is a single-unit residential district that allows for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place type description. It allows the Suburban and Urban House building form, which has 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 Grape Street as a Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). The proposed E-SU-D1x district is consistent with this description 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.

Additional Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Policy 4 Strategy E. says "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). This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

Small Area Plan: Park Hill Neighborhood Plan

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 ADU would maintain the existing integrity of Northeast Park Hill and increase the mix of housing options in the neighborhood, which is comprised of single-unit, two-unit, and multi-unit dwellings.

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” (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

4. Justifying Circumstances

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 in 2019 after the date of approval of the existing zone district in 2010. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The intent of the Residential districts 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 requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context.

The neighborhood context is “is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas” and “single-unit residential structures are typically the Urban House and Suburban House building forms.” (DZC, Division 4.1.1). These areas consist of “regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid.” (DZC, Division 4.1).

The North Park Hill neighborhood consists of mostly single-unit residential uses in rectangular blocks with alley access and has a diverse mix of two-unit and multi-unit housing north of East Martin Luther King Blvd. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

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.G.). The site at 2640 North Grape Street is 6,190 square feet with a width of approximately 50 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 2021I-00174