



**TO:** Denver City Council  
**FROM:** Rob Haigh, Associate City Planner  
**DATE:** July 13, 2022  
**RE:** Official Zoning Map Amendment Application #2022I-00005

### **Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval of application #2022I-00005.

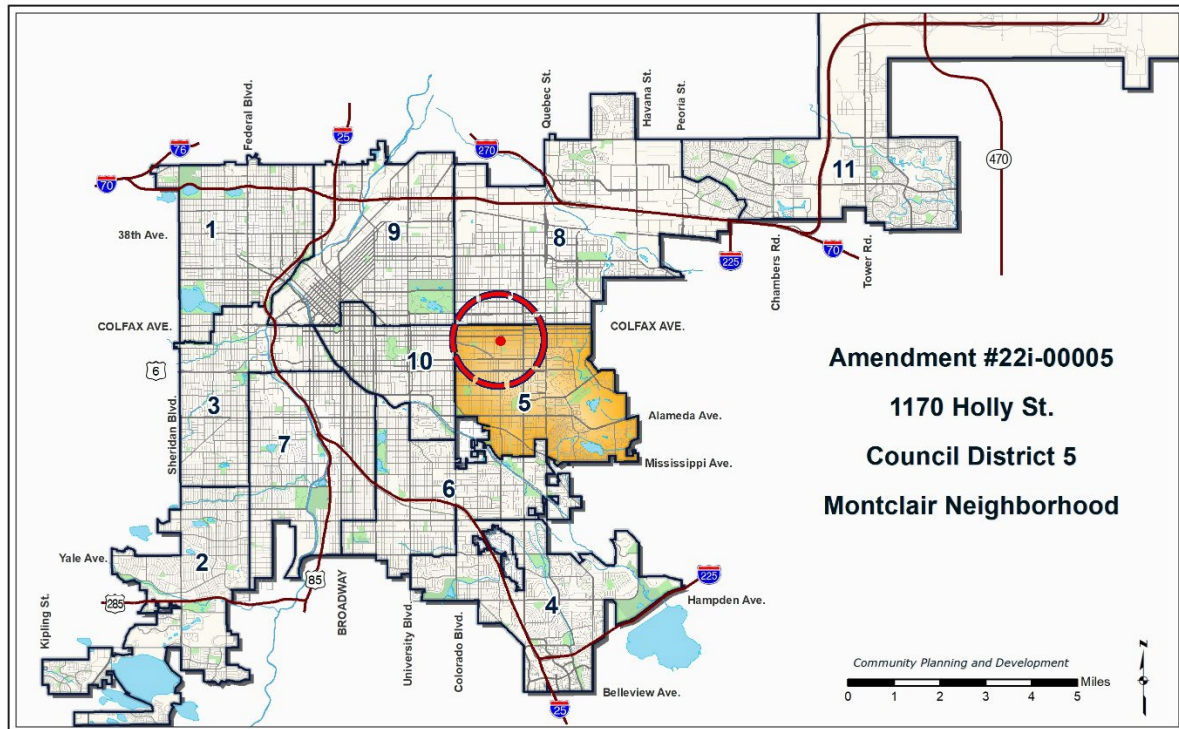
### **Request for Rezoning**

Address:	1170 N Holly Street
Neighborhood/Council District:	Montclair / Council District 5 – Amanda Sawyer
RNOs:	Inter-Neighborhood Cooperation (INC), Historic Montclair Community Assoc. Inc (HMCAI), Mayfair Neighbors, Inc., Council District 5, Council District at Large
Area of Property:	6,420 square feet or ~0.15 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Brandis Lee Csrnko, Michael Anthony Csrnko
Owner Representative:	Bruce O'Donnell, STARBOARD Realty Group LLC

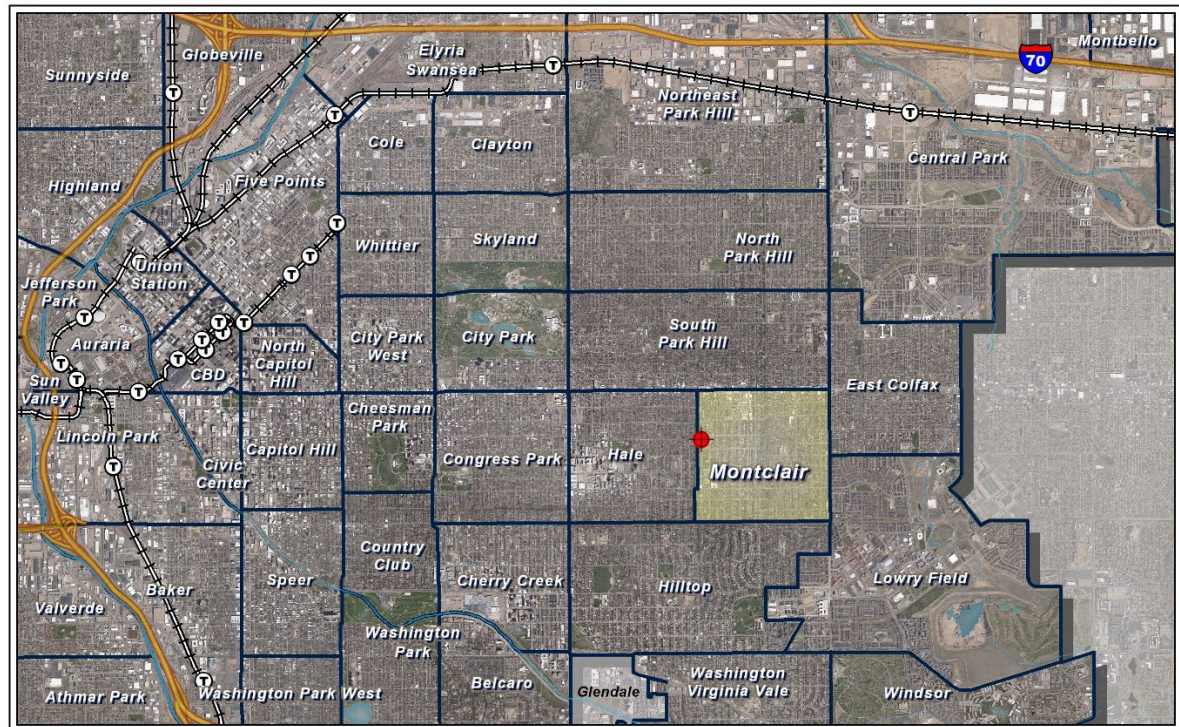
### **Summary of Rezoning Request**

- The subject property contains a single-story, single-unit dwelling built in 1939. The property is located between N Holly Street and N Ivanhoe St, on the south side of E 12<sup>th</sup> Ave.
- 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 with 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. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House and Suburban House building forms. Single and two-unit residential uses are primarily located along local and residential arterial streets. The maximum 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. 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).

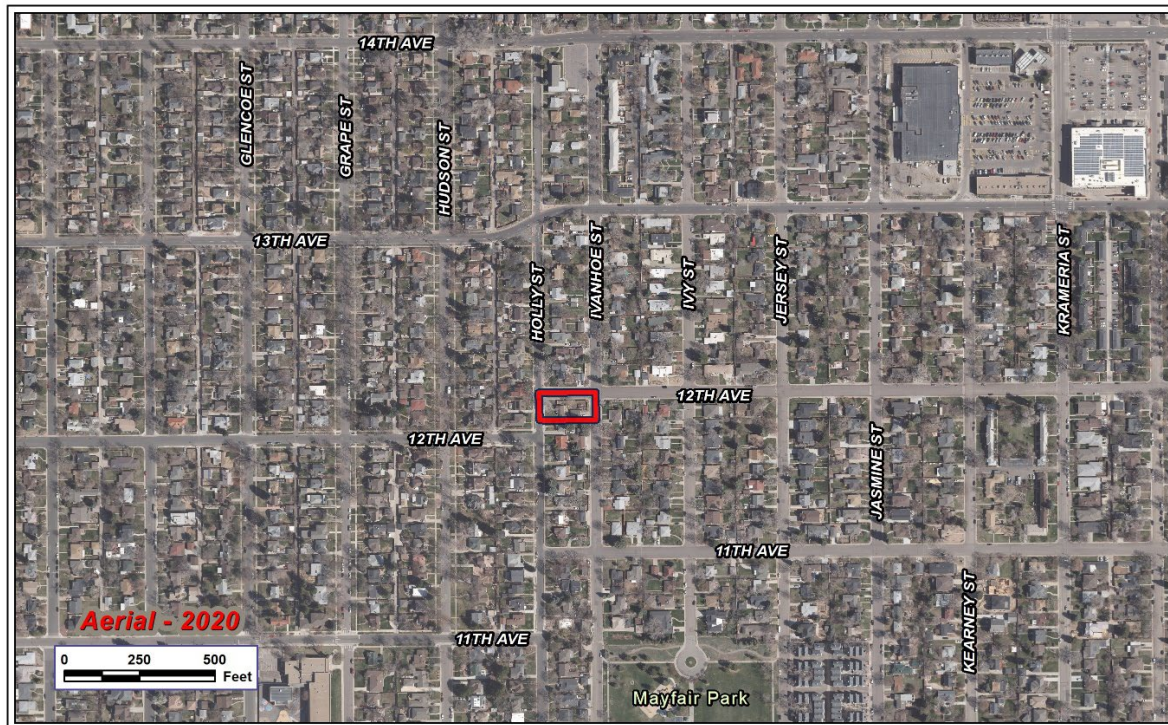
## City Location



## Neighborhood Location – Montclair Neighborhood



## Existing Context



The subject property is in the Montclair neighborhood, which is characterized by predominately single-unit residential uses with embedded two-unit residential, multi-unit residential, and public/quasi-public uses throughout. Some commercial and retail uses are embedded in the neighborhood and are particularly prevalent Between Colfax Avenue and 13<sup>th</sup> Avenue. The subject property is located one block north and two blocks east of Palmer Elementary School and two blocks north of Mayfair Park. Bus Route 15 runs along Colfax Avenue, north of the site with a 10 to 15-minute headway. The subject property has frontage on three streets and is located on a block that is one zone lot wide and the zone lots have double frontage on Holly Street and Ivanhoe 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 house with detached garage with access on Ivanhoe St.	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular with and without 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 access on 12 <sup>th</sup> Ave.	
South	E-SU-Dx	Single-unit Residential	1 -story house with a detached garage with access on Holly St.	
East	E-SU-Dx	Single-unit Residential	1-story house with driveway access on Ivanhoe St.	
West	E-SU-Dx	Single-unit Residential	1 -story house with a detached garage with access on Holly St.	



## 2) Existing Land Use Map



## 3) Existing Building Form and Scale (source: Google Maps)



View of the subject property looking east.



View of the property to the south, looking east.



View of the property to the north, looking east.



View of the property to the east, looking east.



View of the property to the west, looking west

### **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 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, also applies to the DADU building form. This form allows an exemption from the 37.5% building coverage standard, allowing the lesser of 50% or 500 square feet, if certain standards are met. For zone lots greater than 6,000 square feet and up to 7,000 square feet the ADU building footprint may be a maximum of 864 square feet. The district does not require 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.

<b>Design Standards</b>	<b>E-SU-Dx (Existing)</b>	<b>E-SU-D1x (Proposed)</b>
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 Urban and Suburban House Form	2.5 stories / 30 Urban and Suburban House Form
Maximum Height in Stories/Feet, Rear 35% of Zone Lot*	Urban House: 1 story / 17 feet Suburban House: 2.5 stories / 30 feet	Urban House: 1 story / 17 feet Suburban House: 2.5 stories / 30 feet
DADU Maximum Height 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	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:** Approved – Will require additional information at Site Plan Review

- 1) Any new construction will need to comply with allowed building forms in the resulting zone district.
- 2) Plans will need to be reviewed by the Residential Review Team. Both building and zoning permits will need to be issued before construction can start.

**Development Services - Transportation:** Approved – No Response.

**Development Services – Wastewater:** Approved – No Response.

**Parks and Recreation:** Approved – No Comments.

**Public Health and Environment:** Approved – No Comments.

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

## Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>3/16/2022</b>
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:	<b>04/19/2022</b>
Planning Board public hearing:	<b>05/04/2022</b>
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:	<b>05/06/2022</b>
Land Use, Transportation and Infrastructure Committee of the City Council:	<b>06/24/2022</b>
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:	<b>06/27/2022</b>
City Council Public Hearing:	<b>07/18/2022</b>

- **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 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)
- East Area Plan (2020)

### ***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 Montclair 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 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**

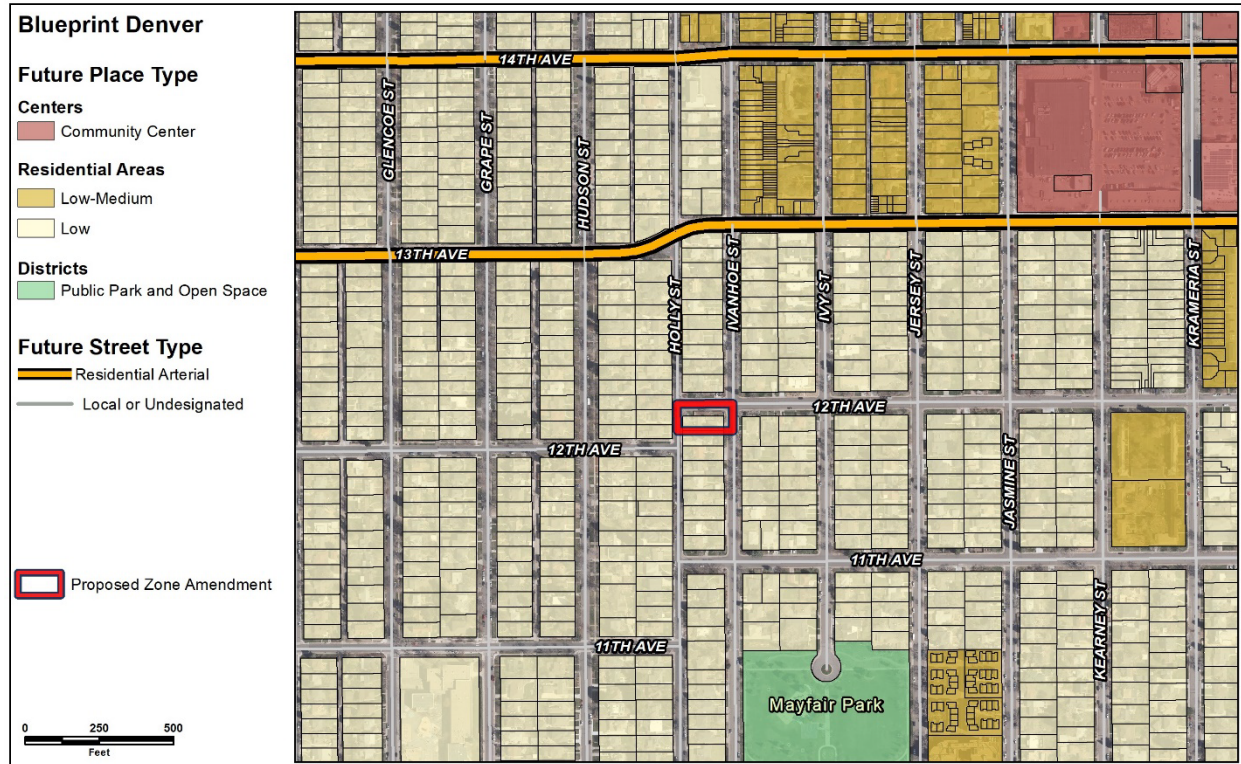
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential future place within the Urban Edge future neighborhood 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 land use, built form, and mobility at a high scale, between neighborhoods. The subject property is shown on the context map as an Urban Edge Neighborhood Context, the description of which is used to guide appropriate zone districts (p. 66). *Blueprint Denver* describes the Urban Edge neighborhood context 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 within 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 single-unit uses and a 1.5-story detached ADU on the rear of a small 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 Holly Street, 12<sup>th</sup> Avenue, and North Ivanhoe Street as Local or Undesignated Future Street Types, 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 low 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 three 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.

### ***East Area Plan***

The *East Area Plan* supports ADU's via three key policies:

- **L6:** "Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations." (p. 39)
- **MC.L1.B:** "Integrate accessory dwelling units and missing middle housing in appropriate locations." (p. 201).
- **MC.E3.A:** "Integrate missing middle housing and accessory dwelling units in appropriate locations." (p. 204).

The subject property, located in a predominately single-unit neighborhood, is an appropriate location for an ADU, and the rezoning to E-SU-D1x is consistent with the area plan.

## **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 (*Blueprint Denver* p.84) which recommends "the expansion of accessory dwelling units throughout all residential areas". The proposed rezoning would provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. Additionally, the rezoning would bring a new type of housing unit to a largely single-unit residential area, which will increase housing diversity in the Montclair 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 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 *East Area Plan* further recommends that accessory dwelling units are appropriate. Both plans were 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 Montclair 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 1170 North Holly Street contains a single-unit dwelling on a lot of 6,420 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

## Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Brandis Lee & Michael Anthony Csrnko	Representative Name	Bruce O'Donnell
Address	1170 N Holly Street	Address	1115 N Acoma Street STE 107
City, State, Zip	denver, co 80220	City, State, Zip	Denver, CO 80204
Telephone	303-887-1382 & 303-710-5011	Telephone	720-441-3310
Email	brandislee@gmail.com mcsrnko@gmail.com	Email	bodonnell@starboardrealtygroup.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	1170 N Holly Street, Denver		
Assessor's Parcel Numbers:	0605228001000		
Area in Acres or Square Feet:	6,420 approx. 0.147 acres		
Current Zone District(s):	E-SU-DX		
PROPOSAL			
Proposed Zone District:	E-SU-D1x		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> <b>Yes - if yes, state the meeting date</b> <u>1/20/22</u> <input type="checkbox"/> <b>No - if no, describe why not</b> _____		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> <b>Yes - if yes, state date and method</b> _____ <input type="checkbox"/> <b>No - if no, describe why not (in outreach attachment)</b> _____		

**REVIEW CRITERIA - AFFIRM THE PROPOSED ADU REZONING COMPLIES WITH THE CRITERIA BELOW BY CHECKING THE BOX NEXT TO EACH CRITERION**

<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check box to the right to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</b></p> <p><b>Denver Comprehensive Plan 2040</b> The proposed map amendment is consistent with the strategies in the adopted Denver Comprehensive Plan 2040, including:</p> <ul style="list-style-type: none"> <li>• <b>Goal 2, Strategy A. Equitable, Affordable and Inclusive</b> – "Create a greater mix of housing options in every neighborhood for all individuals and families" (p. 28). The proposed zone district allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit neighborhoods.</li> <li>• <b>Goal 8, Strategy A. Environmentally Resilient</b> - "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.</li> </ul> <p><b>Blueprint Denver</b> The proposed map amendment is consistent with the applicable neighborhood context, places, street type, and strategies in <i>Blueprint Denver</i>, including:</p> <ul style="list-style-type: none"> <li>• <b>Policy 4, Strategy E - Diversify housing choice</b> through the expansion of accessory dwelling units throughout all residential areas.</li> </ul> <p><b>Neighborhood/ Small Area Plan (list all, if applicable):</b> <u>East Area Plan (2020)</u></p>
<p>General Review Criteria: The proposal must comply with all of the general review criteria. (Check boxes to affirm) DZC Sec. 12.4.10.7</p>	<p><input checked="" type="checkbox"/> <b>Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</b></p> <p><input checked="" type="checkbox"/> <b>Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</b></p> <p>The proposed map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted plan, including <i>Blueprint Denver</i> which recommends "the expansion of accessory dwelling units throughout all residential areas" (<i>Blueprint Denver</i>, p. 84).</p>

# REZONING GUIDE

## ADU Rezoning Application Page 3 of 4

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria.</p> <p>(Check boxes to affirm.)</p> <p>DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> <b>Justifying Circumstances - One of the following circumstances exists:</b>          Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <ul style="list-style-type: none"> <li>a. Changed or changing conditions in a particular area, or in the city generally; or,</li> <li>b. A City adopted plan; or</li> <li>c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</li> </ul> <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> <b>The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</b></p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>E-SU-DX1</u> Zone District.</p>
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### REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- ☒ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☒ Proof of Ownership Document (e.g. Assessor's record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.

### ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- ☒ Written Narrative Explaining Project
- ☐ Site Plan/ Drawings (if available)
- ☐ Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- ☒ Written Authorization to Represent Property Owner(s) (if applicable)
- ☐ Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:



Please see Exhibits A-E

# REZONING GUIDE

ADU Rezoning Application Page 4 of 4

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
BRANDIS LEE CSRKO	1170 HOLLY ST DENVER, CO 80220 (303) 887-1382 Brandislee@gmail.com	100%		2/5/22	A	Yes
MICHAEL ANTHONY CSRKO	1170 HOLLY ST DENVER, CO 80220 (303) 710-5011 mcsrko@gmail.com	100%		2/5/22	A	Yes

### **List of Exhibits**

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DZC 12.4.10.7 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DZC 12.4.10.8 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record

**EXHIBIT A**

**Property Legal Description**

**Legal Description**

**1170 N HOLLY STREET**

LOTS 35 AND 36, BLOCK 131, COLFAX TERRACE, EXCEPT THE WEST 10 FEET OF SAID LOTS,  
CITY AND COUNTY OF DENVER, STATE OF COLORADO

**EXHIBIT B**

**Description of Consistency with Adopted City Plans**

## **Exhibit B**

### **Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)**

This application proposes to rezone the approximately 0.15-acre properties located at 901 North Kearney Street from E-SU-DX to E-SU-D1X (the “Property”) to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is located in the Montclair neighborhood on the south side of East 12<sup>th</sup> Avenue, east of North Holly Street. Today the Property is zoned E-SU-DX a residential zone district allowing urban houses with a minimum zone lot area of 3,000 square feet. Existing context surrounding the Property include: E-SU-DX and E-MU-2.5. Located within ½ mile of Colfax Avenue a Blueprint Denver designated High-Capacity Transit Corridor and RTD transit route 65 along Monaco. There are dedicated bike lanes within a ¼ mile on Holly Street, Krameria Street Fairfax Street, 11<sup>th</sup> Avenue and 13<sup>th</sup> Avenue. Mayfair Park is located 0.3 miles south of the Property. Denver as a city has been experiencing exponential growth, these changes have resulted in the need to rezone the Property to meet community wants and needs.

The map amendment requests to rezone the Property to the E-SU-D1x Zone District. This zone district is a single unit district that would allow the Property to have an accessory dwelling unit (ADU). This zoning is otherwise identical to the zoning today. The successful rezoning will blend in with, support, and sustain the existing residential character of the neighborhood. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs.

#### **REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans.**

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Housing an Inclusive Denver (2018), and East Area Plan (2020).

#### **The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:**

Equitable, Affordable and Inclusive –Goal 2, *Strategy A: Create greater mix of housing options in every neighborhood for all individuals and families* (pg. 28).

Equitable, Affordable and Inclusive –Goal 3, *Strategy B: Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit* (pg. 28).

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

Strong and Authentic Neighborhoods Goal 1, *Strategy D –Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p.34).

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

The proposed E-SU-D1X zone district allows for an additional dwelling unit that is accessory to the primary single-family use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-family homes that are found in much of the Montclair neighborhood. The proposed E-SU-D1X zoning would allow development at an intensity consistent with the surrounding neighborhood that would increase the diversity and supply of housing in the area. In addition, the proposed map amendment would allow additional building forms compatible with the existing neighborhood.

The proposed map amendment will allow for modest density 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. The proposed map amendment is in an area where services and amenities are already in place north of Kearney between 13<sup>th</sup> and Colfax avenue and focuses growth close to a High-Capacity Transit Corridor – Colfax avenue. Therefore, the proposal is consistent with multiple strategies of the vision elements in *Comprehensive Plan 2040*.

**The proposed map amendment is consistent with the objectives of Blueprint Denver 2019 including:**

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban Edge* neighborhood context.

**Urban Edge** neighborhoods are described as:

*“The urban edge context areas are predominately residential and tend to act as a transition between urban and suburban areas. Homes in this context are typically low-scale single- and two-unit residential with some small scale multi-unit residential. Commercial and mixed-use development in this context tends to be found along the main corridors bordering traditional residential areas, with some larger center development.” (BPD pg. 205)*

**Urban Low Residential** Land use and Built Form:

*“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. Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Low to medium buildings coverage. Building are generally up to 2.5 stories in height.” (BPD pg. 215)*

**Growth Strategy** for this area is designated as:

**All other areas of the city:** 10% of new jobs and 20% of new households.

**Street Type** for the Property is designated as:

**Local:** *“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD pg. 160)*

The proposed E-SU-D1X zone district is an appropriate district that compliments the characteristics of Urban Edge neighborhoods and complies with the vision of a Low Residential area. It will appeal to the desired single-unit uses while introducing modest density through the allowance of an ADU. This zoning

is otherwise identical to the zoning today. This zone district appeals to the City's growth strategy, allowing the development of an ADU is a low-intensity approach that will add to the housing stock. This zone district complies with the local street type and character through its residential uses. In addition, the multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, makes the Property an excellent multi modal accessible location ensuring that residents have access to transit and amenities.

**Blueprint Denver Recommendations – Land Use and Built Form: Housing:**

*4. Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. (BPD pg. 82)*

➤ *“Study and implement allowances for ADUs – including those attached and detached from the primary home – in all neighborhood contexts and residential zone districts”*

➤ *“A citywide approach to enable ADUs is preferred. Until a holistic approach is in place individual rezonings to enable ADUs in all residential areas, especially where adjacent 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.”*

The proposed E-SU-D1X zone district directly addresses the recommendations in Blueprint Denver. It adds to and diversifies the housing stock. The zoning standards within the E-SU-D1X zone district allow a low-scale accessory dwelling unit structure that will be compatible with the existing residential area, and consistent with the Blueprint Denver Urban context.

**An Equitable City:**

*“While all of the vision elements are essential to Blueprint Denver, equity is especially important to the community. In recent years, Denver’s economic strength and population growth have benefited many, but not all. Today Blueprint Denver is integrating equity into planning in ways that Blueprint Denver 2002 did not. Without accounting and adjusting for important equity considerations, the forces of change acting on our city will prevent it from achieving its vision for inclusive, complete neighborhoods.” (BPD pg. 30)*

**Equity Concept: Expanding Housing and Jobs Diversity** - *providing a better and more inclusive range of housing and employment options in all neighborhoods.*

**The Importance of Housing and Jobs Diversity**

*“The vision of an inclusive Denver relies on a diverse range of residents, businesses and employees. Areas that become too homogeneous and exclusive threaten that vision by reducing or eliminating choice for anyone but the most affluent and privileged. A lack of housing options at various sizes and prices often means certain populations—including families, the elderly and people with disabilities—are not able to live in neighborhoods of their choice. Increasing the range of housing and job options will also advance the important goal to maintain and increase racial, ethnic and socioeconomic diversity in Denver’s neighborhoods. Certain housing types, such as attainable homeownership, can help build wealth and improve economic mobility for Denver residents.*

*It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD pg. 40)*

The E-SU-D1X zone district will open the property to allow an ADU, which is not offered in the current

zone district. While zoning predominantly addresses land uses and building form, it is important to understand the relationship between a property's zoning and how its uses effects the community in both character and accessibility to basic needs such as housing and employment. This includes accessibility to amenities such as transit, parks/open space, healthcare, walkability/ bike-ability to a local center, local corridor, community corridor and regional center from the future places map. This zone district would allow for a low-intensity development in an appropriate location. It will modestly introduce a new housing option in an area that is predominantly single-unit homes. It is valuable to the neighborhood and the City that a E-SU-D1X zoning introduces more housing opportunities to the area than what is offered in the zoning today.

**The proposed map amendment is consistent with the objectives of Housing an Inclusive Denver (2018) including:**

**Legislative and Regulatory Priorities:**

**Recommendation 2:** *Expand and strengthen land-use regulations for affordable and mixed-income housing.*

- *"Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units." (HAID pg. 9)*
- *Key Actions: Encourage development of a mix of residential development types throughout Denver neighborhoods that provide residents with a diversity of housing choices (including price, size, and tenure of housing options) through specific zoning and land use recommendations in Blueprint Denver. (HAID pg. 50)*

The proposed rezoning to E-SU-D1X is consistent with the recommendations of the Housing an Inclusive Denver Plan. The allowance for an accessory dwelling unit will add to the mix of residential housing types in the area that is in character with the neighborhood. It will conform with the neighborhood context, building height and zone lot size recommendations in the existing zoning.

**The proposed map amendment is consistent with the objectives of the East Area Plan (2020) including:**

**Land Use and Built Form Recommendations:**

**L6:** *"Ensure East Area neighborhoods are inclusive places by thoughtfully integrating compatibly-designed missing middle housing and accessory dwelling units (ADUs) in appropriate locations."*

- *D. Implement adopted citywide policies in Blueprint Denver to diversify housing choice through expansion of ADUs throughout all residential areas while also addressing context-sensitive ADU design and removing barriers to ADU construction.*
  - *1. While missing middle housing (2-4 units) should be integrated into appropriate locations, ADUs should be allowed on all lots.*
  - *2. Until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs. (EAP pg.39)*

**South Park Hill Recommendations – Land Use:**

**PH-L1** *Prioritize land use policies that aim to maintain character in South Park Hill residential areas.*

- *B. Integrate accessory dwelling units and missing middle housing in appropriate locations (EAP pg. 215)*

***PH-E2 See POLICY E4: Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods.***

➤ ***A. Integrate ADUs and missing middle housing in appropriate locations. (EAP pg.216)***

The proposed rezoning to E-SU-D1X is consistent with the recommendations of the East Area Plan. The East Area Plan identifies the Property as an “appropriate location” for an ADU. The integration of accessory dwelling units will address the missing middle housing while allowing for development that is in character with the neighborhood. The East Area Plan further supports the recommendations of Blueprint Denver that encourage the developments of ADUs as a low-intensity approach to diversifying the housing stock.

**REVIEW CRITERION DZC § 12.4.10.7.B – Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.**

Future development of the Property will result in uniformity of E-SU-D1X district regulations and restrictions.

**REVIEW CRITERION DZC § 12.4.10.7.C – Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.**

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plan.

**EXHIBIT C**

**Description of Justifying Circumstances and Neighborhood Context**

## Exhibit C

### Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

#### CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

*“Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such 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.”*

Justifying circumstances for rezoning 1170 North Holly Street include:

1. *Changed or changing conditions in a particular area, or in the city generally*
2. *A city adopted plan*

The .15 acre Property is in a residentially dense neighborhood consisting of predominantly single unit homes. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This growing population has called for not only an increase of housing units but for a variety of housing options as well. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs. As an Urban Edge Residential neighborhood immediately outside of downtown, this area will continue to be a desirable neighborhood to live in and will need to be able to provide options for the diverse population.

The adoption of Blueprint Denver in 2019 has introduced new land use recommendations and strategies to address Denver’s growing population. Blueprint specifically recommends diversifying the housing stock through the allowance of accessory dwelling units throughout all residential areas. Blueprint Denver also recommends adding additional housing in areas near transit, services, and amenities. The adoption of the East Area Plan in 2020 further implements and supports the goals and recommendations of Blueprint Denver and states that “until a citywide ADU approach is complete, consider neighborhood-wide rezonings to allow ADUs” (EAP pg.39).

#### **CRITERION DZC § 12.4.10.8.B – The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.**

E-SU-D1X is a single unit district in the Urban Edge neighborhood context and which is characterized by the Denver Zoning Code as “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. Single-unit residential structures are typically the Urban House and Suburban House building forms.” (DZC 4.1.1). The proposed map amendment is consistent with surrounding building forms and is appropriate for the street type the Property is located on, therefore in character to the Urban Edge neighborhood context.

This general purpose of this residential district is to “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. The regulations provide certainty to property owners, developers,

and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.” (DZC 4.2.2.1). 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 4.2.2.2 ). This ensures new development that contributes positively to established character of the neighborhood.

Today, the immediate neighborhood context around the Property is residential zoning. The proposed E-SU-D1X zone district of the Property will further embrace the residential character of the Montclair neighborhood through modest density. It will uphold the purpose of a residential district in an Urban Edge neighborhood context by reinforcing the desired development patterns while accommodating reinvestment.

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

**EXHIBIT D**

**Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative**

**Brandis Lee Csrnko & Michael Anthony Csrnko**  
**1170 N Holly Street**  
**Denver, Co 80220**

January 20, 2022

Mr. Bruce O'Donnell  
STARBOARD Realty Group, LLC  
770 Sherman Street, Suite 108  
Denver, CO 80203  
[bodonnell@starboardrealtygroup.com](mailto:bodonnell@starboardrealtygroup.com)  
720-441-3310

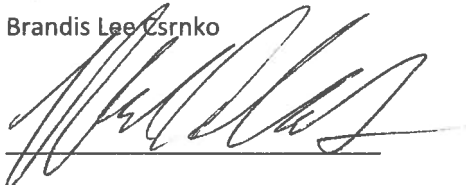
Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and represent Brandis Lee Csrnko and Michael Anthony Csrnko for the purpose of submitting and processing the rezoning application for the property owned by Brandis Lee Csrnko and Michael Anthony Csrnko at 1170 N Holly Street in Denver, CO.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandis', written over a horizontal line.

Brandis Lee Csrnko

A handwritten signature in black ink, appearing to read 'Michael Anthony Csrnko', written over a horizontal line.

Michael Anthony Csrnko

**EXHIBIT E**

**Proof of Ownership, Assessors Record**

# 1170 N HOLLY ST

Owner	CSRNKO,BRANDIS LEE CSRNKO,MICHAEL ANTHONY 1170 HOLLY ST DENVER, CO 80220-4435
Schedule Number	06052-28-001-000
Legal Description	L 35 & 36 EXC W 10FT TO CITY BLK 131 COLFAX TERRACE
Property Type	SFR Grade C
Tax District	DENVER

Print Summary

Property Description			
Style:	13: 1 STORY	Building Sqr. Foot:	962
Bedrooms:	1	Baths Full/Half:	2/0
Effective Year Built:	1939	Basement/Finish:	743/705
Lot Size:	6,420	Zoned As:	E-SU-DX
<div>Note: Valuation zoning may be different from City's new zoning code.</div>			

Current Year			
Actual	Assessed	Exempt	
Land		\$383,000	\$27,380 \$0
Improvements		\$144,700	\$10,350
Total		\$527,700	\$37,730

Prior Year			
Actual	Assessed	Exempt	
Land		\$383,000	\$27,390 \$0
Improvements		\$99,000	\$7,080
Total		\$482,000	\$34,470

Real Estates Property Taxes for current tax year

**System Upgrade Underway:**  
Due to a system upgrade, payment information is taking longer to update and may not reflect the current status of your account.

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	2/28/2021	6/15/2021	
Original Tax Levy	\$1,278.74	\$1,278.76	\$2,557.50
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$1,278.74	\$1,278.76	\$2,557.50
Due	\$0.00	\$0.00	\$0.00

Additional Information

**Note:** If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	Y		
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$2,485.84**

Assessed Value for the current tax year

Assessed Land	\$27,390.00	Assessed Improvements	\$7,080.00
Exemption	\$0.00	Total Assessed Value	\$34,470.00