Community Planning and Development
Planning Services

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TO: Denver City Council
FROM: Valerie Herrera, Senior City Planner
DATE: September 19, 2022
RE: Official Zoning Map Amendment Application #2022i-00079

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022i-00079

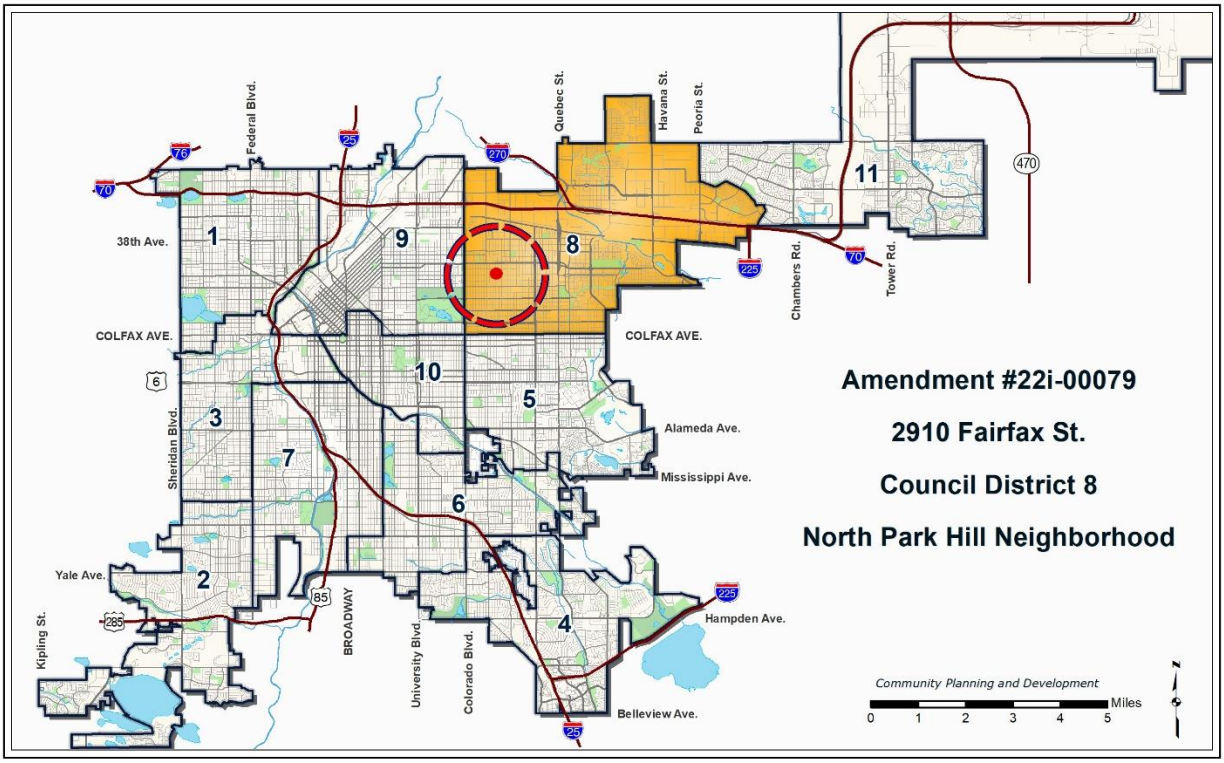
Request for Rezoning

Address:	2910 North Fairfax Street
Neighborhood/Council District:	North Park Hill / Council District 8
RNOs:	Greater Park Hill Community, Inc. Opportunity Corridor Coalition of United Residents East Denver Residents Council City Park Friends and Neighbors (CPFAN) United Northeast Denver Residents Inter-Neighborhood Cooperation (INC)
Area of Property:	6,250 square feet or 0.14 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-D1x
Property Owner(s):	Hanna and Darren Bloom
Owner Representative:	N/A

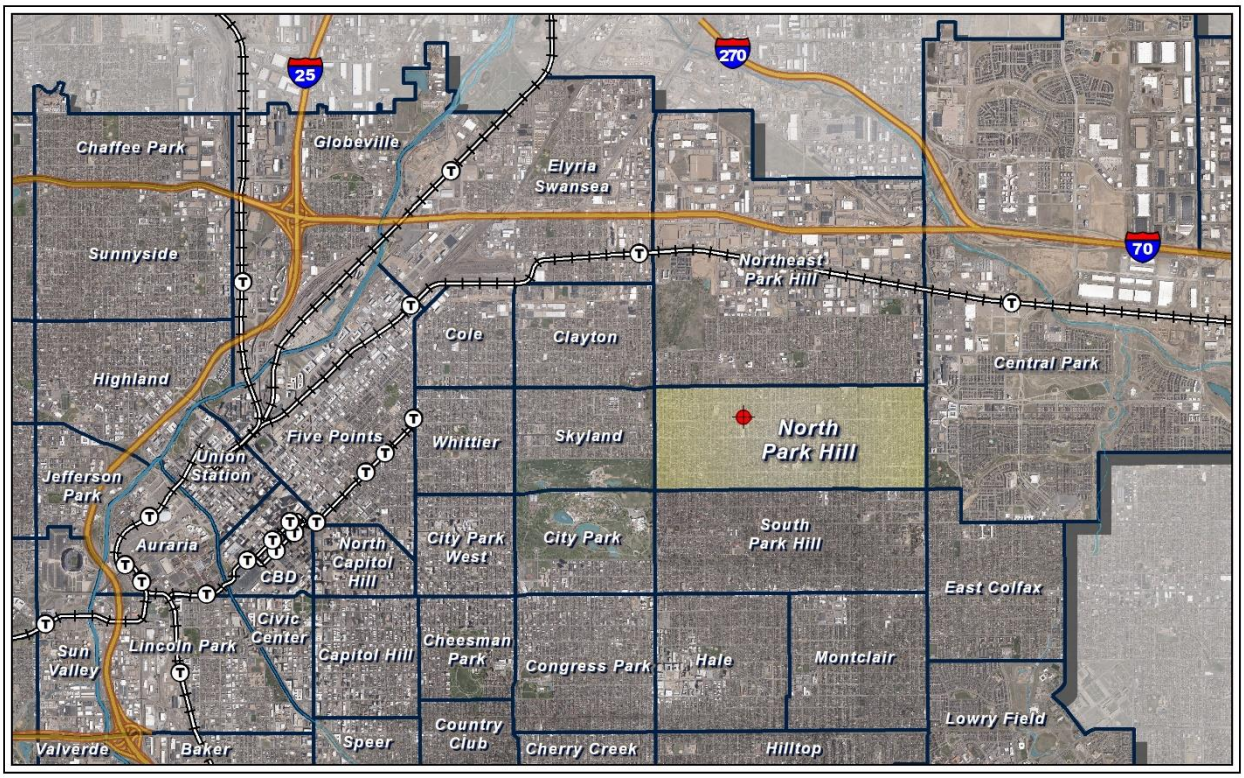
Summary of Rezoning Request

- The subject property is a vacant lot. The site is located between East 29th Avenue and East 30th Avenue, along North Fairfax Street.
- The property owner is proposing to rezone the property to allow for an accessory dwelling unit (ADU).
- The proposed **E-SU-D1x**, Urban **E**dge, **S**ingle-**U**nit, **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 s 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).

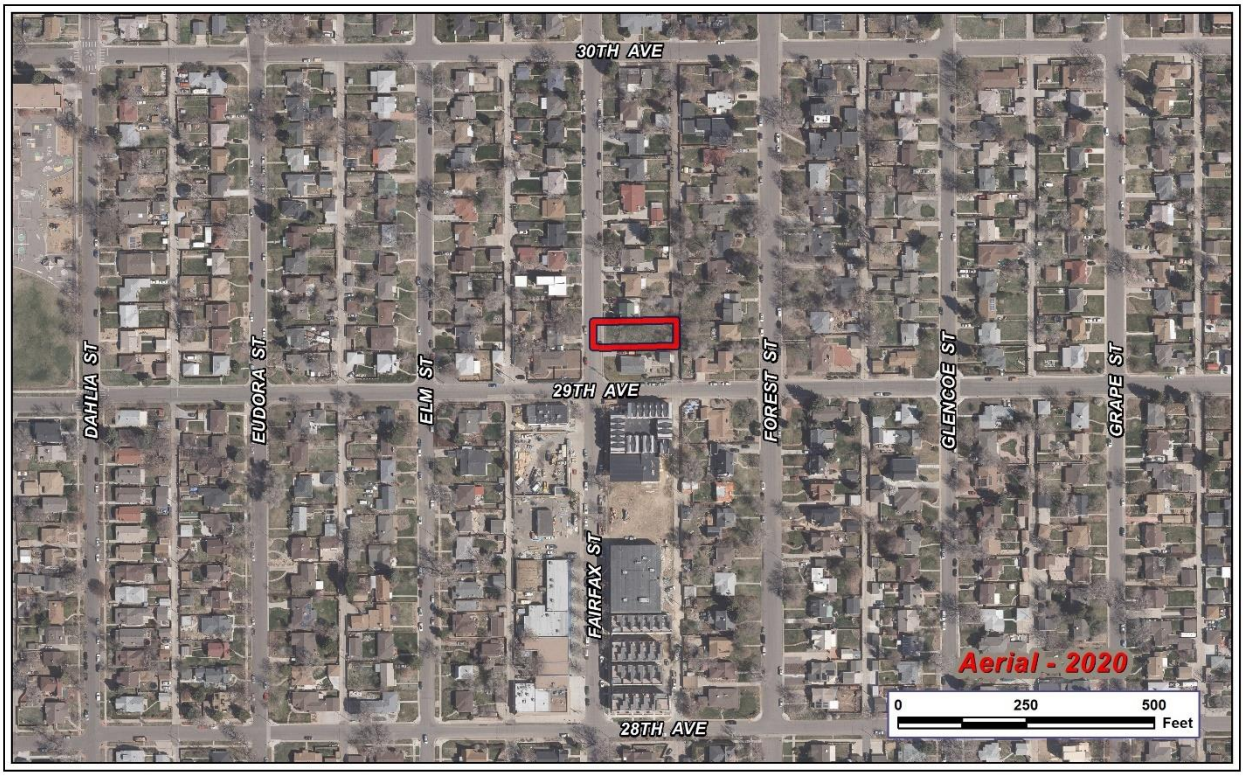
City Location



Neighborhood Location – North Park Hill



1. Existing Context

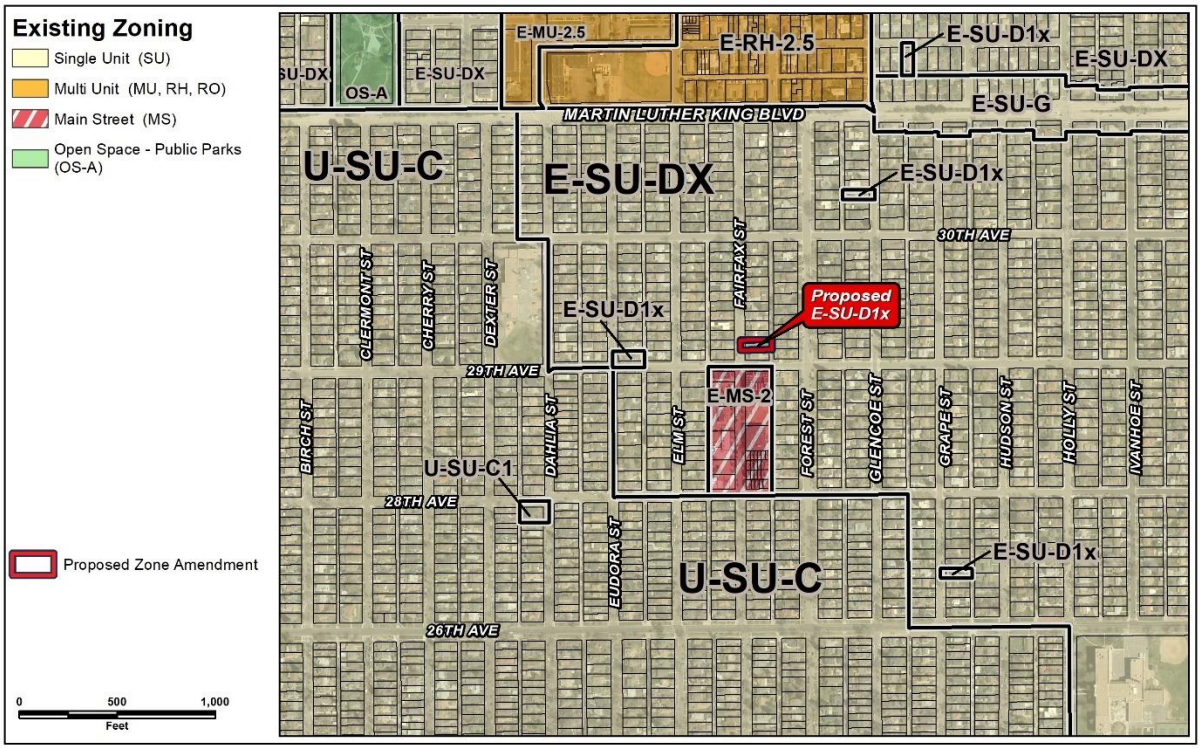


The subject property is in the North Park Hill statistical neighborhood, which is characterized primarily by single-unit residential uses. Two-unit and multi-unit residential uses can also be found throughout the neighborhood north of East Martin Luther King Blvd. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is near an existing commercial/retail node just across the street to the south of East 29th Avenue between North Elm Street and North Forest Street. Looking at transit in the neighborhood, RTD bus route 28 runs along 29th Avenue south of the property only 1 parcel away and connects west to RTD bus route 40 along North Colorado Blvd which is a classified as residential arterial.

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	Vacant	Vacant lot with fence and overgrown tree shrub. No existing buildings on-site.	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular shaped. Attached sidewalks and existing alleys. Garages and on-street vehicle parking available.
North	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Long single-car driveway adjacent to the house off of North Fairfax Street. Additional parking in the rear where accessory structure is located adjacent to alley.	
South	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Long single-car driveway adjacent to the house off of North Fairfax Street. Additional parking in the rear where accessory structure is located adjacent to alley.	
East	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. No alley adjacent parking or parking access on North Forest Street.	
West	E-SU-Dx	Single-unit Residential	1 -story brick residence with moderate setback. Single-car driveway located in front of the house.	

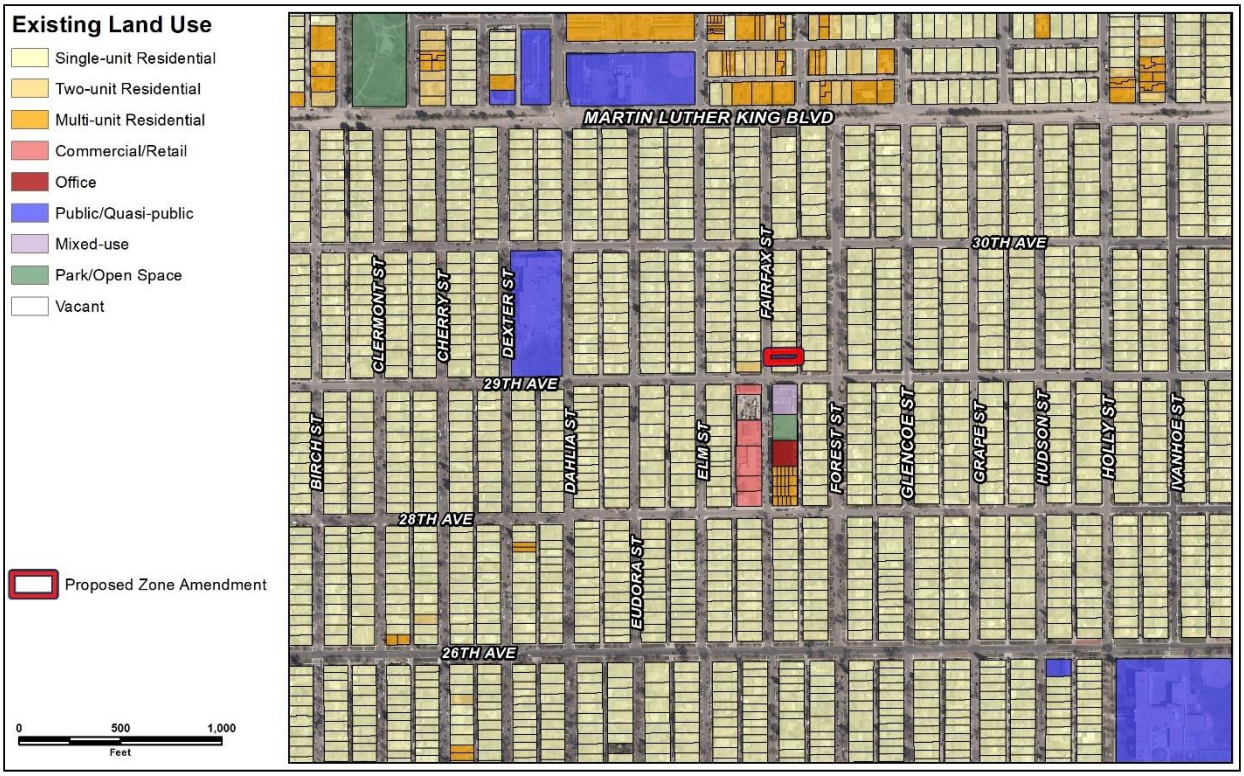
2. Existing Zoning



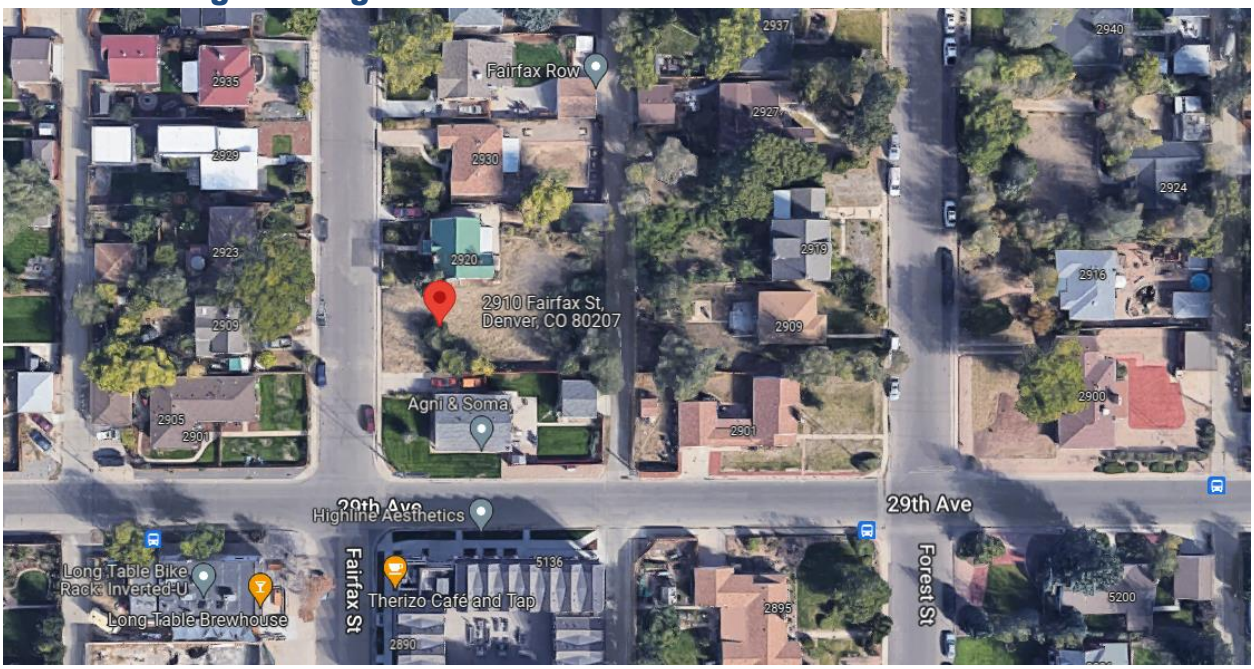
The E-SU-Dx zone district is a single-unit residential district allowing Suburban and Urban House primary building form on a minimum zone lot of 6,000 square feet. The maximum allowed height is 2.5 stories or 30 feet in the front 65% of the zone lot, 1 story and 30 feet for Suburban and 17 feet for Urban house building form in the rear 35% of the zone lot. It allows two accessory structure forms: Detached Garage and Other Detached Accessory Structure with a maximum height of 17 feet. The Urban Edge Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed-use structures, particularly at nodes or along arterial streets.

Urban Edge (E) Neighborhood Context Zone District		Building Forms											
		Suburban House	Urban House	Duplex	Tandem House	Row House	Garden Court	Town House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Max Number of Primary Structures Per Zone Lot		1*	1*	1*	2	No Maximum							
Single Unit (SU)	E-SU-Dx	■	■		●								

3. Existing Land Use Map



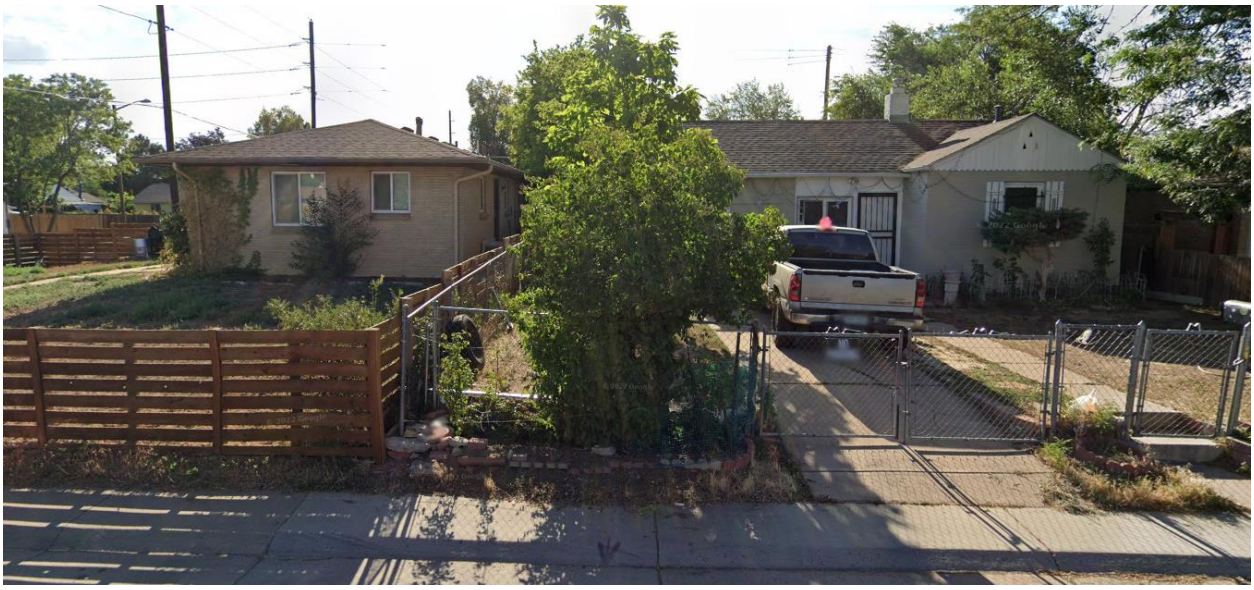
4. Existing Building Form and Scale



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

View of property looking east. (Google Street View)

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



View of single-unit homes across 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 6,250 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
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	1 story / 30 feet (Suburban) 1 story / 17 feet (Urban)	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

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: Legal Description Approved – No Comments

Development Services – Project Coordination: Approve Rezoning Only - Will require additional information at Site Plan Review

1. Any proposed development will need to receive zoning use and construction permits, as well as building permit approval. Reviews will likely occur through the Residential review team.

2. Any proposed development will need to fully comply with allowed building form standards tied to the approved zone district. Codes may include limitations on setbacks as well as building coverage amounts.

Development Services – Fire Protection: Approved - No Comments

Development Services – Transportation: Approved – No Comments

Development Services - Wastewater: 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:	**05/20/2022**
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:	**07/04/2022**
Planning Board Public Hearing:	**07/20/2022**
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 10 working days before the meeting:	**07/22/2022**
Land Use, Transportation and Infrastructure Committee of the City Council:	**08/02/2022**
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:	**08/29/2022**
City Council Public Hearing:	**09/19/2022**

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has not received written input from any of the Registered Neighborhood Organizations (RNOs) that were sent notice and no public comments have been received.

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 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.

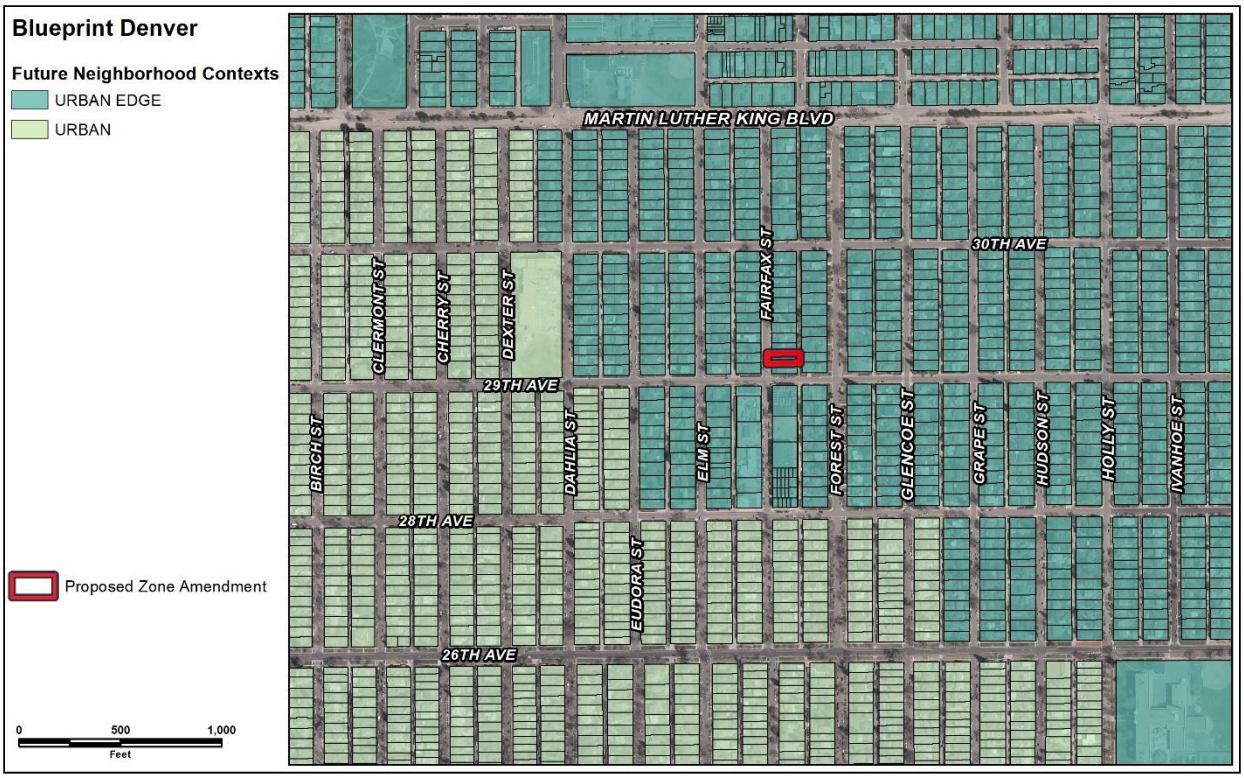
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).

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.

***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 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 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 Fairfax 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* (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 ADU 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.

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 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 proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as "promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context." 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. This is consistent with the E-SU-D1x district as it allows for a two and a half story urban or suburban house and will protect the character of the residential areas in the Urban Edge neighborhood context. 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 where density increases. The proposed rezone is consistent with zone district purpose.

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 2910 North Fairfax Street is 6,250 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 2022I-00079