



TO: Denver Planning Board
FROM: Matthew Bossler, Senior City Planner – Urban Design
DATE: March 13, 2024
RE: Official Zoning Map Amendment Application #2023I-00205

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval for Application #2023I-00205**.

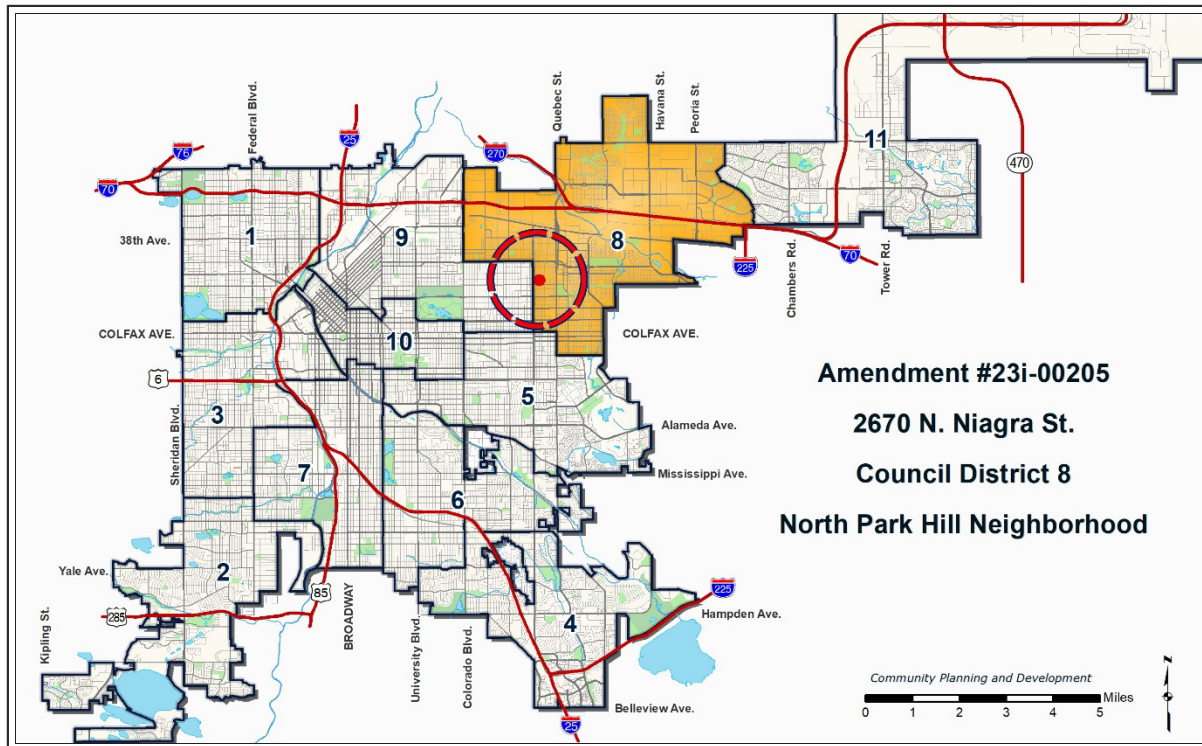
Request for Rezoning

Address:	2670 N Niagara St.
Neighborhood/Council District:	North Park Hill Neighborhood Council District 8 – Shontel Lewis
RNOs:	Inter-Neighborhood Cooperation (INC), Greater Park Hill Community, Inc., Opportunity Corridor Coalition of United Residents, East Denver Residents Council, Strong Denver, East Denver United Neighbors
Area of Property:	7,500 square feet or 0.17 acres
Current Zoning:	E-SU-DX
Proposed Zoning:	E-SU-D1X
Property Owner(s):	Joshua John Krueger

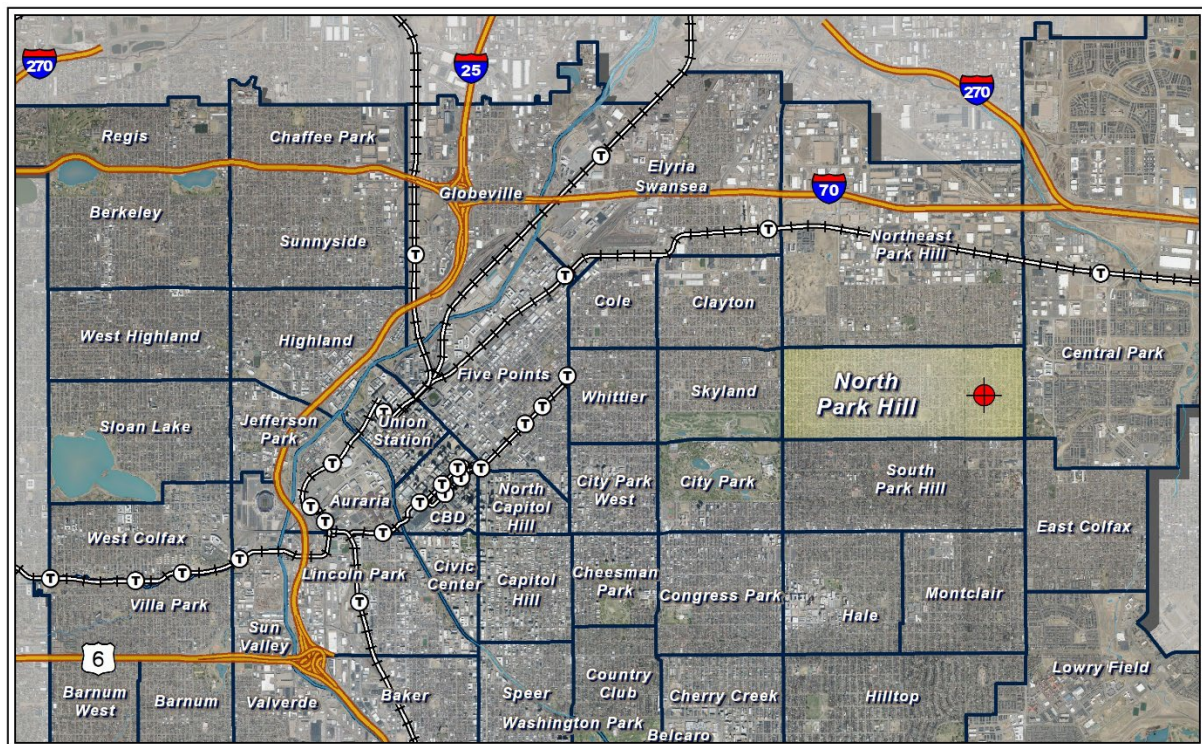
Summary of Rezoning Request

- The subject property contains a single-family home built in 1948 and is located on the east side of North Niagara Street, between East 26th Avenue and East 28th Avenue.
- The property owner is proposing to rezone the property to allow for suburban houses, urban houses and accessory dwelling units (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 primarily characterized by single-unit and two-unit residential uses. Single-unit residential structures are typically the Urban House and Suburban House building forms. The maximum height of the Suburban House building form is 30 to 35 feet for the front 65% of the zone lot and the rear 35% of the zone lot, depending on zone lot width. 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, depending on zone lot width. The Detached Accessory Dwelling Unit form can be a maximum height of 17 feet if 1-story or 24 feet if 2-story. 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



1. Existing Context



The subject property is located on the east side of the North Park Hill statistical neighborhood. In its interior, this part of the North Park Hill neighborhood is characterized mostly by single-unit dwellings and, to a lesser extent, institutional uses. Commercial, multi-unit dwellings, and some institutional and open space uses occur on the east side of North Quebec Street, six block to the east. A cluster of neighborhood-serving commercial and duplexes occurs along Oneida Street from East 23rd Ave and East 22nd Ave, approximately six blocks to the south-southeast.

RTD Bus Route 65 runs north-south along North Monaco Street Parkway one block to the west, with stops an eighth of a mile away. RTD Bus Routes 28 runs east-west along East 29th Avenue two blocks to the north, with stops about a quarter of a mile away. Route 20 runs east-west along East 23rd Avenue three blocks to the south, with stops about a quarter of a mile away.

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-clad house with pedestrian and vehicular access on N. Niagara St. and only pedestrian alley access	Generally regular grid of streets. Block sizes and shapes are consistent and rectangular with alleys. Attached sidewalks, few street trees and existing
North	E-SU-Dx	Single-unit Residential	1-story brick-clad house with pedestrian and vehicular access on N. Niagara St. and only pedestrian access on alley	
South	E-SU-Dx	Single-unit Residential	1-story siding-clad house with pedestrian access and attached garage with vehicular	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
			access on N. Niagara St. and pedestrian access on alley	alleys. Attached and detached garages and on-street vehicle parking.
East	E-SU-Dx	Single-unit Residential	1-story brick-clad houses with pedestrian access, and attached garage with vehicular access from N. Newport St. and pedestrian access on alley	
West	E-SU-Dx	Single-unit Residential	1 story brick-clad houses with pedestrian access and attached garage with vehicular access along N. Niagara St. and pedestrian access on alley	

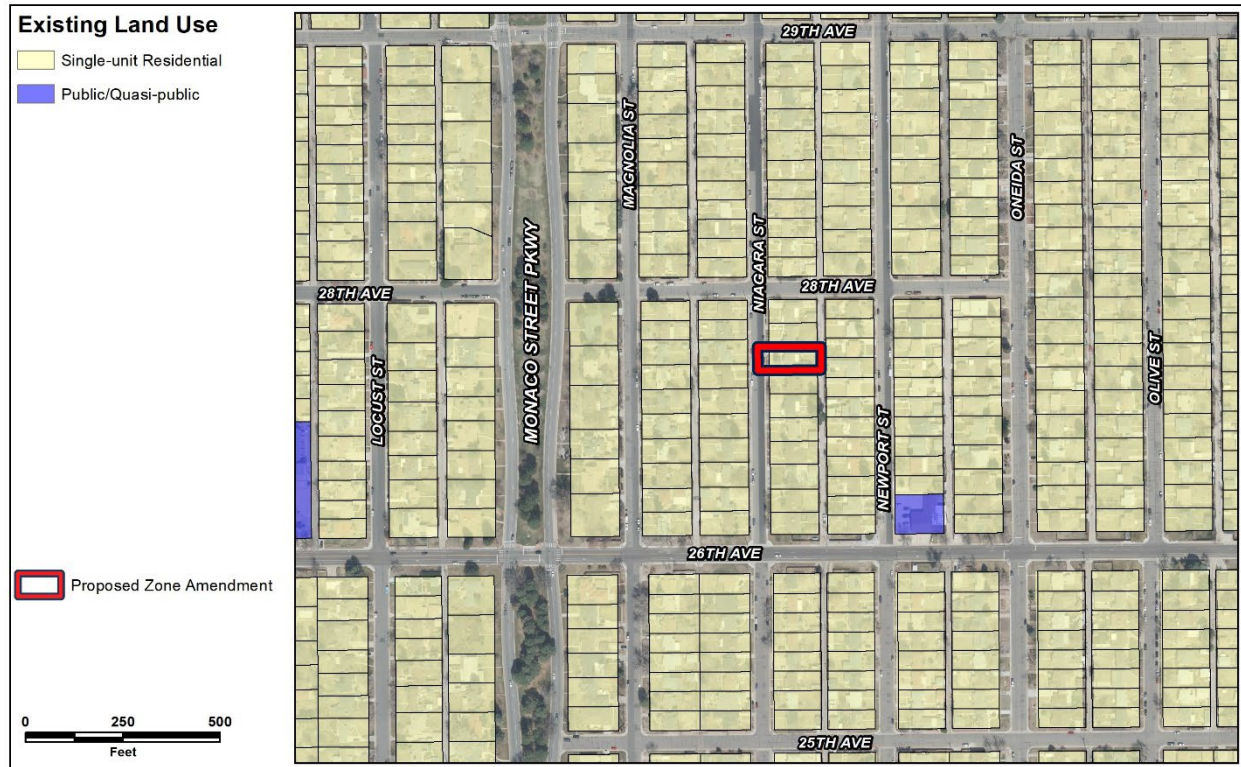
2. Existing Zoning



The existing zoning on the subject property is E-SU-Dx (Urban Edge, Single-Unit, Dx). E-SU-Dx is a single-unit district allowing the Suburban House and Urban House primary building forms on a minimum zone lot of 6,000 square feet. The Suburban House building form allows a maximum height of 2.5 stories or 30 to 35 feet across the zone lot. The Urban House building form allows a maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, and a maximum of 1 story or 17 to 19 feet in the rear 35% of the zone lot. E-SU-Dx allows two accessory structure form: Detached Garage (with a maximum height of 17') and Other Detached Accessory Structures (with a maximum height of 15'). The

intent of the district is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context.

3. Existing Land Use Map



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



Subject Site - View of the subject property, looking east (On N. Niagara St.)



North - View of the property to the north, looking east (On N. Niagara St.)



South - View of property to the south, looking east (on N. Niagara St.).





East - View of properties to the east, looking west (On N. Newport St.).



West – View of the properties to the west, looking west (On N. Niagara St.).

Proposed Zoning

E-SU-D1x 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. A variety of residential and civic, public, and institutional uses are permitted as primary uses in the E-SU-D1x district. The district allows the Detached Accessory Dwelling Unit, Detached Garage, and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 2 stories or 24 feet. A bulk plane applies to the DADU building form that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees until the maximum height is reached.

This form also allows an exemption from the 37.5% building coverage standard, allowing 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. The subject site has a lot size of 7,500 square feet, allowing a maximum gross floor area of 1000 square feet for an ADU.

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

Design Standards	E-SU-Dx (Existing)	E-SU-D1x (Proposed)
Primary Building Forms Allowed	Suburban House, Urban House	Suburban House, Urban House
Maximum Height in Stories/Feet, Front 65% of Zone Lot	2.5 story / 30-35 feet	2.5 stories / 30-35 feet
Maximum Height in Stories/Feet, Rear 35% of Zone Lot	2.5 story / 30-35 feet (Suburban House) 1 story / 17 feet (Urban House)	2.5 story / 30-35 feet (Suburban House) 1 story / 17 feet (Urban House)
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65% / rear 35% of zone lot depth	10 feet / 10 feet (Suburban House) 17 feet / 10 feet (Urban House)	10 feet / 10 feet (Suburban House) 17 feet / 10 feet (Urban House)
DADU Maximum Heights in Stories / Feet	N/A	2 stories / 24 feet
Zone Lot Size (Min.)	6,000 square feet	6,000 square feet
Zone Lot Width (Min.)	50 feet	50 feet
Primary Street Block Sensitive Setback Required / If not (Min.)	Yes (Suburban House) Yes / 20 feet (Urban House)	Yes (Suburban House) Yes / 20 feet (Urban House)
Side Interior Setback (Min.)	5 feet *	5 feet *
Rear Alley / No Alley (Min.)	12 feet / 20 feet	12 feet / 20 feet
Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions	37.5% *	37.5% *
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 60 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 Response.

Asset Management: Approved – No Comments.

Denver Public Schools: Approved – No Response.

Development Services - Fire: Approved – No Comments.

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

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

Development Services - Transportation: Approved – No Response.

Development Services – Wastewater: Approved – See Comments Below

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Independent sanitary service lines may be required, historical drainage paths must be maintained. Commitment to serve proposed ADU will be based on permit issuance.

Parks and Recreation: Approved – No Comments.

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

Recommend revising legal description to be identical with legal description in most recent vesting instrument in chain of title. A revised .docx file is attached. *[NOTE: Applicant approved of Case Manager making this correction. This correction has been incorporated into the revised rezoning application associated with this report.]*

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

The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides

no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review does constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is not aware of environmental concerns that would affect the proposed rezoning Although EQD is not aware of contaminated environmental media (soil, soil vapor, or groundwater) at the project Site, undocumented contamination could be encountered during ground-disturbing activities. If encountered, contaminated environmental media or underground storage tanks should be properly managed in accordance with applicable regulations.

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

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:	01/22/2023
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	03/05/2024
Planning Board Public Hearing:	03/20/2024
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	19/03/2024
Land Use, Transportation and Infrastructure Committee of the City Council:	04/02/2024 (tentative)
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:	4/22/2024
City Council Public Hearing:	05/13/2024 (tentative)

Public Outreach and Input

- Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has not received any written comment from an RNO pertaining to this application.
- Other Public Comment**
 As of the date of this report, staff has not received any written comment from the public.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Park Hill Neighborhood Plan

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 1 Strategy A – “Increase development of housing units close to transit and mixed use developments” (p. 28)
- 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 much of the North Park Hill 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.

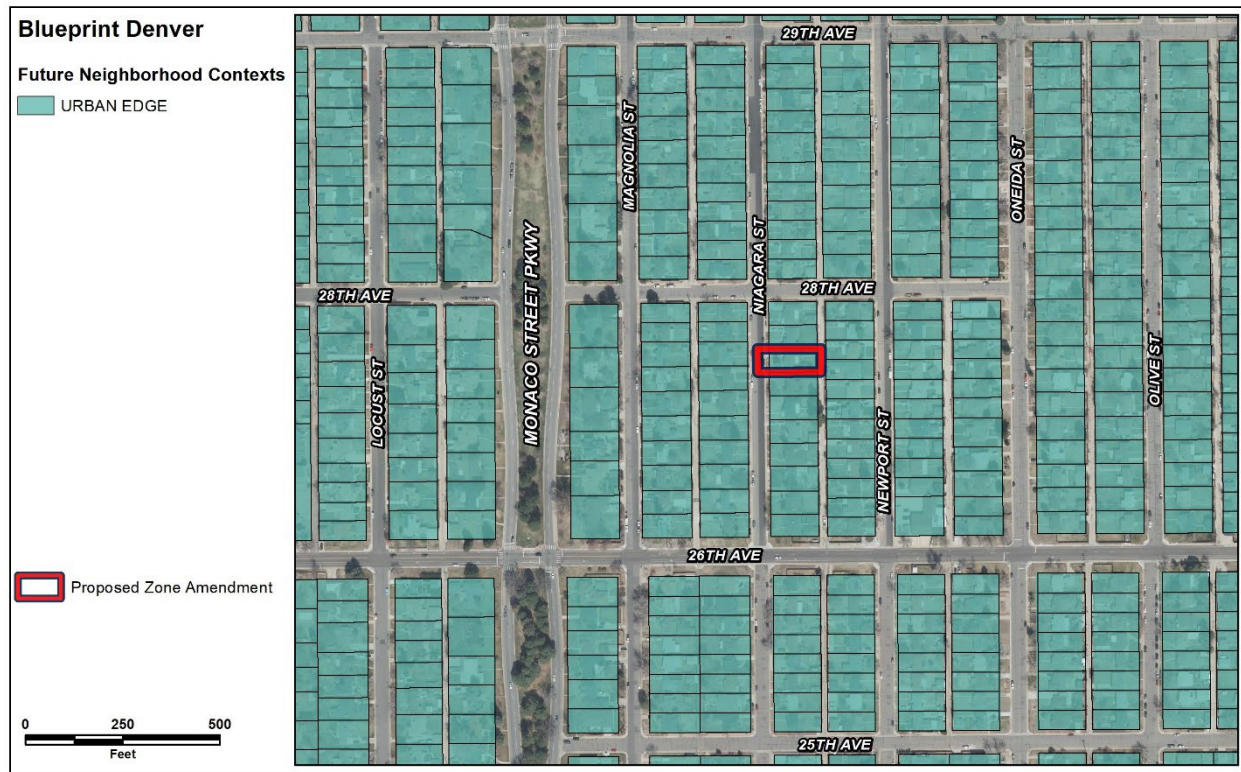
- Environmentally Resilient Goal 8, Strategy A – “Promote infill development where infrastructure and services are already in place” (p. 54).

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

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Residential Low 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

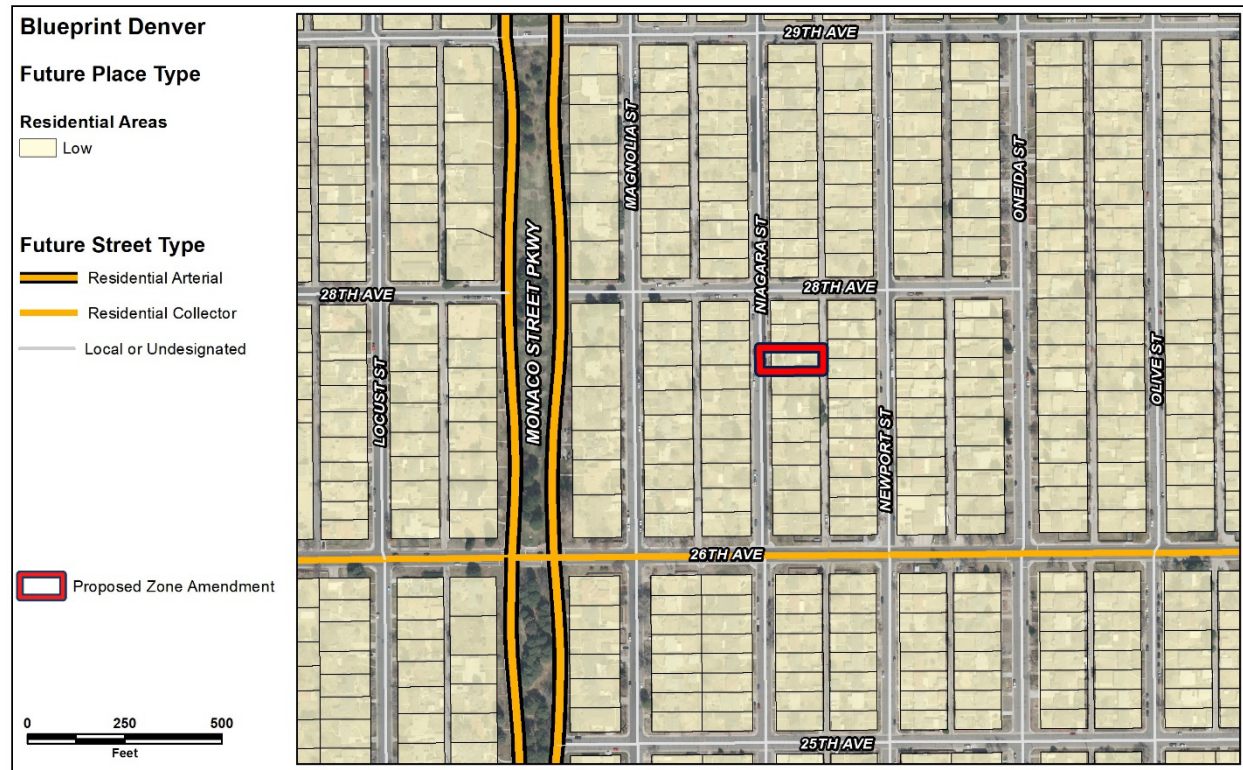


In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as the Urban Edge neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as possessing “good walkability with short, predictable blocks,” with “commercial developments designed around single-occupancy vehicles” and containing homes that “are typically low-scale single- and two-unit residential with some small scale multi-unit residential.” (p. 205).

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 “to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context” and “the building form standards,

design standards and uses work together to promote desirable residential areas” (DZC Section 4.2.2.1). The proposed E-SU-D1x zone district 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 low-scale accessory dwelling units that will be compatible with the existing residential area.

Blueprint Denver Future Place

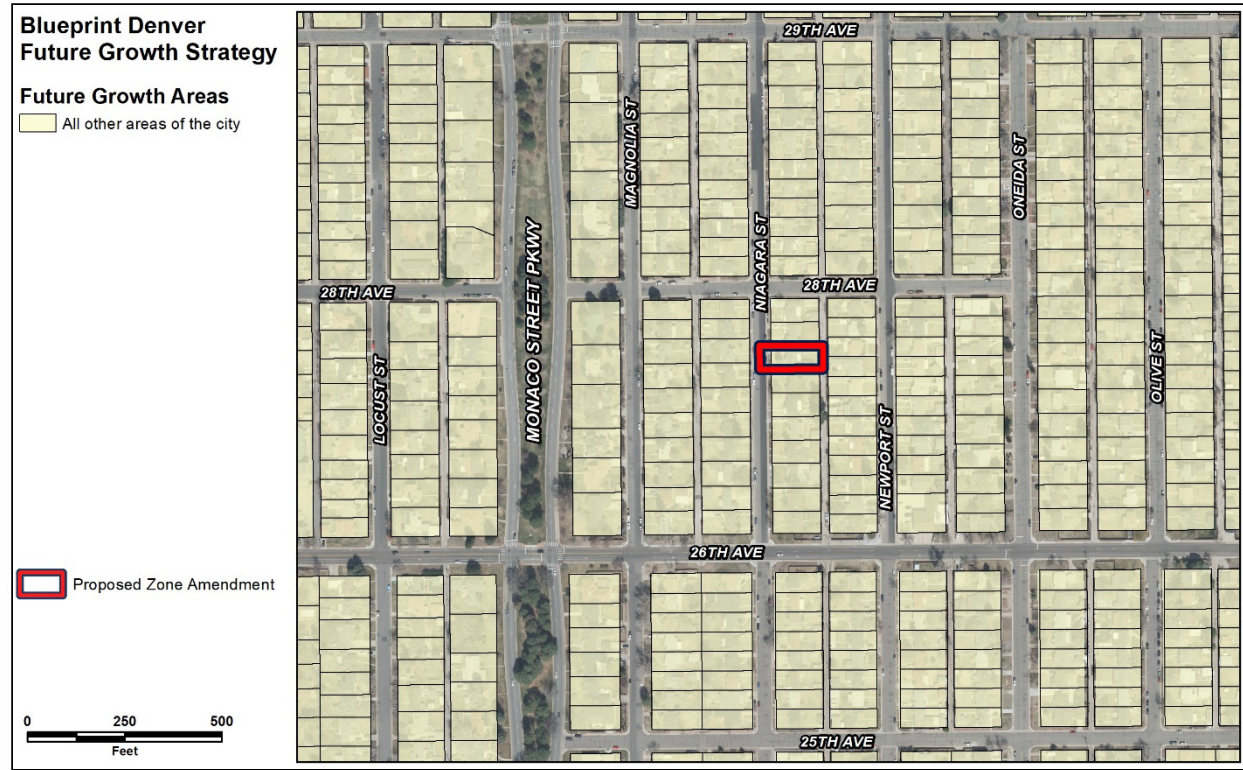


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Places map. This place type is “Predominately single- and two-unit uses on small or medium lots.” In addition, “Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated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

Blueprint Denver Future Street Types

In *Blueprint Denver*, future 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 Niagara Street as Local or Undesignated, which is “most often characterized by residential uses.” (p. 161). The proposed E-SU-D1x district is consistent with this description because it allows primarily for 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 is "mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods" (p. 49). The proposed map amendment to E-SU-D1x will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit and is therefore consistent with the growth strategy.

Blueprint Denver Strategies

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

- Policy 4 Strategy E – "A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area." (p. 84).

In this case, the requested rezoning is a single lot in a residential area within walking distance of multiple bus routes. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint Denver* recommendations.

Park Hill Neighborhood Plan

Park Hill Neighborhood Plan was adopted in 1999 in concert with Denver's *Comprehensive Plan 2000* and establishes an integrated framework for land use based on former Chapter 59 zoning.

- Land Use and zoning Goal: "Initiate zoning amendments and policies to protect the single-family residential character in Park Hill (p. 34)".
- **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).

In this case, the requested rezoning to allow for ADUs would do so via context-sensitive ADU form and use standards developed particularly for Single Unit districts in the Urban Edge context.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-D1x will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (*Blueprint Denver* p. 84). The proposed rezoning would also provide the benefit of additional housing units that are 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 North Park Hill 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 *Comprehensive Plan 2040* and *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 diversifying housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested E-SU-D1x zone district is within the Urban Edge Neighborhood Context. The neighborhood context “is primarily single-unit and two-unit residential Uses.” Furthermore, “small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas” Furthermore, “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 form.” (DZC, Section 4.1.1). These areas consist of a “regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid” (DZC, Section 4.1.2). This area of the North Park Hill neighborhood consists of mostly single-unit residential uses in rectangular blocks. The proposed rezoning to E-SU-D1x is consistent with the neighborhood context description.

Denver Zoning Code Section 4.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Edge Neighborhood context.” (DZC Section 4.2.2.1) It “accommodate[s] the varied pattern of suburban and urban house forms,” and “While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space.” This is consistent with the E-SU-D1x district as it allows for a two and a half story urban house or suburban house and will protect the character of the residential areas in the Urban Edge neighborhood context.

The specific intent of the E-SU-D1x zone district is “E-SU-D1x is a single unit district allowing suburban houses and urban houses with a minimum zone lot area of 6,000 square feet and accessory dwelling units. 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.H).

This site is surrounded on four sides by similar residential development, in an area where adopted plan guidance calls for single-unit residential uses with accessory dwelling units. Therefore, this proposed rezoning is consistent with the specific intent of the E-SU-D1x zone district.

Attachments

1. Application