



Community Planning and Development
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TO: ~~Denver Planning Board~~ Denver City Council Land Use, Transportation and Infrastructure Committee
FROM: Andrew Webb, Senior City Planner
DATE: October 27, 2021
RE: Official Zoning Map Amendment Proposal #2020I-00158 rezoning multiple properties in East Colfax from E-SU-Dx to E-SU-D1x

Staff Report and Recommendation

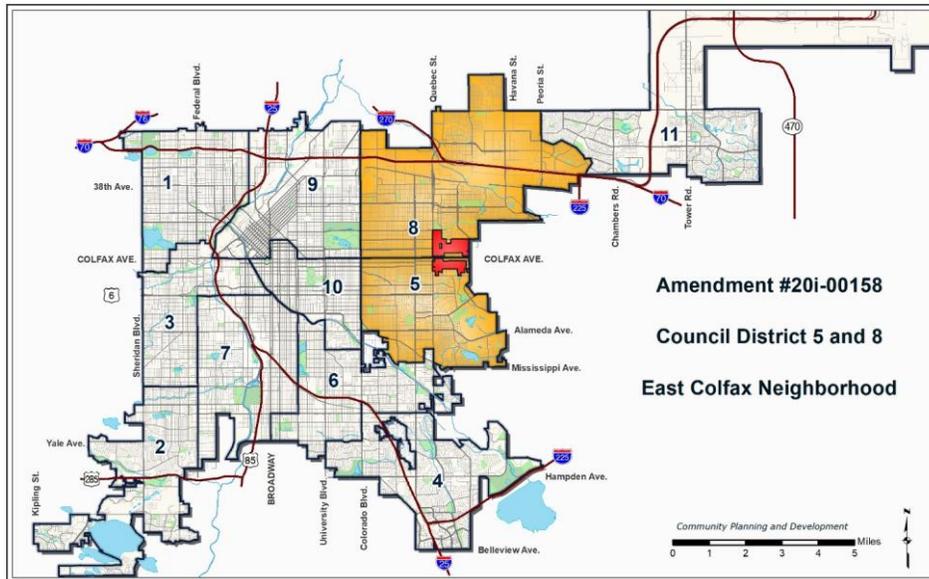
Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00158.

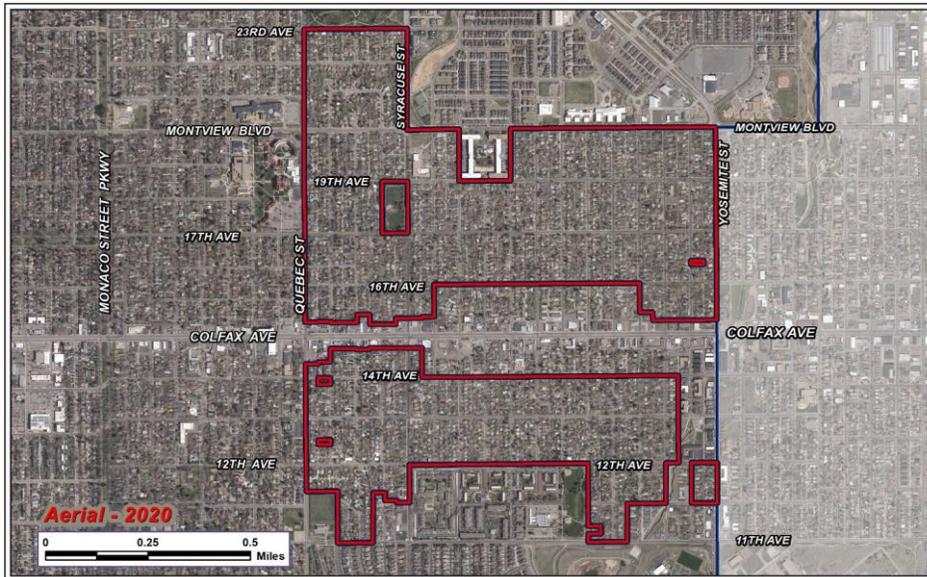
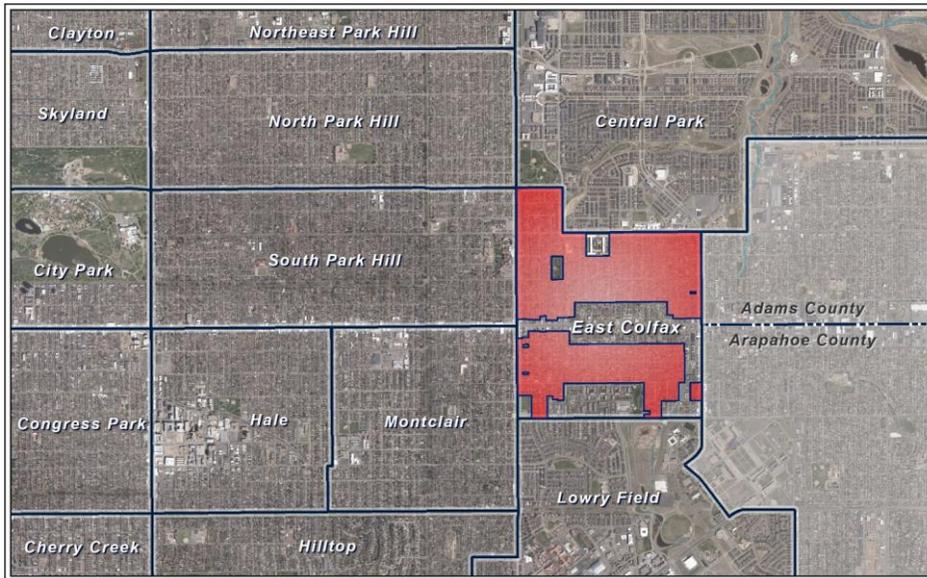
Summary and Purpose

Councilmembers Amanda Sawyer and Christopher Herndon are sponsoring a map amendment to rezone the single-unit residential zone districts in the East Colfax neighborhood to allow accessory dwelling units.

- The proposed rezoning includes the area in the East Colfax neighborhood that has residential zoning. This includes approximately 468 acres bounded by North Quebec Street, North Yosemite Street, East 23rd Avenue to Montview Boulevard, and East 11th Avenue.
- The proposed rezoning includes over 2,050 single unit residential properties. The proposed map amendment would rezone these properties from E-SU-Dx to E-SU-D1x.
- The proposed zone district is the same as the current district except that it allows the accessory dwelling unit use and detached accessory dwelling unit building form. The accessory dwelling unit use is allowed either within the primary structure or in a detached accessory dwelling unit structure. 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).

Existing Context



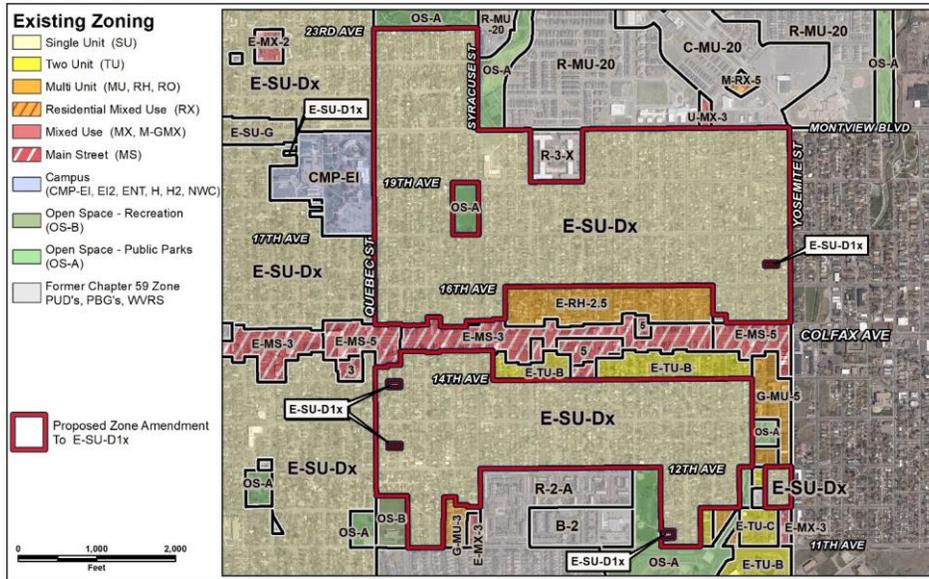


The subject properties are in the East Colfax Neighborhood, which is primarily single-unit residential uses transitioning to two- and multi-unit residential adjacent to commercial/retail, industrial, office, and mixed-use land uses along East Colfax Avenue. There is a pattern of regular blocks surrounded by orthogonal streets within a grid.

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 residential buildings with moderate setback	Generally regular grid of streets; Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	OS-A, R-MU-20, U-MX-3, C-MU-20	Open space, residential (single-unit, multi-unit), public/quasi-public, commercial/retail	Park, 2-story townhouses with smaller setback and tree lawn, 1-2 story school building with large setback	
South	OS-B, R-2-A, G-MU-3, OS-A	Residential (single-unit, two-unit, multi-unit), open space, public/quasi-public	1-story residential building with moderate setback, 2-story townhouse with parking between street and building, park	
East	City of Aurora	City of Aurora	1-story residential building with moderate setback, 2-story duplexes with smaller setback	
West	E-SU-Dx	Single-unit residential, public/quasi-public	1-story residential building with moderate setback, 1-2 story education facility with large setback	

1. Existing Zoning



The proposed rezoning area is currently zoned E-SU-Dx, which is a single-unit residential district allowing the urban house and suburban house primary building forms with a maximum height of 30 to 35 feet. The minimum lot width is 50 feet wide, and minimum lot area is 6,000 square feet.

2. Parkway

The Montview Boulevard Parkway extends through the proposed rezoning along Montview Boulevard. The Parkway extends from North Colorado Boulevard to North Syracuse Street, and the segment that includes the proposed rezoning extends from North Quebec Street to North Syracuse Street. Along this stretch, the Parkway requires a 25 foot building setback and a 25 foot sign setback on both sides of Montview Boulevard. Detached ADUs are required to be in the rear of a lot, so would not be affected by this parkway setback. Expansion to construct attached ADUs would be subject to these setbacks.

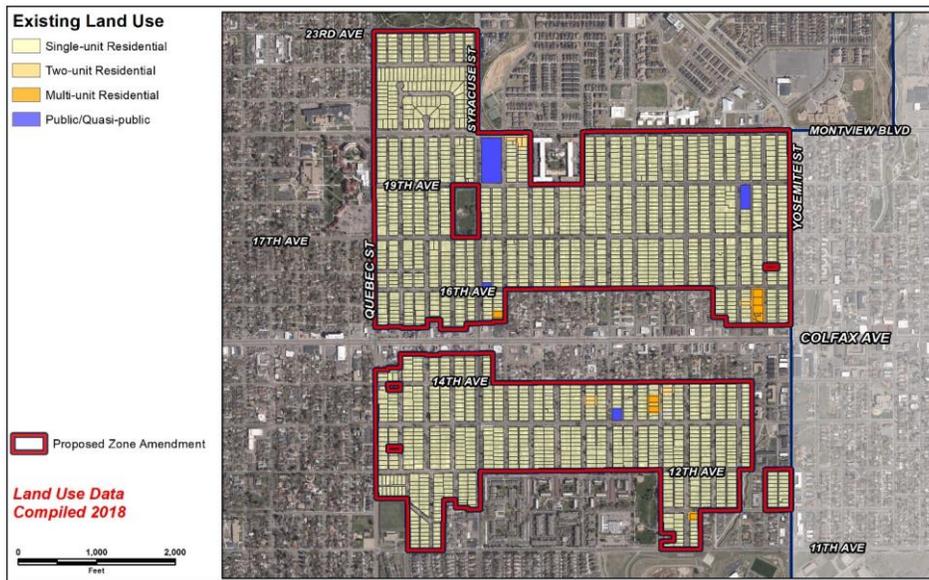
3. Historic Structures

There are several historic structures within the rezoning area: The Ashley Elementary School at 1914 North Syracuse Street and the Greeters of America National Homes at 1760 North Ulster Street and 1740 North Ulster Street. Development under the proposed rezoning would be subject to the same regulations that currently exist on the properties. There are no historic districts within the proposed rezoning.

4. Large Development Review

The applicability of the large development review process is defined by DZC Section 12.4.12.2. There is no specific development concept for this legislative map amendment proposal, no adopted plan recommends use of the LDR process for this proposal, no infrastructure network or system improvements are anticipated, and there is no existing general development plan that needs to be amended. Therefore, although the area of the rezoning is larger than 5 acres, large development review was found to be inapplicable.

5. Existing Land Use Map



6. Existing Building Form and Scale

All images are from Google Street View.



View facing west on North Trenton Street south of East 19th Avenue – within proposed rezoning (E-SU-Dx)



View facing north on East 17th Avenue west of North Willow Street – within proposed rezoning (E-SU-Dx)



View facing north on East 12th Avenue west of North Syracuse Street – within proposed rezoning (E-SU-Dx)



View facing north on East Colfax Avenue east of North Verbena Street – near proposed rezoning



View facing on North Xenia Street south of East 14th Avenue – near proposed rezoning

Proposed Zoning

The proposed zone district is a single-unit residential district allowing the urban house and suburban house primary building forms with a maximum height of 30 to 35 feet. E-SU-D1x allows accessory dwelling units, including a detached accessory dwelling unit in the rear yard. The minimum lot width is 50 feet wide, and minimum lot area is 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to the existing E-SU-Dx zone district. Further details of the zone districts can be found in Article 4 of the Denver Zoning Code (DZC) and the attached text amendment.

The primary building forms allowed in the proposed zone district are the same as those allowed in the existing zone district.

Note that Denver Community Planning and Development has proposed a text amendment to correct a code error in the maximum building footprint for a detached accessory dwelling unit building form in the proposed E-SU-D1x zone district and other E-SU- district that allow accessory dwelling units. The text amendment is proposed for adoption on the same schedule as this map amendment to ensure that rezoned properties in the East Colfax neighborhood are not impacted by the error. See “Related Text Amendment to Correct Maximum Building Footprint for a Detached ADU” below for more information.

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.

Department of Public Health and Environment: Approved – No response.

Denver Parks and Recreation: Approved – No response.

Public Works – R.O.W. - City Surveyor: Approved – No comments.

Development Services - Transportation: Approved – No response.

Development Services – Wastewater: Approve – See Comments Below.

Approved – But council should be aware that there are sewer capacity needs in the area that will be exacerbated by this re-zoning that may result in additional funding needs for WW [wastewater] capital projects in the future.

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

- 1) Any specific property seeking to construct or establish an ADU use or structure on the property will need to receive appropriate Zoning and Building permits and comply with the building form standards for the zone lot. Single family homes and duplex structures are reviewed through the Residential Zoning Review team.
- 2) Given the large area of the rezoning, it may be that not every property in the zone district will be able to meet the building form standards to construct an ADU on the zone lot if desired.
- 3) Any ADUs used as a short-term rental will need to acquire appropriate zoning and licensing permits.

Development Services – Fire Prevention: Approved – No response.

Public Review Process

	Date
Meetings with Registered Neighborhood Organizations	8/18; 10/2 and 11/10/2020

Postcards and Flyers	1/2021
Public Survey	8/18/20- 2/15/21
Community Town Halls to discuss proposal with neighborhood residents	1/20/21 1/27/21
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	8/19/2021
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:	10/19/2021
Planning Board public hearing: <u>Unanimous Recommendation of Approval</u>	11/3/2021
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 (10) working days before the meeting:	10/26/2021 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	11/9/2021 (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:	11/29/2021 (tentative)
City Council Public Hearing:	12/20/2021 (tentative)

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

- As of the date of this staff report, no comments have been received from Registered Neighborhood Organizations.

- **Other Community Organizations**

As of the date of this staff report, staff has received a letter of support from the Fax Partnership, a nonprofit organization that advocates for development without displacement and provides residential and business support services to the community. Their letter highlighted the potential for ADUs to expand housing diversity, especially for residents vulnerable to displacement, and to help existing homeowners build wealth. The organization said that it would look to existing models, like the West Denver Renaissance Collaborative, to develop programs aimed at helping residents navigate the process of designing and financing ADUs in East Colfax.

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○ **General Public Comments**

As of the date of this staff report, four written comments were received from neighborhood residents expressing support for the application. Comments in support cited the need for increased diversity of housing and this rezoning's positive impact on racial and class equity. Three written comments were received expressing opposition based on concerns around traffic, congestion, overcrowding, attracting developers, and the character of the area. Another commenter described their feelings as "neutral," noting that while they supported the proposal, they had concerns about traffic and parking. All comments received are included as an attachment to this staff report.

Additionally, City Council District 5 and District 8 offices published an online survey in English and Spanish from August 2020 to February 2021 seeking residents' input. Of the 139 responses received, 106 participants said they supported the proposed rezoning to allow ADUs, 26 said they opposed it, and 7 answered "unsure." Survey participants were also invited to provide comments, all of which are included with the application, attached to this staff report.

Related Text Amendment to Correct Maximum Building Footprint for a Detached ADU

Denver Community Planning and Development has proposed a separate but related text amendment to the Denver Zoning Code to correct two discrete numerical errors in the maximum building footprint for detached accessory dwelling units in E-SU- zone districts. The error was introduced in the 2021 Bundle of Denver Zoning Code Text Amendments, adopted in June. It resulted in a misstatement of the maximum building footprint for detached accessory dwelling units on zone lots greater than 6,000 square feet in size in the following zone districts:

- E-SU-B1
- E-SU-D1
- E-SU-D1x (the zone district that would be established in East Colfax by this proposed rezoning)
- E-SU-G1

The proposed amendment would return the maximum building footprint for the detached ADU building form to 864 square feet for zone lots greater than 6,000 square feet but smaller than 7,000 square feet,

and 1,000 square feet for zone lots greater than 7,000 square feet. It will have no impact on any other zone district or building form.

Consistent with Denver Zoning Code Sec. 12.4.11, this text amendment to “correct an error or mistake in fact in the Code language” will begin the adoption process at the Denver City Council’s Land Use, Transportation and Infrastructure Committee, with notification provided in advance of those dates per Code requirements. It is expected to have the same City Council hearing dates as the proposed rezoning for East Colfax.

Criteria for Review / Staff Evaluation

The City Attorney’s Office has determined this to be a legislative map amendment proposal. Therefore, the criteria for review of this legislative rezoning proposal are found in DZC, Sections 12.4.10.7 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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *East Area Plan (2020)*

Overview of Plan Consistency

Several of the adopted plans, detailed below, recommend allowing accessory dwelling units (ADUs) as one tool in a broader strategy to diversify the types of housing that are available and provide affordable housing options. This rezoning, which would allow ADUs throughout the East Colfax neighborhood.

Recently adopted plans, like the East Area Plan, also note that while enabling ADUs through legislative rezoning is an important first step, there are other barriers to ADUs becoming accessible wealth building tools and housing options. Additionally, members of the East Colfax community have expressed concern over involuntary displacement and how that might impact this neighborhood. To address additional barriers to building ADUs and the neighborhood’s vulnerability to displacement, District 5, District 8, and City staff worked with community partners and city agencies to address these concerns as part of this rezoning. These companion efforts are detailed below.

Invest in a program to provide design, finance, and construction support for ADUs for low- and moderate-income homeowners or renters

The West Denver Renaissance Collaborative (WDRC) launched the West Denver Single Family Plus (WDSF+) Accessory Dwelling Unit (ADU) Pilot Program in 2018 to enable moderate- and low-income

homeowners to design, finance, and build an ADU on their residential property. The program provides homeowners with development, financing, and construction resources to develop a detached ADU. Additionally, some homeowners may be eligible for a forgivable loan of up to \$25,000 to cover costs of building an ADU. ADUs created through the program are designated as affordable housing for 25 years, to be occupied or rented at a rate no higher than the 80 percent area median income maximum rent. As part of the program, the City is working to streamline permitting for prototype ADU designs offered by WDRC and partnering with Habitat for Humanity to construct ADUs.

WDRC is working with its program partners to anticipate scaling the program. For example, WDRC is working with the City's Department of Housing and Stability (HOST) to include the potential for one to five ADUs to be built outside of west Denver as part of the current affordable ADU funding contract. WDRC is also working with partners to enable the program to scale and extend to areas like East Colfax by evaluating lessons learned from the pilot thus far, identifying bridge funding and additional staff needs, and updating or establishing agreements with city partners.

Community partnerships

Denver's Neighborhood Equity and Stabilization (NEST) initiative was created in 2018 to preserve the culture and character of specific neighborhoods experiencing significant change by helping provide longtime businesses and residents opportunities to remain in place. East Colfax is one of the focus neighborhoods for the initiative, and NEST has staff assigned to East Colfax who are connected to the organizations in the community. NEST is partnering with HOST to provide East Colfax-specific outreach support for HOST's housing-related initiatives. Additionally, NEST is planning to pursue funding for a contract for navigators in the East Colfax community to augment these community connections.

NEST also hosts quarterly outreach events in the focus neighborhoods. While these events generally focus on small businesses, a future event could be located in East Colfax and focus on residents and ADUs.

The council offices reached out to several neighborhood organizations, and two organizations expressed interest in partnering with the council offices in response to this rezoning:

- The Fax Partnership is interested in including information on ADU resources as part of an upcoming town hall and having an ongoing role in educating the neighborhood in the permitting and construction process. The organization doesn't currently have the resources to help implement a broader ADU program, but they are interested in becoming a future implementer if they have access to funding to bring on one full time employee and a part time employee.
- East Colfax Neighborhood Association (ECNA) is interested in holding trainings for the neighborhood to learn how to navigate permitting and construction of ADUs.

ADU Resources

As detailed in Appendix A, the council offices hosted two town halls in January. These events included staff from various agencies to provide a brief presentation and answer questions related to ADUs on topics ranging from zoning requirements to fire department considerations and tax implications.

Additionally, the District 5 council office has researched several resources for financing, designing, and building ADUs.

As part of the ADU pilot program, WDRC developed various resources around ADUs. The ADU templates designed as part of that program were for the specific pilot and do not focus on the liabilities or contracts necessary to make the templates available to other builders. However, materials such as the WDSF+ ADU Handbook¹ can be a useful resource to homeowners in East Colfax who are trying to learn more about ADUs.

CPD has also developed various resources to support homeowners who are interested in designing, permitting, and constructing an ADU. Development Services currently has a permitting guide for single-family and duplex projects, available online.² Development Services is planning to create a streamlined process guide specifically for ADUs. The initiative to create this resource was initially slated for 2021. However, this process improvement is currently postponed until the residential plan review team has adequate resources to devote to the project.

Funding and Financing Resources

In addition to supporting the WDRC program detailed previously, HOST will also explore options to provide money specific to ADUs within existing city funding structures.

ADUs in Denver Project

CPD is launching an [ADUs in Denver](#) project to look at rules for ADUs in the Denver Zoning Code and propose updates with these goals in mind:

- Making it easier to create ADUs as an additional housing option in zone districts where they are currently allowed
- Making sure new ADUs fit in well in different types of neighborhoods and block patterns, such as neighborhoods without alleys or neighborhoods with lower-scale primary structures

The project's intent is to look for ways to enable homeowners to create additional housing that increases access to Denver's neighborhoods while allowing them to remain in their homes long term. Zoning updates proposed by the [ADUs in Denver](#) project could impact the E-SU-D1x zone district proposed for East Colfax by streamlining zoning rules to make it easier to create ADUs as a housing option while also ensuring that ADUs fit in with unique neighborhood contexts.

Denver Comprehensive Plan 2040

The proposed text amendment and rezoning are consistent with *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

¹ Link to this resource:

https://static1.squarespace.com/static/5d07a8ec6460ff000144e3ef/t/5d76b5dd5fc15e1549cfba70/1568060897246/2018_WDRC_ADU+Handbook_Final-DIGITAL.pdf

² Link to this resource: https://www.denvergov.org/content/dam/denvergov/Portals/696/documents/Single-family_duplex/PermittingGuide_ResidentialSFDuplex.pdf

The map amendment enables ADUs in an entire neighborhood. ADUs can provide additional housing options, including for seniors and families, and they can provide residents more flexibility to remain in their houses. Therefore, the map amendment is consistent with the following Equitable, Affordable and Inclusive strategies:

- 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).
- Equitable, Affordable and Inclusive Goal 2, Strategy D – *Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments* (p. 28).

Because ADUs are not currently allowed in the East Colfax neighborhood, the map amendment would provide an additional housing type and is therefore consistent with the following Strong and Authentic Neighborhoods strategy:

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

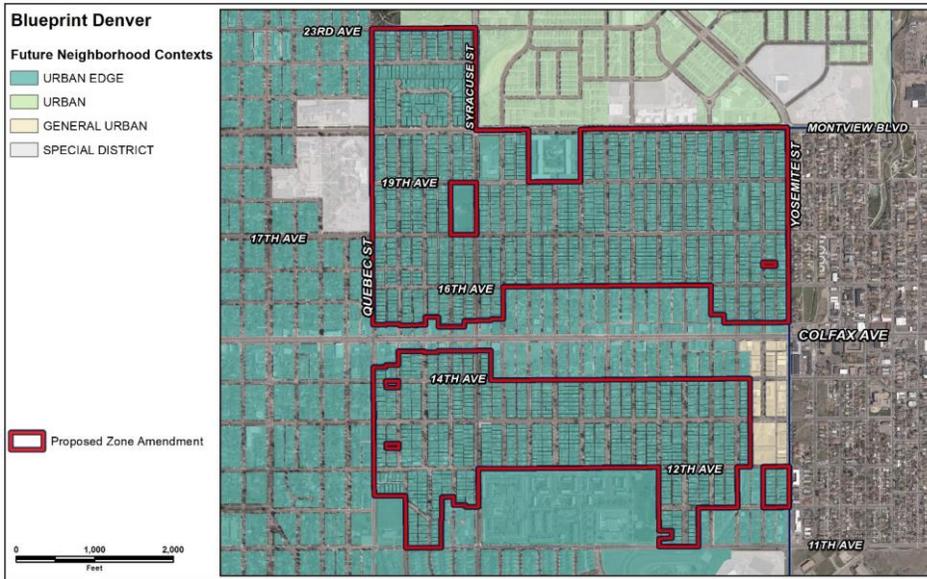
Similarly, the map amendment will allow additional housing units on lots with existing houses where infrastructure and services such as water, stormwater, and transit already exist. Therefore, the map amendment is consistent with the following Environmentally Resilient strategy:

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

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 properties as part of a Residential Low place, with some areas as part of the Residential Low-Medium, within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

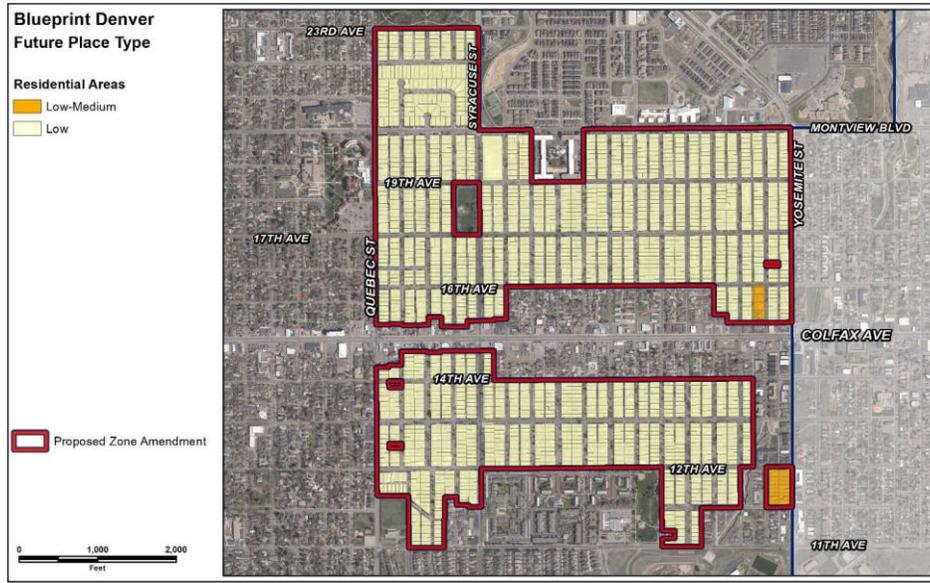
Blueprint Denver Future Neighborhood Context



The proposed rezoning is within the Urban Edge neighborhood context, which predominantly contains “single-unit and two unit uses, with some low-scale multi-unit embedded throughout” with “a mix of suburban and urban elements— streets may be rectangular or curved and alleys are sometimes present” (p. 206).

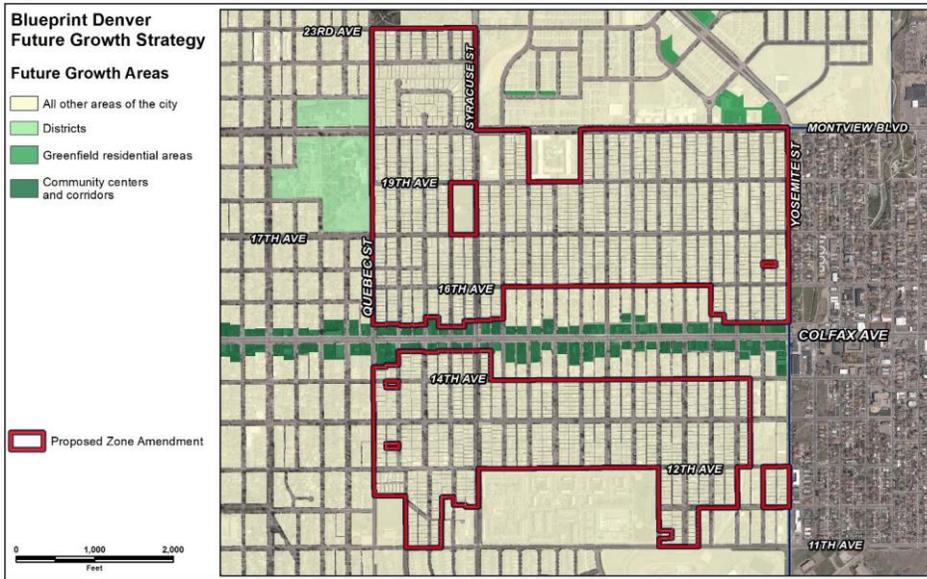
The Denver Zoning Code states that zone districts within the Urban Edge context are “intended to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context,” further clarifying that “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 4.2.2.1).

Blueprint Denver Future Places



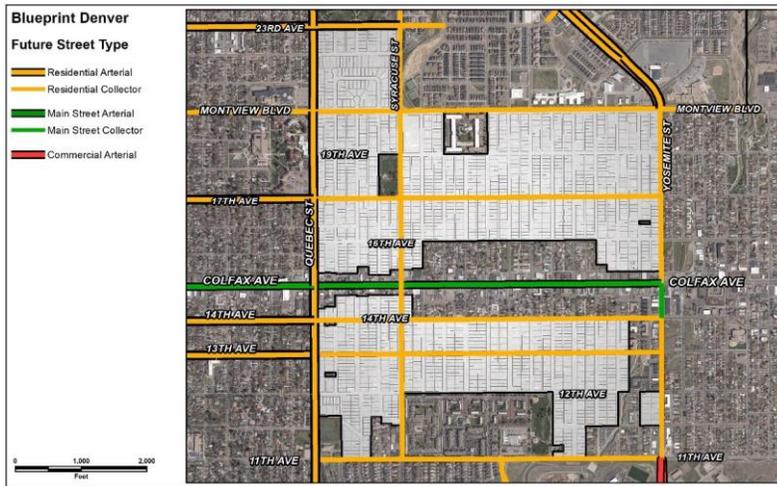
The proposed rezoning is within the Residential Low future place, which is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “buildings are generally up to 2.5 stories in height” (p. 214). Portions of the proposed rezoning are also within the Residential Low-Medium future place, which includes a “mix of low- to mid-scale multi-unit residential options. Small-scale multi-unit buildings are interspersed between single- and two-unit residential... Buildings are generally 3 stories or less in height. When occurring, single- and two-unit residential uses are typically in the urban house form” (p.217). The proposed map amendment is consistent with these future place designations because it allows single-unit residential uses with accessory dwelling units.

Growth Strategy



Because the subject property is designated Residential Low and Residential Low-Medium in the Future Places map, the *Blueprint* Growth Strategy categorizes it as "All other areas of the city." These areas are anticipated to experience approximately 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The map amendment is consistent with this growth strategy because they will allow low-intensity residential growth in this area, which is consistent with the growth strategy.

Blueprint Denver Street Types



Street types help inform the appropriate intensity of the adjacent development (p. 67). *Blueprint Denver* classifies Quebec Street, 23rd and 23rd Avenue as Residential Arterials, which are “designed for the highest amount of through movement and the lowest degree of property access” (p. 154). *Blueprint Denver* classifies Syracuse Street, Yosemite Street, Montview Boulevard, 11th Avenue, 14th Avenue, 13th Avenue, and 11th Avenue as Residential Collectors. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p.159). The remaining streets in the proposed rezoning are undesignated local streets, which are “most often characterized by residential uses [and] provide the lowest degree of through travel but the highest degree of property access” (p. 154).

E-SU-D1x is a residential district within the Urban Edge context, which include regulations intended to “reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC Section 4.2.2.1.D). Therefore, the proposed text and map amendments will result in an intensity that is appropriate for the network of street types in the area.

Blueprint Denver Strategies

Blueprint Denver includes additional recommendations that are relevant for this proposed map amendment.

Land Use & Built Form, Housing, Policy 4:

- This policy recommends “Diversify[ing] housing choice through the expansion of accessory dwelling units throughout all residential areas” (p. 84), which is consistent with the map amendment.

- The policy is aimed at a citywide approach to ADUs, and it includes several strategies for integrating accessory dwelling units, including using “an inclusive community input process to respond to unique considerations in different parts of the city”, “expanding[ing] access to ADUs as a wealth-building tool for low- and moderate-income homeowners”, and “identify[ing] strategies to reduce involuntary displacement – especially in areas that score high for Vulnerability to Displacement – in conjunction with expanding the allowance for ADUs” (p. 84). This legislative rezoning removes the burden on individual homeowners to rezone their own property. Additionally, several of the companion tools detailed in the Overview of Plan Consistency section of this staff report are intended to remove other barriers to ADUs for homeowners, including efforts to expand the WDRC program to East Colfax and to form partnerships with community organizations such as The Fax Partnership to make constructing ADUs a more accessible option for people with a variety of income levels.

Land Use & Built Form, General, Policy 11:

- This policy is to “Implement plan recommendations through city-led legislative rezonings and text amendments” (p. 79).
- **Strategy A** recommends “prioritiz[ing] larger-scale, legislative rezonings over site-by-site rezonings to implement plan recommendations and to achieve citywide goals, including equity goals” (p. 79). Given broad interest in rezoning to allow ADUs on single properties in East Colfax, a legislative rezoning for the entire area is consistent with this strategy.
- **Strategy C** directs text amendments and city-led rezonings to utilize “a robust and inclusive community input process.” A months-long public outreach process included: two town-halls with recordings shared on Facebook, including translation provided in Spanish, Amharic, Karen, and Burmese, a survey available in English and Spanish that received 139 responses, a website with FAQs, and overview, and other ADU resources, and a mailer sent in English and Spanish to all residential properties in East Colfax. Full details of the outreach and the input received is included in the attached rezoning proposal.

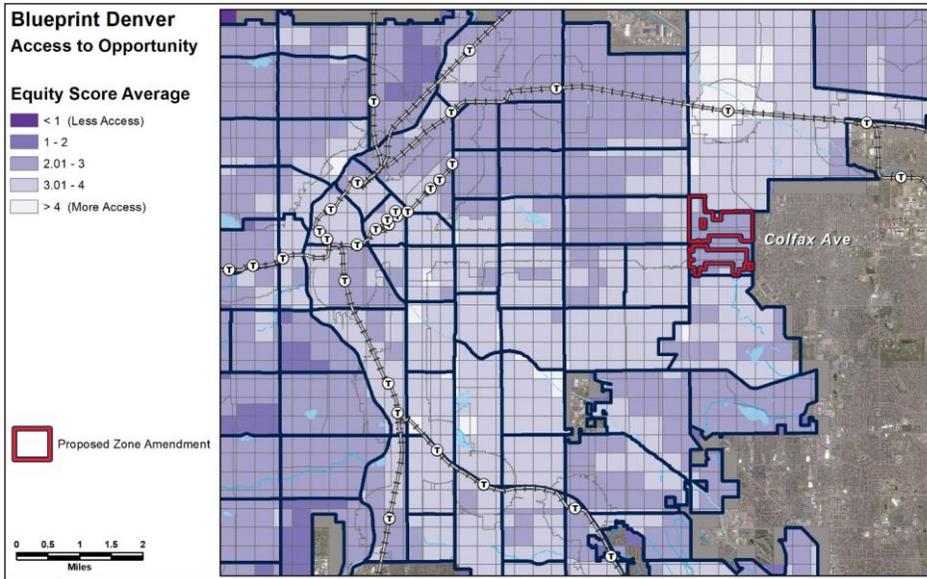
Land Use and Built Form: General, Policy 5:

- This policy is to “Integrate mitigation of involuntary displacement of residents and/or businesses into major city projects” (p. 75)
- **Strategy B** recommends “For major city investments and projects—including regulatory changes and legislative rezonings— analyze the potential for the involuntary displacement of lower-income residents and local businesses.” Discussion of impacts on involuntary displacement is included below *Blueprint Denver* equity concepts. Additionally, the use limitations of ADUs, including a requirement of single ownership of the primary house and the ADU, are designed to encourage their use by existing residents rather than speculative buyers.

Blueprint Denver Equity Concepts

Blueprint Denver contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions.

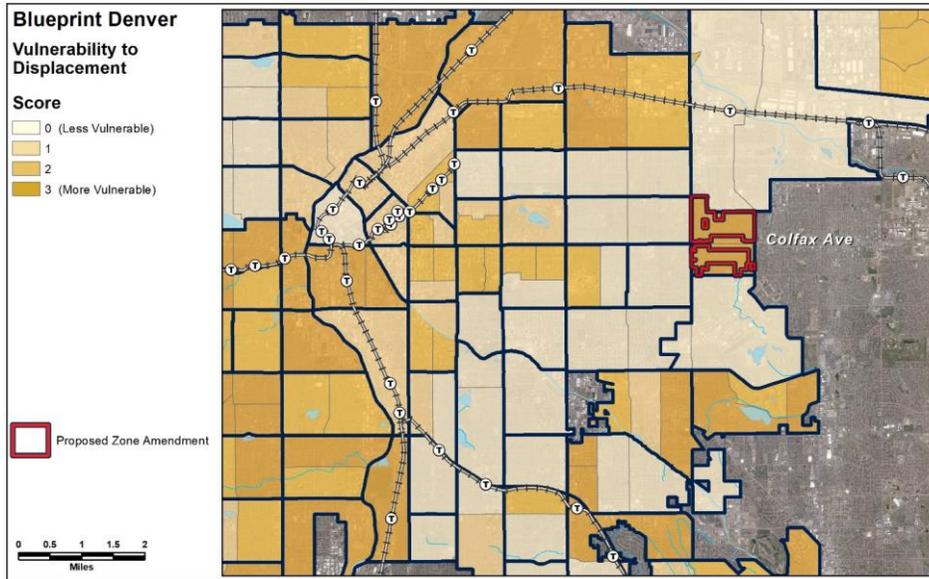
I. Access to Opportunity



This equity concept is measured using a six-indicator index of data points for neighborhood equity and scores measuring access to amenities, services and quality transit. Generally, East Colfax is shown as having less access when measuring access to healthcare and life expectancy. The neighborhood, bisected by East Colfax Avenue, has higher than average scores for access to transit and centers and corridors.

This rezoning, with its focus on allowing additional housing units, will increase the availability of homes near transit and expand the number of residents who can access jobs and services along key centers and corridors. Further, this rezoning will not exacerbate or worsen inequities in the access to opportunity concept scores as it promotes every Denver resident to live in a complete neighborhood with basic services and amenities.

II. Vulnerability to Involuntary Displacement



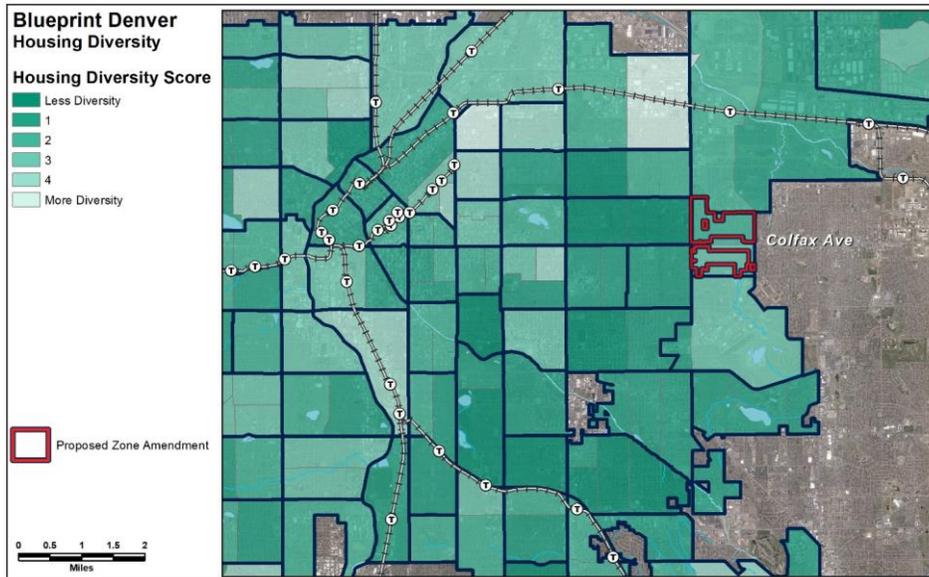
This concept seeks to stabilize residents and businesses who are vulnerable to displacement due to increasing property values and rents. The basis for measuring vulnerability to involuntary displacement was developed by the Department of Housing Stability (HOST) and combines the following data points from the U.S. Census: median household income, percent of renter-occupied units and percent of residents with less than a college degree. The East Colfax neighborhood is vulnerable to involuntary displacement based on all three indicators scoring worse than the citywide averages.

This rezoning, in conjunction with the efforts detailed in the Overview of this section, newly-formed relationships and potential pilot programs, will not increase inequities but instead allow more property owners to establish an accessory dwelling unit on their property which can be an opportunity to build wealth and help keep current residents in place and provide more housing options for households who are vulnerable to displacement.

III. Expanding Housing and Jobs Diversity

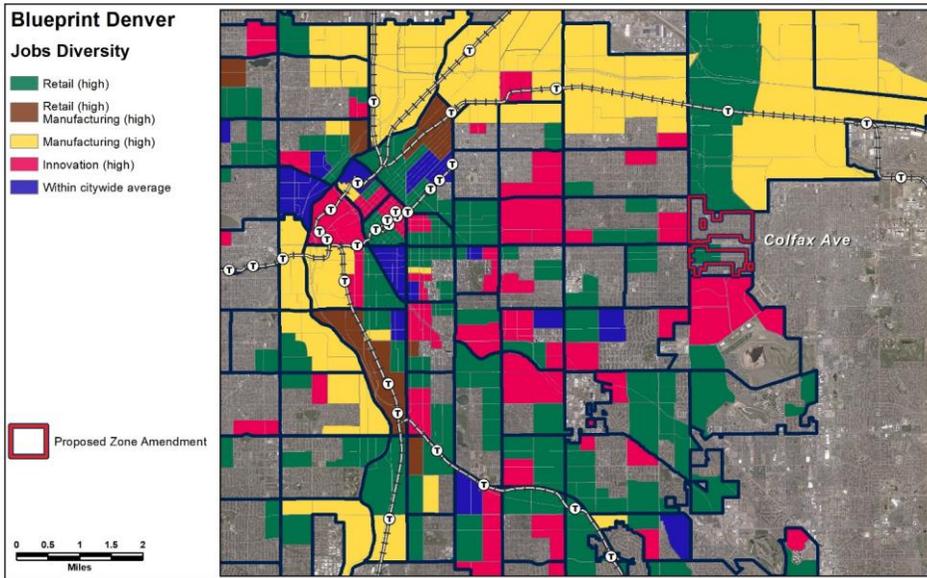
This concept seeks to provide a better and more inclusive range of housing and employment options in all neighborhoods. A diverse range of housing options, including different prices, sizes, types and a mix of rental and for-sale is key to encouraging complete neighborhoods and households of all

types and incomes. Similarly, access to quality employment options allows residents of varying incomes and education levels to find jobs and wealth-building opportunities.



The housing diversity score combines census tract-level data measuring the percentage of middle-density housing (housing with 2-19 units), home size diversity, ownership versus rental, housing costs, and the number of income-restricted units. Both census tracts in the East Colfax neighborhood offer moderate diversity scoring more diverse than the citywide average for home sizes. The census tract north of East Colfax Avenue was also more diverse with regards to the ratio of owners to renters. Overall, this census tract scored a two out of five, having a less diverse mix of middle-density housing, housing costs and income restricted units. Similarly, the census tract south of East Colfax Avenue scored a three out of five, having a less diverse ratio of owners to renters and housing costs. Interestingly, this census tract has a much higher diversity of income restricted units with more than three times the citywide average.

This zoning proposal will expand housing diversity by creating a new housing option that is typically smaller and at a different price point than the existing single-unit homes in the neighborhood. ADUs can accommodate households of different ages, sizes, and incomes which would also advance the goal to increase racial, ethnic and socioeconomic diversity in Denver's neighborhoods.



Jobs diversity measures two key factors related to the availability and variety of employment options: the amount of jobs per acre in different parts of the city (jobs density) and the mix of jobs in different parts of the city (jobs diversity). Overall, the East Colfax neighborhood does not have a high density of jobs, typical of single-unit residential areas, and the jobs that are located within the neighborhood have an emphasis on retail compared to other areas of the city.

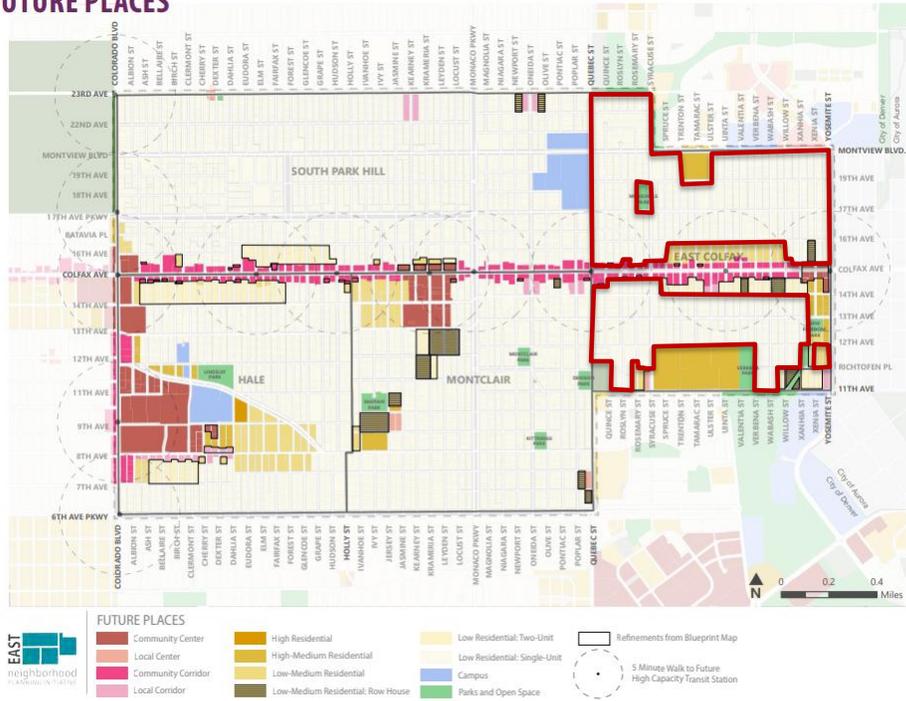
As the existing and proposed zone districts do not allow for commercial uses, the rezoning will not impact jobs diversity. However, the proposed district could enable residents with different incomes and education levels to live in a neighborhood with greater access to a variety of jobs and lead to wealth-building opportunities, particularly because the East Colfax neighborhood has higher scores regarding access to quality transit.

East Area Plan

The East Area Plan, adopted in 2020, includes the proposed rezoning area. This plan “provides a vision and policy guidance for land use, urban design, housing, mobility, parks, and the local economy for the next 20 years” (p. 2).

The *East Area Plan* builds on the Future Places designated in *Blueprint Denver* and provides additional detail for what these categories should mean in the neighborhoods included in this plan.

FUTURE PLACES



The parcels within this proposed rezoning fall under three Future Place categories, all of which specify that accessory dwelling units are appropriate. The majority of the parcels are within the Low-Residential: Single-Unit, which is “recommended in areas where single-unit homes with accessory dwelling units are appropriate” (p. 27). A smaller segment of the parcels are within the Low Residential: Two Unit areas, which are “recommended in areas where both single- and two-unit homes with accessory dwelling units are appropriate” (p. 27) and in Low-Medium Residential: Row House areas, which “includes a mix of single-unit, two-unit, and row house residential options, as well as accessory dwelling units” (p.27).

The *East Area Plan* has several other recommendations that are relevant to consider for this rezoning.

Land Use Recommendations

Policy L6 in the plan’s Land Use chapter states, “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). Strategy D recommends we

“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” (p. 39). This proposed rezoning is directly implementing this policy.

In the East Colfax neighborhood chapter of the plan, Policy EC-L1 reinforces this area-wide policy with specific a recommendation for this neighborhood to “Prioritize land use policies that aim to maintain character and improve affordability in East Colfax residential areas...Integrate accessory dwelling units and missing middle housing in appropriate locations” (p. 171). This rezoning proposal helps maintain the character of the neighborhood by allowing for the construction of ADUs, giving homeowners the opportunity to add living space and potential income without having to modify their existing homes or change the low-intensity residential character of the neighborhood. The addition of ADUs in the neighborhood also increases diversity in housing choices by providing a smaller, lower-cost option for tenants.

Economy and Housing Recommendations

Policy E1 in the plans’ Economy and Housing section states, “Stabilize residents at risk of involuntary displacement” (p. 52). Strategy D recommends we “Integrate resources and strategies to address equity considerations and mitigate involuntary displacement of residents with the implementation of major City investments and projects, including regulatory changes, legislative rezonings, and transportation infrastructure improvements. Strategies include incentives or requirements for affordable housing and targeted engagement to connect vulnerable residents with resources” (p. 52). In addition to the legislative rezoning, the East Colfax neighborhood is slated for a City-led investment with Bus Rapid Transit (BRT) and other infrastructure investments along Colfax Avenue. This proposed legislative rezoning supports the creation of additional income sources for homeowners who are at risk of involuntary displacement while also providing tenants with increased access to lower-cost housing options in the neighborhood. Additionally, efforts detailed in the Overview of Plan Consistency of this staff report are intended to further mitigate involuntary displacement. These efforts include connecting existing residents with financing and other resources, next steps to expand a program to specifically finance housing and wealth-building for low-income individuals, and partnerships with community organizations to connect to vulnerable residents.

Policy E4 states, “Expand diversity of housing types and affordability to support households of different sizes, ages, and incomes in all neighborhoods” (p. 54). Strategy C recommends we “Integrate accessory dwelling units (ADUs) and missing middle housing in appropriate locations (See Policy L6) with strategies for affordability and wealth-building for low- and moderate-income residents, such as: 1. Providing technical assistance and reducing barriers in permitting and construction for existing homeowners. 2. Exploring an adaptation of the West Denver Single Family Plus (WDSF+) ADU pilot program that provides technical assistance and financial incentives to help existing homeowners build ADUs. An East pilot program should offer forgivable loans or grants in exchange for a long-term affordability commitment, pre-approved

prototype designs (with universal design features) and streamlined access to lenders and builders” (p. 54). This legislative rezoning proposal removes barriers for homeowners to add diverse housing stock in East Colfax, allowing for more diverse living arrangements and increased options for families of different sizes, ages, and incomes. This legislative rezoning would reduce structural and financial barriers by eliminating the need for homeowners to pursue individual rezonings. The efforts detailed in the Overview of Plan Consistency of this staff report details next steps for providing technical and financial assistance to existing residents to pursue ADUs.

In the East Colfax neighborhood chapter of the plan, Policy EC-E1 reinforces this area-wide policy with specific a recommendation for this neighborhood to “Reduce involuntary displacement and address the affordable housing shortage in East Colfax” (p. 172). Strategy D recommends implementing this policy by expanding the diversity of housing types and affordability to support households of different sizes, ages, and incomes. New housing types could include accessory dwelling units and missing middle housing (p. 172). A legislative rezoning to allow ADUs would help increase access to diverse housing options in this area for households of different sizes, ages, and incomes by removing the critical barrier of zoning. It would also support homeowners in building wealth, thus reducing the potential for displacement. Additionally, the council offices sponsoring this map amendment have worked with the West Denver Renaissance Collaborative, The Fax Partnership, and City staff to drive the conversations detailed in the Overview of Plan Consistency section of this staff report to make building an ADU possible for people from a variety of incomes.

Policy EC-E7 – “Support neighborhood leadership organizing and community-building initiatives to promote continuous active participation in planning and policy making processes, decision-making, and implementation.” Strategy C recommends we “Ensure diverse, inclusive neighborhood participation in the community engagement process for major City investments and projects and rezonings, including TIF projects, regulatory projects, park improvements, and development of new services and programs in East Colfax.” This zoning proposal was developed in conjunction with the community and community organizations. The engagement process included townhall meetings with translation services, presentations at neighborhood organization meetings, a survey, a website, social media, district newsletters, door flyers, and mailers in English and Spanish. The Overview of Plan Consistency section of this staff report details various efforts to ensure continued community engagement moving forward, including working through NEST staff assigned to this neighborhood and potential future funding for a navigator contract.

Given the plan’s direction to expand the allowance of ADUs through the proposed rezoning, and the additional conversations around equity and access, this proposed rezoning is consistent with the *East Area Plan*.

Housing an Inclusive Denver

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council in 2018 and can be considered relevant to the review criteria for this map amendment. The map amendment ua reducing regulatory barriers to developing ADUs and are therefore consistent with the following plan guidance:

- **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 (p. 9)*
- **Attainable Homeownership, Recommendation 1:** *Promote programs that help households maintain their existing homes. Promote development of accessory dwelling units as a wealth building tool for low and moderate income homeowners in vulnerable neighborhoods and to support intergenerational households (p. 14)*

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 rezoning will improve public health, safety, and general welfare through implementing adopted plans.

Additionally, a rezoning to allow ADUs throughout the neighborhood introduces a new type of housing in an area, which provides several benefits. First, it expands housing diversity and opportunities to help residents at a range of income levels continue to live in the neighborhood. Second, it provides more flexibility for existing residents of East Colfax, which can allow families to remain in place as they grow and age. This flexibility supports family cohesion and can increase economic security. This is particularly useful to address overcrowding, which was identified in 12 percent of East Colfax households, compared to less than two percent citywide (American Community Survey, 2013-2017). Providing more flexibility can also provide additional income, which helps homeowners remain in place if they otherwise can't afford rising taxes. This can also help build generational wealth.

The proposed rezoning would also allow infill development through a minimal, context-sensitive increase in housing units. This infill, taking place where utilities, services, and a mix of uses are already in place, is more environmentally sustainable than the alternative of greenfield development. And because ADUs are either attached to the main building or behind the main building, they allow extra housing options while maintaining the character of the neighborhood.

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Attachments

1. Application
2. Public and RNO comment letters

