TO: Denver Planning Board
FROM: Libbie Adams, AICP, Associate City Planner
DATE: February 10, 2021
RE: Official Zoning Map Amendment Application #2020I-00195

Staff Report and Recommendation
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00195.

Request for Rezoning
Address: 2070 North Colorado Boulevard
RNOs: The Points Historical Redevelopment Corp, Opportunity Corridor Coalition of United Residents, Northeast Denver Friends and Neighbors (NEDFANS), Reclaim the East Side, South City Park Neighborhood Association, Capitol Hill United Neighborhoods, Greater Park Hill, and Inter-Neighborhood Cooperation (INC)

Area of Property: 18,750 square feet or 0.43 acres
Current Zoning: U-SU-E
Proposed Zoning: U-SU-E1
Property Owner(s): Kristin Schuch & Brett Cook
Owner Representative: Matthew Fitzpatrick

Summary of Rezoning Request
- The subject property contains a single unit home built in 1908 and is located along North Colorado Boulevard between East Montview Avenue and East 22nd Avenue. This was the home of Dr. Margaret Long and was designated as a Denver Historic Landmark in 2013.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-E1, Urban, Single-Unit, E1 (7,000 square feet minimum zone lot size allowing accessory dwelling units (ADUs)) zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House building form. 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. 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 5 of the Denver Zoning Code (DZC).

Existing Context
The subject property is in the South Park Hill statistical neighborhood, which is characterized primarily by single-unit residential uses with a limited number of multi-unit uses scattered throughout and some commercial uses located at intersections. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is located along North Colorado Boulevard across from City Park. Bus Routes RX, 40, and 20 run along North Colorado Boulevard. Route RX runs during the morning and afternoon with a 15-minute headway, and Routes 40 and 20 run most of the day with a 15-minute and 30-minute headway, respectively.

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

<table>
<thead>
<tr>
<th></th>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Building Form/Scale</th>
<th>Existing Block, Lot, Street Pattern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>U-SU-E</td>
<td>Single-unit residential</td>
<td>Three-story Historic Residence with a 15-foot primary street setback and curb cut onto Colorado Blvd.</td>
<td>Generally regular grid of streets; Grid is interrupted West of Colorado Blvd by City Park; Block sizes and shapes are consistent and rectangular. Vehicle parking to the front or side of buildings as this block</td>
</tr>
<tr>
<td>South</td>
<td>U-SU-E</td>
<td>Single-unit residential</td>
<td>Two-story Residence with a 16-foot primary street</td>
<td></td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>Existing Land Use</td>
<td>Existing Building Form/Scale</td>
<td>Existing Block, Lot, Street Pattern</td>
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<tr>
<td>-----------------</td>
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<td></td>
</tr>
<tr>
<td>East U-SU-C</td>
<td>Single-unit residential</td>
<td>Two-story Residence with 20-foot setback with curb cut onto Albion St.</td>
<td>does not include an alley.</td>
<td></td>
</tr>
<tr>
<td>West OS-A</td>
<td>Park/Open Space and Museum</td>
<td>City Park and five-story Museum of Nature and Science</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. Existing Zoning

The U-SU-E zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 7,000 square feet. The maximum allowed height is 2.5 stories or 30 to 35 feet in the front 65% of the zone lot, 1 story and 17 feet to 19 feet 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 15 to 17 feet. The intent of the district is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.

2. Historic Structure

In 2013, City Council approved the landmark designation of the Margaret Long House. Because of its status as a Denver Historic Landmark, the application to establish an accessory dwelling unit on the site will require design review. Accessory dwelling units are reviewed by the Landmark Preservation Commission (LPC) and require a pre-application meeting to start the process. The LPC review will result in approval, approval with conditions, continuance, or denial. Once LPC has approved an ADU, the city’s landmark staff will issue a certificate of appropriateness and stamp the drawings.
3. Existing Land Use Map

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

View of the subject site facing east.
View of the properties to the north facing east.

View of City Park directly west of the site, across North Colorado Blvd.
Proposed Zoning
The U-SU-E1 is a single unit zone district with a minimum zone lot size of 7,000 square feet that allows only the Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-E1 district. Compared to the U-SU-E district, U-SU-E1 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 rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees 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 18,750 square feet, allowing a maximum building footprint of 1,000 square feet for the DADU.

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

<table>
<thead>
<tr>
<th>Design Standards</th>
<th>U-SU-E (Existing)</th>
<th>U-SU-E1 (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Building Forms Allowed</td>
<td>Urban House</td>
<td>Urban House</td>
</tr>
<tr>
<td>Maximum Height in Stories/Feet, Front 65% of Zone Lot*</td>
<td>2.5 stories / 35 feet</td>
<td>2.5 stories / 35 feet</td>
</tr>
<tr>
<td>Maximum Height in Stories/Feet, Rear 35% of Zone Lot*</td>
<td>1 story / 19 feet</td>
<td>1 story / 19 feet</td>
</tr>
<tr>
<td>DADU Maximum Heights in Stories / Feet</td>
<td>DADUs not permitted</td>
<td>1.5 stories / 24 feet</td>
</tr>
<tr>
<td>Zone Lot Size (Min.)</td>
<td>7,000 square feet</td>
<td>7,000 square feet</td>
</tr>
<tr>
<td>Zone Lot Width (Min.)</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Primary Street Block Sensitive Setback Required / If not</td>
<td>Yes / 20 feet</td>
<td>Yes / 20 feet</td>
</tr>
<tr>
<td>Side Interior Setback (Min.) *</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear Alley / No Alley</td>
<td>12 feet / 20 feet</td>
<td>12 feet / 20 feet</td>
</tr>
<tr>
<td>Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions</td>
<td>37.5 %</td>
<td>37.5%</td>
</tr>
<tr>
<td>Detached Accessory Building Forms Allowed</td>
<td>Detached Garage, Other Detached Accessory Structures</td>
<td>Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures</td>
</tr>
</tbody>
</table>

*Based on subject property with width of approx. 150 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 (Katherine Rinehart):** Approved – No Comment

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approved – No Response

**Denver Parks and Recreation:** Approved – No Response
Department of Transportation and Infrastructure – R.O.W.- City Surveyor (Scott Castaneda): Approved
– See Comments Below:

Will require additional information at Site Plan Review. Submitted legal description matches one shown on most recent document in chain of title.

Development Services – Project Coordination: Approved – No Response

Development Services – Fire Protection: Approved – No Response

Development Services – Transportation: Approved – No Response

Development Services- Wastewater (Brenden Marron): Approved – See Comments Below:

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. The Denver public sanitary main on the east side of the parcel will require a public easement conveyance. This will be required under the building department permit process. ADU cannot encroach within easement. Independent sanitary service lines may be required, historical drainage paths must be maintained. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning. Commitment to serve proposed structure will be based on permit issuance.

Public Review Process

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:</td>
<td>12/29/2020</td>
</tr>
<tr>
<td>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:</td>
<td>2/2/2021</td>
</tr>
<tr>
<td>Planning Board Public Hearing:</td>
<td>2/17/2021</td>
</tr>
<tr>
<td>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:</td>
<td>2/16/2021 (tentative)</td>
</tr>
</tbody>
</table>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>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:</td>
<td>3/22/2021</td>
</tr>
<tr>
<td>City Council Public Hearing:</td>
<td>4/12/2021</td>
</tr>
</tbody>
</table>

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - To date, staff has not received any comments from affected Registered Neighborhood Organizations.
  - **General Public Comments**
    - To date, staff has received two public comments in support of the request.

**Criteria for Review / Staff Evaluation**

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

**DZC Section 12.4.10.7**
1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

**DZC Section 12.4.10.8**
1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

**1. Consistency with Adopted Plans**

The following adopted plans apply to this application:
- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- East Area Plan (2020)
\textit{Denver Comprehensive Plan 2040}

The proposed rezoning is consistent with many of the adopted \textit{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).

U-SU-E1 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 residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-unit homes that currently dominate the South Park Hill 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 single-unit home where infrastructure and services such as water, stormwater, and transit already exist. This allows Denver to grow responsibly and promotes land conservation.

\textit{Blueprint Denver}

\textit{Blueprint Denver} was adopted in 2019 as a supplement to \textit{Comprehensive Plan 2040} and establishes an integrated framework for the city’s land use and transportation decisions. \textit{Blueprint Denver} identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context and provides guidance on the future growth strategy for the city.
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 neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-SU-E1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-E1 is consistent with the Blueprint future neighborhood context of Urban 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). U-SU-E1 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 Urban House primary 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 Colorado Boulevard as a Residential Arterial. Residential streets are “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses” (p. 160). Additionally, arterial streets “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). The proposed U-SU-E1 district is consistent with the future street type in that it will only allow for residential and some civic and institutional 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 U-SU-E1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

Blueprint Denver Strategies

Blueprint Denver provides recommendations related to rezoning to allow for ADUs. Land Use & Built Form Housing 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). In this case, the requested rezoning is a single lot in a residential area within a few blocks of a bus stop for RTD Routes RX, 20, and 40. There is also support for ADUs in the recently adopted neighborhood plan. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with Blueprint Denver recommendations.
Small Area Plan: East Area Plan

The *East Area Plan*, adopted in 2020, updates the guidance in Comprehensive Plan 2040 and Blueprint Denver. Within the *East Area Plan*, the subject property is within the Urban Neighborhood Context, is in the Low Residential: Single-Unit future place type and is recommended for a maximum building height of 2.5 stories.

**East Area Plan Neighborhood Context**

The *East Area Plan* designates the subject property as within the Urban Neighborhood context and describes the context as “primarily single and two-unit residential areas and mixed-use nodes, although there are small multi-unit buildings and rowhouses, especially closer to Colfax Avenue. Vehicle access is provided by alleys, so streets are lined with front porches and yards” (p. 25). The proposed U-SU-E1 district will allow single-unit development with an accessory dwelling unit in conformance with the Urban Neighborhood Context.
The East Area Plan designates the subject property as within the Low Residential: Single-Unit future place. The plan recommends this place type “in areas where single-unit homes with accessory dwelling units are appropriate” (p. 27). Land Use and Built Form policy L6 states that East Area neighborhoods should be inclusive places that integrate missing middle housing and accessory dwelling units (p. 39). The U-SU-E1 zone district allows for a single-unit residential use with an additional dwelling unit accessory to the primary single-unit use. The proposed U-SU-E1 zone district is consistent with the Low Residential: Single-Unit place description.
Within the *East Area Plan* the growth strategy for the subject property is “all other areas of the city.” The plan states that “the area is expected to grow by up to 4,840 additional housing units and up to 3,090 in new jobs over the next 20 years” (p. 35). The U-SU-E1 zone district will allow limited growth consistent with the growth anticipated in the *East Area Plan*. 
The East Area Plan also recommends maximum building heights. For the subject property, the recommended maximum building height is up to 2.5 stories. The U-SU-E1 proposed zone district is consistent with the height guidance because it allows a maximum height of 2.5 stories.

**East Area Plan South Park Hill Guidance**
The East Area Plan includes additional guidance for individual neighborhoods. The subject property is within the South Park Hill neighborhood where the plan identifies specific recommendations. Recommendations for the area include the following:
(p. 215 and p. 216) to help prioritize land use policies that aim to maintain existing character (Policy PH-L1) and expand the diversity of housing types (Policy PH-E1).

The proposed rezoning to U-SU-E1 of the subject property implements these recommendations by rezoning to a zone district which will enable accessory dwelling units, so the application is consistent with the guidance for the South Park Hill neighborhood.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-E1 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) and the neighborhood plan which recommends integrating ADUs in residential neighborhoods. The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood and maintains the historic character of the property.

4. Justifying Circumstance

The application identifies the adoption of Blueprint Denver and the East Area Plan 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, both Blueprint Denver and the East Area Plan specifically recommend the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas and particularly within the South Park Hill neighborhood. These plans were adopted after the date of approval of the existing zoning district. Therefore, they are an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-E1 zone district is within the Urban Neighborhood Context. The neighborhood context is “primarily characterized by single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Division 5.1). These areas consist of a “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1).
The South Park Hill neighborhood consists of mostly single-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-E1 is consistent with the neighborhood context description.

Denver Zoning Code Section 5.2.2 states the general purpose of the Residential zone districts as “promot[ing] and protect[ing] residential neighborhoods within the character of the Urban Neighborhood context.” It accommodates one and two and a half story urban house forms oriented towards the street in the single-unit districts. This is consistent with the U-SU-E1 district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban neighborhood context.

The specific intent of the U-SU-E1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 7,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-E but allowing a detached accessory dwelling unit building form in the rear yard” (DZC 5.2.2.2.K.). The subject site is in an area where Urban houses with 50-foot wide lots are common. The site, at 2070 North Colorado Boulevard is 18,750 square feet with a width of approximately 150 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
2. Public comment letters