Community Planning and Development
Planning Services

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TO: Denver Planning Board
FROM: Tony Lechuga, Senior City Planner
DATE: January 10, 2024
RE: Official Zoning Map Amendment Application #2023I-00142

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00142.

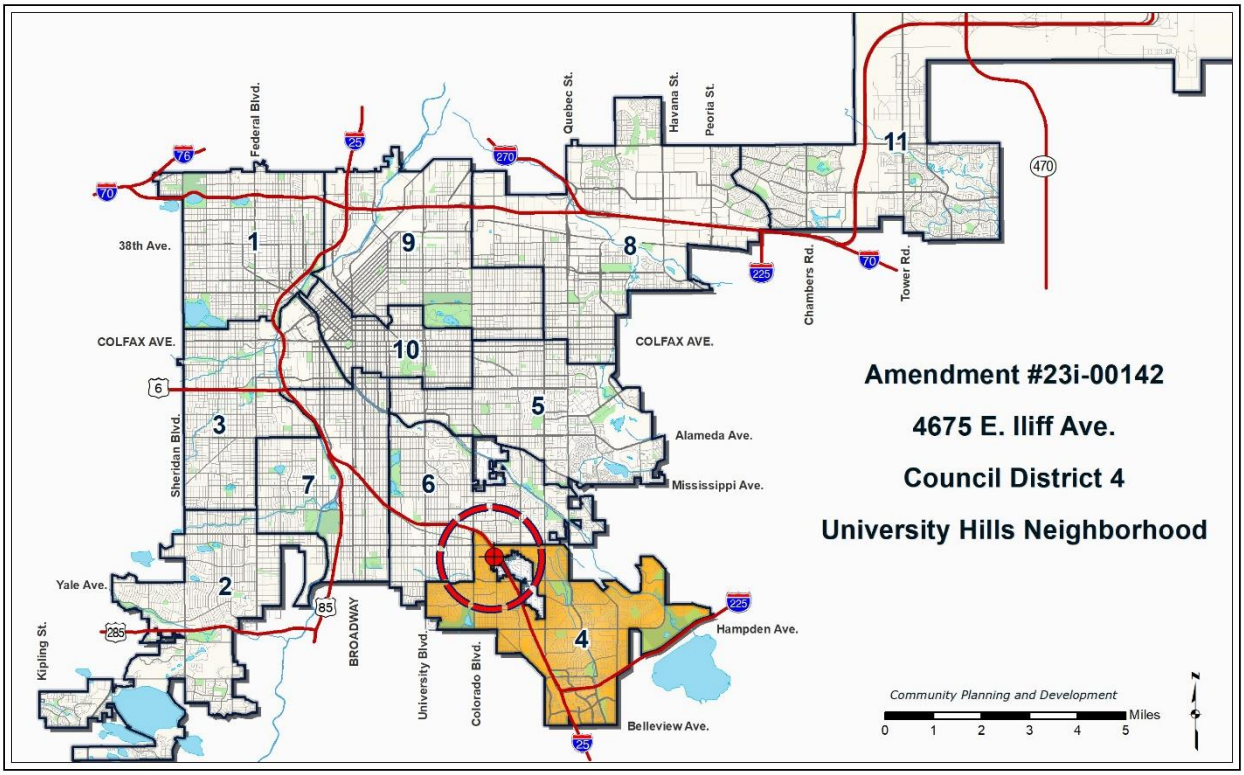
Request for Rezoning

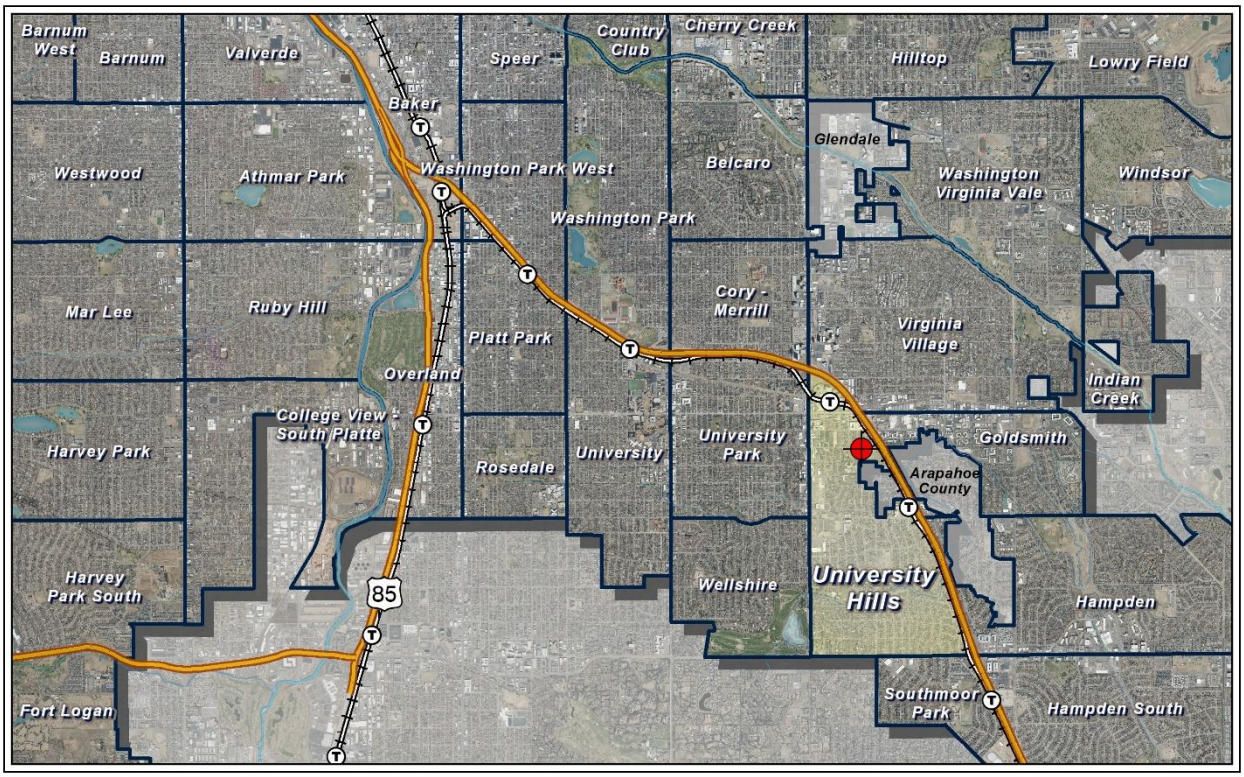
Address:	4675 East Iliff Avenue
Neighborhood/Council District and CM:	University Hills / Council District 4, Romero-Campbell
RNOs:	East Evans Business Association, University Hills North Community, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property:	10,100 square feet or 0.23 acres
Current Zoning:	E-SU-Dx
Proposed Zoning:	E-SU-B1
Property Owner:	Hamideh Etemadnia

Summary of Rezoning Request

- The subject property is in the University Hills neighborhood and in Council District 4, at the northwest corner of East Iliff Avenue and South Dexter Street.
- There is a 1,400 square foot one-story single-unit residential building with a detached garage on the property.
- The applicant is requesting the rezoning to allow for a zone lot split and the potential construction of two new homes each with ADUs.
- The proposed E-SU-B1 (Urban **E**dge, **S**ingle-**U**nit, **B1**) zone district allows the urban house building form with a detached accessory dwelling unit. 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 property is at the far southeastern corner of three blocks of single-unit residential properties north of Iliff Avenue and south of Warren Avenue. Evans Avenue two blocks to the north and Colorado Boulevard seven blocks to the west are noted for a density of commercial properties. One block to the east is Interstate 25 which stands as a barrier to connectivity since the only crossings are two blocks to the north at Evans Avenue or about 1 mile to the south at Yale Avenue. To the east across Dexter Street is G-MU-5 zoning and new construction of multi-unit housing. To the south across Iliff Avenue are low-scale suburban-style commercial retail buildings with off-street parking lots and the campus of Denver Academy. The subject property is just over ½ mile to the RTD Colorado train station to the northwest. The subject property is just under ½ mile east of the RTD bus stop at Colorado Boulevard and Iliff Avenue that serves the 40 and 46 buses.

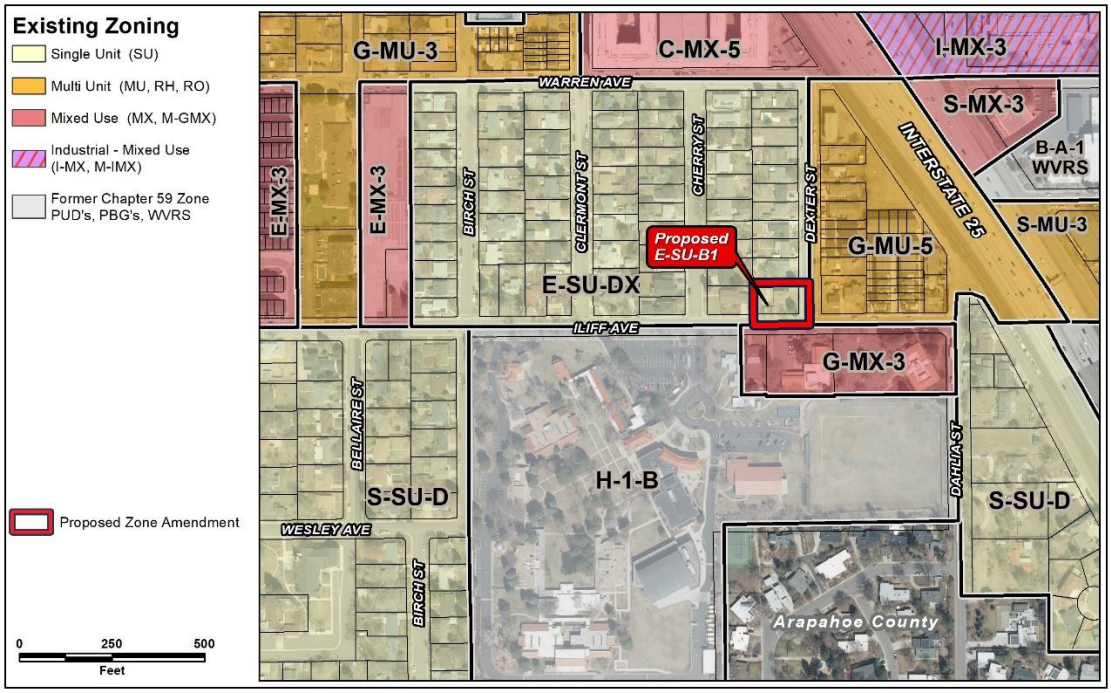
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-Dx	Single-unit residential	1 story home with detached garage accessed from the street	Generally regular grid of streets interrupted to the north by Evans Avenue, to the east by Interstate 25, and to the south by Denver Academy. Block sizes and shapes are consistent and rectangular with no alleys.
North	E-SU-Dx	Single-unit residential	1 story home with attached garage accessed from the street	
South	G-MX-3	Commercial/Retail and Office	Multiple 1 story buildings with surface parking in front	
East	G-MU-5	Vacant	4 story multi-unit housing under construction	

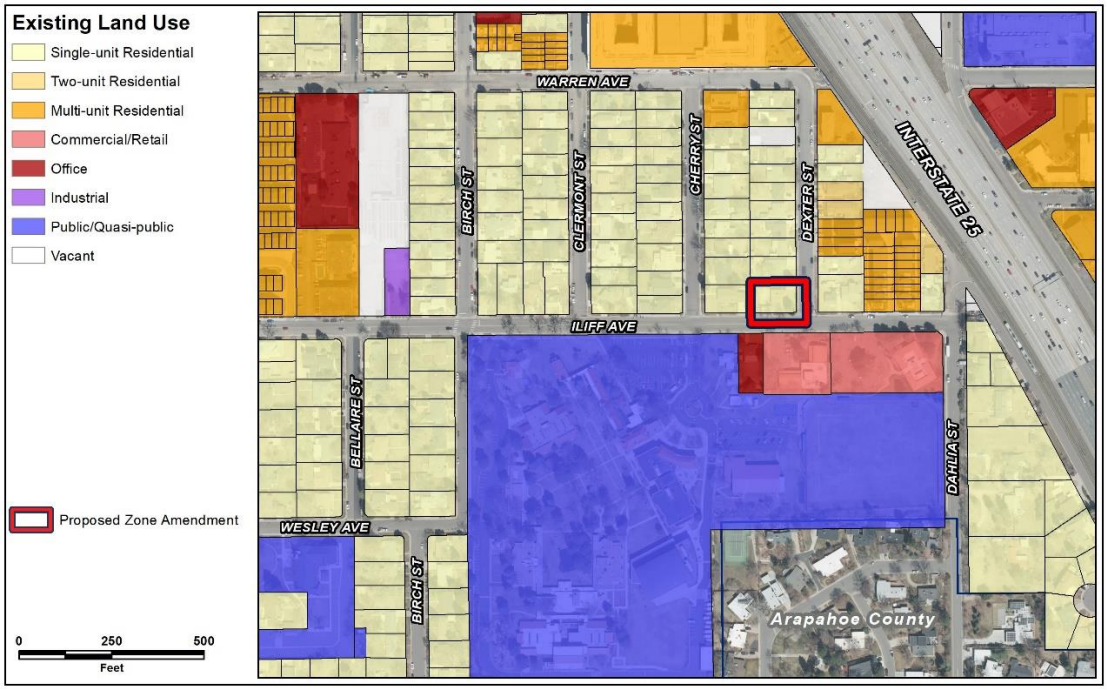
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	E-SU-Dx	Single-unit residential	1 story home with an attached garage accessed from Iliff	

1. Existing Zoning

The existing E-SU-Dx is a residential zone district that allows the suburban and urban house building forms with maximum heights between 30-35 feet on a minimum lot of 6,000 square feet. For additional details of the zone district, see DZC section 6.3.



2. Existing Land Use Map

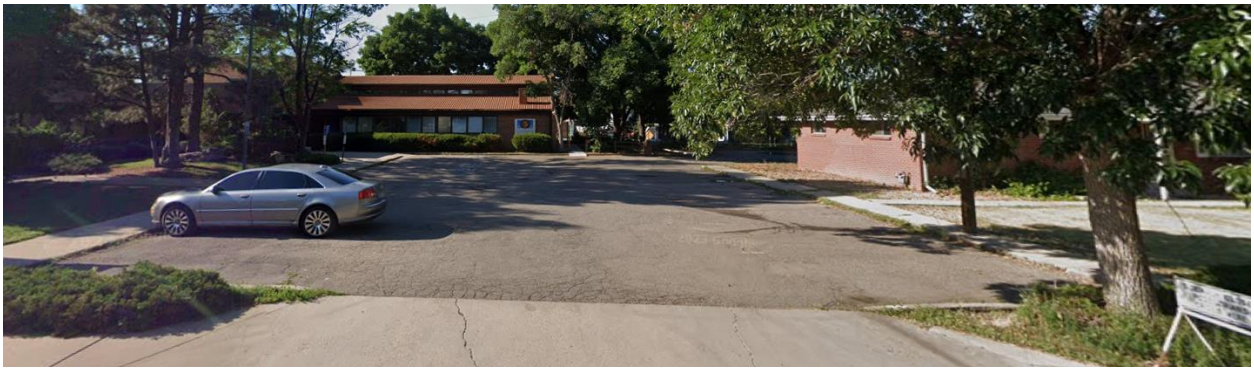


3. Existing Building Form and Scale

View of the subject property, looking north (*Source: Google Maps*)

View of the property to the north, looking west (*Source: Google Maps*)

View of the property to the east, looking north (*Source: Google Maps*)



View of the property to the south, looking south (*Source: Google Maps*)

View of the property to the west, looking northwest (*Source: Google Maps*)

Proposed Zoning

The requested E-SU-B1 is a residential zone district allowing the urban house building form with a maximum height of between 30-35 feet with siting and design requirements similar to the existing E-SU-Dx. The E-SU-B1 would allow for a detached accessory dwelling unit. For additional details of the requested zone district, see DZC Section 4.3.3.

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

Design Standards	E-SU-Dx (Existing)	E-SU-B1 (Proposed)
Primary Building Forms Allowed	Suburban House; Urban House	Urban House
Stories/Height	2.5/30' front 65% and 17' rear 35%*	2.5/30' front 65% and 17' rear 35%
Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line in front 65%/ rear 35% of zone lot depth	17'/10'*	17'/10'
Primary Setbacks (min)	Determined per Sec. 13.1.5.9	Determined per Sec. 13.1.5.9
Side Setbacks, Interior and Street (min)	5'**	5'**
Rear Setbacks, no alley (min)	20'	20'
Building Coverage (max)	37.5%**	37.5%**
Zone Lot Size (min)	6,000 square feet	4,500 square feet
Zone Lot Width (Min)	50 feet	35 feet
Detached Accessory Building Forms allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Units, Detached Garage, Other Detached Accessory Structures
DADU Maximum Heights in Stories/Feet	DADUs not permitted	2/24'

*Standard varies between building forms
** Assumes lot width greater than 40' and less than 75'

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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Response

Denver Public Schools: Approved – No Response

Department of 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 project 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 project. 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.

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approved – No Comments

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

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:	**11/13/23**
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:	**01/02/24**
Planning Board public hearing	**01/17/24**
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:	**01/16/24** (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	**01/30/24** (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:	**02/26/23** (tentative)
City Council Public Hearing:	**03/18/24** (tentative)

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - At the time of this staff report, no comments from RNOs have been received.
  - **General Public Comments**
    - At the time of this staff report, no public comments have been received.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040* (2019)
- *Blueprint Denver* (2019)
- *Near Southeast Area Plan* (2023)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

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

E-SU-B1 allows for a lot split creating an additional primary dwelling unit and detached accessory dwelling units, a new housing type in largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that are most common in this section of the University Hills neighborhood.

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

The proposed rezoning would allow infill development appropriate for the surrounding neighborhood that broadens the range of housing types available.

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

The proposed map amendment will allow an additional primary dwelling unit and detached accessory dwelling units on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

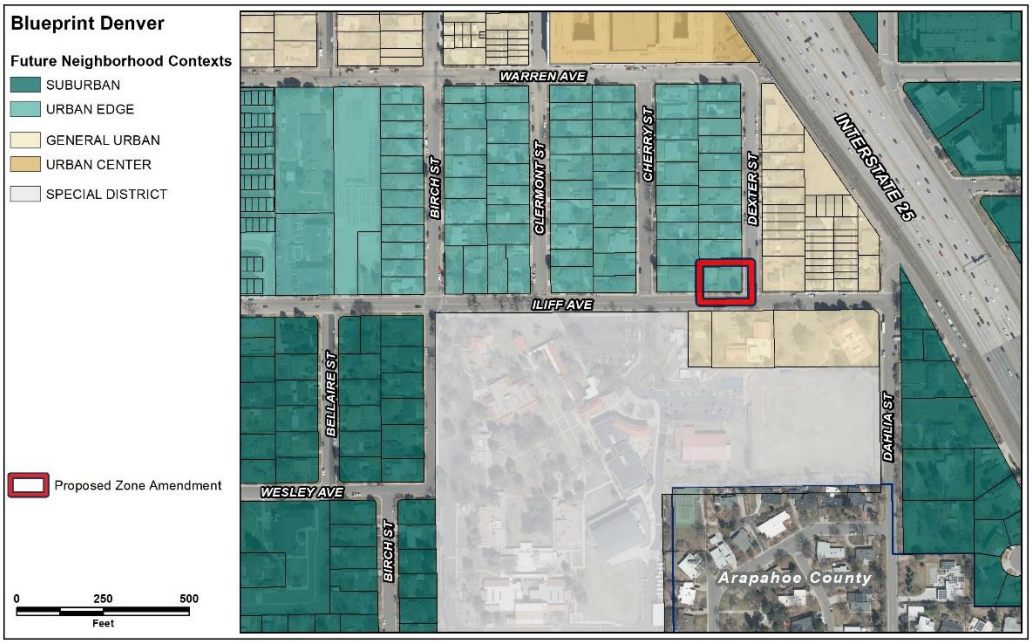
Because it implements the strategies cited above, the rezoning is consistent with *Comprehensive Plan 2040.*

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Edge Neighborhood Context and provides guidance from the future growth strategy for the city.

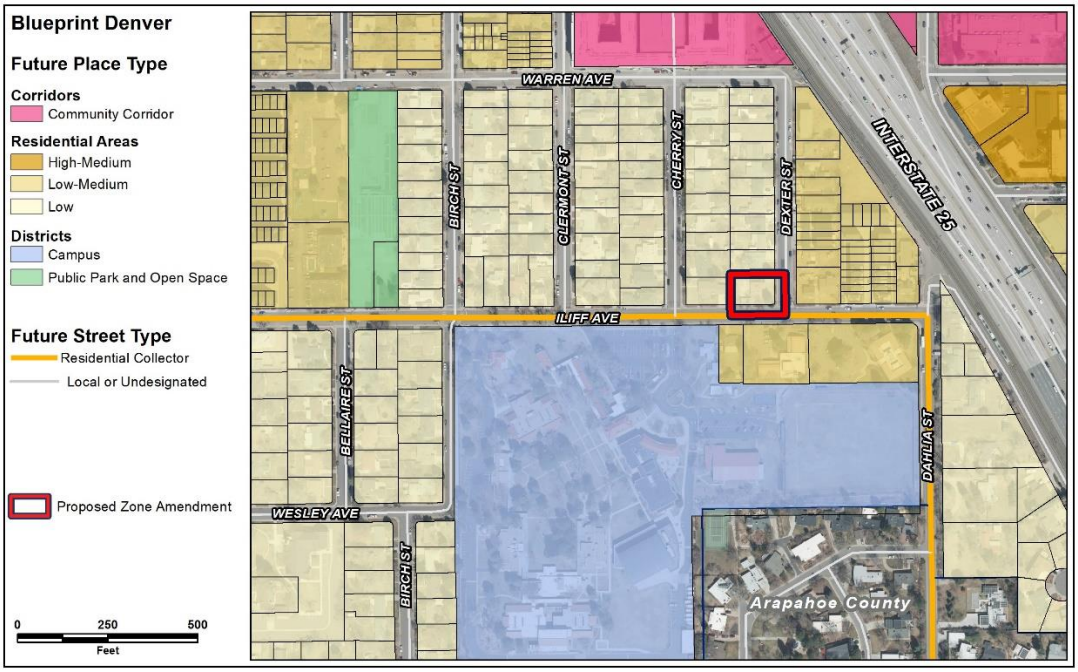
Blueprint Denver Future Neighborhood Context

In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Urban Edge neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban Edge neighborhood context is described as "predominantly residential" typically low-scale single- and two-unit residential with some small-scale multi-unit residential" (p. 205). The proposed E-SU-B1 zone district is part of the Urban Edge context and is intended to "promote and protect residential neighborhoods" and "provide a consistent framework to property owners, developers, and neighborhood residents to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts" (DZC 4.2.2.1). Since the proposed district allows a small increase in density without an increase in building forms, the proposed rezoning to an Urban Edge context is appropriate and consistent with the plan.



***Blueprint Denver* Future Places**

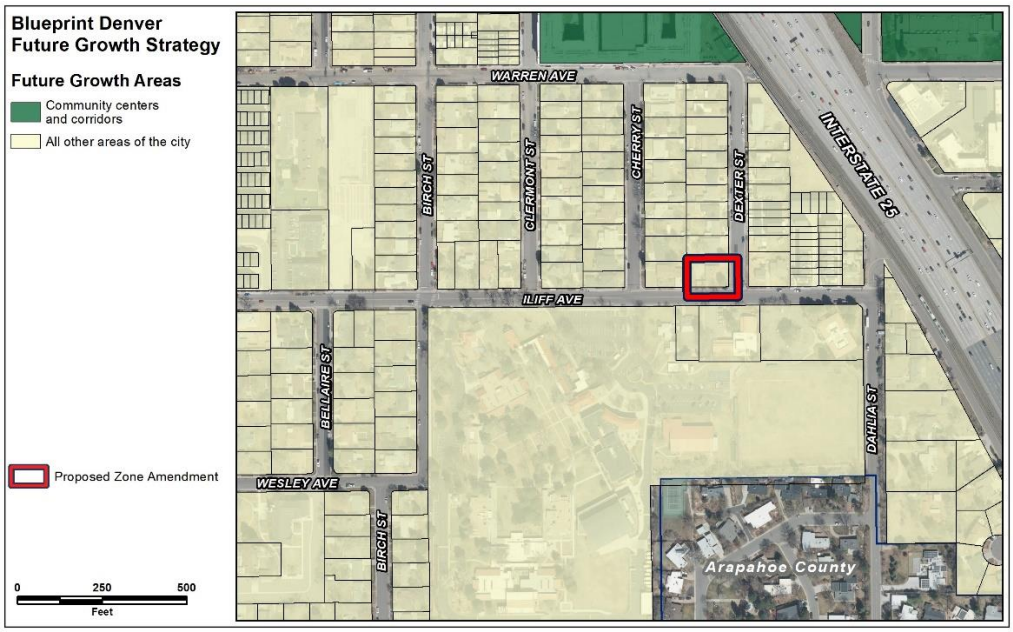
The subject property is designated as Residential Low. *Blueprint Denver* describes Residential Low as "Predominantly single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible" (p. 214). *Blueprint Denver* also recommends that further guidance be provided by the small area plan (p. 62), which is described further in this report. The proposed E-SU-B1 zone district is consistent with the Residential Low place as it would allow similar building forms on smaller lots with potential detached accessory dwelling units.



In *Blueprint Denver*, future street types work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (p. 67). The three volume classifications of Local, Collector, and Arterial, are further refined by six types of surrounding context. Iliff Avenue is a residential collector which are higher in volume as they convey traffic from local to arterial streets, but still primarily residential in nature (p. 161). Dexter Street is a local street which is predominantly defined by residential uses. The proposed S-SU-B1 zone district is consistent with these street types as it would allow for residential uses.

***Blueprint Denver* Growth Strategy**

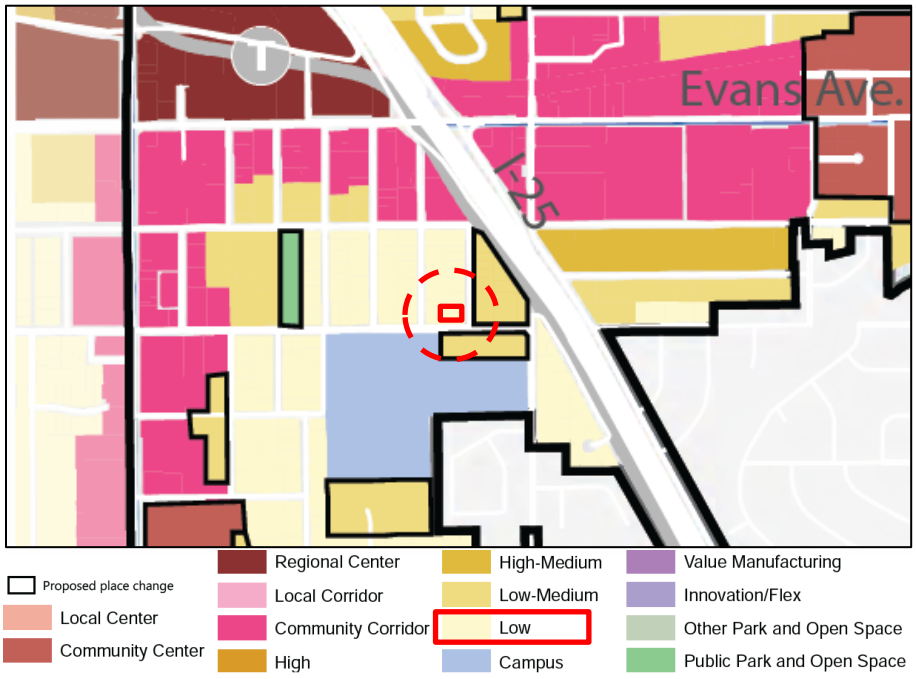
Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of all other areas of the city. These areas are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed map amendment to E-SU-B1 will focus small-scale growth where it has been determined to be most appropriate.



***Near Southeast Area Plan* (2023)**

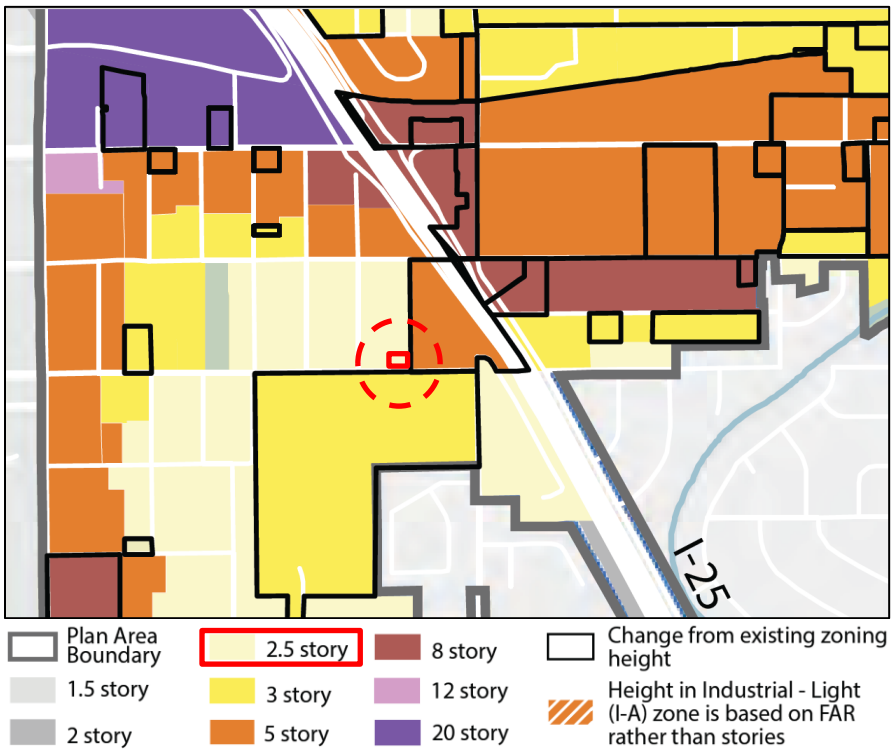
The *Near Southeast Area Plan* mirrors *Blueprint Denver* in identifying the subject property as Urban Edge, Residential Low (p. 33 & 36). It further describes that place type as "predominantly single and two-unit building forms on small to medium-sized lots [where] accessory dwelling units and duplexes are appropriate and can be integrated where compatible (p. 35).

Near Southeast Area Plan Place Types



The plan provides detailed height guidance for specific areas to direct growth and achieve urban design goals. For the subject property the height guidance is 2.5 stories (p. 42), which aligns with the existing and proposed zone districts.

Near Southeast Area Plan Place Types



The proposed zone district also aligns with the following Land Use Recommendations from the plan.

- Land Use Recommendation 7, Strategy A.3.A. – Allow larger lots in Residential Low areas to split into two lots to increase housing supply. In areas with minimum zone lot sizes of 6,000 square feet, allow zone lots larger than 9,000 square feet to split (p. 56).
- Land Use Recommendation 8, Strategy A.3.D – Lots that are split should not be eligible for duplexes, even if they otherwise meet the requirements. ADUs should be allowed on newly split lots (p. 57)

The subject property is a 10,100 square foot lot in a district with minimum lot sizes of 6,000 square feet. Therefore, the plan guidance supports splitting this lot into two lots to increase housing supply. Additionally, the proposed zoning would allow for ADUs, which aligns with this plan guidance.

- Land Use Recommendation 8, Strategy A.5 – Encourage a variety of housing sizes and types in Residential Low areas, including options for families and seniors (p. 59)

The proposed zoning would allow for the subtle addition of new housing including detached accessory dwelling units which would be a new housing type.

- Land Use Recommendation 8, Strategy B – Consistent with adopted citywide policies in *Blueprint Denver* and in coordination with citywide efforts, support the addition of affordable and compatible accessory dwelling units (ADUs) in Near Southeast (p.59).
- Housing & Economy Recommendation 2, Strategy F – Encourage additional building forms that are currently limited or not used within Near Southeast, such as small multi-unit, duplexes, additions to existing structures, missing middle housing and ADUs, in Low-Medium and Residential Low areas (p. 73).

The proposed zoning would align with *Blueprint Denver* and other citywide policies to allow ADUs on the subject property.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to E-SU-B1 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 plans. It also allows for compatible infill development through a subtle increase in residential density and introducing a new housing type in the detached accessory dwelling unit.

4. Justifying Circumstance

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or, a city adopted plan….". Citywide policy as exemplified in *Blueprint Denver* and the newly adopted *Near Southeast Area Plan* call for the allowance of ADUs. The *Near Southeast Area Plan* further calls for city investment in improvements to the nearby Evans and Colorado corridors, investment in transit improvements, both to the Colorado Boulevard bus service and the station areas around Colorado and Yale train stations.

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

The requested E-SU-B1 zone district is within the Urban Edge Neighborhood Context. The neighborhood context generally consists of single-unit residential building forms and uses, although quickly transitions to higher density across the street to the east. The proposed rezoning would

allow the same residential building forms and uses while introducing the detached accessory dwelling unit as consistent with the neighborhood context description.

The Urban Edge Residential zone districts are intended to "promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context [and] provide a consistent framework to property owners, developers, and neighborhood residents to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts" (DZC 4.4.4.1). The proposed E-SU-B1 is consistent with the general purpose of the Urban Edge Residential zone districts.

The specific intent of the E-SU-B1 zone district is to allow a "single unit district allowing only urban houses with a minimum zone lot area of 4,500 square feet and detached accessory dwelling units" (DZC 4.2.2.2.D). The proposed rezoning would facilitate development consistent with the intent of the E-SU-B1 zone district.

Attachments

1. Application