



**TO:** Denver City Council  
**FROM:** Valerie Herrera, Associate City Planner  
**DATE:** May 13, 2021  
**RE:** Official Zoning Map Amendment Application #2020I-00191

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00191.

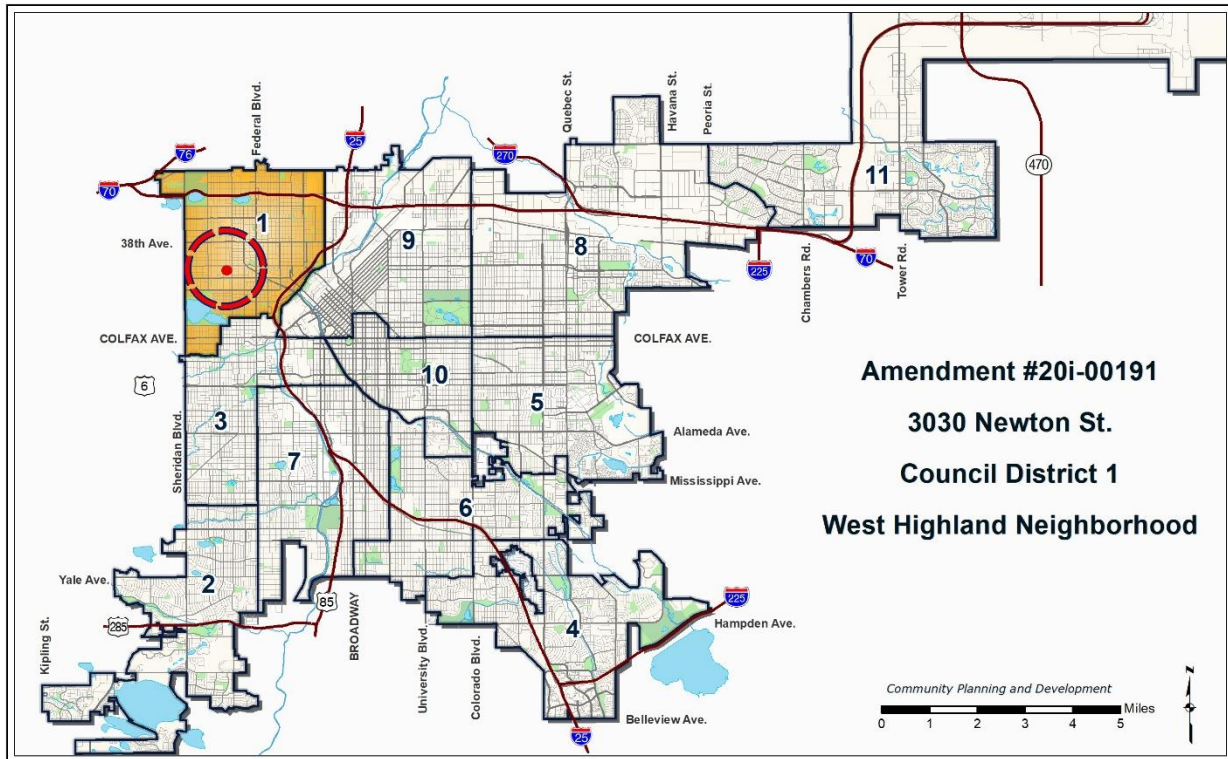
### Request for Rezoning

Address: 3030 N Newton St  
Neighborhood/Council District: West Highland / Council District 1  
RNOs: West Highland Neighborhood Association and the Inter-Neighborhood cooperation (INC)  
Area of Property: 6,350 square feet or 0.14 acres  
Current Zoning: U-SU-C  
Proposed Zoning: U-SU-C1  
Property Owner(s): Chris McFarland  
Owner Representative: None

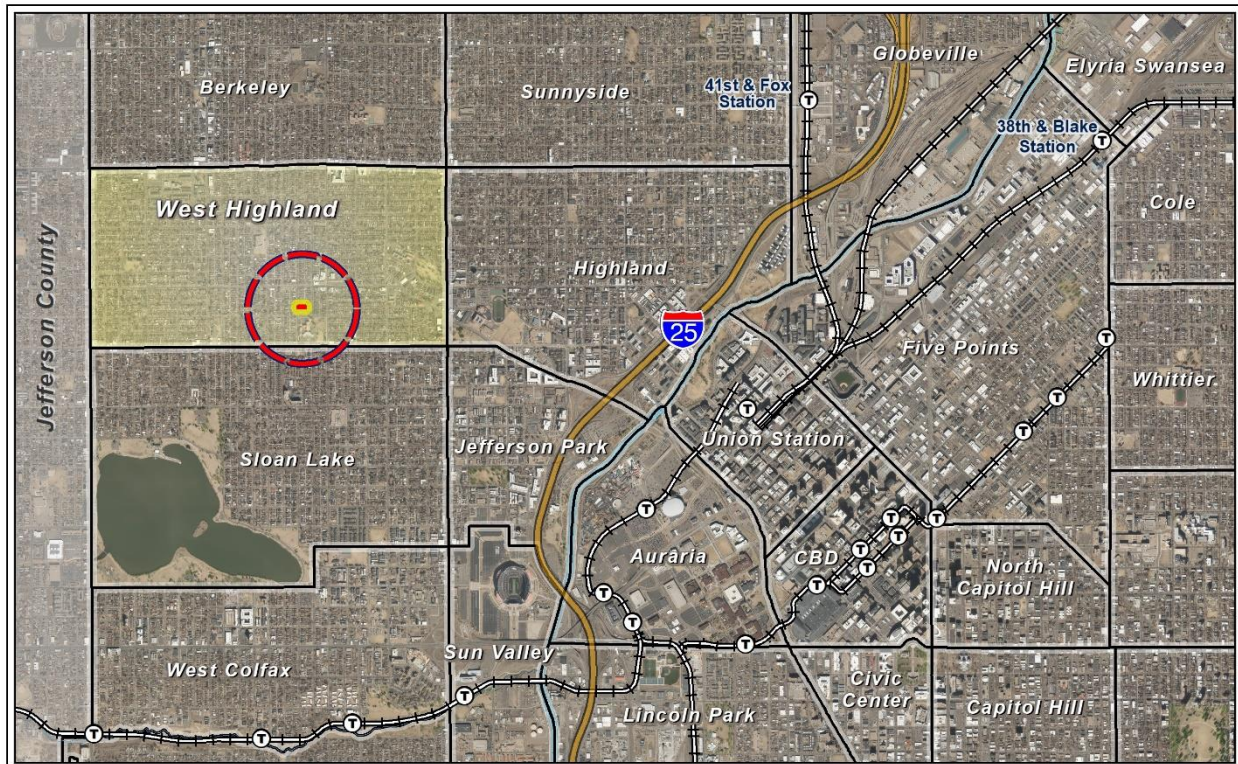
### Summary of Rezoning Request

- The subject property contains a single-unit one-story dwelling and detached garage built in 1900 and is located between 29<sup>th</sup> Avenue and 32<sup>nd</sup> Avenue along North Newton Street.
- The property owner is proposing to rezone the property to build a detached accessory dwelling unit (ADU).
- The proposed **U-SU-C1**, **Urban, Single-Unit, C1** (5,500 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 residential 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, 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).

### City Location



**Neighborhood Location – West Highland**



**1. Existing Context**





The subject property is in the West Highland statistical neighborhood, which is characterized primarily by single-unit residential uses. A limited number of two-unit and multi-unit uses can also be found throughout the neighborhood. An assisted living and nursing home facility occupies an entire block just to the south of the subject property. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site just west of N Federal Blvd and N Speer Blvd, and northeast of Sloans Lake.

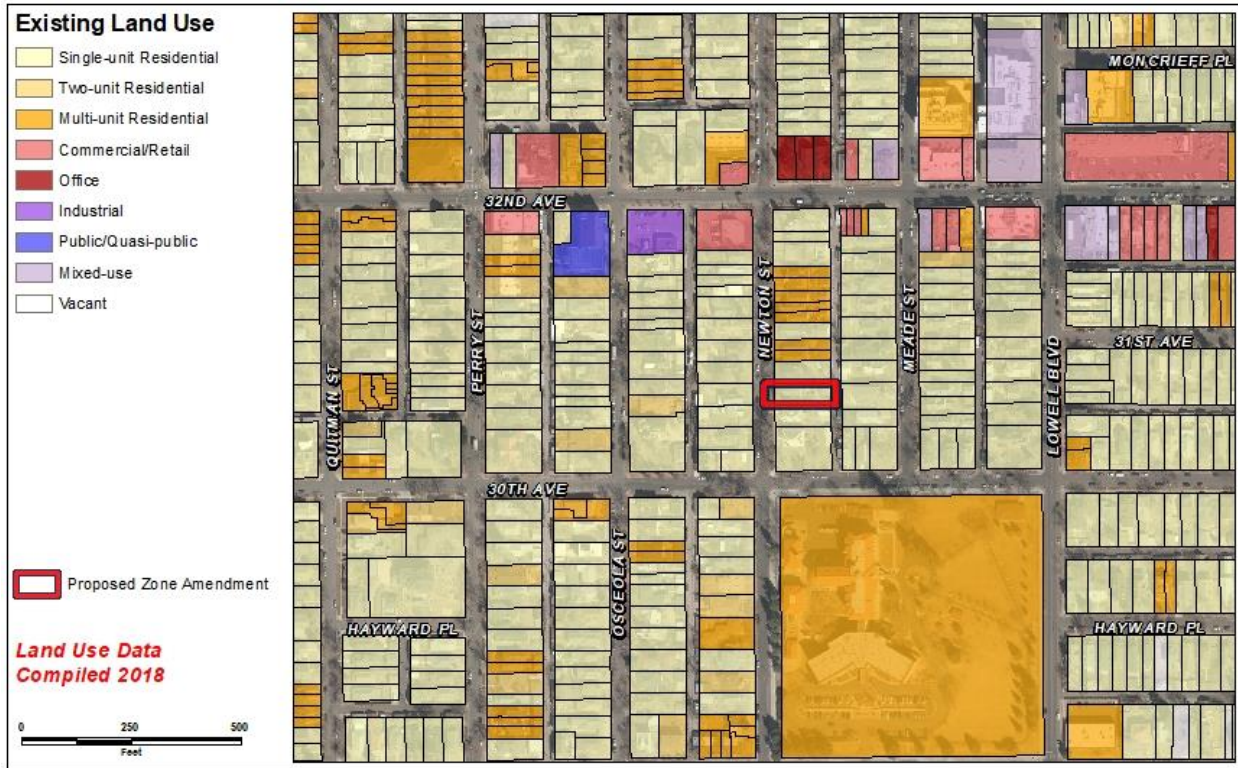
The following table summarizes the existing context proximate to the subject site:

|       | Existing Zoning | Existing Land Use       | Existing Building Form/Scale | Existing Block, Lot, Street Pattern  |
|-------|-----------------|-------------------------|------------------------------|--|
| Site  | U-SU-C          | Single-unit Residential | 1 -story Residence           | Generally regular grid of streets. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking. |
| North | U-SU-C          | Single-unit Residential | 1-story Residence            |  |
| South | U-SU-C          | Single-unit Residential | 2-story Residence            |  |
| East  | U-SU-C          | Single-unit Residential | 2-story Residence            |  |
| West  | U-SU-C          | Single-unit Residential | 2-story Residence            |  |





### 3. Existing Land Use Map



#### 4. Wolff Place Historic District

### Wolff Place Historic District Character-defining Features

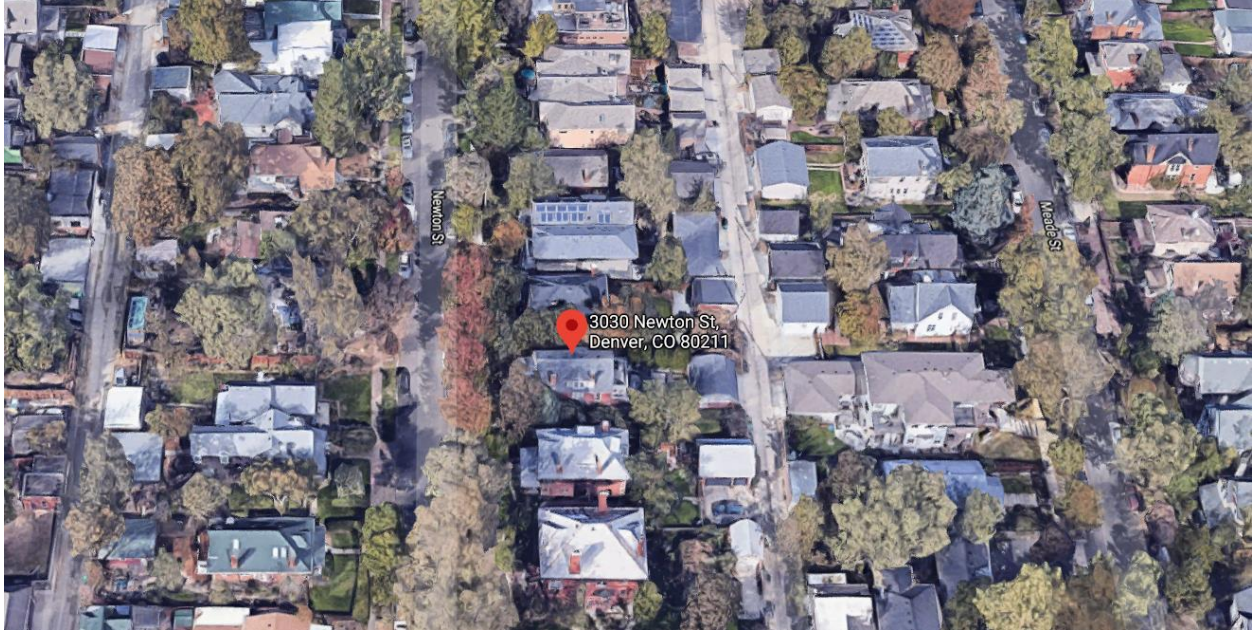


The subject property is located within the Wolff Place Historic District that was designated in 2006 under Ordinance #751. The district is defined by its distinctive pattern of large corner lots with high-style architectural styles framing rows of modest interior lots. The architecture, materials, craftsmanship, scale, and design of the district's buildings correspond with tastes and lifestyles popular during the time of their construction. Most of the houses are constructed of brick atop stone or concrete foundations, although a small number of frame houses are located in the district. The most common architectural styles are Queen Anne, Classic Cottage, Craftsman Bungalow, and Denver Square with Classical Revival elements which were built mostly from 1883 to 1926. All exterior alterations to the building or site that require a building or zoning permit are subject to design review by the Landmark Preservation Commission. Design review ensures that a proposed project preserves key historic features and is compatible with the character of the designated historic buildings, sites and districts. Once a project is approved in design review, Landmark Preservation staff issues a Certificate of Appropriateness, which must be presented as part of the zoning and building reviews that follow. Landmark Preservation is supportive of ADUs as they add density while reducing impact on the historic house. ADUs require review by the Landmark Preservation Commission and a pre-application meeting with Landmark staff is required.



## 5. Existing Building Form and Scale

All images are from Google Maps.



Aerial view of the site, looking north.

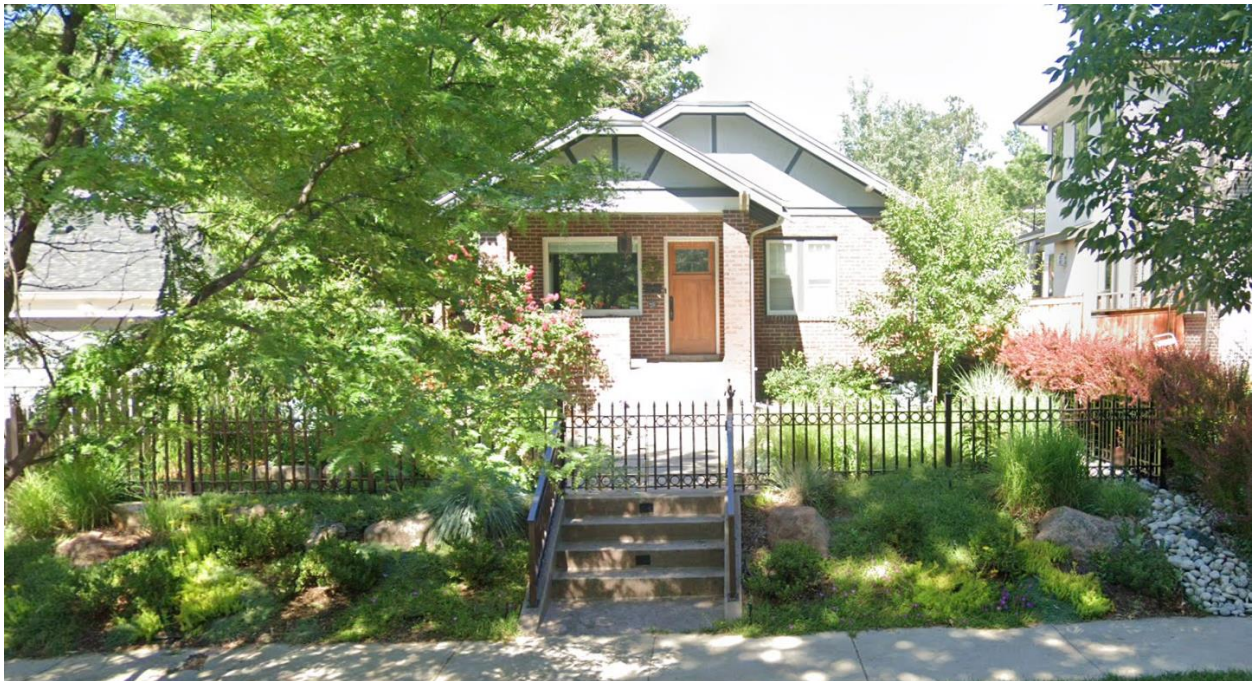


View of property looking east.





View of the property to the north, looking east.



View of the property to the east across the alley, looking west.





View of the property to the south, looking east.

### Proposed Zoning

The U-SU-C1 is a single unit zone district with a minimum zone lot of 5,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-C1 district. Compared to the U-SU-C district, U-SU-C1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 6,350 square feet, allowing a maximum building footprint of 864 square feet for the DADU.

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

| Design Standards                                       | U-SU-C (Existing)     | U-SU-C1 (Proposed)    |
|--|-----------------------|-----------------------|
| Primary Building Forms Allowed                         | Urban House           | Urban House           |
| Maximum Height in Stories/Feet, Front 65% of Zone Lot* | 2.5 stories / 30 feet | 2.5 stories / 30 feet |

|  |  |  |
|--|--|--|
| Maximum Height in Stories/Feet, Rear 35% of Zone Lot*  | 1 story / 17 feet                                    | 1 story / 17 feet  |
| DADU Maximum Height in Stories / Feet  | DADUs not permitted                                  | 1.5 stories / 24 feet  |
| Zone Lot (Min.)  | 5,500 square feet                                    | 5,500 square feet  |
| Minimum Zone Lot Width (Min.)  | 50 feet  | 50 feet  |
| Primary Street Block Sensitive Setback Required / If not   | Yes / 20 feet  | Yes / 20 feet  |
| Side Street Setback (Min.) *   | 5 feet   | 5 feet   |
| Side Interior Setback (Min.) *   | 5 feet   | 5 feet   |
| Rear Alley / No Alley  | 12 feet / 20 feet                                    | 12 feet / 20 feet  |
| Building Coverage per Zone Lot including all accessory structures (Max.), not including exceptions | 37.5 %   | 37.5%  |
| Detached Accessory Building Forms Allowed  | Detached Garage, Other Detached Accessory Structures | Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures |

\*Based on subject property with width of 50 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 – See Comments Below

#### LEGAL DESCRIPTION:

Lot 17 and 18, Block 6, Wolf Place  
 City and County of Denver  
 State of Colorado

**Asset Management:** Approved - No Comments

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

**Department of Public Health and Environment:** Approved - No Comments

**Denver Parks and Recreation:** Approved - No Comments

**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 Comments

**Development Services- Wastewater:** Approved - No Comments

**Public Review Process**

|   | <b>Date</b>       |
|---|-------------------|
| CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:  | <b>01/19/2021</b> |
| 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:         | <b>03/14/2021</b> |
| Planning Board public hearing   | <b>03/31/2021</b> |
| CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting: | <b>03/24/2021</b> |
| Land Use, Transportation and Infrastructure Committee of the City Council:  | <b>04/06/2021</b> |

|   |                   |
|---|-------------------|
| 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: | <b>04/30/2021</b> |
| City Council Public Hearing:  | <b>05/17/2021</b> |

- **Registered Neighborhood Organizations (RNOs)**
  - Staff received a response from the West Highland Neighborhood Association (WHNA) that is included in the application which states, “Land Use and Planning Committee remains neutral to proposed minor rezonings for ADU allowance.”
  - The Inter-Neighborhood Cooperation (INC) sent an email expressing support of ADU programs and streamlining the process.
- **Other Public Comment**
  - To date, staff has received 3 emails from neighbors included in the application stating no objection to the proposed rezoning.

## **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)
- No neighborhood plan

### ***Denver Comprehensive Plan 2040***

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



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

U-SU-C1 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-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 currently dominate the West Highland neighborhood.

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

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

### ***Blueprint Denver***

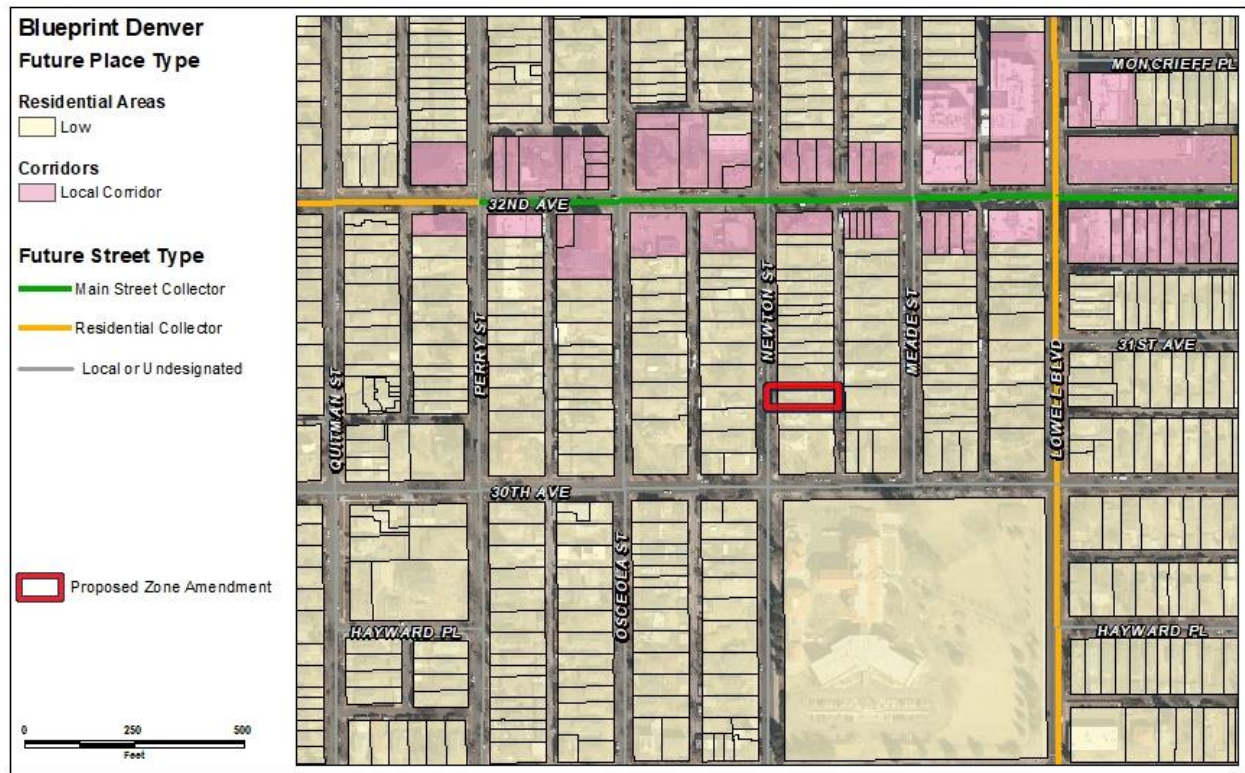
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Low Residential place within the Urban Neighborhood Context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

### **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as 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-C1 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 Section 5.2.2.1). U-SU-C1 is consistent with the *Blueprint Denver* 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**



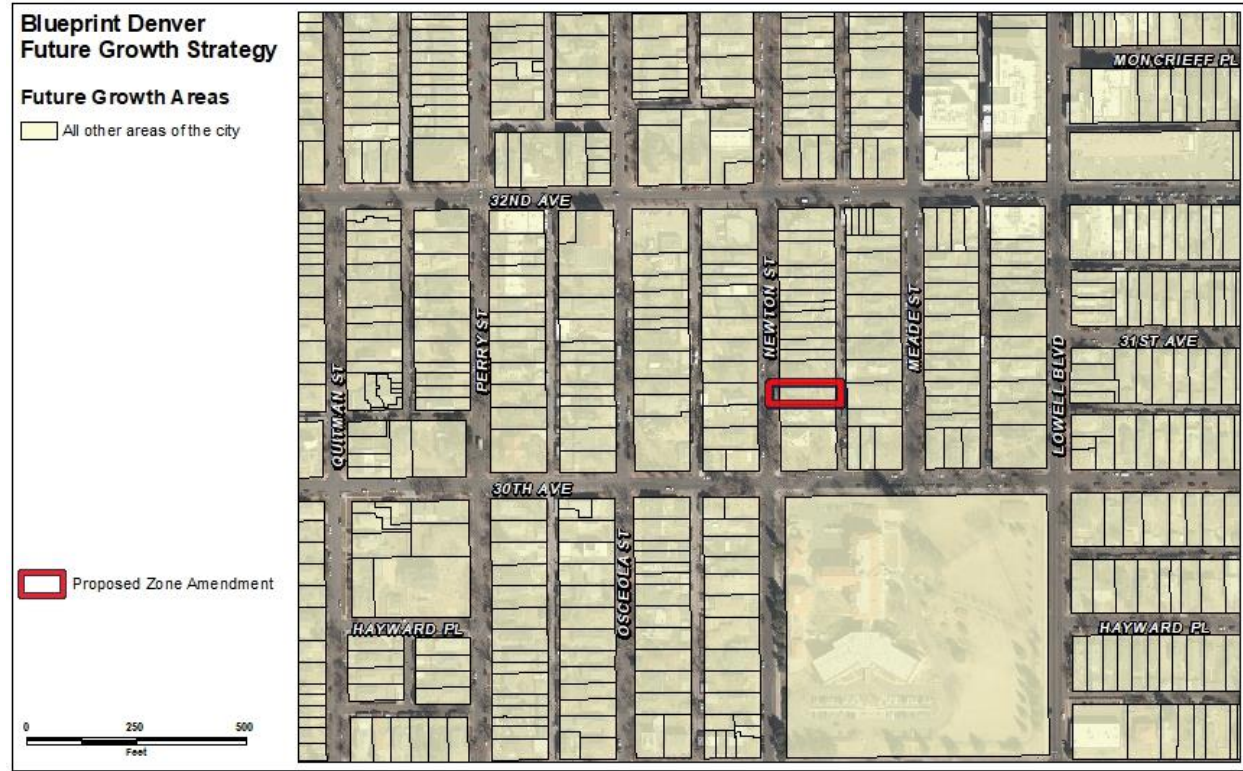
The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-C1 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 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 N Newton Street as a Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 155). The proposed U-SU-C1 district is consistent with this description because it allows for residential and some civic uses.

**Blueprint Denver Growth Strategy**



Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-SU-C1 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. Policy 4 Strategy E. says “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area” (p. 84). This rezoning to an ADU zone

district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to U-SU-C1 will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city's adopted land use plan which recommends "the expansion of accessory dwelling units throughout all residential areas" (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood. The building form standards and allowed uses of the proposed zone district promote compatibility with the building forms and uses allowed in the surrounding area.

## **4. Justifying Circumstance**

The application identifies the adoption of *Blueprint Denver* as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "Since the date of the approval of the existing Zone District, there has been a change to such as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

As discussed above, *Blueprint Denver* specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. The plan was adopted after the date of approval of the existing zone district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.

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

The requested U-SU-C1 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 "regular pattern of block shapes" and "a consistent presence of alleys" (DZC, Division 5.1). The West Highland neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The specific intent of the U-SU-C1 zone district is "a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Setbacks and lot coverage standards accommodate front



Rezoning Application #2020I-00191  
3030 N Newton St.  
May 13, 2021  
Page 17

and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC Section 5.2.2.2.H). The subject site is in an area where Urban houses and 50-foot wide lots are common. The site at 3030 N. Newton Street is 6,350 square feet with a width of 50 feet. The adopted plan direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

### **Attachments**

1. Application 2020I-00191
2. Outreach and Engagement Summary, Comment Letters, and Emails