



TO: Denver Planning Board
FROM: Francisca Peñafiel, Senior City Planner
DATE: September 29, 2022
RE: Official Zoning Map Amendment Application #2022I-00094

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2022I-00094.

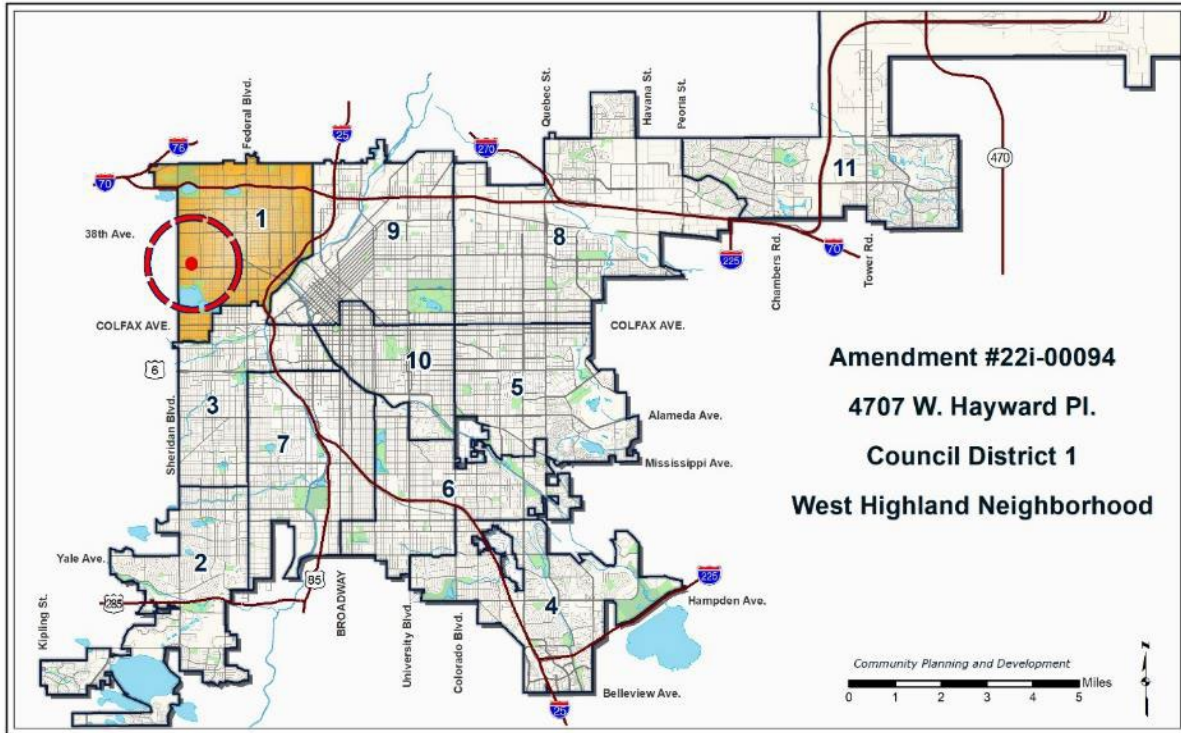
Request for Rezoning

Address:	4707 West Hayward Place
Neighborhood/Council District:	West Highland Neighborhood/ 1 – Amanda Sandoval
RNOs:	Inter-Neighborhood Cooperation (INC), West highland Neighborhood Association
Area of Property:	3,780 or 0.09 acres
Current Zoning:	U-SU-B
Proposed Zoning:	U-SU-A1
Property Owner(s):	Bradley Burish
Owner Representative:	Bruce O’Donnell

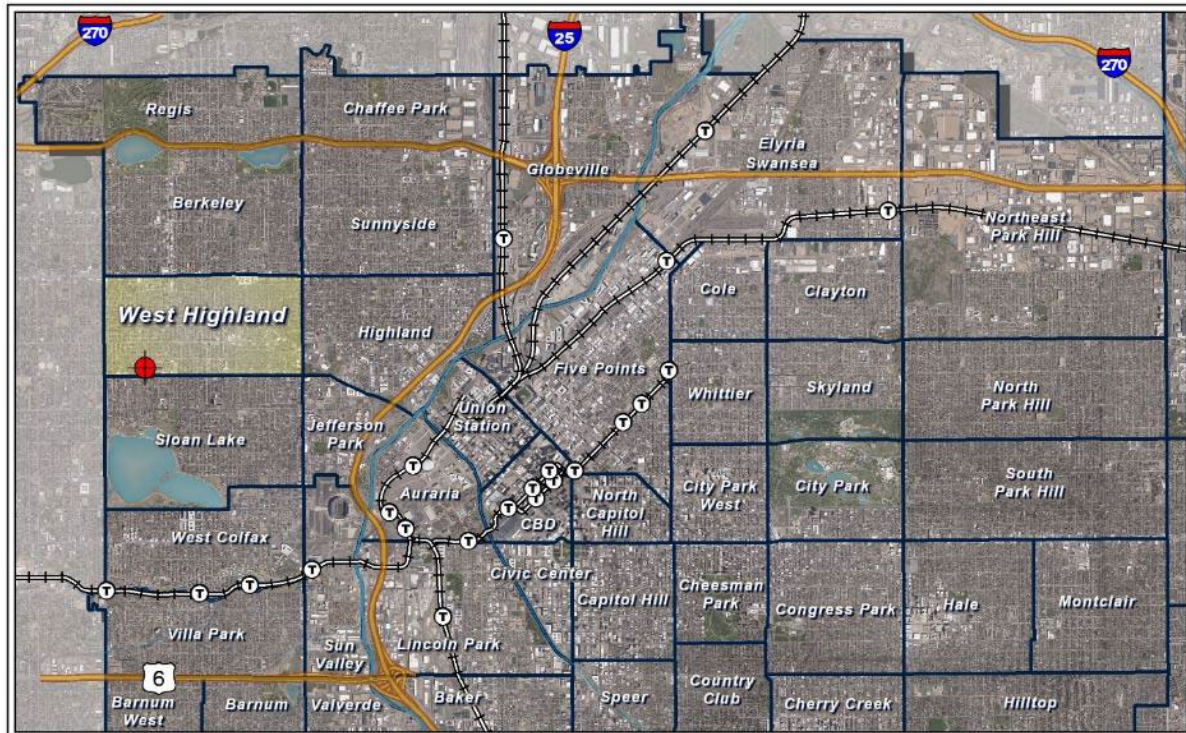
Summary of Rezoning Request

- The subject property contains a single-unit dwelling built in 1892 and is located between North Wolff Street and North Vrain Street, along West Hayward Place.
- The property owner is proposing to rezone the property to a district with a smaller minimum zone lot size that allows for the detached accessory dwelling unit building form.
- While the subject property is located in the West Highland Neighborhood that is concurrently going through a legislative rezoning process to allow for ADUs in the neighborhood, the applicant requested to be removed from that rezoning process given their lot size. The legislative rezoning will rezone all U-SU-B zone lots in the West Highland Neighborhood to U-SU-B1, which requires a minimum zone lot size of 4,500 square feet to allow for the detached ADU building form. The subject site is 3,780 square feet, more consistent with U-SU-A1 zone district.
- The proposed U-SU-A1, Urban, Single-Unit, A1 district allows urban houses and detached accessory dwelling units in the rear yard with a minimum zone lot area of 3,000 square feet. The 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, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit building 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 Neighborhood



Existing Context

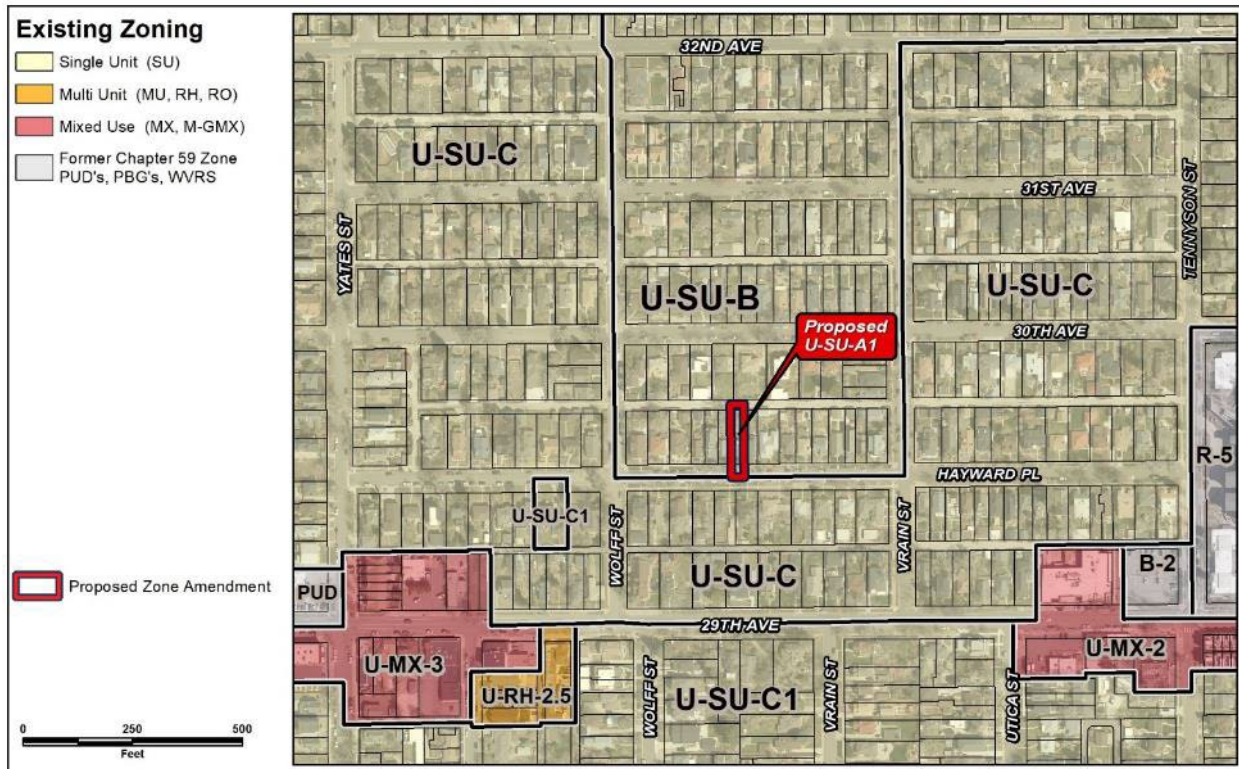


The subject property is in the West Highland neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses along West 29th Avenue and North Sheridan Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. Edison Elementary School is 0.5 miles to the northeast and is the elementary school that serves the neighborhood. RTD bus Route 51 runs along Sheridan Boulevard, directly west of the site with a 30-minute headway.

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-B	Single-unit Residential	2-story brick house with one car detached garage with alley access	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-B	Single-unit Residential	1-story brick bungalow with no garage and big backyard	
South	U-SU-C	Single-unit Residential	1 story bungalow with attached garage with alley access	
East	U-SU-B	Single-unit Residential	2 -story brick house with one car detached garage with alley access	
West	U-SU-B	Single-unit Residential	2-story brick house with two car detached garage with alley access	

Existing Zoning



The U-SU-B zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 4,500 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 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.

Existing Land Use Map



Existing Building Form and Scale (source: Google Maps)



View of the subject property looking north.



View of the properties to the east, looking north.



View of the properties to the west, looking northwest.



View of the properties to the south, across the street on West Hayward Place, looking south.



View of the properties to the north, on West 30th Avenue, looking south.



View of the subject property's garage, looking south from the alley.

Proposed Zoning

U-SU-A1 is a single unit zone district with a minimum zone lot of 3,000 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-A1 district. The district allows the Detached Accessory Dwelling Unit, Detached Garage and Other Detached Accessory Structures as detached accessory building forms. The Detached Accessory Dwelling Unit (DADU) building form has a maximum height of 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 50% of the building footprint of the DADU to be excluded up to a maximum of 500 square feet. For zone lots smaller than 6,000 square feet the ADU building footprint may be a maximum of 650 square feet.

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

Design Standards	U-SU-B (Existing)	U-SU-A1 (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.)	4,500 square feet	3,000 square feet
Minimum Zone Lot Width	35 feet	25 feet
Primary Street Block Sensitive Setback Required / If not	Yes / 20 feet	Yes / 20 feet
Side Street Setback (Min.) *	5 feet	3 feet
Side Interior Setback (Min.) *	5 feet	3 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 %	50%
Detached Accessory Building Forms Allowed	Detached Garage, Other Detached Accessory Structures	Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures

*Based on subject property width of 30 feet

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response.

Asset Management: Approved – Response.

Development Services-Fire: Approved – No Response.

Denver Public Schools: Approved – No Response.

Development Services - Project Coordination: Approved – No Response.

Development Services - Transportation: Approve – No Response.

Development Services - Wastewater: Approved – See Comments Below

There is no objection to the rezone. Upon rezoning applicant will need to obtain a building permit. Denver public sanitary main is located in Hayward Place. 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.

Parks and Recreation: Approved – No Comments.

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

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) 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. EQ 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. EQ 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.

Department of Transportation and Infrastructure – City Surveyor: Approved – No Comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	07/22/2022
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:	09/06/2022
Planning Board public hearing: (Recommended for approval on consent agenda)	09/21/2022
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 (tentative):	09/20/2022
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	10/04/2022
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 (tentative):	10/24/2022 (tentative)
City Council Public Hearing (tentative):	11/14/2022 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
To date, staff has not received any letters of from other RNOs.
- **Other Public Comment**
To date, staff has not received any letters from the community.

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)

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-A1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the West Highland 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 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

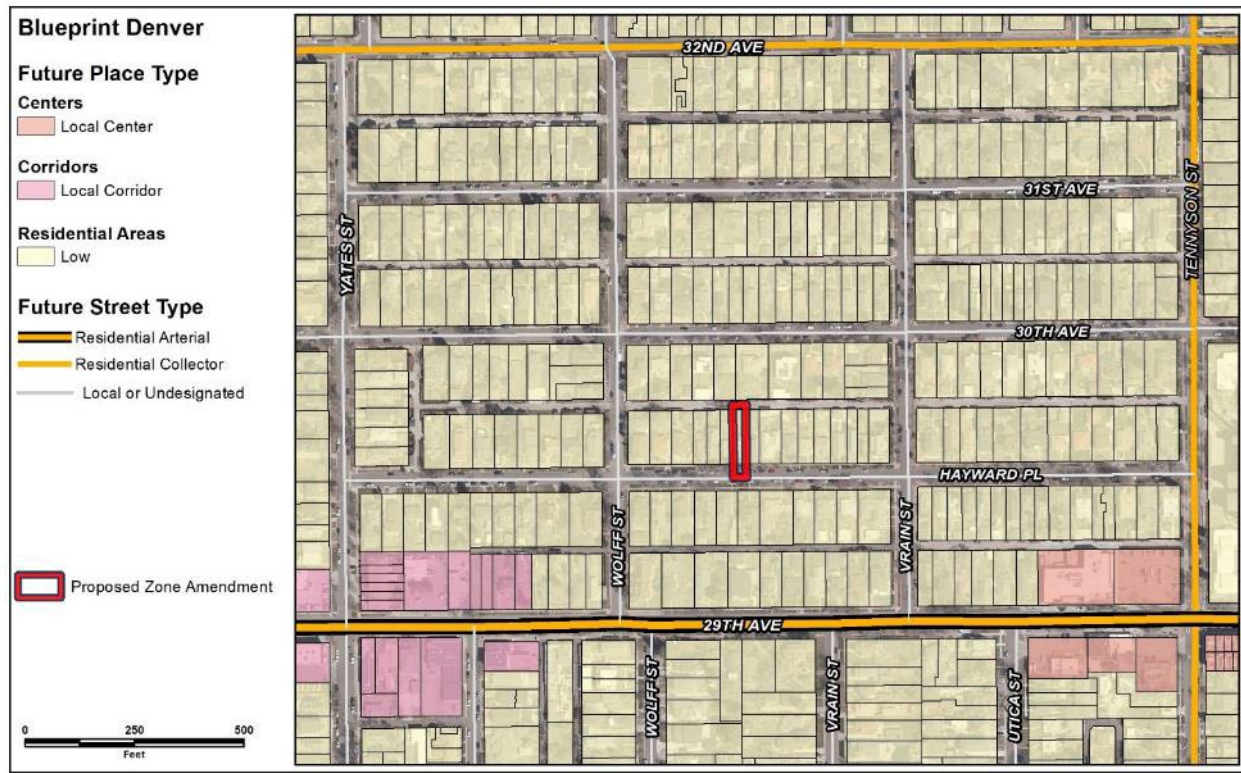
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential future place within the Urban future neighborhood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

Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as 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-A1 is a zone district within the Urban Neighborhood Context in the Denver Zoning Code. The Urban residential zone districts are “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-A1 is consistent with the *Blueprint Denver* Urban future neighborhood context 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

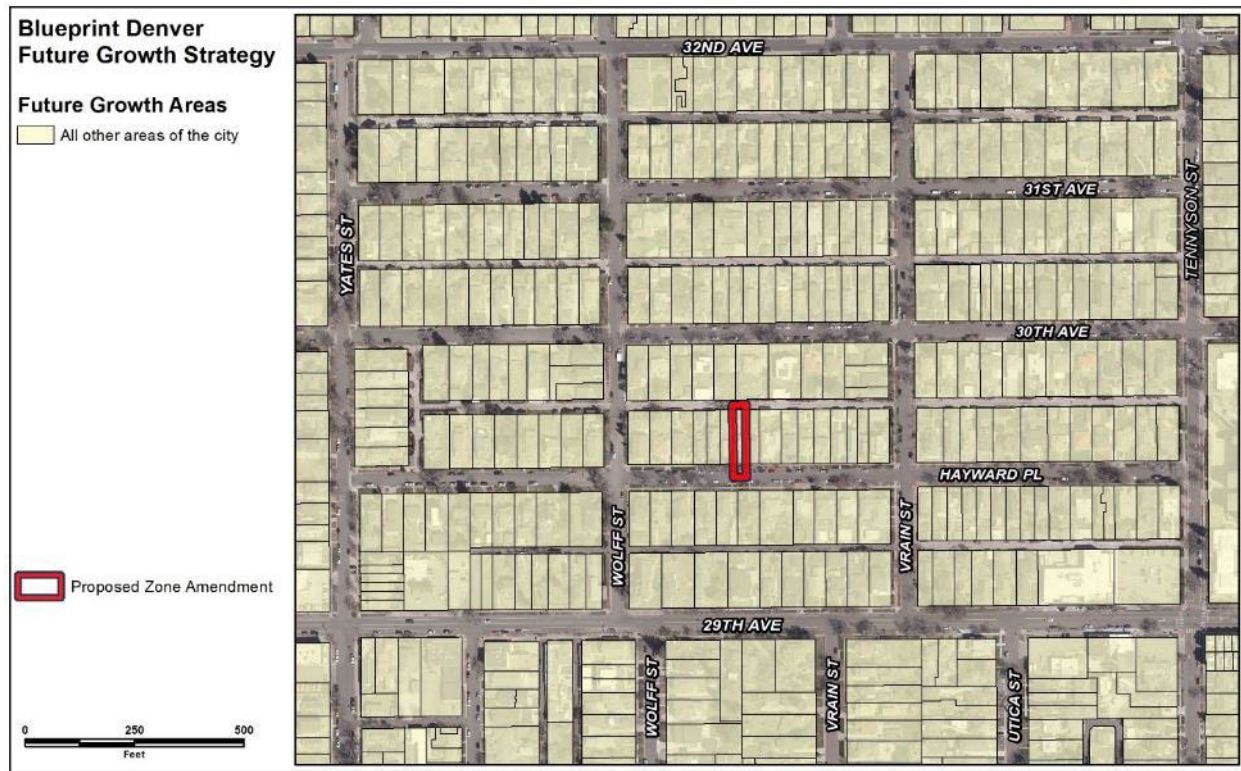


The subject site is designated within a Low Residential future place on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-A1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-unit home, which is consistent with the Low Residential future place 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 Future Street Types

In *Blueprint Denver*, Future Street Types work in concert with the Future Places to evaluate the appropriate intensity of adjacent development (p. 67). *Blueprint Denver* classifies Hayward Place as Local or Undesignated Future Street Type, which “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (p. 161). The proposed U-SU-A1 district is consistent with this street type because it allows for primary 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 properties are 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). These growth areas are “mostly residential areas with embedded local centers and corridors, [that] take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-SU-A1 will strengthen the existing character of the residential neighborhood by allowing a zone district that is more consistent with the size of the zone lot. It will also allow for low-intensity growth to the number of households in this area by allowing the development of a detached accessory dwelling unit on each lot and is therefore consistent with the growth strategy.

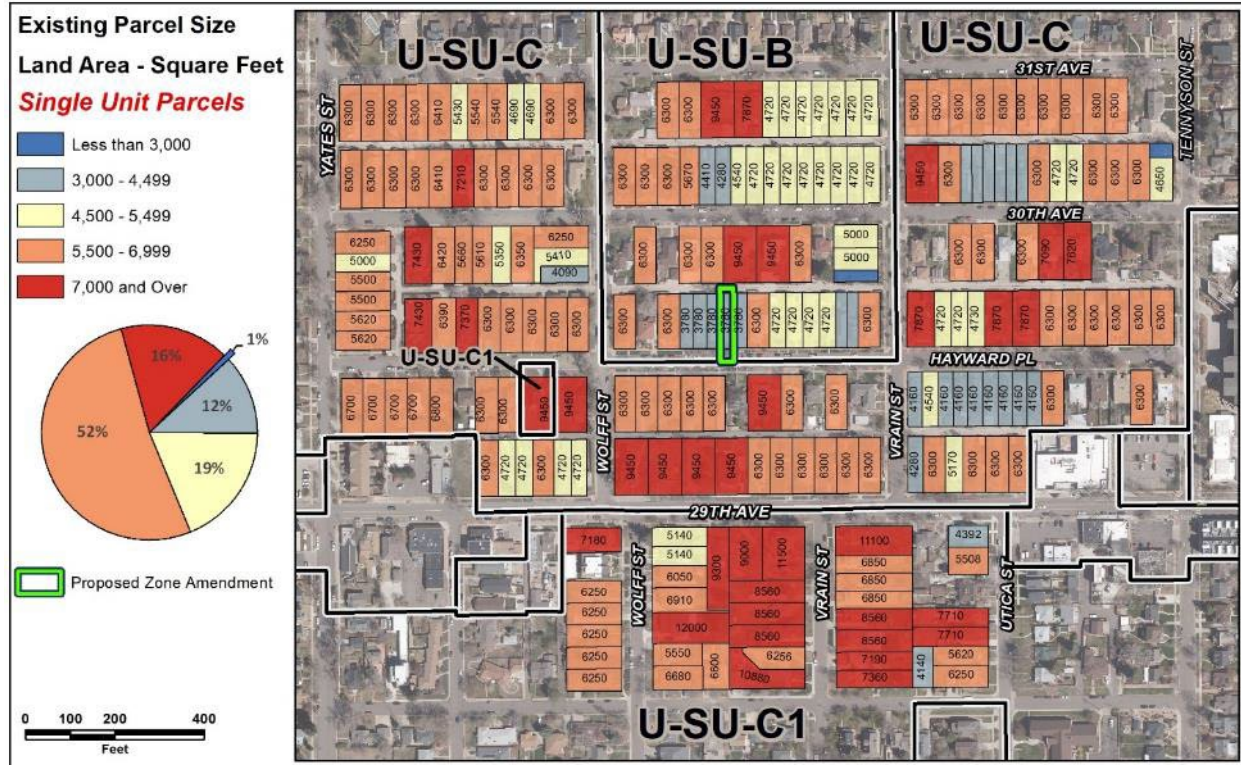
Blueprint Denver Lot Size Guidance for Rezonings

The applicant is proposing to rezone from U-SU-B with a minimum zone lot size of 4,500 square feet to a district with a smaller lot size, U-SU-A1, with a minimum zone lot size of 3,000 square feet. *Blueprint Denver* provides guidance for these situations stating, “it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request” (p. 231).

While most of the lots contained in the block to the south of Hayward Place and west of Wolff Street are over 5,500 square feet, the block where the subject property is located and the blocks north, southeast and northeast of the subject property block show a pattern of lots smaller than 4,500, more consistent

with the proposed U-SU-A1 district. Therefore, staff agrees that there is a pattern of smaller lots with similar uses, and the applicants' proposal to rezone to a district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

Parcel Size Analysis



Blueprint Denver Strategies

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

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

In this case, the requested rezoning is a single lot in a residential area less than one-quarter mile from a bus stop. This rezoning to an ADU zone district will have minimal impacts on the character of the surrounding neighborhood and is consistent with Blueprint Denver recommendations. In addition, the rezoning will allow for additional opportunities to accommodate an ADU by allowing for the construction of a detached ADU on a smaller minimum lot size.

Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1 will result in the uniform application of zone district building form, use and design regulations.

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 "smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses" (p. 231, *Blueprint Denver*). The proposed rezoning would also provide the benefit of an additional housing unit on the zone lot that would be detached from the single-unit homes and compatibly integrated into the surrounding neighborhoods.

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, according to *Blueprint Denver* it is appropriate to rezone to a district with a smaller lot size than the current district if a pattern of smaller lots with similar uses exists in the surrounding blocks. It also specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. This plan was adopted after the date of approval of the existing zone districts. Therefore, these are appropriate justifying circumstances for the proposed rezoning.

Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statement

The requested U-SU-A1 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-A1 is consistent with the neighborhood context description.

The general purpose of residential zone districts in this context is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context (DZC Section 5.2.2.1). The building form standards, design standards, and uses work together to promote desirable residential areas. Common residential characteristics are recognized but variation is accommodated. The proposed U-SU-A1 district is consistent with the context description and the zone district general purpose because it will help preserve the existing single-unit use, form, and streetscape of the immediate area while allowing a small-scale ADU in the rear yard.

The specific intent of the U-SU-A1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a consistent pattern of 25-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard” (DZC 5.2.2.2.B.) The subject site is in an area where Urban houses and 30-foot-wide lots are common. The site at 4707 West Hayward Place is 3,780 square feet with a width of 30 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

Accessory Dwelling Unit Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input checked="" type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Bradley Burish	Representative Name	Bruce O'Donnell / Starboard Realty Group
Address	4707 W Hayward Place	Address	1115 Acoma Street, ste 107
City, State, Zip	Denver, CO 80212	City, State, Zip	Denver, CO 80204
Telephone	303.638.3612	Telephone	720-441-3310
Email	brad@hossandassociates.com	Email	bodonnell@starboardrealtygroup.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
SUBJECT PROPERTY INFORMATION			
Location (address):	4707 W Hayward Place		
Assessor's Parcel Numbers:	0230310024000		
Area in Acres or Square Feet:	3,780sf or approx. 0.09 acres		
Current Zone District(s):	U-SU-B		
PROPOSAL			
Proposed Zone District:	U-SU-A1		
PRE-APPLICATION INFORMATION			
Did you have a pre-application meeting with Development Services Residential Team?	<input checked="" type="checkbox"/> Yes - if yes, state the meeting date <u>5/4/2022 - via Microsoft Teams</u> <input type="checkbox"/> No - if no, describe why not _____		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>5/4/2022 - Email</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment) _____	via email upon submitting this application	

<p>Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria. (Check boxes to affirm.) DZC Sec. 12.4.10.8</p>	<p><input checked="" type="checkbox"/> Justifying Circumstances - One of the following circumstances exists: 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 change may include:</p> <ul style="list-style-type: none"> a. Changed or changing conditions in a particular area, or in the city generally; or, b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning. <p>The proposed map amendment application identifies the adoption of <i>Blueprint Denver</i> as the Justifying Circumstance. As discussed above, <i>Blueprint Denver</i> 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 districts. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>The proposed map amendment is consistent with the neighborhood context description, stated purpose and intent of the proposed <u>U-SU-A1</u> Zone District.</p>
--	--

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following required attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of Ownership Document (e.g. Assessor’s record, property deed, etc). Proof of ownership for each property owner signing the application, such as (a) Assessor’s Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney’s Office.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Please check boxes identifying additional attachments provided with this application (note that more information may be required. Please confirm with your pre-application/case manager planner prior to submittal.):

- Written Narrative Explaining Project
- Site Plan/ Drawings (if available)
- Narrative describing any outreach to City Council office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors.
- Written Authorization to Represent Property Owner(s) (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity (e.g. if the deed of the subject property lists an LLC/trust as owner, this is document is required.)

Please list any other additional attachments:

See exhibits A-E

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/01/12	(A)	YES
Bradley D Burish	4707 W Hayward Pl Denver, CO 80212 (303) 638-3612 brad@hossandasociates.com	100%	Bradley D. Burish <i>Brad Burish</i>	04/19/22	A	Yes

List of Exhibits

- Exhibit A:** Property Legal Description
- Exhibit B:** Description of Consistency with Adopted City Plans (DRMC 12.4.10.7 (A, B & C))
- Exhibit C:** Description of Justifying Circumstances and Neighborhood Context (DRMC 12.4.10.8 (A&B))
- Exhibit D:** Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative
- Exhibit E:** Proof of Ownership, Assessors Record

EXHIBIT A

Property Legal Description

Legal Description

4707 WEST HAYWARD PLACE

EAST 10 FEET OF LOT 34 AND WEST 20 FEET OF LOT 35 BLOCK 8 SLOANS LAKE HEIGHTS,
CITY AND COUNTY OF DENVER, STATE OF COLORADO

EXHIBIT B

Description of Consistency with Adopted City Plans

Exhibit B

Statement of Compliance with General Review Criteria (DZC § 12.4.10.7)

This application proposes to rezone the approximately 0.09-acre properties located at 4707 W Hayward Place from U-SU-B to U-SU-A1 (the “Property”) to facilitate use of the Property that is consistent with the recommendations in the adopted Plans.

The Property is located in the West Highland neighborhood on the north side of West Hayward Place between Wolff Street and Vrain Street. Today the Property is zoned U-SU-B a residential zone district allowing urban houses with a minimum zone lot area of 4,500 square feet. Existing context surrounding the Property includes: U-SU-C, U-SU-C1, U-RH-2.5, U-MX-2, U-MX-3, B-2 and PUD. Located within ½ mile of several RTD transit routes including RTD route 51 that runs along Sheridan Blvd connecting riders from the US 36 & Sheridan Station in Westminster to the Englewood Station connecting to several light rail trains and buses, RTD route 32 along 32nd Avenue which connects riders to Downtown Denver and Union Station, and RTD route 28 along 28th Avenue which connects riders from Lakewood via Wadsworth to Central park Station. There are dedicated bike lanes within a ½ mile on 29th and 32nd Avenue. The Property is located within a ½ mile of Pferdesteller Park and Sloans Lake. Denver as a city has been experiencing exponential growth, these changes have resulted in the need to rezone the Property to meet community wants and needs.

The map amendment requests to rezone the Property to the U-SU-A1 zone district. This zone district is a single unit district that would allow an accessory dwelling unit (ADU) on a minimum zone lot of 3,000sf. It will also allow for zoning conformity as the Property’s 3,780sf lot does not meet the 4,500sf minimum zone lot of the current U-SU-B zone district. The proposed zone district is otherwise very similar to the zone district that exists today and in the surrounding area. The successful rezoning will blend in with, support, and sustain the existing residential character of the neighborhood. The proposed map amendment would enable modest growth in an appropriate scale and form while diversifying the housing stock that the City needs.

REVIEW CRITERION DZC § 12.4.10.7. A – Consistency with Adopted Plans: The proposed official map amendment is consistent with the City’s adopted plans.

This proposed map amendment is consistent with the Denver Comprehensive Plan 2040, Blueprint Denver (2019), Housing an Inclusive Denver (2018).

The proposed map amendment is consistent with many objectives of Denver Comprehensive Plan 2040 including:

VISION ELEMENTS: STRONG AND AUTHENTIC NEIGHBORHOODS

GOAL 1: Create a city of complete neighborhoods.

STRATEGIES:

- *Ensure neighborhoods offer a mix of housing types and services for a diverse population.*
- *Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.*

VISION ELEMENTS: EQUITABLE, AFFORDABLE, AND INCLUSIVE

GOAL 1: Ensure all of Denver residents have safe, convenient, and affordable access to basic services

and a variety of amenities.

STRATEGIES:

- *Increase development of housing units close to transit and mixed-use developments.*

GOAL 2: Build housing as a continuum to serve residents across a range of incomes, ages, and needs.

STRATEGIES:

- *Create a greater mix of housing options in every neighborhood for all individuals and families.*

VISION ELEMENTS: ENVIRONMENTALLY RESILIENT

GOAL 8: Clean our soils, conserve land and grow responsibly.

STRATEGIES

- *Promote infill development where infrastructure and services are already in place.*
- *Focus growth by transit stations and along high- and medium-capacity transit corridors.*

The proposed U-SU-A1 zone district allows for an additional dwelling unit that is accessory to the primary single-family 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 than the single-family homes that are found in much of the West Highland neighborhood. The proposed U-SU-A1 zoning would allow development at an intensity consistent with the surrounding neighborhood that would increase the diversity and supply of housing in the area. In addition, the proposed map amendment would allow additional building forms compatible with the existing neighborhood. The proposed map amendment will allow for modest density 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. The proposed map amendment is in an area where services and amenities are already in place along Federal Blvd and focuses growth close to a High-Capacity Transit Corridor. Therefore, the proposal is consistent with multiple strategies of the vision elements in *Comprehensive Plan 2040*.

The proposed map amendment is consistent with the objectives of Blueprint Denver 2019 including:

The **Blueprint Denver** *Place* designation for the subject property is *Low Residential* in an *Urban* neighborhood context.

Urban neighborhoods are described as:

“The urban neighborhood context is widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes. Development in this context should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity. Residents living in this context have access to varied transit options and amenities.” (BPD pg. 221)

Urban Low Residential Land use and Built Form:

*“Predominately single- and two-unit uses on smaller lots. **Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.** Some civic and institutional uses are compatibly integrated throughout and limited mixed-use can occur along arterial and collector streets, as well as where commercial uses have been already established. Vacant institutional uses on corners or select sites may be appropriate locations to introduce additional residential intensity. Medium building coverage. Buildings are generally up to 2.5 stories in height.” (BPD pg. 230)*

Growth Strategy for this area is designated as:

All other areas of the city: *10% of new jobs and 20% of new households.*

Street Type for the Property is designated as:

Local: *“Local streets can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses.” (BPD pg. 160)*

The proposed U-SU-A1 zone district is an appropriate district that compliments the characteristics of Urban neighborhoods and complies with the vision of a Low Residential area. It will appeal to the desired single-unit uses while introducing modest density through the allowance of an ADU. This zoning is otherwise identical to the zoning today. This zone district appeals to the City’s growth strategy, allowing the development of an ADU is a low-intensity approach that will add to the housing stock. This zone district complies with the local street type and character through its residential uses. In addition, the multiple RTD bus routes nearby along with bike friendly routes and dedicated lanes, makes the Property an excellent multi modal accessible location ensuring that residents have access to transit and amenities.

Blueprint Denver Recommendations – Land Use and Built Form: Housing:

4. Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. (BPD pg. 82)

➤ *“Study and implement allowances for ADUs – including those attached and detached from the primary home – in all neighborhood contexts and residential zone districts”*

➤ *“A citywide approach to enable ADUs is preferred. Until a holistic approach is in place individual rezonings to enable ADUs in all residential areas, especially where adjacent 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.”*

The proposed U-SU-A1 zone district directly addresses the recommendations in Blueprint Denver. It adds to and diversifies the housing stock. The zoning standards within the U-SU-A1 zone district allow a low-scale accessory dwelling unit structure that will be compatible with the existing residential area, and consistent with the Blueprint Denver Urban context.

Today, the 3,780 square feet Property is non-conforming to its current U-SU-B zoning with a minimum zone lot size of 4,500 square feet and minimum zone lot width of 37.5 feet. The proposed U-SU-A1 is a district with a smaller lot size with a minimum zone lot size of 3,000 square feet and minimum zone lot width of 25 feet. Blueprint Denver provides guidance for these situations stating, “it is only appropriate to allow smaller lot sizes than the existing zone district if there is an established pattern in the surrounding blocks of smaller lots with similar uses that would be consistent with the zone district request” (p. 231). While the lot sizes north of the Property on Wolff Street are mostly over 4,500 square feet and are more consistent with the U-SU-B district and the lots south of the Property on Hayward Place are mostly over 5,500 square feet and more consistent with U-SU-C, just one block over on Hayward Place and one block up on 30th both east of Vrain Street, show a pattern of lots smaller than 4,500 square feet. The block on the south side of Hayward Place between Vrain Street and Tennyson Street is predominantly lots between 3,000-4,400 Square feet which is the same lot size category as the Property. These are more consistent with the proposed U-SU-A1 district. This is evidence of a pattern of smaller lots with similar uses. The proposed district with a smaller lot size is consistent with the future places map and Blueprint guidance for applying the Low Residential future place type.

An Equitable City:

“While all of the vision elements are essential to Blueprint Denver, equity is especially important to the community. In recent years, Denver’s economic strength and population growth have benefited many, but not all. Today Blueprint Denver is integrating equity into planning in ways that Blueprint Denver 2002 did not. Without accounting and adjusting for important equity considerations, the forces of change acting on our city will prevent it from achieving its vision for inclusive, complete neighborhoods.” (BPD pg. 30)

Equity Concept: Expanding Housing and Jobs Diversity - providing a better and more inclusive range of housing and employment options in all neighborhoods.

The Importance of Housing and Jobs Diversity

“The vision of an inclusive Denver relies on a diverse range of residents, businesses and employees. Areas that become too homogeneous and exclusive threaten that vision by reducing or eliminating choice for anyone but the most affluent and privileged. A lack of housing options at various sizes and prices often means certain populations—including families, the elderly and people with disabilities—are not able to live in neighborhoods of their choice. Increasing the range of housing and job options will also advance the important goal to maintain and increase racial, ethnic and socioeconomic diversity in Denver’s neighborhoods. Certain housing types, such as attainable homeownership, can help build wealth and improve economic mobility for Denver residents.

It is the desire of many residents and stakeholders for all neighborhoods to accommodate some level of growth and to incorporate a greater variety of housing and employment options. If done right, this can enable more inclusive and diverse communities.” (BPD pg. 40)

The U-SU-A1 zone district will open the property to allow an ADU, which is not offered in the current zone district. While zoning predominantly addresses land uses and building form, it is important to understand the relationship between a property’s zoning and how its uses effects the community in both character and accessibility to basic needs such as housing and employment. This includes accessibility to amenities such as transit, parks/open space, healthcare, walkability/ bike-ability to a local center, local corridor, community corridor and regional center from the future places map. This zone district would allow for a low-intensity development in an appropriate location. It will modestly introduce a new housing option in an area that is predominantly single-unit homes. It is valuable to the neighborhood and the City that a U-SU-A1 zoning introduces more housing opportunities to the area than what is offered in the zoning today.

The proposed map amendment is consistent with the objectives of Housing an Inclusive Denver (2018) including:

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.” (HAID pg. 9)*
- *Key Actions: Encourage development of a mix of residential development types throughout Denver neighborhoods that provide residents with a diversity of housing choices (including price,*

size, and tenure of housing options) through specific zoning and land use recommendations in Blueprint Denver. (HAID pg. 50)

The proposed rezoning to U-SU-A1 is consistent with the recommendations of the Housing an Inclusive Denver Plan. The allowance for an accessory dwelling unit will add to the mix of residential housing types in the area that is in character with the neighborhood. It will conform with the neighborhood context, building height and zone lot size recommendations in the existing zoning.

REVIEW CRITERION DZC § 12.4.10.7.B – Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

Future development of the Property will result in uniformity of U-SU-A1 district regulations and restrictions.

REVIEW CRITERION DZC § 12.4.10.7.C – Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.

The proposed map amendment will further the public health, safety, and general welfare of the City by facilitating the improvement and development of the Property as desired by the City’s adopted plan.

EXHIBIT C

Description of Justifying Circumstances and Neighborhood Context

Exhibit C

Statement of Compliance of Additional Review Criteria for Non-Legislative Rezoning (DZC § 12.10.8)

CRITERION DZC § 12.4.10.8.A - Justifying Circumstances - One of the following circumstances exists:

“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 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.”

Justifying circumstances for rezoning 4707 W Hayward Avenue include:

1. *Changed or changing conditions in a particular area, or in the city generally*
2. *A city adopted plan*

The .09 acre Property is in a residentially dense neighborhood consisting of predominantly single unit homes. In Denver, hundreds of new housing units have been delivered in recent years and more are on the way. This growing population has called for not only an increase of housing units but for a variety of housing options as well. As an Urban Residential neighborhood immediately outside of downtown, this area will continue to be a desirable neighborhood to live in and will need to be able to provide options for the diverse population.

The adoption of Blueprint Denver in 2019 has introduced new land use recommendations and strategies to address Denver’s growing population. Blueprint specifically recommends diversifying the housing stock through the allowance of accessory dwelling units throughout all residential areas. Blueprint Denver also recommends adding additional housing in areas near transit, services, and amenities.

CRITERION DZC § 12.4.10.8.B – The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

U-SU-A1 is a single unit district in the Urban neighborhood context and which is characterized by the Denver Zoning Code as “single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form. Multi-unit building forms typically include the Row House building form embedded with other residential form types. Single- and two-unit residential uses are primarily located along local and residential arterial streets” (DZC 5.1.1). The proposed map amendment is consistent with surrounding building forms and is appropriate for the street type the Property is located on, therefore in character to the Urban neighborhood context.

This general purpose of this residential district is to “promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The building form standards, design standards, and uses work together to promote desirable residential areas. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment” (DZC 5.2.2.1). The specific intent of the U-SU-A1 zone district is “a single unit district

allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a consistent pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context” (DZC 5.2.2.2 B). This ensures new development that contributes positively to established character of the neighborhood.

Today, the immediate neighborhood context around the Property is residential zoning. The proposed U-SU-A1 zone district of the Property will further embrace the residential character of the West Highland through modest density. It will uphold the purpose of a residential district in an Urban neighborhood context by reinforcing the desired development patterns while accommodating reinvestment.

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

EXHIBIT D

Letter of Authorization for STARBOARD Realty Group, LLC to act as Representative

Bradley D. Burish
4707 W Hayward Place
Denver, CO. 80212

April 19, 2022

Mr. Bruce O'Donnell
STARBOARD Realty Group, LLC
1115 Acoma Street, Suite 107
Denver, CO 80204
bodonnell@starboardrealtygroup.com
720-441-3310

Dear Bruce,

This letter serves as authorization for STARBOARD Realty Group, LLC to act on behalf of and re
Bradley D. Burish for the purpose of submitting and processing the rezoning application for the property
owned by Bradley D. Burish at 4707 W Hayward Place in Denver, CO.

Sincerely,



Bradley D. Burish

EXHIBIT E

Proof of Ownership, Assessors Record

4707 W HAYWARD PL

Owner	BURISH,BRADLEY D 4707 W HAYWARD PL DENVER, CO 80212-1556
Schedule Number	02303-10-024-000
Legal Description	E 10FT OF L 34 & W 20FT OF 35 BLK 8 SLOANS LAKE HEIGHTS
Property Type	SFR Grade C
Tax District	DENVER

Print Summary

Property Description			
Style:	15: 2 STORY	Building Sqr. Foot:	1368
Bedrooms:	2	Baths Full/Half:	1/0
Effective Year Built:	1892	Basement/Finish:	156/0
Lot Size:	3,780	Zoned As:	U-SU-B

Note: Valuation zoning may be different from City's new zoning code.

Current Year			
	Actual	Assessed	Exempt
Land		\$270,300	\$18,790 \$0
Improvements		\$387,500	\$26,930
Total		\$657,800	\$45,720

Prior Year			
	Actual	Assessed	Exempt
Land		\$270,300	\$19,330 \$0
Improvements		\$387,500	\$27,710
Total		\$657,800	\$47,040