

Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal

PROPERTY OWNER INFORMATION		REPRESENTATIVE*	
Property Owner Name	Multiple owners	Representative Name	Councilwoman Amanda Sandoval - legislative rezoning
Address		Address	1810 Platte Street
City, State, Zip		City, State, Zip	Denver, CO
Telephone		Telephone	720-337-7701
Email		Email	amanda.sandoval@denvergov.org
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):	Multiple properties in the West Highland neighborhood - 3,277 parcels. See attached map and legal descriptions.		
Assessor's Parcel Numbers:	Multiple		
Area in Acres or Square Feet:	Appr. 470 acres		
Current Zone Districts:	U-SU-C, U-SU-B, and U-SU-A		
PROPOSAL			
Proposed Zone Districts:	U-SU-C1, U-SU-B1, and U-SU-A1		
REVIEW CRITERIA			
General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13	<input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan	Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.	
	<input checked="" type="checkbox"/> 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.		
	<input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.		



THE HONORABLE

Amanda P. Sandoval
COUNCILWOMAN DISTRICT 1

City and County of Denver
CITY COUNCIL

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May 13th, 2022

Sarah Showalter
Director of Planning Services
Community Planning and Development
City and County of Denver
201 W. Colfax Ave.
Denver, CO 80202

Director Showalter,

I am asking that Community Planning and Development prepare a rezoning of the U-SU-C, U-SU-B, and U-SU-A properties in the legal description of this application to U-SU-C1, U-SU-B1, and U-SU-A1 to allow for accessory dwelling units (ADUs).

Over the past few years, an increasing number of individual rezoning requests to allow ADUs have come from the West Highland neighborhood. As a result, my office engaged with the West Highland Neighborhood Association, WHNA, in preliminary discussions of a legislative rezoning in summer 2021. In December of 2021 my office began official outreach to the neighborhood to gauge support for a legislative rezoning. Legislative ADU rezonings not only save property owners time and money, but also benefit the City by being a more efficient use of taxpayer dollars than one-off rezonings.

To ensure there was community support, my office built on our engagement process developed during my previous three previous neighborhood-wide rezonings. I sent mailers to each property owner, hosted two town halls, sent two rounds of door-to-door flyering, and gathered input in an online survey and over the phone. All materials were available in English and Spanish. At the close of the survey on May 1st, 71.9% of respondents supported the rezoning. Notably, the survey received a total of 584 unique responses, the highest level of engagement seen in any of my rezonings. It was extremely important for me to hear from as many residents as possible given that, at 3,277 proposed properties, West Highland is the largest ADU rezoning in District 1 conducted so far.

After months of neighborhood outreach, I am thrilled to sponsor this legislative rezoning on behalf of the neighborhood and continue to expand the right to build ADUs to more homeowners in Denver.

Sincerely,

Amanda P. Sandoval
Councilwoman Amanda P. Sandoval, District 1

West Highland ADU Rezoning Application

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Housing an Inclusive Denver (2018)
- West Colfax Plan (2006)

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, U-SU-B1, and U-SU-C1 allow for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-unit residential neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs than the single-unit homes that currently dominate the West Highland neighborhood.

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

ADUs are commonly used to house additional family members or allow seniors to age in place. These arrangements can offer cost savings and emotional/psychological benefits for families.

- *Goal 4, Strategy C – Incentivize the reuse of existing smaller and affordable homes (p. 29).*

ADUs can increase density while maintaining a neighborhood's character and avoiding impacts to the primary residence. In addition, the financial support of an ADU can help homeowners resist pressures to sell to developers who would replace modest homes with larger, more expensive single-family development.

Strong and Authentic Neighborhoods

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



ADUs offer smaller and naturally less expensive housing options in otherwise more homogenous single-unit areas. This opens up neighborhoods and their amenities to populations that would otherwise have difficulty finding housing in these areas.

Environmentally Resilient

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

The proposed map amendment will allow an additional housing unit on the site of an existing single-family home where infrastructure and services such as water, stormwater, and transit 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. There are four key components of *Blueprint Denver* that apply to this rezoning application:

1. Neighborhood Context
2. Place Type
3. Plan Policies and Strategies
4. Equity Concepts

Blueprint Denver Urban 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 is used to guide appropriate zone districts (p. 66).

The Urban neighborhood context predominantly contains “small, multi-unit residential and low-intensity mixed-use buildings ... embedded in single-unit and two-unit residential areas. Block patterns are a regular grid with consistent alley access.” (p. 222). U-SU-A1, U-SU-B1, and U-SU-C1 are residential zone districts within the Urban neighborhood context that are “intended to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context.” “The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street” (DZC 5.2.2.1).

U-SU-A1, U-SU-B1, and U-SU-C1 are consistent with the *Blueprint* future neighborhood context of Urban because they 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 Residential Low Places

The subject site is designated within a Residential Low future place on the *Blueprint Denver* Future Places map. This place is “predominately single- and two-unit uses on small or medium lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “buildings are generally up to 2.5 stories in height” (p. 214). U-SU-A1, U-SU-B1, and U-SU-C1 are single unit residential districts that allow for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place description. All three zone districts allow the Urban House building form, which has a maximum height of 2.5 stories and is consistent with the future places map.

Blueprint Denver Street Types

In *Blueprint Denver*, street types work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (p.67). Most streets within the proposed rezoning area are classified in *Blueprint Denver* as local or residential collector streets. Local streets are “most often characterized by residential uses [and] provide the lowest degree of through travel but the highest degree of property access” (p. 154). Residential Collectors “are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). *Blueprint Denver* describes residential streets as those with “primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses. Buildings on residential streets usually have a modest setback. The depth of the setback varies by neighborhood context” (p. 160). The proposed map amendment to U-SU-A1, U-SU-B1, and U-SU-C1 is consistent with these street types as it will continue to allow low-intensity residential uses along these streets and does not modify front setback requirements.

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-A1, U-SU-B1, and U-SU-C1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

Blueprint Denver ADU and Legislative Rezoning Policies

Blueprint Denver provides recommendations related to accessory dwelling units and legislative rezonings. **Land Use & Built Form, Housing, Policy 4** recommends “Diversify[ing] housing choice through the expansion of accessory dwelling units throughout all residential areas” (p. 84). The policy includes several strategies for integrating accessory dwelling units, including using “an inclusive community input process to respond to unique considerations in different parts of the city” and “identify[ing] strategies to reduce involuntary displacement” (p. 84). While **Land Use & Built Form, Housing, Policy 4 Strategy E** states that a “citywide approach to enable ADUs is preferred”, **Land Use & Built Form, General, Policy 11 Strategy A** recommends “prioritiz[ing] larger-scale, legislative rezonings over site-by-site rezonings to implement plan recommendations and to achieve citywide goals, including equity goals” (p. 79). This rezoning therefore clearly fulfils the directives of Policies 4 and 11.

In addition, the rezoning responds to **Land Use & Built Form, General, Policy 11 Strategy C**, which directs city-led rezonings to utilize “a robust and inclusive community input process.” While West Highland lacks a neighborhood plan, the effort to rezone the neighborhood for ADUs was community-initiated and community-driven. A months-long public outreach process included: multiple mailers to all affected property owners; an online survey with 335 responses showing majority support for the rezoning (73% in favor, 20% against); and two virtual community town halls.

The large-scale rezoning also responds to the equity concepts called out in **Land Use & Built Form, General, Policy 11 Strategy B**, in particular, strategies to reduce vulnerability to displacement. Current residents will be able to benefit from the financial stabilization that an ADU can provide. ADUs can be rented to create supplemental income or can be used to house additional family members and allow families to pool resources. Seniors will be able to age in place. Vulnerability to displacement will be discussed in depth in the next section.

This rezoning will also increase equity around ADUs by removing the need for individual, site-by-site rezonings. While the ADU rezoning process is relatively simple, engaging with the City in this way can be intimidating and unfortunately may deter those who would most benefit from ADUs from completing the process. Importantly, this legislative rezoning will also waive the \$1,000 individual rezoning fee. This fee, which applies to any standard zone district rezoning of 1 acre or less, burdens lower-income people and is an additional barrier to the equitable distribution of ADUs throughout the city.

Blueprint Denver Equity Concepts

Blueprint Denver has three equity concepts: Improving access to opportunity; reducing vulnerability to displacement; and expanding housing and jobs diversity. *Blueprint Denver* states that equity concepts “should be used to evaluate large area rezonings” (p. 67) and therefore are applicable to this rezoning application.

Access to Opportunity

West Highland has an average score of 2.61 in Access to Opportunity, defined as access to basic goods, services, and amenities to improve quality-of-life. The area scores more equitable on social determinants to health—including lower poverty rates and higher rates of population holding a high school diploma—access to healthcare, and high life expectancy. The area scores less equitable on access to grocery stores and childhood obesity. The proposed rezoning may have a positive impact on access to opportunity by moderately increasing the population density of West Highland and increasing the likelihood that goods and services (include transit) locate to the area.

Vulnerability to Displacement

West Highland has a score of zero meaning no vulnerability to displacement. This score is a result of a higher proportion of owner-occupied dwelling units, higher median income, and higher rates of educational attainment than Denver as a whole. The proposed rezoning to allow ADUs would provide opportunities for new residents to enjoy this stable neighborhood, especially those with lower incomes who may otherwise not be able to afford to live in the area.



At the same time, it is important to note that this area has gentrified dramatically over the past 15 years, and these averages do not reflect the many lower-income households that exist in this area. These households are vulnerable to displacement and ADUs may be a strategy to stabilize them and ensure they remain in the neighborhood. Unfortunately, even with the enabling zoning, there are still barriers to building ADUs that disproportionately burden lower income households. For example, building an ADU can trigger soil bores, require owners to upgrade sidewalks, or make other improvements that drive up costs well beyond the reach of many lower-income property owners. Councilwoman Sandoval is excited at the possible outcomes of the *ADUs in Denver* project which proposes to reduce barriers such as these.

Housing Diversity

West Highland has very low housing diversity due to absence of income restricted units, high housing costs, and lack of rental opportunities. It does, however, have better diversity in number of bedrooms. ADUs are a strategy to add needed housing diversity. The proposed rezoning to allow ADUs will help diversify the housing stock by encouraging the development of additional housing types in the neighborhood and by contributing to the mix of owner/renter-occupied units.

Job Diversity

West Highland has a mix of retail and innovation jobs, primarily located in the northwest of Area 1 and between 26th Ave and 23rd Ave near Area 1. The proposed rezoning to residential zone districts will not have a direct impact on job diversity in the neighborhood.

HOST 5-Year Strategic Plan (2021)

The Policy and Systems Change Strategies section calls to “support efforts to advance key land use strategies to advance affordable housing outlined in Blueprint Denver. These include: Diversify housing choice through the expansion of accessory dwelling units and remove barriers to the construction...” (p. 51). The legislative rezoning to allow ADUs will remove a significant barrier for individual property owners who currently spend time and money navigating the process on their own.

Housing an Inclusive Denver (2018)

Adopted in 2018, *Housing an Inclusive Denver* was not adopted as a supplement to *Denver Comprehensive Plan 2040* but was still adopted by City Council and can be considered relevant to the review criteria for this map amendment. The Plan includes citywide guidance for using *Blueprint Denver* to reduce regulatory barriers to development of accessory dwelling units. The following plan goals are applicable to the proposed rezoning:

Legislative and Regulatory Priorities, Recommendation 2: Expand and strengthen land-use regulations for affordable and mixed-income housing.

Through Blueprint Denver and supplemental implementation actions such as zoning modifications, the City should support land-use regulations that incentivize affordable and mixed-use housing, including expanding the development of accessory dwelling units” (p. 9).

Attainable Homeownership, Recommendation 1: Promote programs that help households maintain their existing homes.

“Promote development of accessory dwelling units as a wealth building tool for low and moderate-income homeowners in vulnerable neighborhoods and to support intergenerational households” (p. 14).

The proposed map amendment to U-SU-A1, U-SU-B1, and U-SU-C1 is consistent with these *Housing an Inclusive Denver* recommendations because it will significantly expand the availability and allow the development of accessory dwelling units throughout West Highland.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-A1, U-SU-B1, and 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 of *Blueprint Denver*). The proposed rezoning would also provide the benefit of additional housing units that are compatibly integrated into the surrounding neighborhood. Adding gentle density to established neighborhoods rather than pushing greenfield development supports long-term sustainability and therefore the health, safety, and welfare for all of Denver for generations. In addition, increasing access to ADUs as tools for financial stability and family cohesion can promote health and wellbeing by reducing stress-related health complications and increasing economic security.



Appendix A: West Highland ADU Outreach

Webpage

- <https://mailchi.mp/mailchimp/westhighlandadus>
- Spanish landing page also available
- 1,664 views as of 5-2-22

Property Owner Mailers

- Notice of town halls and link to information mailed to all property owners on December 23rd, 2021, with list generated by City Assessor

Flyers

- Two rounds of informational flyers delivered to all proposed properties week of January 17th, 2022, and week of April 25th, 2022

Town Halls

- Two held, January 19th and 29th, 2022
- Held via Zoom and streamed on Facebook Live
- Presentation/discussion at West Highland Neighborhood Association meetings throughout 2021-2022

Survey Results

- Survey open 12-27-21 through 5-1-22
- Available in English and Spanish
- 584 unique responses

Survey Results:

Answer	Count	Percentage
YES	420	71.9%
NO	131	22.4%
UNDECIDED	33	5.7%
Total	584	100.0%

