



TO: Denver Planning Board
FROM: Francisca Penafiel, Senior City Planner
DATE: September 14, 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.

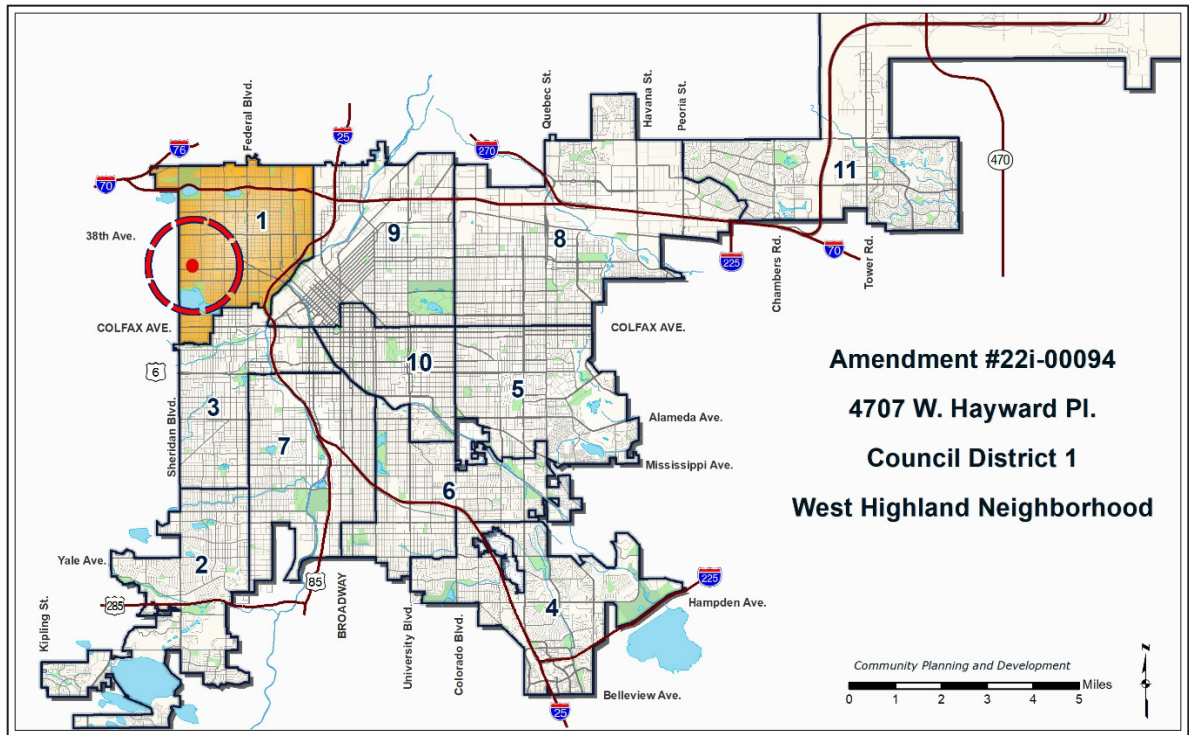
Request for Rezoning

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

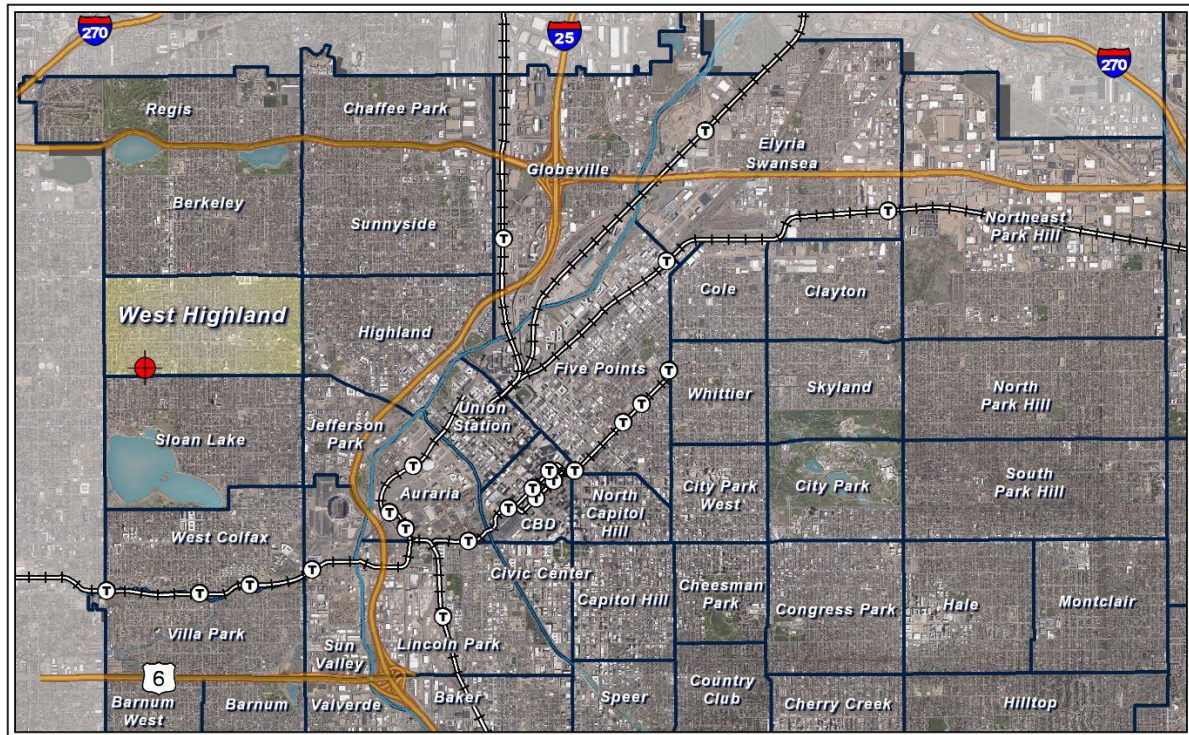
Summary of Rezoning Request

- 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 his 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).

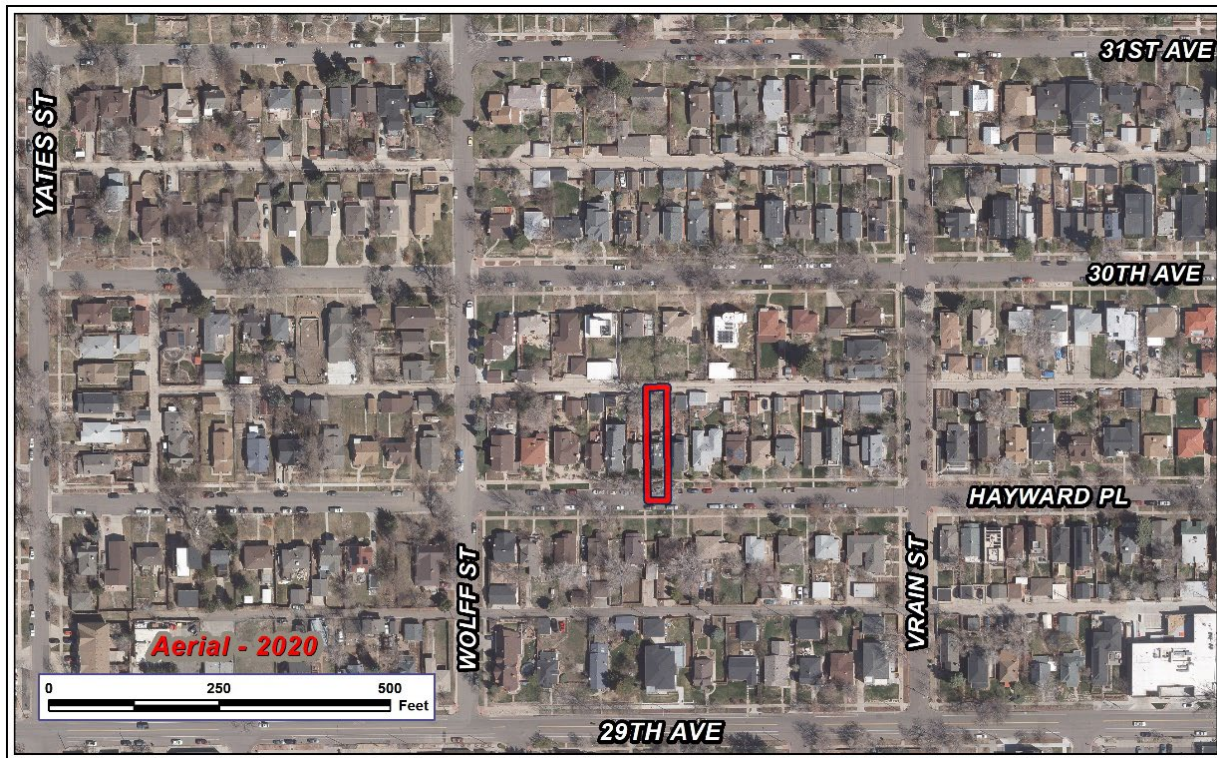
City Location



Neighborhood Location – West Highland Neighborhood



Existing Context

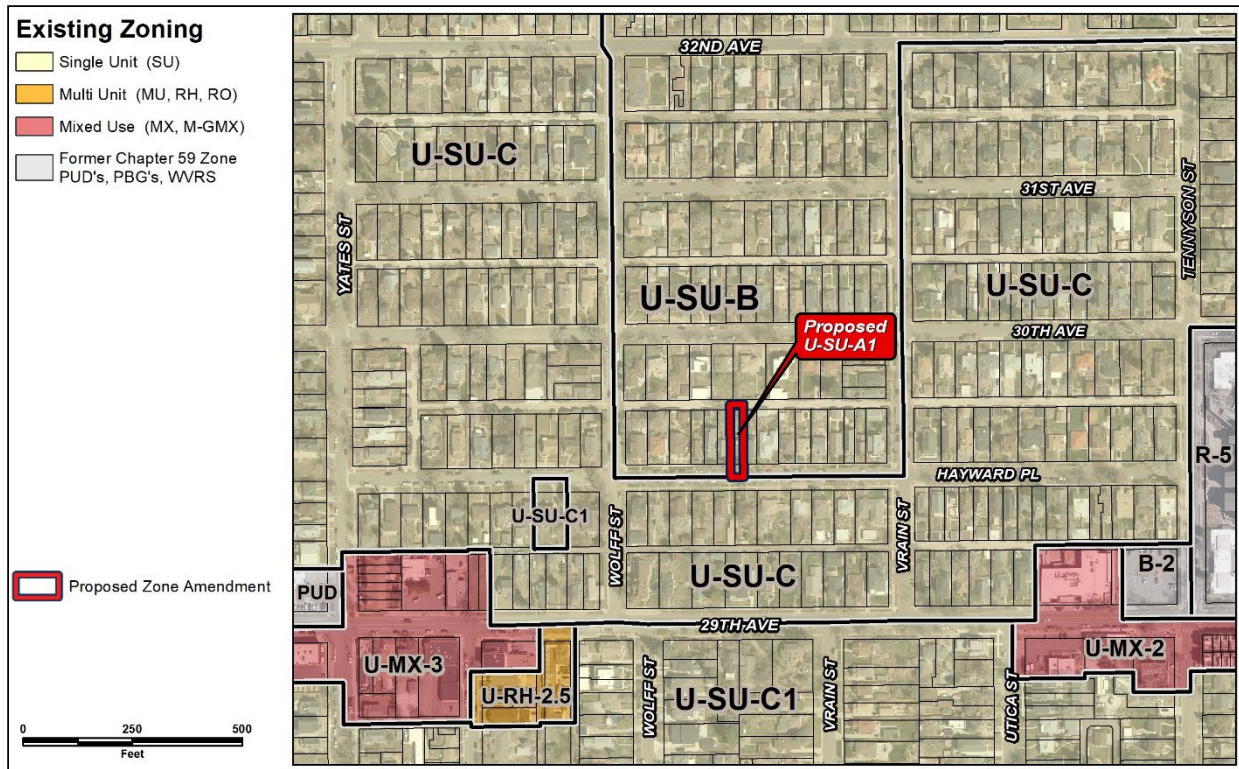


The subject property is in the West Highland neighborhood, which is characterized primarily by single-unit and two-unit residential uses with some commercial/retail uses along West 29th Avenue and North Sheridan Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with 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.

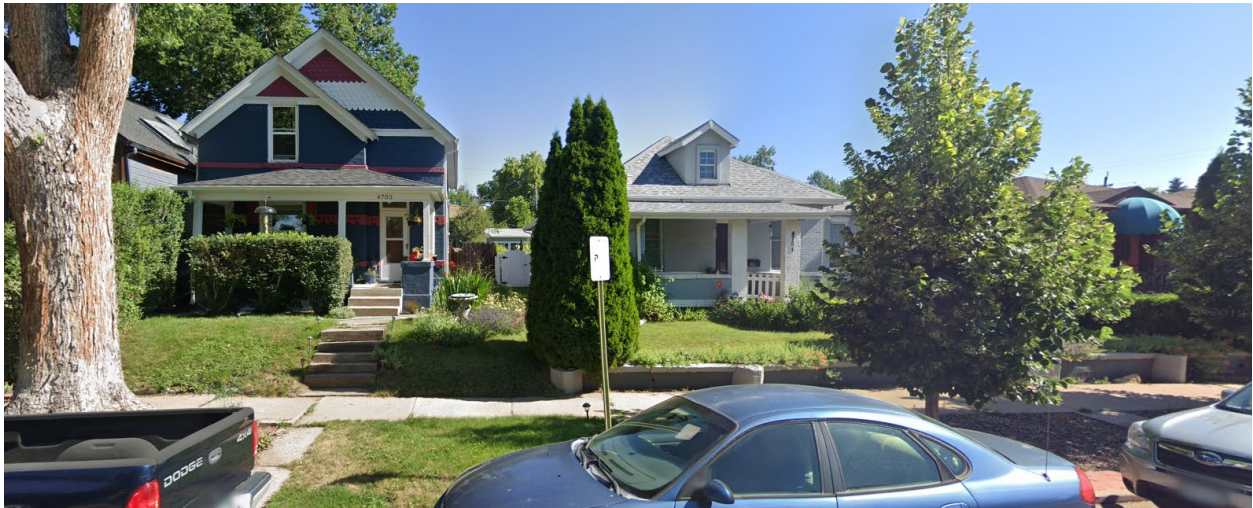
Existing Land Use Map



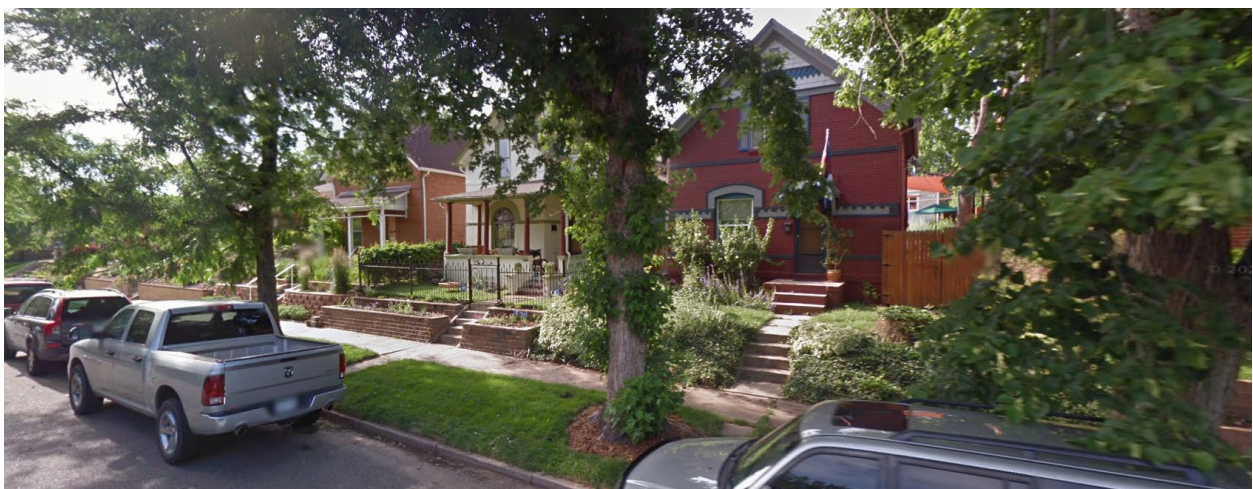
Existing Building Form and Scale (source: Google Maps)



View of the subject property looking north.



View of the properties to the east, looking north.



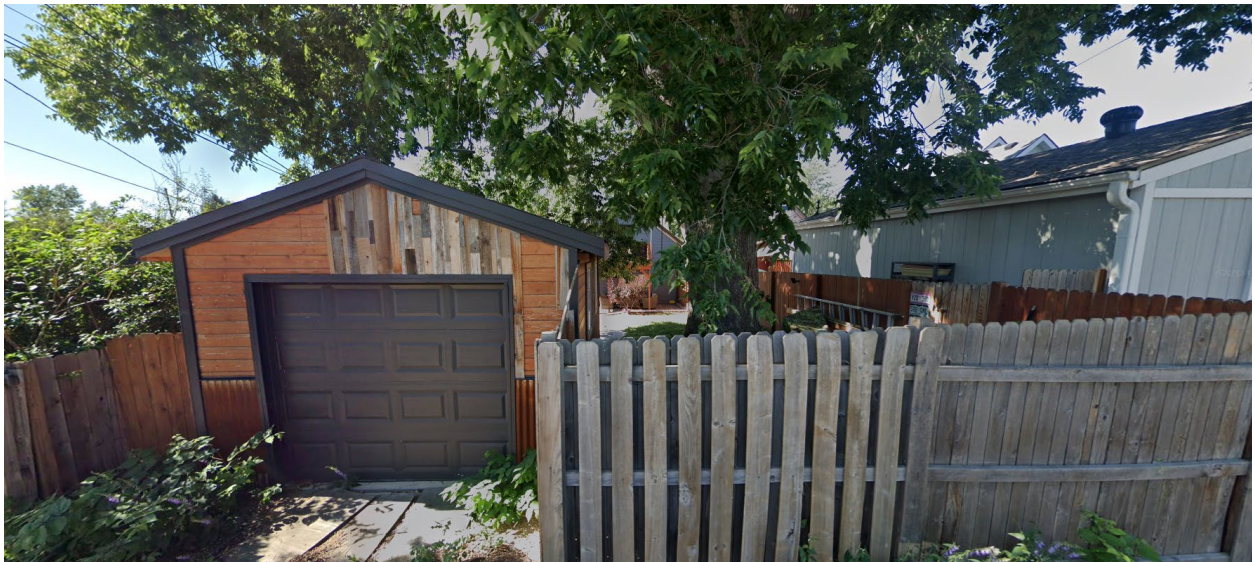
View of the properties to the west, looking northwest.



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. Compared to the U-SU-B district, U-SU-A1 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. 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:	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 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council (tentative):	10/04/2022 (tentative)
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations (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 support or opposition 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

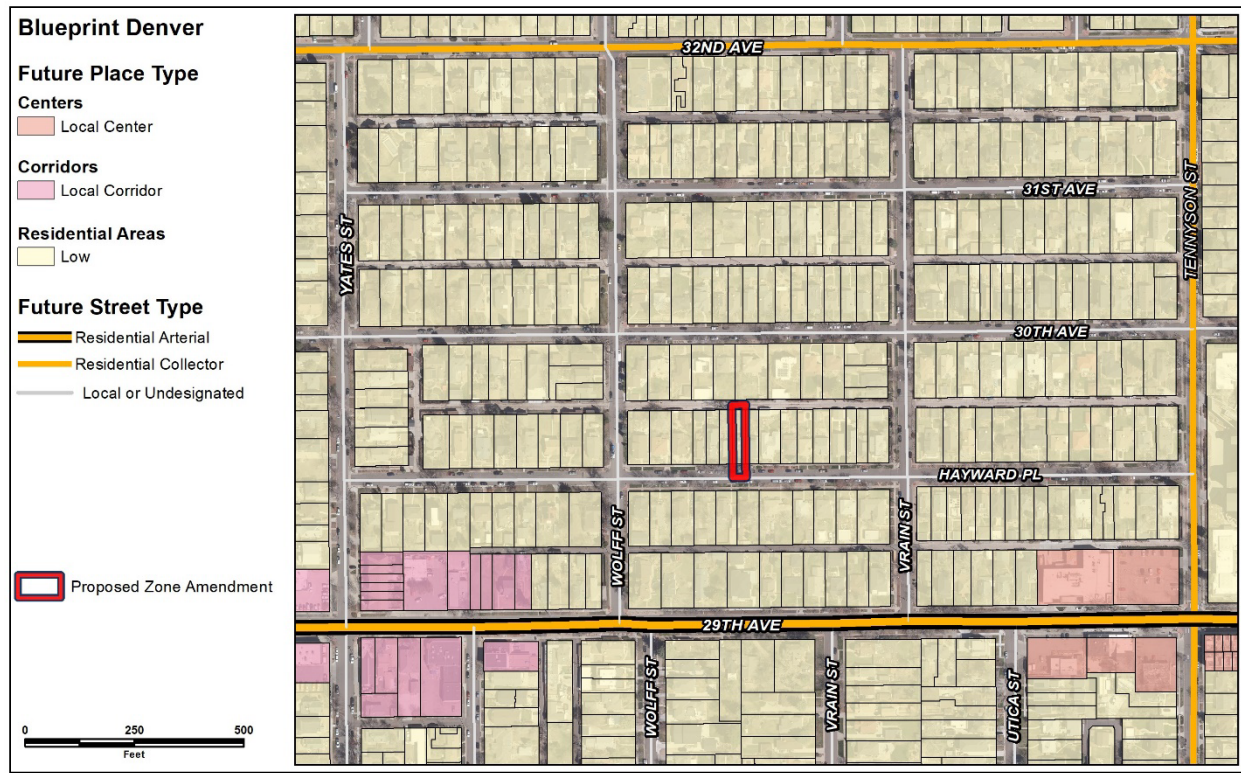
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject properties as part of a Low Residential future place within the Urban future neighborhood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

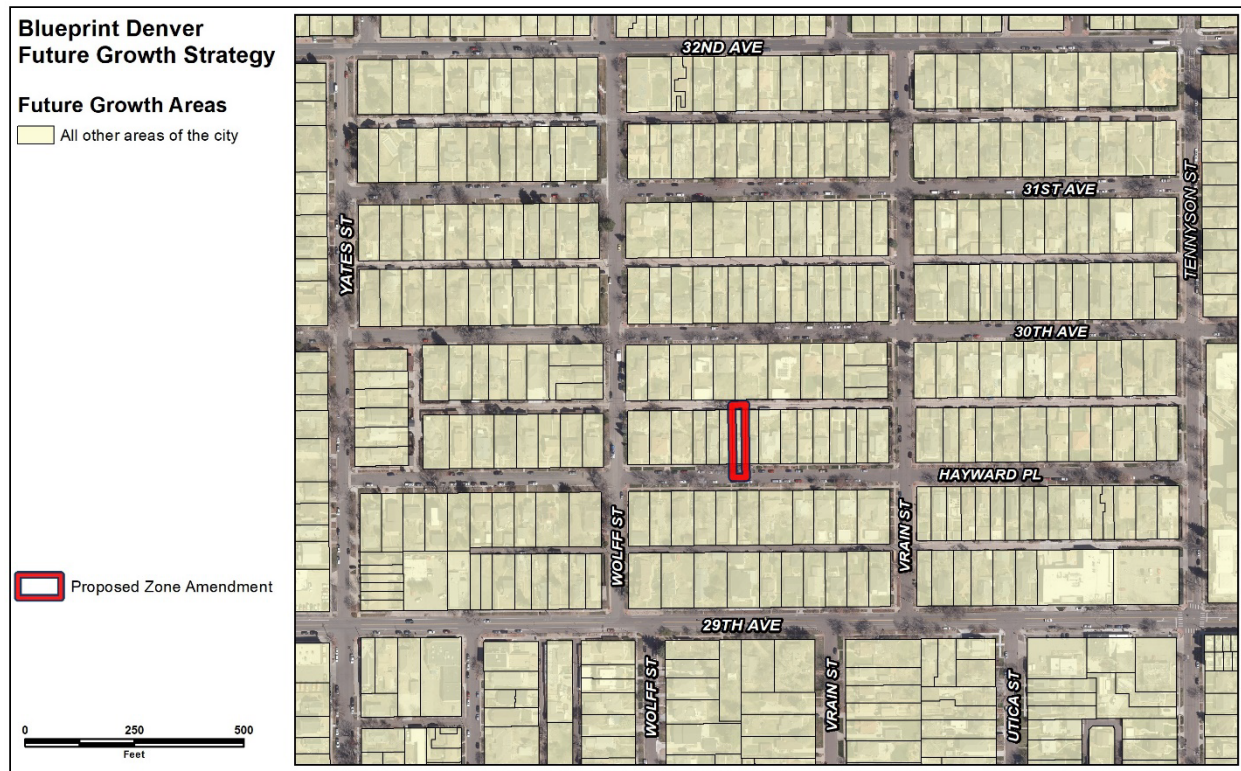


The subject site is designated within a Low Residential future place type on the *Blueprint Denver* Future Places map. This place type is “predominately single and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-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.

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 the lot sizes contained in the block to the south of Hayward Place and west of Wolff Street are more consistent with the U-SU-C district and are mostly over 5,500 square feet, the block where the subject property is located and the blocks north, south east and north east of the subject property block show a pattern of lots smaller than 4,500, more consistent with the proposed U-SU-A1 district.

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