TO: Denver Planning Board  
FROM: Libbie Adams, AICP, Associate City Planner  
DATE: January 22, 2020  
RE: Official Zoning Map Amendment Application #2019I-00098

Staff Report and Recommendation
Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00098.

Request for Rezoning
Address: 2530 Xavier Street
Neighborhood/Council District: Sloan Lake / Council District 1
RNOs: Sloan’s Lake Citizen’s Group, Sloan’s Lake Neighborhood Association, Inter-Neighborhood cooperation (INC)
Area of Property: 6,370 square feet or 0.15 acres
Current Zoning: U-SU-C
Proposed Zoning: U-SU-C1
Property Owner(s): Jeffrey Alan McCaffrey Jr
Owner Representative: None

Summary of Rezoning Request
- The subject property contains a single-unit dwelling built in 1951 and is located north of Sloan’s Lake Park, between West Byron Place and West 26th Avenue along Xavier Street.
- The property owner is proposing to rezone the property to build an accessory dwelling unit.
- The proposed U-SU-C1, Urban, Single-Unit, C1 (5,500 square feet minimum zone lot size allowing accessory dwelling units (ADUs)), zone district is intended for use in the Urban Neighborhood Context which is characterized by single-unit and two-unit uses. Single-unit residential uses are typically located along local and arterial streets and structures are usually the Urban House building form. The maximum height of the Urban House building form is 30 to 35 feet for the front 65% of the zone lot, 17 to 19 feet in the rear 35% of the zone lot. The Detached Accessory Dwelling Unit form can be a maximum height of 24 feet. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 5 of the Denver Zoning Code (DZC).

Existing Context
The subject property is in the Sloan Lake statistical neighborhood, which is characterized primarily by single-unit residential uses and then transitioning to more two- and multi-unit uses closer to the mixed-use uses along Sheridan Boulevard. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is one block north of Sloan’s Lake Park and three blocks east of Sheridan Boulevard. Bus Route 28 runs along 26th Avenue, directly north of the site with a 30 minute headway, and route 51 runs along Sheridan Boulevard with a 15 minute headway.

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

<table>
<thead>
<tr>
<th>Site</th>
<th>Existing Zoning</th>
<th>Existing Land Use</th>
<th>Existing Building Form/Scale</th>
<th>Existing Block, Lot, Street Pattern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>U-SU-C</td>
<td>Single-unit Residential</td>
<td>1-story Residence</td>
<td>Generally regular grid of streets; Xavier Street interrupted south of W Bryan Place by Sloan’s Lake Park. Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing</td>
</tr>
<tr>
<td>North</td>
<td>U-SU-C</td>
<td>Single-unit Residential</td>
<td>1-story Residence</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>U-SU-C</td>
<td>Single-unit Residential</td>
<td>1-story Residence</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>U-SU-C</td>
<td>Single-unit Residential</td>
<td>2-story Residence</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>U-SU-C</td>
<td>Single-unit Residential</td>
<td>1-story Residence</td>
<td></td>
</tr>
</tbody>
</table>
1. Existing Zoning

The U-SU-C zone district is a single-unit district allowing only the Urban House primary building form on a minimum zone lot of 5,500 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 feet 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.

2. Existing Land Use Map
3. Existing Building Form and Scale

Aerial view of the site, looking north.
View of property looking east.

View of the property to the north, looking east.
View of the property to the west, looking west.

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

**Proposed Zoning**

The U-SU-C1 is a single unit zone district with a minimum zone lot of 5,500 square feet that allows only an Urban House primary building form. A variety of residential and civic uses are permitted as primary uses in the U-SU-C1 district. Compared to the U-SU-C district, U-SU-C1 introduces the accessory dwelling unit use and Detached Accessory Dwelling Unit (DADU) building form. The Detached Accessory Dwelling Unit building form has a maximum height of 1.5 stories or 24 feet. A bulk plane that raises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees also applies to the DADU building form. This form also allows an exemption from the 37.5% building coverage standard allowing the lesser of 50% or 500 square feet. The subject site has a lot size of 6,370 square feet, allowing a maximum building footprint of 865 square feet for the DADU.

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

<table>
<thead>
<tr>
<th>Design Standards</th>
<th>U-SU-C (Existing)</th>
<th>U-SU-C1 (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Building Forms Allowed</td>
<td>Urban House</td>
<td>Urban House</td>
</tr>
<tr>
<td>Maximum Height in Stories/Feet, Front 65% of Zone Lot*</td>
<td>2.5 stories / 30 feet</td>
<td>2.5 stories / 30 feet</td>
</tr>
<tr>
<td>Maximum Height in Stories/Feet, Rear 35% of Zone Lot*</td>
<td>1 story / 17 feet</td>
<td>1 story / 17 feet</td>
</tr>
<tr>
<td>DADU Maximum Height in Stories / Feet</td>
<td>DADUs not permitted</td>
<td>1.5 stories / 24 feet</td>
</tr>
<tr>
<td>Zone Lot (Min.)</td>
<td>5,500 square feet</td>
<td>5,500 square feet</td>
</tr>
<tr>
<td>Minimum Zone Lot Width (Min.)</td>
<td>50 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>
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 – No comments.

Denver Public Schools: Approved – No Response.

Department of Public Health and Environment: Approved – See Comments Below
DDPHE Concurs with this request and is not aware of environmental concerns that should be considered for rezoning.

General Notes: Most of Colorado is high risk for radon, naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DDPHE suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.

If renovating or demolishing existing structures, there may be a concern of distributing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4 – Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.
Denver’s Noise Ordinance (Chapter 36 – Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am – 9pm (Mon – Fri) and 8am – 5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DDPHE performed a limited search for information known to DDPHE regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Denver Parks and Recreation: Approved – No comments.

Public Works – R.O.W. - City Surveyor: Legal is approved.

Development Services - Transportation: Approved – see comments below.
The access for the ADU will need to be via the existing concrete 16’ alley. If the existing attached garage is being repurposed to living space, then its driveway on Xavier Street needs to be closed.

When the building permit application is submitted, transportation review will need to be activated since the proposed ADU intensifies this property’s current land use. This project will likely be required to improve the public, this includes the repair/replacement of curb/gutter/sidewalk within the property limits at the direction of the ROW inspector.

If the alley is damaged due to on-site construction, then it will need to be restored.

There is no objection to the rezone, however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

Development Services – Project Coordination: Approved – No Response.

### Public Review Process

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:</td>
<td>1/13/2020*</td>
</tr>
<tr>
<td>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:</td>
<td>1/14/2020</td>
</tr>
<tr>
<td>Planning Board public hearing:</td>
<td>1/29/2020</td>
</tr>
<tr>
<td>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:</td>
<td>1/24/2020</td>
</tr>
<tr>
<td>Land Use, Transportation and Infrastructure Committee of the City Council:</td>
<td>2/4/2020</td>
</tr>
<tr>
<td>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:</td>
<td>2/24/2020</td>
</tr>
<tr>
<td>City Council Public Hearing:</td>
<td>3/16/2020</td>
</tr>
</tbody>
</table>

*On November 1, 2019 the property owner notification was mailed to neighboring property owners within 200 feet of the subject site. On January 13, 2020, staff recognized the email notifying affected members of City Council and Registered Neighborhood Organizations of the rezoning was not sent out when the postcards
were mailed. The information notice of the rezoning was emailed to affected members of City Council and Registered Neighborhood Organizations on January 13, 2020 prior to the notification for the Planning Board public hearing notification.

- **Registered Neighborhood Organizations (RNOs)**
  - To date, staff has received no comment letters from Registered Neighborhood Organizations.

- **Other Public Comment**
  - To date, staff has received no other public comment letters.

### 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)
- Housing an Inclusive Denver (2018)

**Denver Comprehensive Plan 2040**

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

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

U-SU-C1 allows for an additional dwelling unit that is accessory to the primary single-unit dwelling use and introduces a new housing type to a largely single-family neighborhood. Accessory dwelling units can provide housing for individuals or families with different incomes, ages, and needs compatible with the single-unit homes that currently dominate the Sloan Lake neighborhood.

- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
The proposed map amendment will allow an additional housing unit on the site of an existing home where infrastructure and services such as water, stormwater, and streets already exist. This allows Denver to grow responsibly and promotes land conservation.

**Blueprint Denver**

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

**Blueprint Denver Future Neighborhood Context**

In *Blueprint Denver*, future neighborhood contexts are used to help understand differences between land use, built form, and mobility at a high scale, between neighborhoods. The subject site is shown on the context map as Urban neighborhood context, the description of which is used to guide appropriate zone districts (p. 66). The Urban neighborhood context is described as containing “small multi-unit residential and low-intensity mixed-use buildings typically embedded in single-unit and two-unit residential areas” with grid block patterns and alley access (p. 222). U-SU-C1 is a zone district within the Urban neighborhood context and is “intended to promote and protect residential neighborhoods within
the character of the Urban Neighborhood Context” and “the building form standards, design standards and uses work together to promote desirable residential areas” (DZC 5.2.2.1). U-SU-C1 is consistent with the Blueprint future neighborhood context of Urban because it will promote the residential character by allowing single-unit residential uses with a low-scale accessory dwelling unit that will be compatible with the existing residential area.

**Blueprint Denver Future Places**

**Blueprint Denver Future Places and Streets**

The subject site is designated within a Low Residential future place type on the Blueprint Denver Future Places map. This place type is “predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible,” and “building heights are generally up to 2.5 stories in height” (p. 230). The U-SU-C1 is a single unit residential district that allows for an additional dwelling unit accessory to an established single-family home, which is consistent with the Low Residential future place type description. It allows the Urban House building form, which has a maximum height of 2.5 stories, also consistent with the future places map.

**Blueprint Denver Street Types**

In Blueprint Denver, street types work together with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). Blueprint Denver classifies Xavier Street as Local or Undesignated street. “Local streets can vary in their land uses and are found in all neighborhood
contexts. They are most often characterized by residential uses” (p. 155). The proposed U-SU-C1 district is consistent with this description because it allows for residential and some civic uses.

**Blueprint Denver Growth Strategy**

**Blueprint Denver Future Growth Strategy**

Blueprint Denver’s growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of the “All other areas of the city” growth area. These areas anticipate experiencing around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). This growth area is “mostly residential areas with embedded local centers and corridors, take a smaller amount of growth intended to strengthen the existing character of our neighborhoods” (p. 49). The proposed map amendment to U-SU-C1 will allow low-intensity growth to the number of households in this area by allowing an accessory dwelling unit.

**Blueprint Denver Strategies**

*Blueprint Denver* provides recommendations related to rezoning to allow for ADUs. Policy 4 Strategy E. says “A citywide approach to enable ADUs is preferred. Until a holistic approach is in place, individual rezonings to enable ADUs in all residential areas, specifically where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area” (p. 84). In this case, the requested rezoning is a single lot in a residential area within a few blocks of stops for two different bus routes. This
rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with *Blueprint* recommendations.

**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; however, some of its recommendations can be applied to individual map amendments that propose allowing an accessory dwelling unit. For this case, the following plan goals are applicable:

**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.”

**Attainable Homeownership, Recommendation 1:** “Promote programs that help households maintain their existing homes. The City and its partners should target existing homeowner rehabilitation programs to residents in vulnerable neighborhoods, promote financial literacy education for prospective and existing homeowners, and promote the development of accessory dwelling units as a wealth-building tool for low and moderate-income homeowners.”

The proposed map amendment to U-SU-C1 is consistent with these *Housing an Inclusive Denver* recommendations because it will expand the availability and allow the development of an accessory dwelling unit at this site.
2. Uniformity of District Regulations and Restrictions

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

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the city through implementation of the city’s adopted land use plan which recommends “the expansion of accessory dwelling units throughout all residential areas” (p. 84). The proposed rezoning would also provide the benefit of an additional housing unit that is compatibly integrated into the surrounding neighborhood.

4. Justifying Circumstance

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

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

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

The requested U-SU-C1 zone district is within the Urban Neighborhood Context. The neighborhood context is “primarily characterized by single-unit and two-unit residential uses” and “single-unit residential structures are typically the Urban House building form” (DZC, Division 5.1). These areas consist of “regular pattern of block shapes” and “a consistent presence of alleys” (DZC, Division 5.1). The Sloan Lake neighborhood consists of mostly single and two-unit residential uses in rectangular blocks with alley access. The proposed rezoning to U-SU-C1 is consistent with the neighborhood context description.

The specific intent of the U-SU-C1 zone district is “a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50-foot-wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard” (DZC 5.2.2.2.H.) The subject site is in an area where Urban houses and 50-foot wide lots are common. The site at 2530 Xavier Street is 6,370 square feet with a width of 50 feet. The adopted plan
direction recommends allowing detached accessory dwelling units. Therefore, rezoning this site would be consistent with the specific intent of the zone district.

**Attachments**

1. Application
## Zone Map Amendment (Rezoning) - Application

<table>
<thead>
<tr>
<th>PROPERTY OWNER INFORMATION*</th>
<th>PROPERTY OWNER(S) REPRESENTATIVE**</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHECK IF POINT OF CONTACT FOR APPLICATION</strong></td>
<td><strong>CHECK IF POINT OF CONTACT FOR APPLICATION</strong></td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>Representative Name</td>
</tr>
<tr>
<td>Jeffrey Alan McCaffrey Jr.</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td>4145 Yarrow Ct.</td>
<td></td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>City, State, Zip</td>
</tr>
<tr>
<td>Wheat Ridge, CO 80033</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>Telephone</td>
</tr>
<tr>
<td>816-678-2108</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td>Email</td>
</tr>
<tr>
<td><a href="mailto:jmccaffrey2@hotmail.com">jmccaffrey2@hotmail.com</a></td>
<td></td>
</tr>
</tbody>
</table>

*If More Than One Property Owner:
All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.

**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.

Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, 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.

### SUBJECT PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Location (address and/or boundary description):</th>
<th>2530 N. Xavier St. Denver, CO 80212</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor’s Parcel Numbers:</td>
<td>02312-05-022-000</td>
</tr>
<tr>
<td>Area in Acres or Square Feet:</td>
<td>6,370 ft² / 0.15 AC</td>
</tr>
<tr>
<td>Current Zone District(s):</td>
<td>U-SU-C</td>
</tr>
</tbody>
</table>

### PROPOSAL

Proposed Zone District: U-SU-C1
## REVIEW CRITERIA

### General Review Criteria:
The proposal must comply with all of the general review criteria.

DZC Sec. 12.4.10.7

- **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.

- **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.

- **Public Health, Safety and General Welfare:** The proposed official map amendment furthers the public health, safety, and general welfare of the City.

### Additional Review Criteria for Non-Legislative Rezonings:
The proposal must comply with both of the additional review criteria.

DZC Sec. 12.4.10.8

- **Justifying Circumstances - One of the following circumstances exists:**
  - The existing zoning of the land was the result of an error.
  - The existing zoning of the land was based on a mistake of fact.
  - The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
  - 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:
    - 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.
  - It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

Please provide an attachment describing the justifying circumstance.

- **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.**

Please provide an attachment describing how the above criterion is met.

## REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

- **Legal Description** (required to be attached in Microsoft Word document format)
- **Proof of Ownership Document(s)**
- **Review Criteria, as identified above**

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

- **Written Authorization to Represent Property Owner(s)**
- **Individual Authorization to Sign on Behalf of a Corporate Entity**

Please list any additional attachments:
## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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.

<table>
<thead>
<tr>
<th>Property Owner Name(s) (please type or print legibly)</th>
<th>Property Address</th>
<th>Property Owner Interest % of the Area of the Zone Lots to Be Rezoned</th>
<th>Please sign below as an indication of your consent to the above certification statement</th>
<th>Date</th>
<th>Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warrant deed or deed of trust, (C) title policy or commitment, or (D) other as approved</th>
<th>Has the owner authorized a representative in writing? (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXAMPLE</strong> John Alan Smith and Josie Q. Smith</td>
<td>123 Sesame Street Denver, CO 80202 (303) 555-5555 <a href="mailto:sample@example.gov">sample@example.gov</a></td>
<td>100% John Alan Smith Josie Q. Smith</td>
<td>01/01/12</td>
<td>(A)</td>
<td>YES</td>
<td>(YES)</td>
</tr>
<tr>
<td>Jeffrey Alan McCaffrey Jr.</td>
<td>2530 N. West St. Denver, CO 80033 816-678-2108 <a href="mailto:jmccaffrey20@hotmail.com">jmccaffrey20@hotmail.com</a></td>
<td>100% (Signature)</td>
<td>9/9/19</td>
<td>(B)</td>
<td>NO</td>
<td>(NO)</td>
</tr>
</tbody>
</table>

Return completed form to rezoning@denvergov.org

Last updated: May 24, 2018
Schedule Number: 02312-05-022-000

Legal Description: L 3 & 4 EXC REAR 8FT TO CITY BLK 4 SLOAN LAKE PARK

Address: 2530 N Xavier St. Denver, CO 80212

Consistency with Adopted Plans:

The proposed zoning amendment of 2530 N Xavier St. is consistent with the Comprehensive Plan 2040.

*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).* This proposed ADU would provide a greater mix of housing options in the Sloan’s Lake neighborhood for all individuals and families, including my own.

*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 population of Denver is growing, and the population is changing with more multigenerational families living together. An ADU helps foster this type of arrangement with greater ease, accessibility, and convenience.

The proposed zoning amendment of 2530 N Xavier St. is consistent with the Blueprint Denver 2019.

Future Neighborhood Context

Urban

*Small multi-unit residential and mixed-use areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally regular with a mix of alley access. Buildings are lower scale and closer to the street.* The proposed ADU certainly keeps in line with this.

Future Places Designation Low Residential

*Predominately single- and two-unit uses on smaller lots. Accessory dwelling units and duplexes are appropriate and can be thoughtfully integrated where compatible.* The proposed ADU is compatible with the Sloan’s Lake neighborhood and would be tastefully and thoughtfully integrated. Additionally, the proposed district would maintain the single family character, as the ADU would obviously be detached and behind the single family property.

The proposed zoning amendment of 2530 N Xavier St. is consistent with Land Use & Built Form, Housing Policy 4.
Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.

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, especially 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). The proposed ADU would be located in residential area near streets such as 26th Ave., 29th St., and Sheridan Boulevard. Given my lot size, the ADU would be a maximum of 864 sq. ft.

The proposed zoning amendment of 2530 N Xavier St. is consistent with Housing an Inclusive Denver.

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). The proposed ADU would do exactly that.

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.

The proposed amendment of my current zoning of U-SU-C to U-SU-C1 is only a minor zoning adjustment. My lot size of 6,370 sq. ft. or .15 acres exceeds the minimum requirement for an ADU. The ADU would in all likelihood simply be an extension of the detached garage as a second story, and therefore would not be taking up any more surface area of the lot and would not necessarily necessitate any additional drainage or runoff requirements that would already be required from the garage. The overall height of the ADU would be less than that of the house, therefore making it non visible from the front street view. The addition of this proposed ADU would be in good taste and company with the other ADUs in the Sloan’s Lake neighborhood that have been approved and/or are in the process of being reviewed and hopefully approved.
Public Health, Safety and General Welfare:

The proposed official map amendment furthers the public health, safety and general welfare of the city.

The proposed official map amendment furthers the public health, safety and general welfare of the city. The proposed amendment of my current zoning would further the public health, safety and general welfare of the city by providing an additional housing where there was only one unit of housing. The ADU would provide housing could be used for a multitude of different things such as multigenerational housing for families, short or long term rentals, and extended stay for families and friends visiting from out of town. Moreover, it would increase density around one of Denver’s largest parks, Sloan’s Lake, allowing for more individuals to access and enjoy. Additionally, the surrounding businesses off of 29th St. would certainly welcome the additional customer base that would be facilitated by more people living in the area.

Justifying Circumstances:

Since the date of the approval of the existing zone district, there has been a change to such a degree that the proposed rezoning is in the public interest. Such a change may include:

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 Chapter 59 zoning.

b) A City adopted plan —. **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, especially where proximate to transit, are appropriate. Unless there is a neighborhood plan supporting ADUs, rezonings should be small in area in order to minimize impacts to the surrounding residential area (p. 84).** This reflects my justification. The property is close to major streets such as 26th, 29th, and Sheridan. It is close to the retail businesses on 29th and Sheridan. It is less than a block from one of the largest parks in the city.
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.

The Sloan’s Lake neighborhood is an “Urban” neighborhood as defined by Article 5 of the Denver Zoning Code, June 2010. Urban neighborhoods are characterized by single-unit and two unit residential areas. While there are many single family homes in my neighborhood, there are also many multi-unit properties as well. Currently there is a duplex on my block. There is a four-plex directly up Xavier St. near 28th. And there are other ADUs being actively proposed in my neighborhood. As stated previously my home is currently zoned U-SU-C, Single Unit C. The zoning I am seeking is U-SU-C1, Single Unit C1, allowing an urban house and a detached accessory dwelling unit. U-SU-C1 requires a minimum lot size of 5,500 sq. ft., which my lot easily meets (6,370 sq. ft.). My lot also more than meets the 50 ft. wide requirement. Finally, the ADU would be located in the back of the lot, as specified by U-SU-C1.
WARRANTY DEED

This Deed, made September 28, 2018

Between Dennis Gonzalez of the County Denver, State of Colorado, grantor(s) and Jeffrey Alan McCaffrey Jr, whose legal address is 2530 Xavier Street, Denver, CO 80212-1343 County of Denver, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of SIX HUNDRED TWO THOUSAND DOLLARS AND NO/100'S ($602,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado described as follows:

Lots 3 and 4, Except the rear or Easterly 8 feet thereof, Block 4, Sloan Lake Park, City and County of Denver, State of Colorado.

also known by street and number as 2530 Xavier Street, Denver, CO 80212-1343

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated August 30, 2018, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Dennis Gonzalez

STATE OF COLORADO
COUNTY OF DENVER

The foregoing instrument was acknowledged, subscribed and sworn to before me September 28, 2018 by Dennis Gonzalez.

Witness my hand and official seal.

[Notary Public]
My Commission expires: 11/22/2022

Warranty Deed
WRTD1V (236 Rev. 09/09/18)
2530 N Xavier St.
Denver, CO 80212

Legal Description

Lots 3 and 4, Except the rear or Easterly 8 feet thereof, Block 4, Sloan Lake Park
City and County of Denver, State of Colorado