TO: Denver Planning Board  
FROM: Libbie Adams, AICP, Associate City Planner  
DATE: September 23, 2020  
RE: Official Zoning Map Amendment Application #2020I-00085

**Staff Report and Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2020I-00085.

**Request for Rezoning**

Address: 4820 W. Hayward Pl.  
Neighborhood/Council District: West Highland / Council District 1  
RNOs: Sloan’s Lake Citizen’s Group, Sloan’s Lake Neighborhood Association, West Highland Neighborhood Association, and Inter-Neighborhood cooperation (INC)  
Area of Property: 9,450 square feet or 0.22 acres  
Current Zoning: U-SU-C  
Proposed Zoning: U-SU-C1  
Property Owner(s): Kenneth and Kathryn Furman  
Owner Representative: Becky Aldaco, Zaga Design Group

**Summary of Rezoning Request**

- The subject property contains a single unit home built in 1937 and is located between Yates Street and Wolff Street along Hayward Place.
- 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 West Highland statistical neighborhood, which is characterized primarily by single-unit residential uses and then transitioning to more multi-unit residential and commercial uses along West 29th Ave. Generally, there is a pattern of rectangular blocks in a street grid pattern with alley access. The subject site is two blocks east of Sheridan Blvd. and one block north of W. 29th Ave. 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:

<table>
<thead>
<tr>
<th></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>Block sizes and shapes are consistent and rectangular. Detached sidewalks with tree lawns and existing alleys. Garages and on-street vehicle parking.</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

[Map showing existing land use with legend and zones indicated]

Land Use Data Compiled 2018

3. Existing Building Form and Scale (Source for all photos: Google Maps)

[Aerial view of the site, looking south.]
View of the property to the north across Hayward Place, looking north.
View of the property to the east, looking south.

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

**Proposed Zoning**

The U-SU-C1 is a single unit zone district with a minimum zone lot size of 5,500 square feet that allows only the 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 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 9,450 square feet, allowing a maximum building footprint of 1,000 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 / 35 feet</td>
<td>2.5 stories / 35 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 Heights 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>
</tbody>
</table>
## Design Standards

<table>
<thead>
<tr>
<th>Design Standards</th>
<th>U-SU-C (Existing)</th>
<th>U-SU-C1 (Proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Zone Lot Width (Min.)</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Primary Street Block Sensitive Setback Required / If not</td>
<td>Yes / 20 feet</td>
<td>Yes / 20 feet</td>
</tr>
<tr>
<td>Side Interior Setback (Min.) *</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear Alley / No Alley</td>
<td>12 feet / 20 feet</td>
<td>12 feet / 20 feet</td>
</tr>
<tr>
<td>Building Coverage per Zone Lot including all accessory structures (Max., not including exceptions)</td>
<td>37.5%</td>
<td>37.5%</td>
</tr>
<tr>
<td>Detached Accessory Building Forms Allowed</td>
<td>Detached Garage, Other Detached Accessory Structures</td>
<td>Detached Accessory Dwelling Unit, Detached Garage, Other Detached Accessory Structures</td>
</tr>
</tbody>
</table>

*Based on subject property with width of 75 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 – No comments.

**Denver Public Schools:** Approved – No response.

**Department of Public Health and Environment:** Approved – No comments

**Denver Parks and Recreation:** Approved – No comments.

**Public Works – R.O.W. - City Surveyor:** Approved – No comments.

**Development Services - Transportation:** Approved – No comments.

**Development Services – Wastewater:** Approved – No response.

**Development Services – Project Coordination:** Approved – No comments.

**Development Services – Fire Prevention:** Approved – No response.
### Public Review Process

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPD informational notice of receipt of the rezoning application</td>
<td>8/15/2019</td>
</tr>
<tr>
<td>to all affected members of City Council, registered neighborhood</td>
<td></td>
</tr>
<tr>
<td>organizations, and property owners:</td>
<td></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>9/15/2020</td>
</tr>
<tr>
<td>Planning Board public hearing:</td>
<td>9/30/2020</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>10/10/2020 (tentative)</td>
</tr>
<tr>
<td>Land Use, Transportation and Infrastructure Committee of the City Council:</td>
<td>10/20/2020 (tentative)</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>11/2/2020 (tentative)</td>
</tr>
<tr>
<td>City Council Public Hearing:</td>
<td>11/23/2020 (tentative)</td>
</tr>
</tbody>
</table>

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

- **Other Public Comment**
  - To date, staff has received one public comment email in support of the request.
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-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.

- 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-unit 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. 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.
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). 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 West Hayward Place 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'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. Land Use & Built Form Housing 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 a bus stop for RTD Route 51. This rezoning to an ADU zone district will have minimal impacts on the surrounding neighborhood and is consistent with Blueprint Denver 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:

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” (p. 14).

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 as degree that the proposed rezoning is in the public interest. Such a change may include: Changed or changing conditions in a particular area, or in the city generally; or a city adopted plan; or that the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.”

As discussed above, Blueprint Denver specifically recommends the city diversify housing choice through the expansion of accessory dwelling units throughout all residential areas. This plan was adopted after the date of approval of the existing zoning district. Therefore, this is an appropriate justifying circumstance for the proposed rezoning.
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

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

Denver Zoning Code Section 5.2.2 states the general purpose of the Residential as “promot[ing] and protect [ing] residential neighborhoods within the character of the Urban Neighborhood context.” It accommodates one and two and a half story urban house forms oriented towards the street in the single unit districts. This is consistent with the U-SU-C1 district as it allows for a two and a half story urban house and will protect the character of the residential areas in the Urban neighborhood context.

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 lots 50 feet or wider are common. The site at 4820 Hayward Pl. is 9,450 square feet with a width of 75 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
2. Public Comment