



TO: Land Use, Transportation, and Infrastructure Committee of the Denver City Council
FROM: Scott Robinson, Senior City Planner
DATE: April 1, 2021
RE: Official Zoning Map Amendment Application #2019I-00189

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2019I-00189.

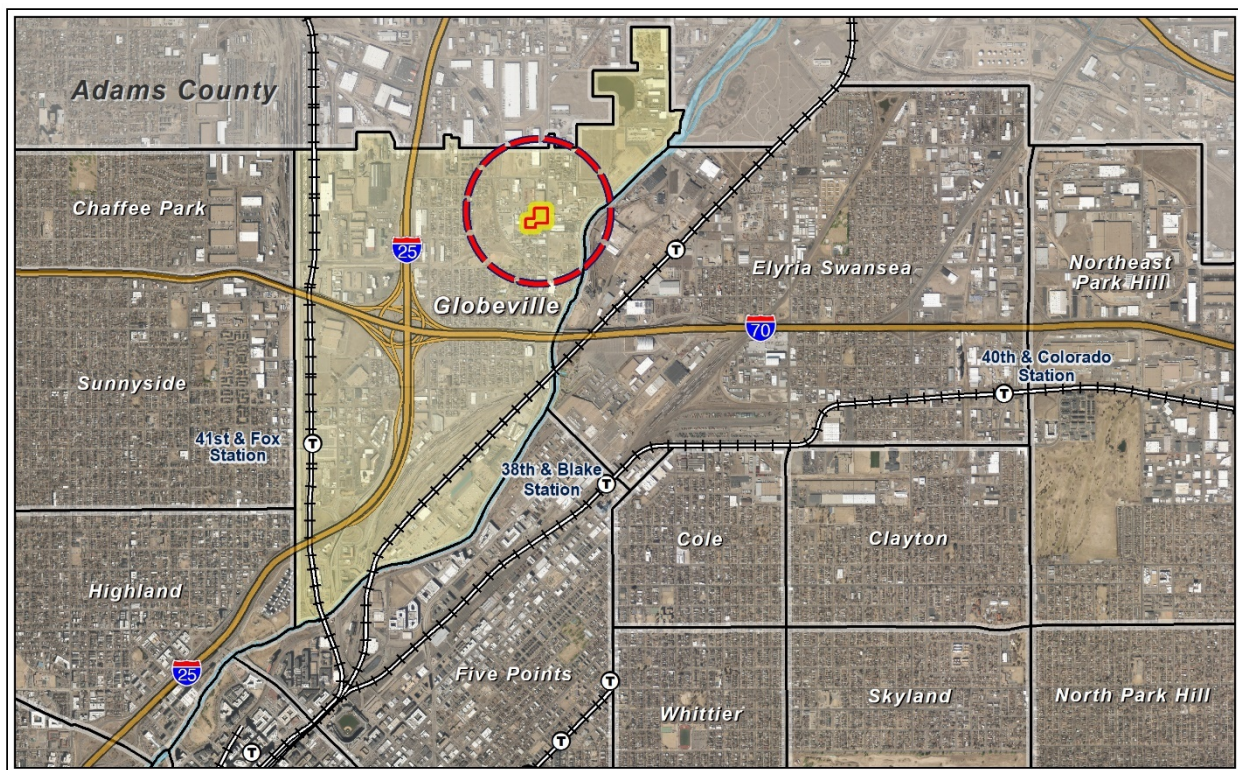
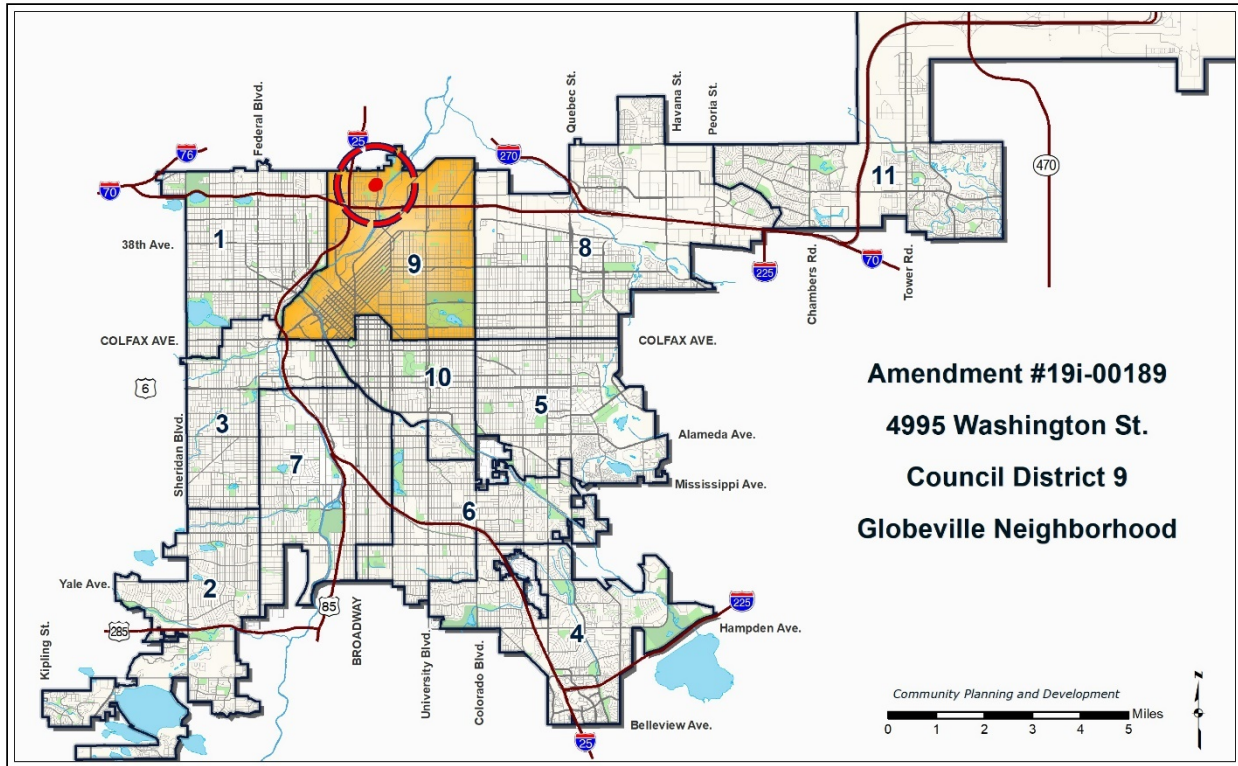
Request for Rezoning

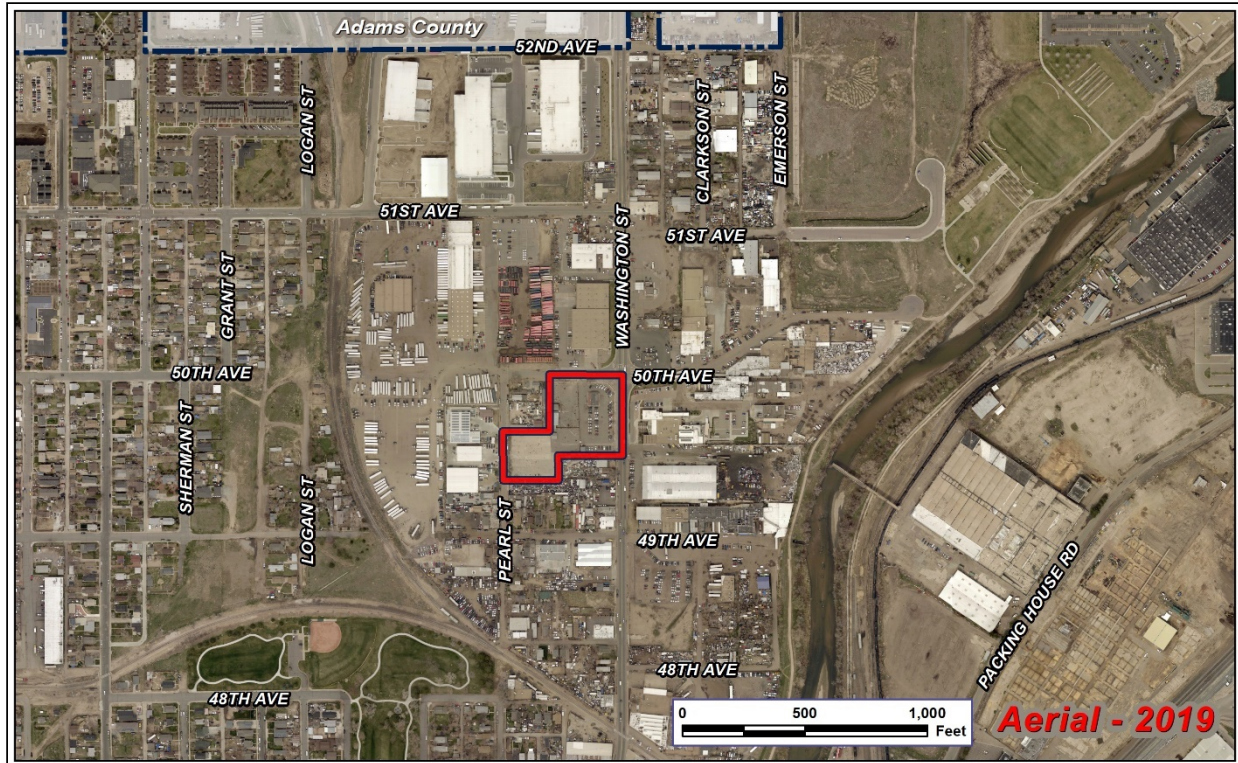
Address: 4949 & 4995 N. Washington Street and 4930 & 4934 N. Pearl Street
Neighborhood/Council District and CM: Globeville / Council District 9, CM CdeBaca
RNOs: Globeville First; Denver North Business Association; Globeville Civic Partners; Reclaim the East Side; Unite North Metro Denver; Neighborhood Coalitions of Denver, Inc.; Inter-Neighborhood Cooperation; UCAN; District 9 Neighborhood Coalition, Inc.
Area of Property: 2.7 acres
Current Zoning: I-MX-3 UO-2
Proposed Zoning: G-MS-5
Property Owner(s): City and County of Denver Department of Housing Stability
Owner Representative: Jennifer Siegel, HOST

Summary of Rezoning Request

- The subject property is in the portion of Globeville north of I-70, east of I-25, and west of the South Platte River, at the southwest corner of North Washington Street and East 50th Avenue.
- The property is currently home to a car dealership with a few small buildings and mostly surface parking lots.
- The City and County of Denver has acquired the property for affordable housing. A development partner will be selected through an RFP.
- The proposed G-MS-5 (**G**eneral Urban, **M**ain Street, **5**-story) zone district allows a broad range of commercial, residential, and civic uses in the Town House, Drive Thru Services, Drive Thru Restaurant, and Shopfront building forms with a maximum height of five stories. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 6 of the Denver Zoning Code (DZC).

Existing Context



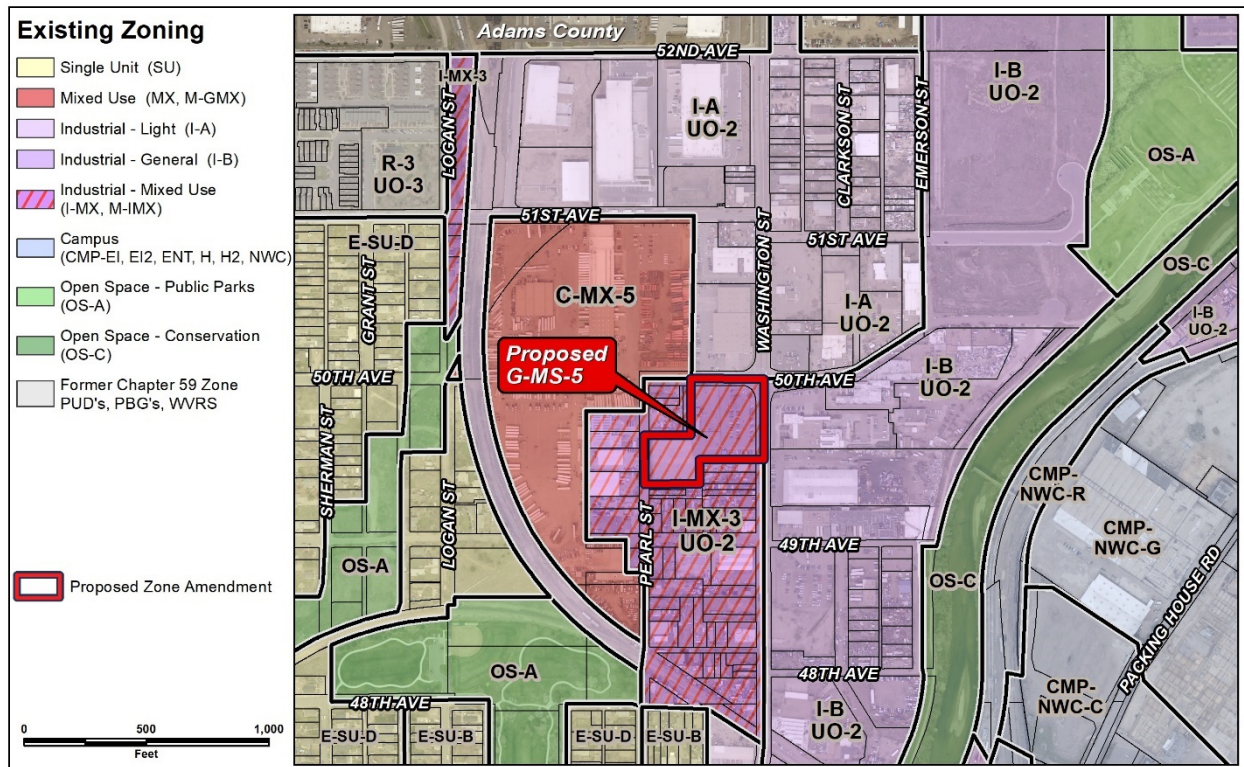


The subject property is in the Globeville neighborhood near the northern edge of the city. It is north of Interstate 70, east of Interstate 25, and west of the South Platte River, at the southwest corner of Washington Street and 50th Avenue and extending southwest to Pearl Street. The area is primarily industrial with a few single-unit homes interspersed. The South Platte River greenway is about ¼-mile to the east, and Platte Farm Open Space and Argo Park are about ¼-mile to the west and south, although both across freight rail lines. There is RTD bus service on Washington Street and the 48th & Brighton-National Western Center stop on the N Line is about ½-mile to the east, although there is no direct access to it from the subject site.

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	I-MX-3 UO-2	Car dealership	1-story office and garage buildings, surface parking lots	Irregular grid of streets broken up by the river, railroad tracks, and large blocks of industrial uses. Only Washington St. connects to the south and 51 st Ave. to the west. Blocks are inconsistent in size and shape with no alleys. Vehicle parking to the front, side, or rear of buildings.
North	I-A UO-2	Warehouse	2-story warehouse building	
South	I-MX-3 UO-2	Auto recycling businesses	1-story industrial buildings, outdoor storage	
East	I-B UO-2	Office and kitchen	2-story brick office building	
West	I-MX-3, UO-2; C-MX-5	Single-unit residential; auto repair	1-story houses, surface parking, and various industrial buildings	

1. Existing Zoning

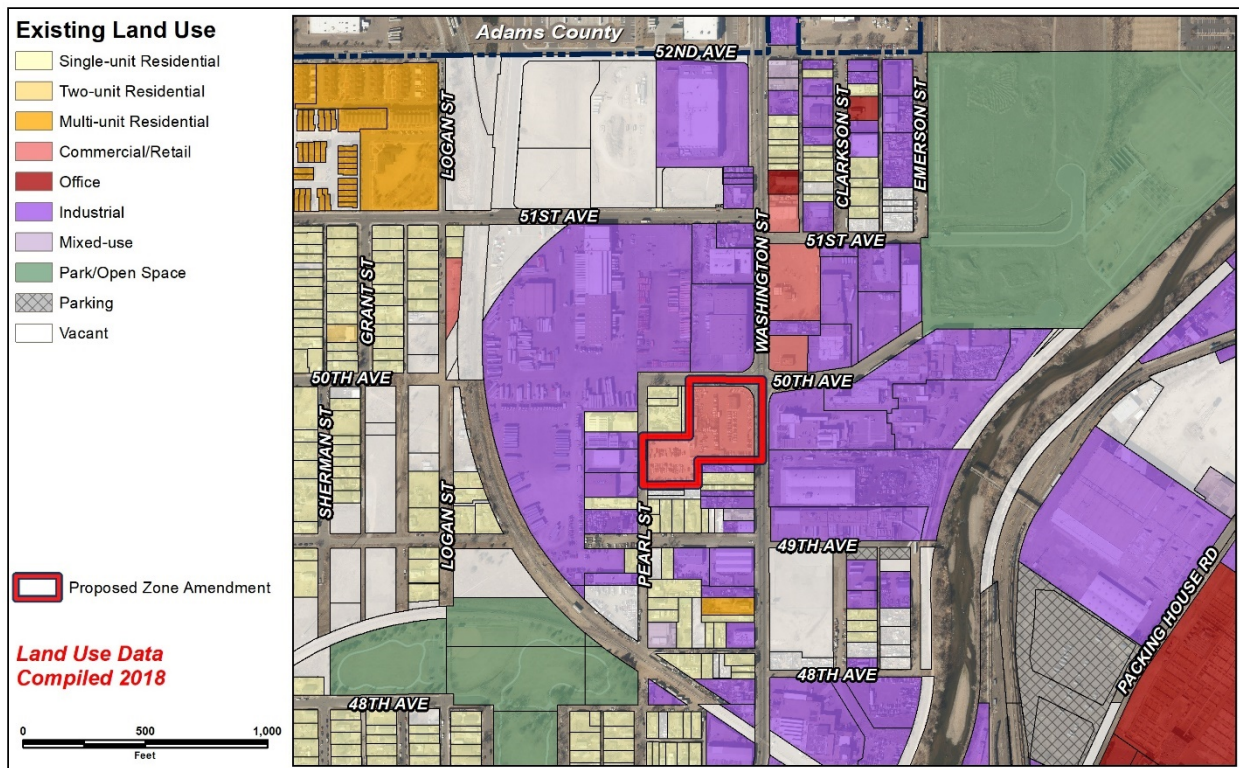


The existing I-MX-3 zoning is an industrial mixed-use district that allows light industrial, commercial, and residential uses in the Town House, General, and Industrial building forms up to three stories in height. There are no setback requirements, except in the Town House building form which requires 10-foot primary street setbacks. Build-to requirements range between zero and 70% and maximum heights between 38 and 45 feet. For additional details of the zone district, see DZC section 9.1. The UO-2 Billboard Use Overlay allows billboards and other outdoor general advertising. For additional details of the overlay district, see DZC section 9.4.4.7.

2. Affordable Housing

The city purchased the subject property to develop affordable housing. The Department of Housing Stability (HOST) will issue an RFP to select a development partner for the property. The federal funding used to purchase the property requires at least 50% of the units be affordable at no more than 80% AMI, and HOST expects the development to exceed that, both in terms of percentage of units and level of affordability. HOST is also expecting other community-serving uses will be included in the development.

3. Existing Land Use Map



4. Existing Building Form and Scale



Site – from N. Washington St. & E. 50th Ave.



North – from N. Washington St. & E. 50th Ave.



East – from N. Washington St.



South – from N. Washington St.



West – from N. Pearl St.

Source: Google Maps

Proposed Zoning

The requested G-MS-5 zone district has a maximum height of five stories or 70 feet with allowable encroachments, except for the drive-thru building forms which are limited to three stories and 45 feet. The minimum primary street setback is zero feet, except for the town house building form which has a 10-foot minimum primary street setback. A variety of mixed residential, commercial, and civic uses are allowed. Build-to requirement ranges between 50% and 70%, depending on the building form. For additional details of the requested zone district, see DZC Sections 6.2.5, 6.3 and 6.4.

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

Design Standards	I-MX-3 (Existing)	G-MS-5 (Proposed)
Primary Building Forms Allowed	Town House; General; Industrial	Town House; Drive Thru Services; Drive Thru Restaurant; Shopfront
Stories/Heights (max)	3/38'-45'*	3-5/45'-70'*
Primary Build-To Percentages (min)	0%-70%*	50-75%*
Primary Build-To Ranges	N/A-10' to 15'*	0'-10' to 5'-15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	N/A-10'*	0' to 10'*
Building Coverages	N/A	N/A

*Standard varies between building forms

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 response

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approve rezoning only – will require additional information at Site Plan Review:

- Due to the potential of adverse environmental conditions at these properties, DDPHE approves the rezoning only and will provide further comment at the Site Plan Review.

Denver Parks and Recreation: Approved – No response

Public Works – R.O.W. - City Surveyor: Approve rezoning only – will require additional information at Site Plan Review:

- Revised legal descriptions reflect the zone lots as described in the most recent document in the chain of title.

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approve rezoning only – will require additional information at Site Plan Review:

- DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: Approved – No response

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:	11/3/20
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:	3/15/21
Planning Board recommended approval by a vote of 8-0:	3/31/21
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 (10) working days before the meeting:	3/23/21
Land Use, Transportation, and Infrastructure Committee of the City Council review:	4/6/21

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):	4/23/21
City Council Public Hearing (tentative):	5/17/21

- **Public Outreach and Input**
 - **Registered Neighborhood Organizations (RNOs)**
 - At the time of this staff report, no comments from RNOs have been received.
 - **General Public Comments**
 - At the time of this staff report, no other public comments have been received.

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 property:

- Denver Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Globeville Neighborhood Plan (2014)
- Housing an Inclusive Denver (2018)

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

The proposed rezoning would allow for additional and affordable housing options in a mixed-use development, consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- 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).

The proposed rezoning would allow development of a new community center within an existing neighborhood, increasing options for affordable housing and services while promoting good urban design, consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased development (p. 34).

The proposed rezoning would allow higher-density development in an area served by transit, consistent with the following strategy from the Connected, Safe, and Accessible vision element:

- Connected, Safe, and Accessible Places Goal 8, Strategy B – Promote transit-oriented development and encourage higher-density development, including affordable housing, near transit to support ridership (p. 42).

The proposed map amendment would allow for compatible mixed-use infill development in an established neighborhood, consistent with the following strategies from the Environmentally Resilient vision element:

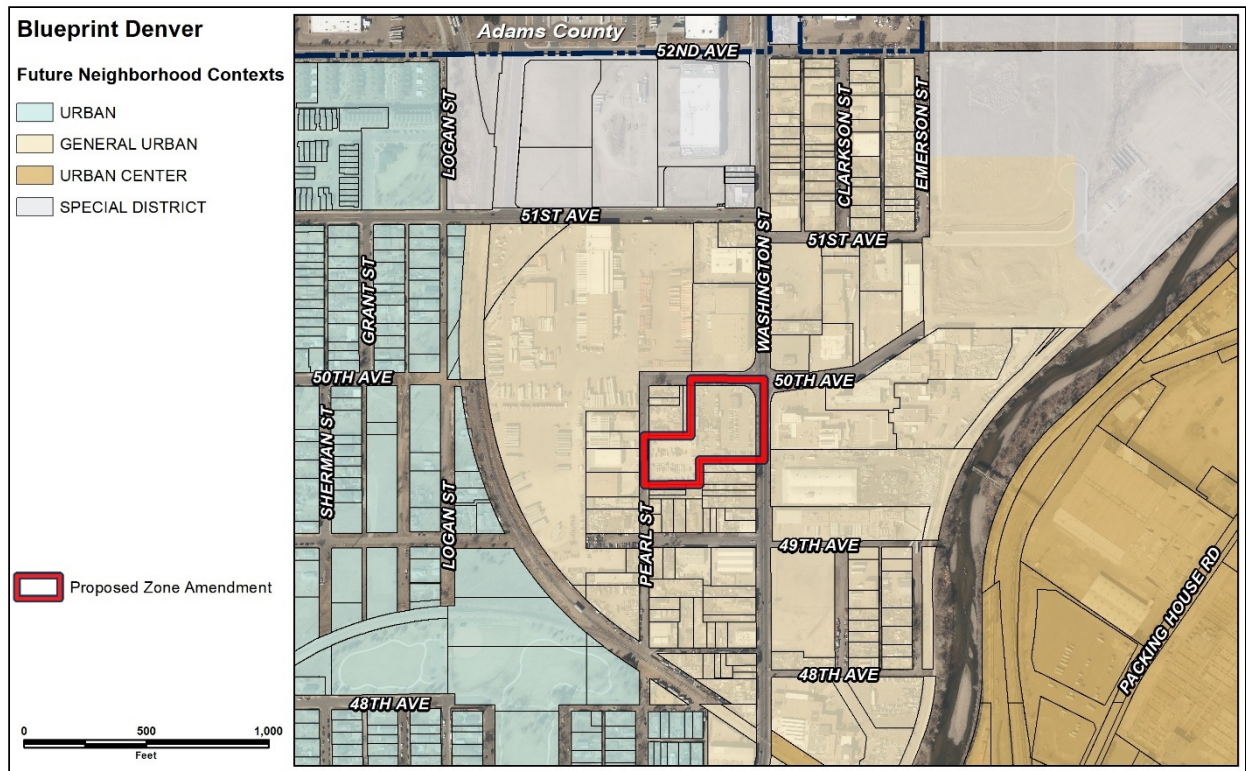
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).

As described above, the proposed rezoning to G-MS-5 would facilitate mixed-use development and affordable housing at an appropriate location, consistent with the recommendations of Comprehensive Plan 2040.

Blueprint Denver

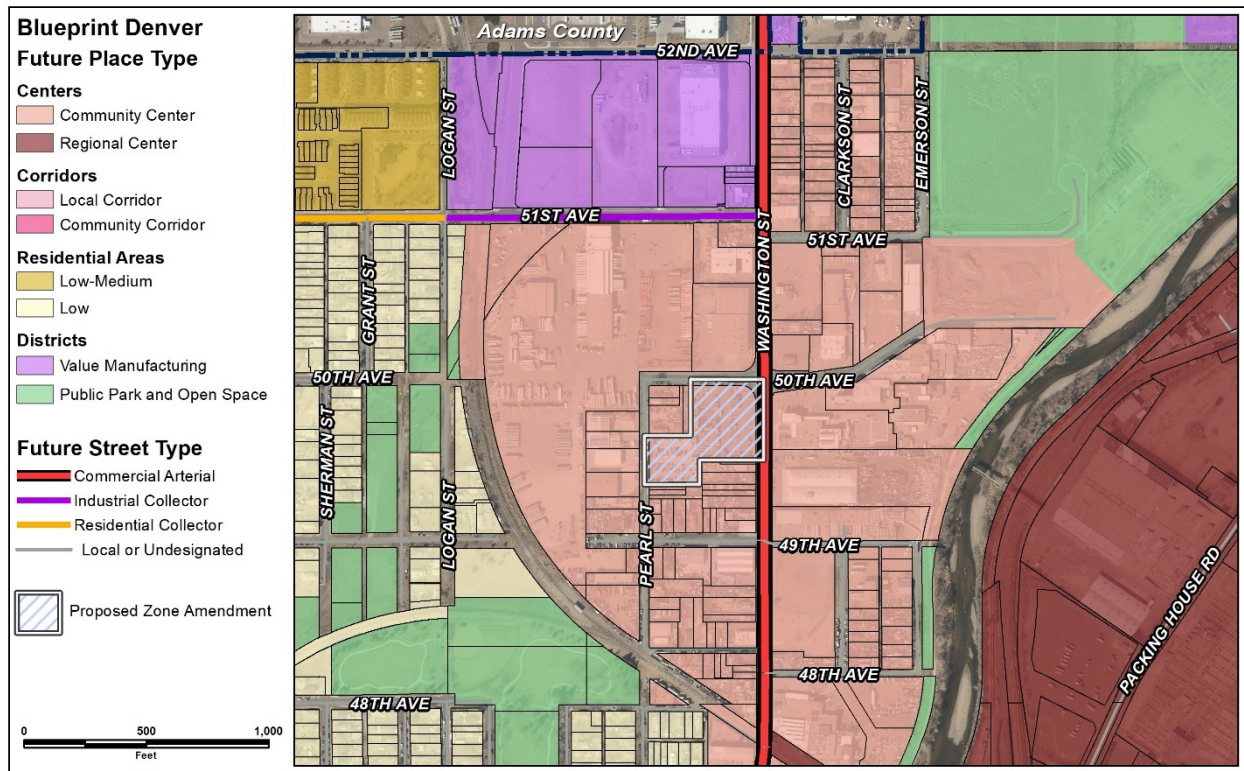
Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city's land use and transportation decisions. Blueprint Denver identifies the subject property as part of a Community Center place within the General Urban Neighborhood Context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

Blueprint Denver Future Neighborhood Context



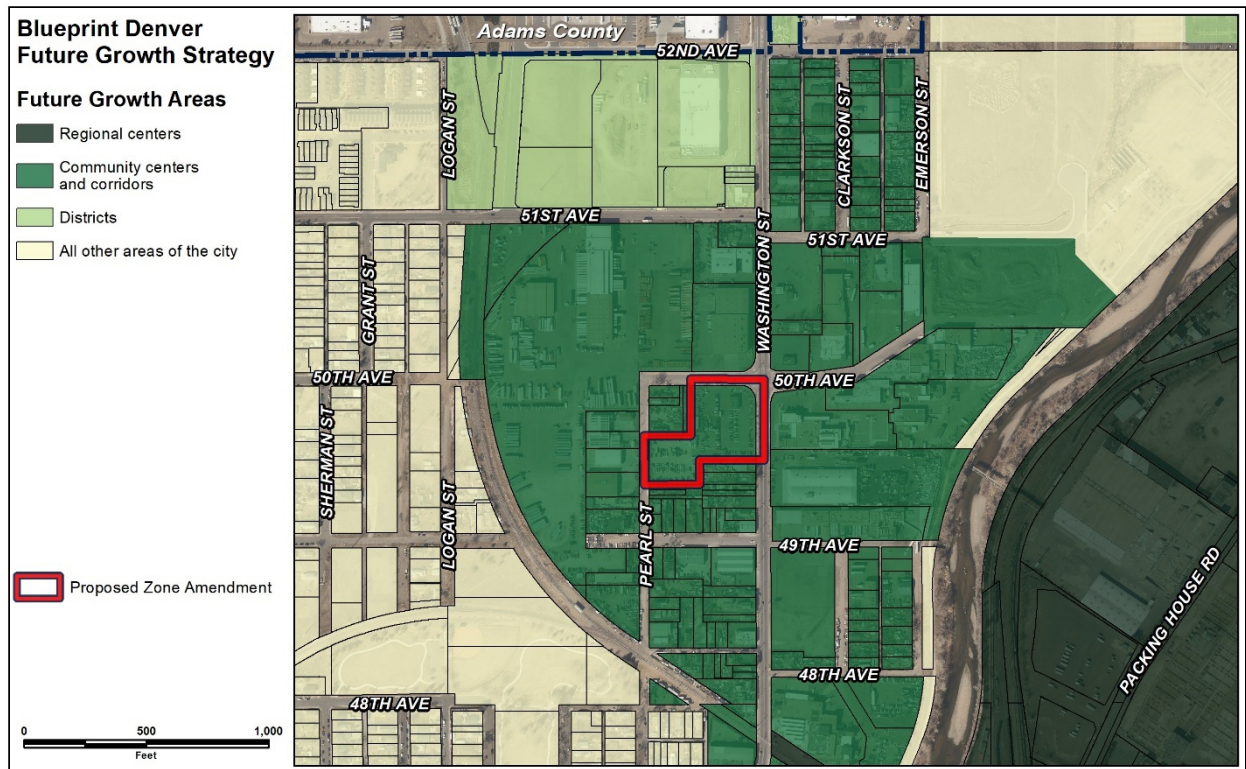
In Blueprint Denver, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as General Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The General Urban neighborhood context is described as varying “from mixed-use multi-unit buildings to compact single-unit homes. Development should be sensitive to the existing neighborhood character and offer residents a mix of uses, with good street activation and connectivity” (p. 238). The proposed G-MS-5 zone district is part of the General Urban context and is “intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge” (DZC 6.2.3.1). Since the proposed district allows a substantial mix of uses with allowable building forms that contribute to street activation, the proposed rezoning to a General Urban context is appropriate and consistent with the plan.

Blueprint Denver Future Places



The neighborhood context of General Urban provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Community Center. Blueprint Denver describes the aspirational characteristics of Community Centers in the General Urban context as “typically provides some mix of office, commercial and residential uses... Buildings are larger in scale than local centers and orient to the street or other public spaces. Strong degree of urbanism with mostly continuous building frontages to define the public realm. Heights are generally up to 8 stories and should transition gradually within the center to the surrounding residential areas.” (p. 242). The proposed district of G-MS-5 provides a wide range and mix of uses in building forms that address the street and define the public realm. The future proposed height of up to 5 stories is appropriate for a community center in this location.

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 a Community Center. Community Centers and Corridors are anticipated to see around 25% of new housing growth and 20% of new employment growth by 2040 (p. 51). The plan states that “focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to G-MS-5 will focus mixed-use growth to a Community Center where it has been determined to be most appropriate.

Blueprint Denver Street Types

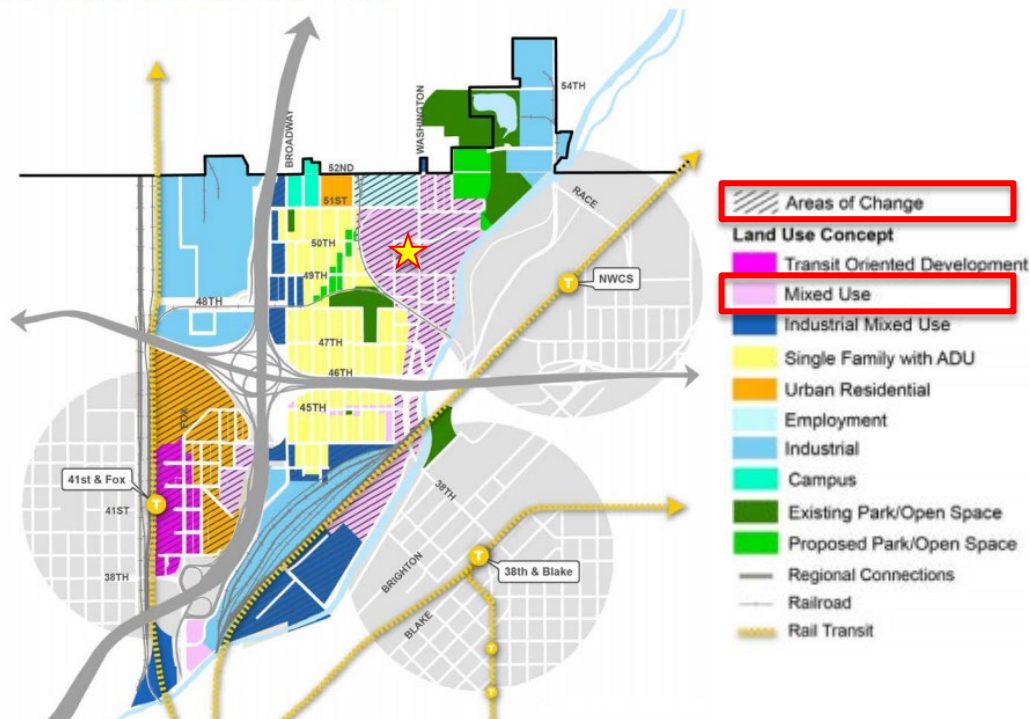
In Blueprint Denver, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). Blueprint Denver classifies North Washington Street as a Main Street Arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p.154). The use and built form characteristics of Main Street streets is described as, “a mix of uses including retail, services and restaurants, as well as residential. Buildings are pedestrian-oriented, with little front setback, a continuous street wall, and high transparency” (p.158). Both East 50th Avenue and North Pearl Street are designated as local streets, which “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). The proposed G-MS-5 district is consistent with these descriptions as it is intended to create a continuous, active street wall with a mix of uses

along North Washington Street while East 50th Avenue and North Pearl Street provide local access. Overall, the proposed rezoning is consistent with the context, place, growth strategy, and street type recommendations of Blueprint Denver.

Globeville Neighborhood Plan

The 2014 Globeville Neighborhood Plan applies to the subject property and recommends balancing the needs of residents, commerce, and industry to improve access to jobs, housing, neighborhood services, and education. The plan designates the concept land use of the subject property as Mixed Use, which are areas that “have both a sizeable employment base as well as a variety of mid to high-density housing options” (p. 30). In addition, “land uses may be, but are not necessarily, mixed in each building, development, or block” and “pedestrian access is important in these areas, with residential and non-residential uses always within short walking distance of one another” (p. 30). Also in Mixed Use areas, the plan calls to “site building forms at the street with parking and access in the rear or off the alley, where possible” and “promote the use of design elements that link the building directly to the street environment, such as ground story activation, transparent window openings, and doorways at the street” (p. 35). The subject property is also designated an Area of Change with a maximum recommended building height of five stories.

CONCEPT LAND USE AND AREAS OF CHANGE

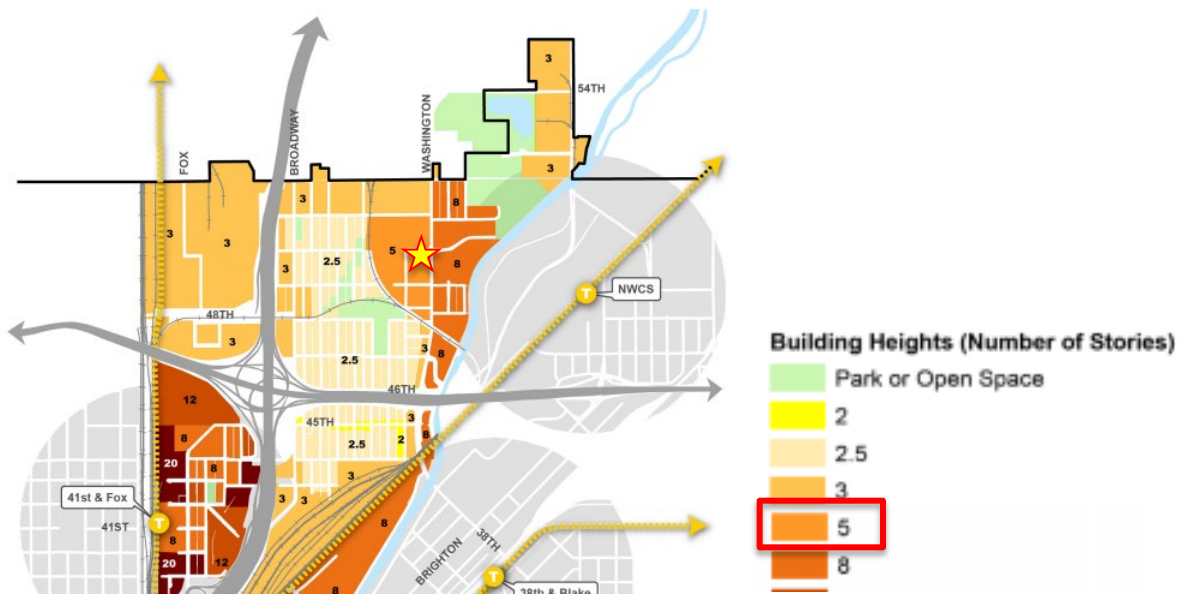


Globeville Neighborhood Plan Concept Land Use and Areas of Change Map

The plan includes additional recommendations, including to “provide a broad range of housing types and price levels,” and specifically “multifamily and attached residential building types in Mixed Use, TOD, and Urban Residential Concept Land Uses” (p. 45). It also recommends to “use redevelopment to

attract desired retail and services” in particular along Washington Street (p. 46) and to “create a broad base of new jobs in diverse economic sectors by redeveloping opportunity sites throughout the neighborhood, including the transformation of Washington Street and the South Platte riverfront into a mixed-use area” (p. 44). The plan also includes specific recommendations for the Washington Street corridor, such as assisting the area’s transitions to mixed use by rezoning industrial zoned properties to mixed use zone districts (p. 92).

MAXIMUM RECOMMENDED BUILDING HEIGHTS



Globeville Neighborhood Plan Maximum Recommended Building Heights Map

The proposed rezoning to G-MS-5 zone district would implement the Globeville Neighborhood Plan’s goal of transitioning the subject property from industrial to mixed-use. The proposed five-story zone district is consistent with the plan’s height recommendations, while the Main Street zoning would require pedestrian-oriented development with active ground floors, implementing the plan’s urban design recommendations. The G-MS-5 zone district also allows residential, retail, and office uses, consistent with the plan’s recommendations to integrate these uses into the area. The proposed rezoning is consistent with the recommendations of the Globeville Neighborhood Plan.

Housing an Inclusive Denver

Housing an Inclusive Denver is not adopted as a supplement to the Comprehensive Plan, but the plan was adopted by City Council in 2018. Housing an Inclusive Denver provides guidance and strategies to create and preserve strong and opportunity-rich neighborhoods with diverse housing options that are accessible and affordable to all Denver residents (p. 6). Core goals of the plan include: creating affordable housing in vulnerable areas and in areas of opportunity; preserving affordability and housing quality; promoting equitable and accessible housing; and stabilizing residents at risk of involuntary displacement (p. 7). The proposed rezoning is consistent with many of the Housing and Inclusive Denver recommendations, including:

- Strategic Use of Land to Support Affordable Housing Recommendation 1: “leverage publicly owned land for affordable housing development” (p. 10)
- Affordable and Workforce Rental Housing Recommendation 5: “Promote development of new affordable, mixed-income and mixed-use housing.” (p. 13).

A goal of the plan is also to create affordable housing in vulnerable areas and in areas of opportunity that have strong amenities such as transit (p. 56). The proposed rezoning to G-MS-5 will facilitate the creation of affordable housing units in a mixed-use development leveraging publicly owned land and facilitating the development of additional housing in a neighborhood that is considered vulnerable. The requested zone district meets the consistency with adopted plans code criterion without additional support from Housing an Inclusive Denver. These items further strengthen an already fully consistent application.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to G-MS-5 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 and by increasing the availability of affordable housing in a walkable development pattern. The proposed G-MS-5 zone district will allow a range of uses more compatible with a mixed-use center, creating opportunities for more housing and community-serving businesses on the property, with limitations that minimize negative impacts. The G-MS-5 zone district also includes significant minimum build-to and transparency standards, ensuring development on the property will be pedestrian-oriented. The height, setback, and parking location and screening requirements also ensure development will be compatible with the surrounding neighborhood as it transitions into a community center. Together, the use and form standards in the G-MS-5 zone district will promote the welfare of the area with expanded uses and affordable housing while protecting health and safety through reasonable restrictions.

4. Justifying Circumstance

The proposed rezoning is justified by several changed or changing conditions as the under DZC Section 12.4.10.8, “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....” There has been redevelopment in the area, particularly around the nearby National Western Center including a stop on the RTD N Line, that is starting to transform the area into a mixed-use activity center. In addition, the Globeville Neighborhood Plan was adopted in 2014, setting a new vision for this area as a mixed-use community center. These changed and changing conditions justify the proposed rezoning to G-MS-5 as in the public interest.

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

The requested G-MS-5 zone district is within the General Urban Neighborhood Context. The neighborhood context generally consists of multi-unit residential uses in a variety of building forms and commercial uses in a variety of building forms that may contain a mixture of uses within the same structure (DZC, Division 6.1). The proposed rezoning would allow multi-unit residential and commercial uses at an appropriate location consistent with the neighborhood context description.

The General Urban Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets and should be applied where a higher degree of walkability and pedestrian activity is desired (DZC, Section 6.2.5.1). The proposed G-MS-5 would help create an active street edge along Washington Street, consistent with the general purpose of the General Urban Main Street zone districts.

The specific intent of the G-MS-5 zone district is to apply “primarily to collector or arterial street corridors... where a building scale of 2 to 5 stories is desired” (DZC Section 6.2.5.2.B). Washington Street is an arterial corridor where the neighborhood plan calls for up to five stories. The proposed rezoning would facilitate development consistent with the intent of the G-MS-5 zone district.

Attachments

1. Application