

**REZONING GUIDE**

Rezoning Application Page 1 of 4

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
☐ CHECK IF POINT OF CONTACT FOR APPLICATION		☒ CHECK IF POINT OF CONTACT FOR APPLICATION	
☐ CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		☒ CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	567 E Louisiana LLC, 1271 S Pearl LLC, 5090 Federal LLC	Representative Name	Chris Viscardi
Address	1509 York St #201	Address	1509 York St #201
City, State, Zip	Denver, Colorado, 80206	City, State, Zip	Denver, Colorado, 80206
Telephone	970-214-2173	Telephone	970-214-2173
Email	cv@kentrogroup.com	Email	cv@kentrogroup.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf. ***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	1271 S. Pearl St., 1253 S. Pearl St., 1251 S. Pearl St., 1249 S. Pearl St., 1229 S. Pearl St., 1227 S. Pearl St.		
Assessor's Parcel Numbers:	05221-14-025-000, 05221-14-053-000, 05221-14-052-00005221-14-051-000, 05221-14-049-000, 05221-14-048-000, 05221-14-045-000		
Area in Acres or Square Feet:	45,312/1.04		
Current Zone District(s):	U-MS-3		
PROPOSAL			
Proposed Zone District:	U-MS-5		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	☒ Yes - State the contact name & meeting date <u>Tony Lechuga, 2/27/2023</u> ☐ No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	☒ Yes - if yes, state date and method <u>Summer of 2022</u> ☐ No - if no, describe why not (in outreach attachment, see bottom of p. 3)		

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

General Review Criteria DZC Sec. 12.4.10.7.A Check box to affirm and include sections in the review criteria narrative attachment	☒ 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 a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection. 1. Denver Comprehensive Plan 2040 In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies. 2. Blueprint Denver In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>. 3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable): Louisiana-Pearl Station Area Plan
General Review Criteria: DZC Sec. 12.4.10.7. B & C Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.	☒ 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. In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.
Review Criteria for Non-Legislative Rezoning: DZC Sec. 12.4.10.8 For Justifying Circumstances, check box and include a section in the review criteria narrative attachment. For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.	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 of 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. In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions. ☒ 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. In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- ☒ Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- ☒ Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, 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.
- ☒ Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- ☒ **Written narrative explaining reason for the request** (optional)
- ☐ **Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- ☐ **Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- ☒ **Written Authorization to Represent Property Owner(s)** (if applicable)
- ☒ **Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- ☐ **Other Attachments.** Please describe below.
 - Continued Neighborhood Outreach - once application is submitted, applicant will engage the neighborhood and council office (current and new) in continued discussion on application.

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PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) 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.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
1271 S Pearl LLC 1509 York Street, Suite 201 Denver CO 80206	1271 S Pearl St	100	<i>[Signature]</i>	05/05/23	A	YES NO
5090 Federal LLC 1509 York Street, Suite 201 Denver CO 80206	1251-53 S Pearl St 1231 S Pearl St 1229 S Pearl St	100	<i>[Signature]</i>	05/05/23	A	YES NO
567 E Louisiana LLC 1509 York Street, Suite 201 Denver CO 80206	1249 S Pearl St	100	<i>[Signature]</i>	05/05/23	A	YES NO
Red Gate Properties, LLC 4301 E Eastman Ave Denver CO 80222	1227 S Pearl St	100	<i>[Signature]</i>	05/05/23	A	YES NO

South Pearl Street Rezoning Application

Accessor's Record

1271 South Pearl Street
1253 South Pearl Street
1251 South Pearl Street

1249 South Pearl Street
1229 South Pearl Street
1227 South Pearl Street

Denver Property Taxation and Assessment System

 New Search

1271 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
1271 S PEARL LLC 1509 YORK ST #201 DENVER, CO 80206-1408	05221-14-025-000	L 28 & 29 & N1/2 OF L 27 BLK 14 SHERMAN SUB	RESIDENTIAL-4 TO 8 UNITS	DENVER

1253 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
5090 FEDERAL LLC 1509 YORK ST STE201 DENVER, CO	05221-14-053-000	SHERMAN SUB B14 L30 TO 034 BEG 3.07FT S OF NE COR 33 TH S96.93FT W 125FT N 76.58FT E 76 FT N 20.35FT E 49FT TO POB	OFFICE W/MIXED USE	DENVER

1251 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
5090 FEDERAL LLC 1509 YORK ST STE201 DENVER, CO	05221-14-052-000	SHERMAN SUB B14 L33 TO 035 BEG 37.5FT S OF NE COR L35 TH S15.57FT W 49FT S 20.35FT W 76 FT N 73.42FT E 34.65FT S 37.5FT E 90.35FT TO POB	INDUSTRIAL-WAREHOUSE	DENVER

1249 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
567 E LOUISIANA LLC 1509 YORK ST STE201 DENVER, CO	05221-14-051-000	SHERMAN SUB B14 L34 & 35 BEG NE COR L35 TH S 37.5FT W 90.35FT N 37.5FT E 90.35FT TO POB	COMMERCIAL-OFFICE	DENVER

1229 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
5090 FEDERAL LLC 1509 YORK ST #201 DENVER, CO 80206-1408	05221-14-048-000	SHERMAN SUB B14 L39 & N 5FT OF L38	RESIDENTIAL-DUPLEX	DENVER

1227 S PEARL ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
RED GATE PROPERTIES LLC 4301 E EASTMAN AVE DENVER, CO 80222-7232	05221-14-045-000	L 40 & 41 BLK 14 SHERMAN SUB	RETAIL W/MIXED USE	DENVER

**Joint Written Consent of the Managers and
a Supermajority of the Members of 5090 Federal LLC**

(ZONING)

Pursuant to the Colorado Limited Liability Company Act dated as of February 12, 2012 (the “**Operating Agreement**”), of 5090 Federal LLC a Colorado limited liability company (the “**Company**”), the undersigned, being all of the managers (the “**Managers**”) and a Supermajority (as defined in the Operating Agreement) of the members (the “**Members**”) of the Company, hereby consent in writing to the adoption of the following resolutions pursuant to this written consent (this “**Consent**”) without a meeting.

WHEREAS, in connection with the Property, it is proposed that the Company rezone the Property.

WHEREAS, pursuant to the Operating Agreements some or all of the Transactions require the approval of a Supermajority of the Members, and the Managers and a Supermajority of the Members have determined that the Company will derive substantial benefit from the Transactions and deem it advisable and in the best interests of the Company and its Members for the Company to cause the Transactions to be consummated.

NOW, THEREFORE, BE IT RESOLVED, that Chris Viscardi is hereby designated as Authorized Signer for all zoning agreements, surveys, plats and other documents necessary to rezone the Property.

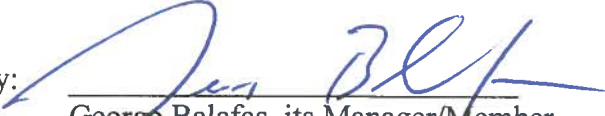
FURTHER RESOLVED, that all agreements and documents executed and delivered prior to these resolutions and all actions heretofore taken by any of the Authorized Officers of the Company, as applicable, in connection with and in furtherance of each of the foregoing resolutions be, and each of them hereby is, approved, adopted, authorized, ratified and confirmed in all respects as the proper acts and deeds of the Company, as applicable.

This Consent may be executed in multiple counterparts, all of which together shall constitute a single written consent.

[Signatures on Following Page]

This Consent is effective as of May 15, 2023.

5090 Federal LLC LLC, as Member and Manager

By: 
George Balafas, its Manager/Member

By: 
Dimitrios Balafas, its Manager/Member

**Joint Written Consent of the Managers and
a Supermajority of the Members of 567 E Louisiana Ave, LLC and 1271 S Pearl LLC**

(ZONING)

Pursuant to the Colorado Limited Liability Company Act dated as of June 15, 2005 (the “**Operating Agreement**”), of 567 E Louisiana Ave, LLC a Colorado limited liability company (the “**Company**”), and 1271 S Pearl LLC a Colorado limited liability company the undersigned a (the “**Subsidiary**”) wholly owned subsidiary of 567 E Louisiana LLC, being all of the managers (the “**Managers**”) and a Supermajority (as defined in the Operating Agreement) of the members (the “**Members**”) of the Company, hereby consent in writing to the adoption of the following resolutions pursuant to this written consent (this “**Consent**”) without a meeting.

WHEREAS, in connection with the Property, it is proposed that the Company and Subsidiary rezone the Property.

WHEREAS, pursuant to the Operating Agreements some or all of the Transactions require the approval of a Supermajority of the Members, and the Managers and a Supermajority of the Members have determined that the Company will derive substantial benefit from the Transactions and deem it advisable and in the best interests of the Company and its Members for the Company to cause the Transactions to be consummated.

NOW, THEREFORE, BE IT RESOLVED, that Chris Viscardi is hereby designated as Authorized Signer for all zoning agreements, surveys, plats and other documents necessary to rezone the Property.

FURTHER RESOLVED, that all agreements and documents executed and delivered prior to these resolutions and all actions heretofore taken by any of the Authorized Officers of the Company, as applicable, in connection with and in furtherance of each of the foregoing resolutions be, and each of them hereby is, approved, adopted, authorized, ratified and confirmed in all respects as the proper acts and deeds of the Company, as applicable.

This Consent may be executed in multiple counterparts, all of which together shall constitute a single written consent.

[Signatures on Following Page]

This Consent is effective as of May 15, 2023.

567 E Louisiana Ave, LLC, as Member and Manager

By: 
George Balafas, its Manager/Member

By: 
Dimitrios Balafas, its Manager/Member

1271 S Pearl, LLC, as Member and Manager

By: 
George Balafas, its Manager/Member

By: 
Dimitrios Balafas, its Manager/Member

February 9, 2023

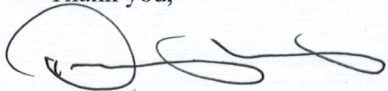
George Balafas
5090 Federal LLC

RE: Document Submission Authorization

Dear George:

I authorize 5090 Federal, LLC and/or Kentro Group to submit documents to the city and county of Denver regarding the property located at 1227 S. Pearl Street, Denver, CO 80210.

Thank you,

A handwritten signature in black ink, appearing to be 'Darcy Mullally', with a large circular flourish at the beginning.

Darcy Mullally
FOR RED GATE PROPERTIES, LLC

May 2, 2023

RE: 1227-1271 South Pearl Rezoning Application U-MS-3 to U-MS-5

To Community Planning and Development:

The request for a zoning change from U-MS-3 to U-MS-5 to match the zoning of the southern portion of the property is in keeping with the area and Review Criteria. Heights for this property are limited by the Washington Park View Plane restricting height to seventy-five feet; therefore, protections to adjacent properties will remain. The property is in the Louisiana-Pearl Station Area, meaning it is considered directly adjacent to the station platform near I-25. This proposed rezoning will align these properties with the U-MS-5 zoning of 567 E Louisiana Avenue creating a single zoned lot fronting Louisiana and Pearl. This rezoning request is consistent with the surrounding zoning (U-MS-5) and allows for more consistent development aligning with Denver's adopted plans listed below.

This zoning change application is consistent with the Denver Zoning Code Map Amendment Review Criteria and Adopted Plans and contains information on the following:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations
3. Further Public Health, Safety and Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context, Zone District Purpose, and Intent

1. Consistency with Adopted Plans

The following adopted plans apply to this application:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)
- Louisiana-Pearl Station Area Plan (2007)

Denver Comprehensive Plan 2040

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

Equitable, Affordable, and Inclusive Goals

Goal 1: Ensure all Denver residents have safe, convenient, and affordable access to basic services and a variety of amenities.

Strategy A: "Increase development of housing units close to transit and mixed-use developments." (P 28)

- This rezoning will increase potential housing density along Louisiana

Avenue where the Department of Transportation and Infrastructure has enhanced the *existing stops for the rail lines and the Louisiana-Pearl Station*.

Strategy C: “Improve equitable access to resources that improve quality of life”

- This rezoning will increase development potential for much needed goods and services *in a long-standing mixed-use area in a Local Center along Pearl Street, a Main Street Collector*.

Goal 2: Build housing as a continuum to serve residents across a range of incomes, ages, and needs.

Strategy C: “Foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services” (P 28)

- A contributing factor to economic mobility is access to education. This rezoning will increase house options for students due to its proximity to an elementary school, high school, and the University of Denver.
- Access to the existing Louisiana-Pearl Light Rail Station with an RTD stop located at the corner of S. Pearl and E. Louisiana allowing access to higher education and multiple employment centers such as downtown Denver.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to Comprehensive Plan 2040 and establishes an integrated framework for the city’s land use and transportation decisions. There are six key components of Blueprint Denver that apply to rezoning:

Neighborhood Context
Place
Growth Strategy
Street Type
Plan Policies and Strategies
Equity Concepts

Neighborhood Context

In *Blueprint Denver*, future neighborhood contexts map and description are used to understand differences between land use, built form, and mobility between neighborhoods. The subject properties are shown on the context map in the *Urban* neighborhood context. The description is used to guide appropriate zone districts (p. 138-139).

The Urban neighborhood context is “widely distributed throughout the city. Homes vary from multi-unit developments to compact single-unit homes.” (P 220). “Residents living in this context have access to varied transit options and amenities.” (p 220) U-MS-5 is a zone district within the Urban neighborhood context and is intended to “promote safe, active, and pedestrian-scaled areas through building forms that clearly define and activate the public street edge.” The zone district is intended to enhance the convenience, ease and enjoyment of transit, walking, shopping, and public gathering.” It also encourages affordable housing and improves the transition between commercial development and adjacent residential neighborhoods. Main Street zone districts may be embedded within a larger mixed-use area to promote pedestrian-active street front within a larger mixed use or commercial development. (DZC 5.2.5.1)

The proposed U-MS-5 zone district is consistent with the Urban neighborhood context because it will promote commercial and mixed-use development with active, pedestrian friendly streets that will be compatible with the existing residential areas.

Place

The proposed U-MS-5 zone district is consistent with this Local Center designation as it also sits in an Urban area with future street type of “Main Street Collector” as well as an Urban Neighborhood Station area discussed in the next section. This will allow a diversity of commercial and residential uses along the “Main Street Collector” Street Type with appropriately scaled heights. Due to existing zoning constraints along the southern portion as well as the existing Washington Park View Plane, allowing U-MS-5 zoning will continue to comply with the spirit of the Local Center while addressing changing needs in this neighborhood as addressed in the (Louisiana Pearl Station Area Plan (LPSAP).

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). Pearl Street is identified by the Growth Strategy Map as part of the general “all other areas of the city” and while not specifically highlighted as an identified area of growth “*there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station.*” (P 66) The location of the property is within the LPSAP.

Street Type

In *Blueprint Denver*, future street types of work in concert with future places to evaluate the appropriateness of the intensity of the adjacent development (P 67). The three volume classifications of Local, Collector, and Arterial, are further refined by six types of surrounding context. Louisiana Avenue both identified as a Main Street Collectors “characterized by 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. Street level uses are highly activated, including café seating in the right-of-way” (P 158). Main Street districts “are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial street and should be applied where a higher degree of walkability and pedestrian activity is desired” (DZC 5.2.5.1).

Plan Policies and Strategies

Blueprint Denver contains recommendations in the form of a comprehensive list of policies and strategies that implement plan guidance. The proposed is consistent with many of the adopted *Blueprint Denver’s* Land Use and Built Form Recommendations, in the following categories:

- General
- Housing
- Economics
- Design Quality and Preservation

General Recommendations

Policy 1: “Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets” (P 72).

Strategy B: “Implement regulatory land use changes in coordination with transit investments. For example, rezonings to support transit-oriented development should be closely timed with the implementation of transit priority streets.” (P 72)

- This rezoning will align with Goal 5 noted on page 10, “Focus higher intensity growth in walkable mixed-use centers and along transit priority streets.” Aligning the zoning of these zoned lots with the existing U-MS-5 zoning of the adjacent zoned lot (567 E Louisiana) will achieve this goal. The impact will create a singular zoned lot allowing consistency in development. This will create a property that now fronts East Louisiana and will enhance access to transit by fostering the development of mix-income housing near an existing transit station along a Transit Priority Street.

Policy 3 Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.

Strategy C: “Update the zoning code to reflect the contexts and places envisioned in this plan. Create new zone districts where appropriate.” (P 73).

- The proposed rezoning updates the zoning to better reflect the current context as change is occurring as envisioned in the Blueprint Denver plan.
- The proposed rezoning aligns with the adjacent lot to the south.
- The proposed rezoning complements the zoning across South Pearl.

Economics Recommendations

Policy 2: “Improve equitable access to employment areas throughout the city to ensure all residents can connect to employment opportunities (P 90)

Strategy A - Invest in transit priority streets to connect all Denver residents to the city's regional, community centers and community corridors. (P 90)

- The proposed rezoning will allow for one consistent zoned lot combined with the currently U-MS-5 zoned lot of 567 E Louisiana. This in turn increases the development potential of the site allowing for mixed-use development that supports the creation of jobs in a “station area”. This then connects residents in this Local Center to community and corridor centers.

Design Quality & Preservation Recommendations

Policy 2: “Ensure residential neighborhoods retain their unique character as infill development occurs. (P 99)

Strategy D: “For residential places, revise the zoning code to create more contextual bulk and scale requirements for primary and accessory structures. This may include stricter bulk planes, limitations on height, changes to setback requirements, changes to maximum lot coverage, changes to transparency features and/or entry feature requirements.

These changes should vary by neighborhood context to better reflect the built character. In creating new zoning standards, consideration should be given to light, air, privacy, engagement of the public realm and human-scaled design.” (P 99)

- This rezoning has the Washington Park View Plane and height is limited to approximately 75 feet thus placing limitations on height is in place. The setbacks along the west are also in place.

Equity Concepts

Blueprint Denver provides four equity concepts for consideration when rezoning large areas or sites located in areas where residents may be at risk of displacement as new development occurs. These concepts are Access to Opportunity, Vulnerability to Displacement and Diversity of Jobs and Housing. Each equity concept has an associated set of data that helps inform implementation actions that may accompany rezoning and redevelopment. The property existing in the Platt Park Neighborhood is lacking in one of these three areas. Rezoning this property will allow for more affordable housing for Denver, a city with a housing crisis.

Housing Diversity

The Platt Park neighborhood, with boundaries of South Broadway and South Downing to the west and east, respectively, East Evans Avenue to the south, and East Mississippi and part of I-25 to the north, does not have a high diversity of housing types based on all 4 of 5 indicators – missing middle-density housing, few housing options with 2-19 units, home size diversity, ownership vs rental, housing costs, and amount of affordable housing ...” (P 43) The proposed rezoning in conjunction to provide affordable housing on site will increase the number of income restricted units as well as address disparities in housing costs.

Jobs Diversity

The Louisiana Avenue and Pearl Street corridor has some employment opportunities with a larger share of these opportunities in retail. The proposed rezoning may have a positive impact on jobs diversity in the neighborhood by creating new and additional opportunities for employment.

Louisiana-Pearl Station Area Plan (LPSAP)

The Louisiana-Pearl station opened in November of 2006 as part of the Transportation Expansion project to transform the circulation patterns along interstates 25 and 225. (P 2) While most transit station plans take into consideration a half-mile radius; the Louisiana-Pearl Station is a walk-up station without park-n-ride. This station is designed to service riders from the neighborhood who walk, bike, bus, or are dropped off. Due to this factor the area plan is limited to a quarter-mile radius from the station. (P 1)

Most commercial spaces are in Platt Park along Buchtel Boulevard South, South Pearl Street and Louisiana Avenue and attract customers from all over the metro area. (P 13) In writing the LPSAP it was noted that the only vacant site in this area is located on South Pearl Street and remains vacant 16 years later, this parcel is part of the property.

The Louisiana-Pearl Station is a “walk-up” light rail transit station with easy pedestrian access and designated passenger drop-off and pick up areas embedded in a stable neighborhood. In keeping with the principles of the Urban Neighborhood TOD Typology, near the platform there is a mix of housing options, shopping, dining, and gathering spaces. (P 25) This area is in an Area of Stability per Blueprint Denver. (P 27) The location of this zoning change application is noted as a “Reinvestment Area”. These areas are noted as having character desirable to maintain but will also benefit from a greater level of reinvestment. This site has good access to collector and arterial routes and the station area. (P 29)

Reinvestment Areas Land Use Concept creates two sub-areas for business properties closest to the station that provide specific direction to the land use and character for the reinvestment area. The property is in an Urban Neighborhood Station area. This is marked by being an area immediately adjacent to the station. The main frontage streets of this Urban Neighborhood Station include South Pearl Street, Louisiana Avenue, South Washington Street and Buchtel Boulevard South. This property has two of these main frontage streets: Louisiana Avenue and South Pearl Street. While this property was rezoned in hopes of offering a mix of commercial businesses with ground floor retail and upper story residential this has not happened. Redevelopment to add housing and business close to the station, a priority for the LPSAP, had not occurred due to the limitations of U-MS-3 on the northern portion of this property. This area is one, per the LPSAP, should have a greater level of intensity compared to the Transition area which is not possible with U-MS-3. (P 29)

The LPSAP lists as a primary issue and opportunity the value-added development and Reinvestment potential of this area. It states that opportunities to increase activity and add value to the transit system are both important. Reinvestment can provide convenient services within the neighborhood. Reinvestment can reduce household transportation expenditures to all city residents. P 32)

Housing near and at stations is an integral part of the mixed uses in station areas. The LPSAP states that more residences, that respect the neighborhood character and quality of life, in strategic locations are important in station areas. Residents and the activity that results from healthy neighborhoods provide

“eyes on the street” that increase natural surveillance and a sense of safety. Therefore, additional opportunities for housing in the reinvestment area are important. (P 33)

The Land Use Recommendation #1 is to Provide active, pedestrian oriented uses on the ground floor of buildings. The uses noted for these areas include small grocers, shops, and restaurants among others. Vertical mixed use is encouraged while private surface parking is not. Currently, a significant portion of this property is used as private surface parking. This rezoning will allow for more units and thus more eyes on the street. Changing the zoning to U-MS-5 is the first step towards achieving the LPSAP’s recommendations. (P 36)

Land Use Recommendation #2 while specific to Station Transition is noteworthy, this property is specifically in a “Station Area” it is zoned as a “Station Transition.” Changing the zoning from U-MS-3 to U-MS-5 will align with its designation. (P 36)

Recommendation #4, employment and Services. A rezoning of this property to U-MS-5 will provide employment and service opportunities within the LPSAP with convenient access for residents and transit riders. (P 37)

Recommendation 5 Compact, Diverse Housing Opportunities. Provide new housing opportunities located in suitable areas of the Urban Neighborhood Station. (P 37)

- Rezoning will create more development flexibility and new opportunities.

Urban Design Recommendations

In *The Louisiana-Pearl Station Area Plan* the recommendations for the Urban Neighborhood station discuss six key factors: development pattern, Building Height, Building Scale, Features, Street Character, Off-street Parking. (P 40)

- Development Pattern
 - U-MS-5 grants the highest intensity focused around the station platform, the adjacent property, to the east of this property currently is U-MS-5. This will allow for more consistency in the Development Pattern.
- Building Height:
 - This rezoning combined with the Washington View Plane will limit a building to five-stories and seventy-five feet. There are additional setbacks to the west of the property protecting the zoned lots to the west of the property.
- Building Scale:
 - This rezoning will allow the desired 70-100% of lot coverage,
- Features:
 - This rezoning will allow for functional courtyards, porches, stoops,

balconies, and sidewalk cafes.

- Street Character:
 - This rezoning will allow for attached sidewalks, street trees, pedestrian amenities such as benches, trash cans and bike racks.
- Off-Street Parking:
 - Currently parking is surface parking. This rezoning will allow the location of an underground car parking deck that is accessed from the alley.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MS-5 will result in the uniform application of zone district building form, use, and design regulations.

1. This addresses the Denver Comprehensive Plan's Goals of Increasing development of housing close to transit stations and providing more affordable housing near transit stations.
2. This addresses Blueprint Denver's Recommendations to provide more access to transit stations and recommendation to increase density and affordable housing in transit areas.
3. This addresses the Louisiana-Pearl Station Area Plan's mapping showing that the property is in a "Station Area." The rezoning of the property will bring the property into alignment with the recommendations in the LPSAP.

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 numerous adopted city plans which recommend increasing the supply of affordable housing throughout Denver. The plans specifically call for increased height in the case of community benefits such as affordable housing. Given the significant need for more affordable housing in Denver, the proposed U-MS-5 zone district is in the general welfare of the city.

4. Justifying Circumstances

The justifying circumstances for this rezoning are that since 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 including a city adopted plan and changing conditions in a particular area.

Blueprint Denver (adopted in 2019) and the *Louisiana-Pearl Station Area Plan (adopted in 2007)* were adopted to adhere to changing times, while both note that the property is in an area of "change" or an area with more dense development in mind. *LPSAP* acknowledges the appropriateness for higher heights than the current zoning allows listing building heights of up to 5 stories. (P 40)

The property directly across S Pearl Street is currently zoned U-MS-5. The *LPSAP* contains numerous policy recommendations that call for increasing affordable housing along

Louisiana Avenue through the allowance of additional height. This additional height was only brought along a small portion of the southern block, while the additional height was given to the entire block directly to the East.

Given that the Washington Park View Plan limits the height of development at this property to 75-feet and number of stories to five (5) the full impact of U-MS-5 can never be fully realized. The current allowed number of stories for this property is a full five at the south end and four at the north. Ultimately this rezoning only allows for one additional floor. The surrounding residential properties to the west will continue to enjoy the protections of the Washington Park View Plane along with the required setbacks in place along the west edge of the zoned lot. This property also contains the only vacant lot that has continued to be vacant. This is due to the lack of full potential for development caused by limitations placed upon it. While its neighboring properties are zoned U-MS-5 this is zoned U-MS-3.

Allowing a change of zoning from U-MS-3 to U-MS-5 will allow for pedestrian streets to remain, allow for business at the ground level, allow for pedestrian activation, increase affordable housing, and provide additional housing to contribute to solve housing crisis.

5. Consistency with neighborhood context, purpose, and intent statements.

The proposed U-MS-5 zone district is consistent with the neighborhood context, purpose, and intent statements. The existing neighborhood context is Urban, and the proposed rezoning would retain that neighborhood context which calls for mid-rise multi-unit residential and commercial uses located along main streets. The U-MS-5 zone district would comply with the purpose of Main Street Districts by promoting safe, active, and pedestrian-scaled commercial streets that activate the public street edge while promoting an urban, mixed-use, environment. The proposed U-MS-5 further meets the intent statement by being applied to a main street arterial with a build scale up to 5-stories.

We appreciate your time and attention in this matter. Please feel free to reach out with any questions after reviewing the information on this rezoning application.

Sincerely,

The Mulhern Group