Community Planning and Development
Planning Services

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TO: Denver Planning Board
FROM: Tony Lechuga, Senior City Planner
DATE: September 27, 2023
RE: Official Zoning Map Amendment Application #2023I-00066

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00066.

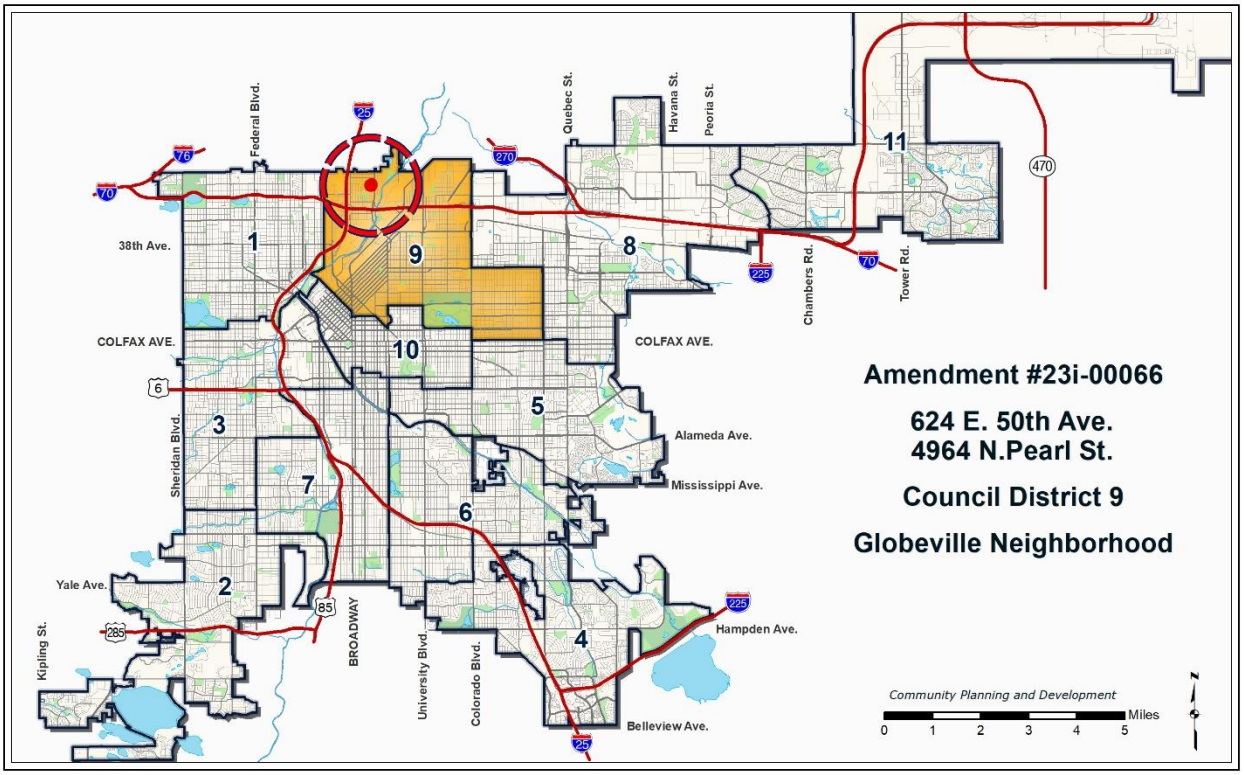
Request for Rezoning

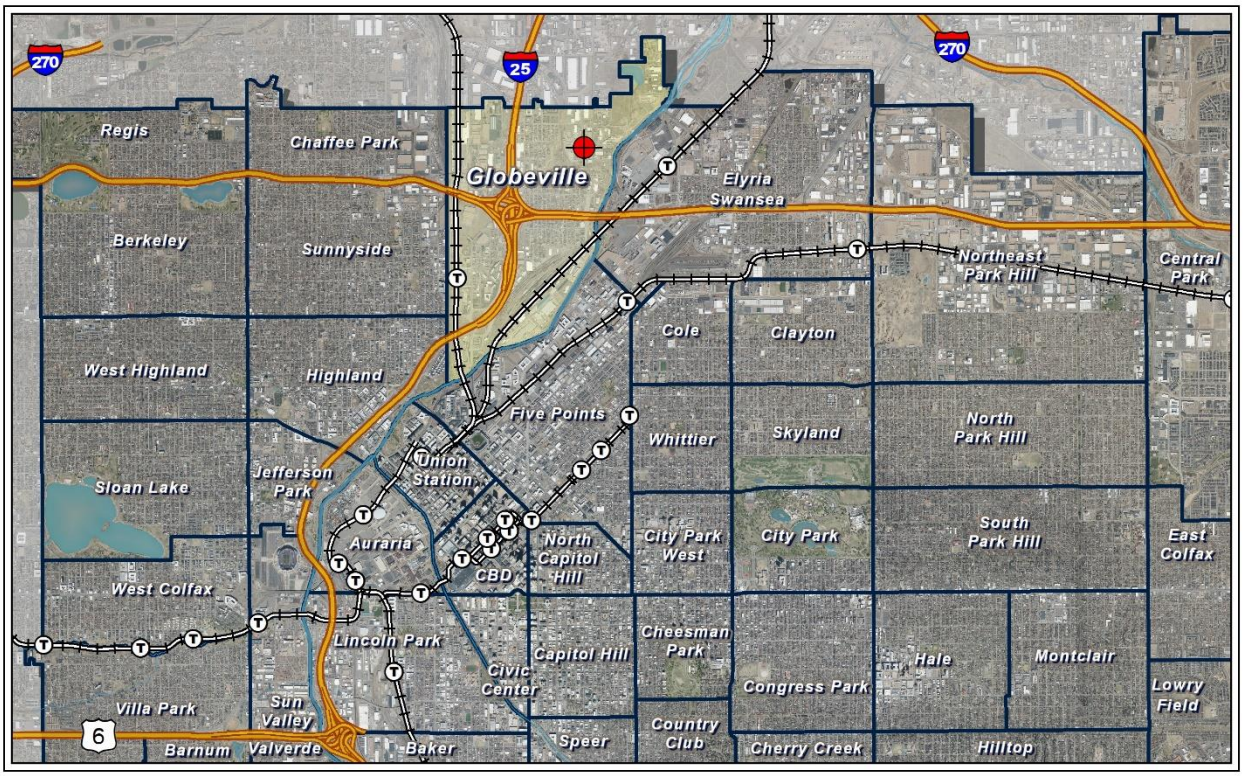
Address:	624 East 50th Avenue & 4964 North Pearl Street
Neighborhood/Council District and CM:	Globeville / Council District 9, CM Watson
RNOs:	United Community Action Network, Denver North Business Association, Reclaim the Eastside, Globeville Civic Partners, Unite North Metro Denver, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property:	23,600 square feet or 0.54 acres
Current Zoning:	I-MX-3, UO-2
Proposed Zoning:	G-MS-5
Property Owner(s):	Nathan Gorrell (624 East 50th Avenue) Gonzalo Villalpando (4694 North Pearl Street)

Summary of Rezoning Request

- The subject properties are in the portion of Globeville north of I-70, east of I-25, and west of the South Platte River, near the intersection of 50th Avenue and South Pearl Street.
- The property along 50th Avenue has a 1 story single-unit residential structure.
- The property along Pearl Street is used for vehicle storage and an automotive repair shop with a single-unit residential structure being used as an office and storage area.
- The City and County of Denver has acquired the property to the south and west, 4995 North Washington Street, for affordable housing. Globeville Redevelopment Partners (GRP) was selected by the City through an RFP process as the developers. The two subject properties will be purchased by GRP. The Department of Housing Stability (HOST) will then acquire the properties from GRP to incorporate into the larger land lease.
- The proposed G-MS-5 (**G**eneral Urban, **M**ain **S**treet, **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



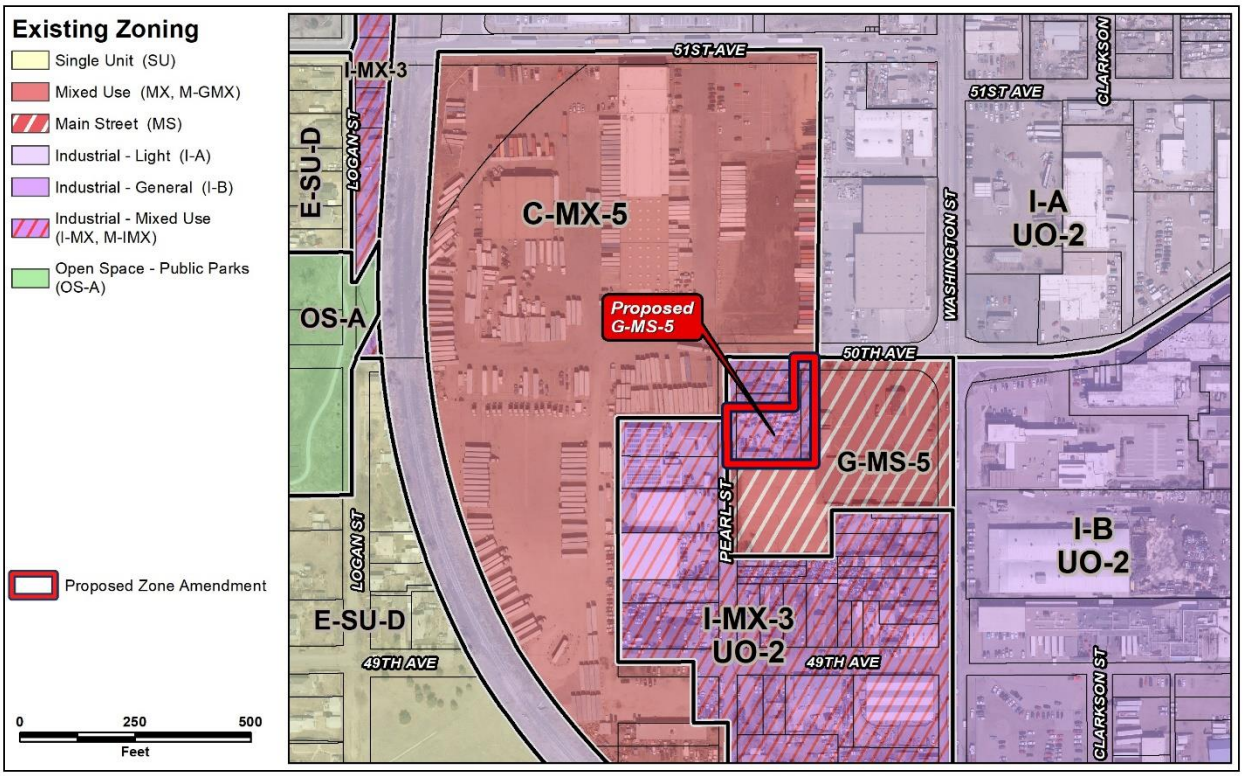


The subject properties are in the Globeville neighborhood near the northern edge of the city. They are north of Interstate 70, east of Interstate 25, and west of the South Platte River, near the intersection of 50th Avenue and North Pearl Street. The area is primarily industrial with a few single-unit homes interspersed. The South Platte River greenway is about ¼-mile to the east. Carpio Sanguinette Park and the Heron Pond/Heller Open Space are about ½ -mile to the northeast and the City of Denver has been investing significant funds in the expansion and improvement of that open space. 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 with access along 51st Avenue.

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	Single-unit residential and automobile storage	Two 1-story single-unit residential buildings and an automobile storage yard	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 51st Ave. to the west and east. Blocks are inconsistent in size and shape with no alleys. Vehicle parking to the front, side, or rear of buildings.
North	C-MX-5	Transportation	Trailer repair shop	
South	G-MS-5	Commercial/Retail	Vacant	
East	G-MS-5	Commercial/Retail	Vacant	
West	I-MX-3, UO-2	Single-unit Residential; Industrial	1-story single-unit residential incorporated into a cabinet making company warehouse	

1. Existing Zoning

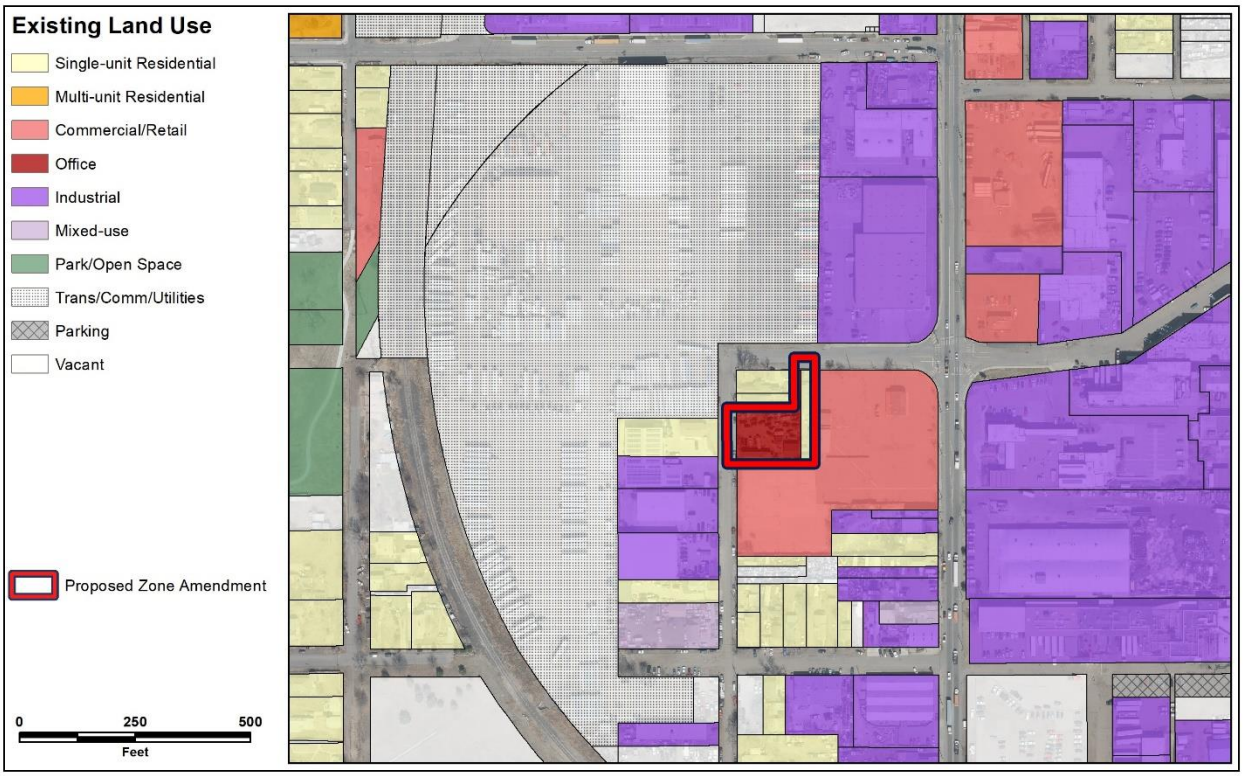


The existing I-MX-3 zoning is an industrial mixed-use district that allows light industrial, commercial, and residential uses in the Town House, General, and Industrial building forms up to three stories in height. There are no setback requirements, except in the Town House building form which requires 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

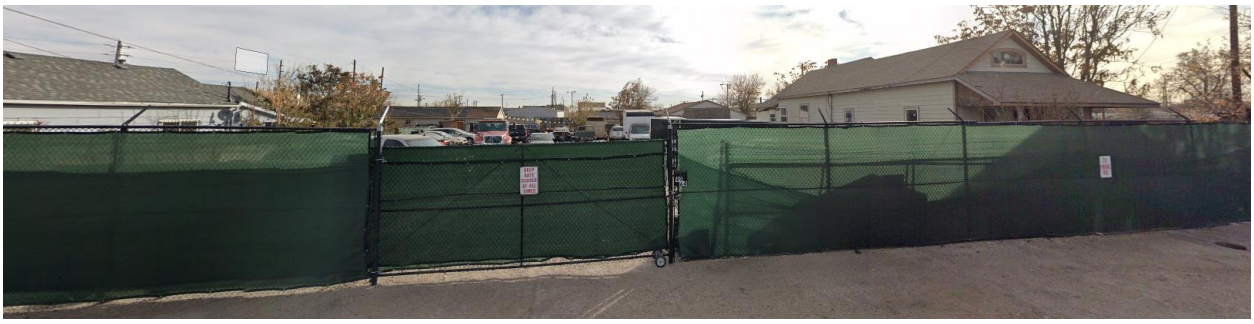
The city purchased the subject property to the south and west to develop affordable housing. The Department of Housing Stability (HOST) issued an RFP which was awarded to Globeville Redevelopment Partners (GRP). The federal funding used to purchase the property requires at least 50% of the units be affordable 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. The two subject properties will be purchased by GRP. The Department of Housing Stability (HOST) will then acquire the properties from GRP to incorporate into the larger land lease.

3. Existing Land Use Map



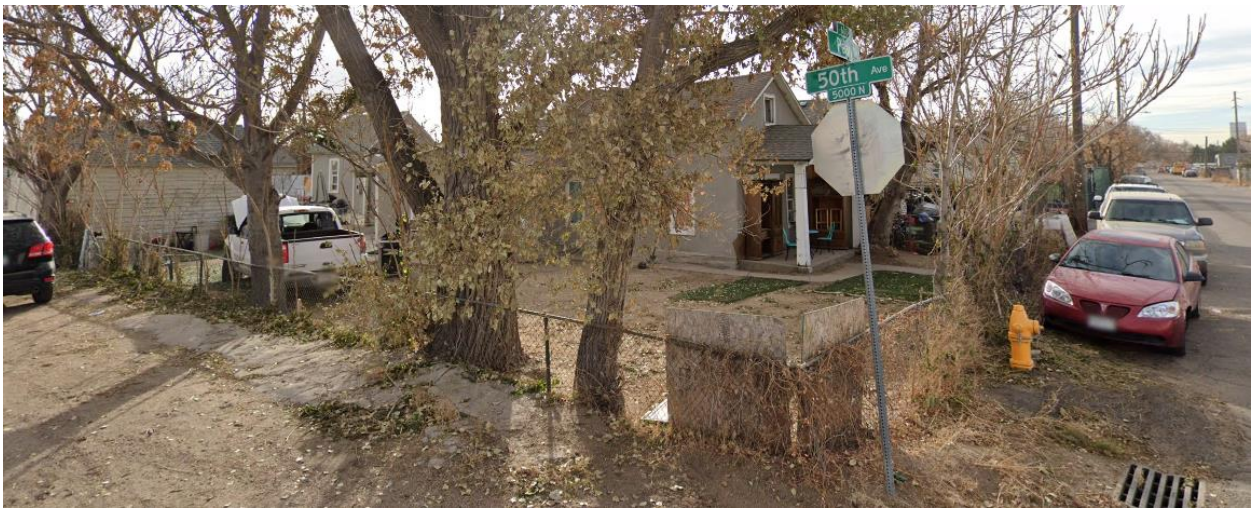
4. Existing Building Form and Scale

View of 624 East 50th Avenue, looking south (*Source: Google Maps*)



View of 4964 North Pearl Street, looking east (*Source: Google Maps*)

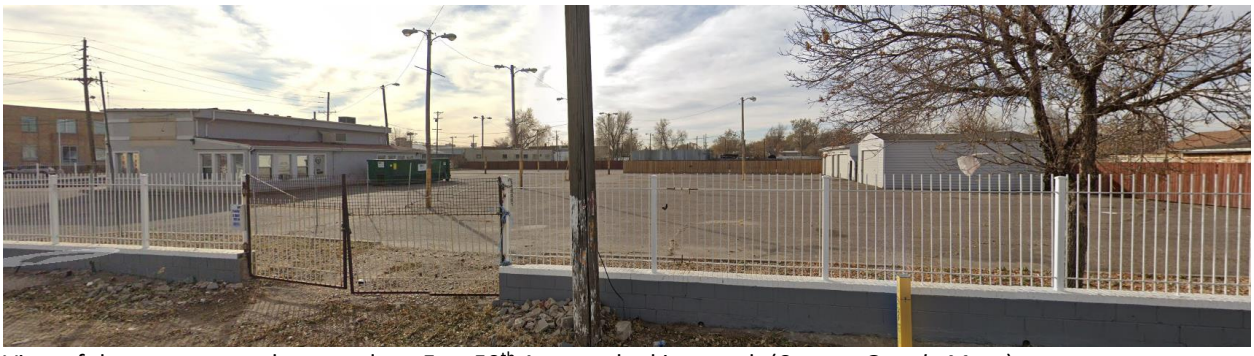
View of the property to the north across East 50th Avenue, looking north (*Source: Google Maps*)



View of 4998 North Pearl Street, the property between the two subject properties at the intersection of East 50th Avenue and North Pearl Street, looking southeast (*Source: Google Maps*)

View of the property to the south along North Pearl Street, looking east (*Source: Google Maps*)

View of the property to west along North Pearl Street, looking west (*Source: Google Maps*)



View of the property to the east along East 50th Avenue, looking south (*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:

Community Planning and Development: Approved – No Comments

Assessor: Approved – No Response

Asset Management: Approved – No Comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approve Rezoning Only - Will require additional information at Site Plan Review. The Department of Public Health & Environment - Division of Environmental Quality (EQ) is aware that the 624 E. 50th Ave. and 4964 N. Pearl St. properties are associated with the e-permits/Accela record, 2023-PROJMSTR-0000026, which also includes the property addressed as 4995 N. Washington St. EQ is aware that the City and County of Denver (CCD) owns the 4995 N. Washington St. property.

These three properties are within the Asarco, Inc. (Globe Plant) Superfund/Natural Resources Damages (NRD) Site Boundary. Metal and refining operations took place at the Globe Plant site from 1886 to

2006. Historical operations resulted in contaminated soil, sediment, groundwater and surface water with metals and other chemicals. Site characterization and cleanup took place under a series of agreements between the State of Colorado and Asarco. Additionally, these properties are located within the eastern portion of a regional groundwater contamination plume associated with Operable Unit 3 (OU3) of the Vasquez Boulevard/Interstate-70 Superfund site. The plume extends approximately 0.4 miles south and 0.9 miles west of these properties. The current contaminants of concern within the plume include cadmium, arsenic, and lead.

1994-1995

- Under the Consent Decree between the State of Colorado and Asarco, soil sampling at 4964 N. Pearl St. identified levels of lead above specified Cleanup Action Levels in 1994; remediation at the property was completed in 1995.
- Under the Consent Decree between the State of Colorado and Asarco, soil sampling at 624 E. 50th Ave. identified levels of lead above specified Cleanup Action Levels in 1994; remediation at the property was completed in 1995.
- Soil sampling was not conducted at 4995 N. Washington St. under a Consent Decree because most of the property was asphalt and concrete; remediation would have been only limited to exposed soil areas.

2018-2019

- EQ obtained a Phase I Environmental Site Assessment (ESA) of 4995 N. Washington St. in November 2018 and a Limited Phase II Site Assessment in December 2018, prior to acquiring it in 2019. The investigations identified this property as the location of a former gasoline station from 1956 to 1975. The investigations were not able to determine the removal of any underground storage tanks, or the potential for releases associated with the gasoline station operations though. Soil and groundwater sample locations were concentrated in the northeast portion of the property, where four underground storage tanks, piping, and utilities were identified during a ground penetrating radar and electromagnetic induction survey. Investigation results indicated that soil and groundwater conditions at the locations sampled at 4995 N. Washington St. did not appear to be impacted above applicable regulatory limits. No further investigation was recommended.

2023

- A Phase I ESA and Phase II ESA were conducted of 4964 S. Pearl St., 624 E. 50th Ave. and 4995 N. Washington St. by Ramboll US Consulting, Inc., on behalf of Globeville Redevelopment Partners LLC in February and May 2023. These reports were submitted to CCD under the e-permits/Accela record, 2023-PROJMSTR-0000026, and available for EQ's review under the associated e-permits/Accela record, 2023-DEDICATION-0000127. Site investigations targeted the southeast and southwest property boundary of 4995 N. Washington St., and the west and northeast portions of 4964 S. Pearl St. The 624 E. 50th property was not sampled; it has been used as a residence since at least the early 1900s and used for storage of the owner's personal vehicles during the 2000s. Investigation results concluded there were low level petroleum

impacts to shallow soil at the site from the adjacent salvage yard. It also concluded the properties may have been impacted by the ASARCO Globe smelter site, given metals were measured in near surface soils above U.S. EPA risk screening level (RSL) for a residential use and above the site-specific Cleanup Action Levels for the Asarco Globe Plant. Groundwater is contaminated, largely due to the known groundwater plume associated with Operable Unit 3 (OU3) of the Vasquez Boulevard/Interstate-70 Superfund site. The Phase II ESA recommended the use of a Materials Management Plan during site redevelopment for residential use, to aid in the identification and appropriate handling of any contaminated media. The Phase II ESA included comments from a representative of Colorado Department of Public Health & Environment (CDPHE), who "indicated that the state would likely require a grid sampling program and/or removal of the top foot of soil on the 4995 Washington parcel prior to redevelopment. These actions could be conducted in conjunction with construction activities and should be incorporated into the MMP."

On August 3, 2023, EQ requested comments from CDPHE on this rezoning application. CDPHE's comments emphasized that redevelopment of the 4964 N. Pearl St. and 624 E. 50th Ave. properties was not contemplated as part of the Consent Decrees and that remediation activities only dealt with exposed soil areas and not underneath concrete or building foundations. CDPHE recommended to EQ that the Applicant complete the Voluntary Cleanup Program with a Materials Management Plan and characterization of soils beneath buildings and/or concrete.

If and when these sites undergo redevelopment, EQ will work with the Applicant(s) to ensure these sites are investigated and remediated to protect the health of residents.

Please note – EQ does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Denver Parks and Recreation: Approved – No Comments

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

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Comments

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	**08/03/23**
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	**09/19/23**
Planning Board public hearing	**10/04/23**
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:	**TBD** (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	**TBD** (tentative)
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	**TBD** (tentative)
City Council Public Hearing:	**TBD** (tentative)

- **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)*

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 be incorporated into ongoing 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 C – Ensure neighborhoods are safe, accessible, and well-connected for all modes (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:

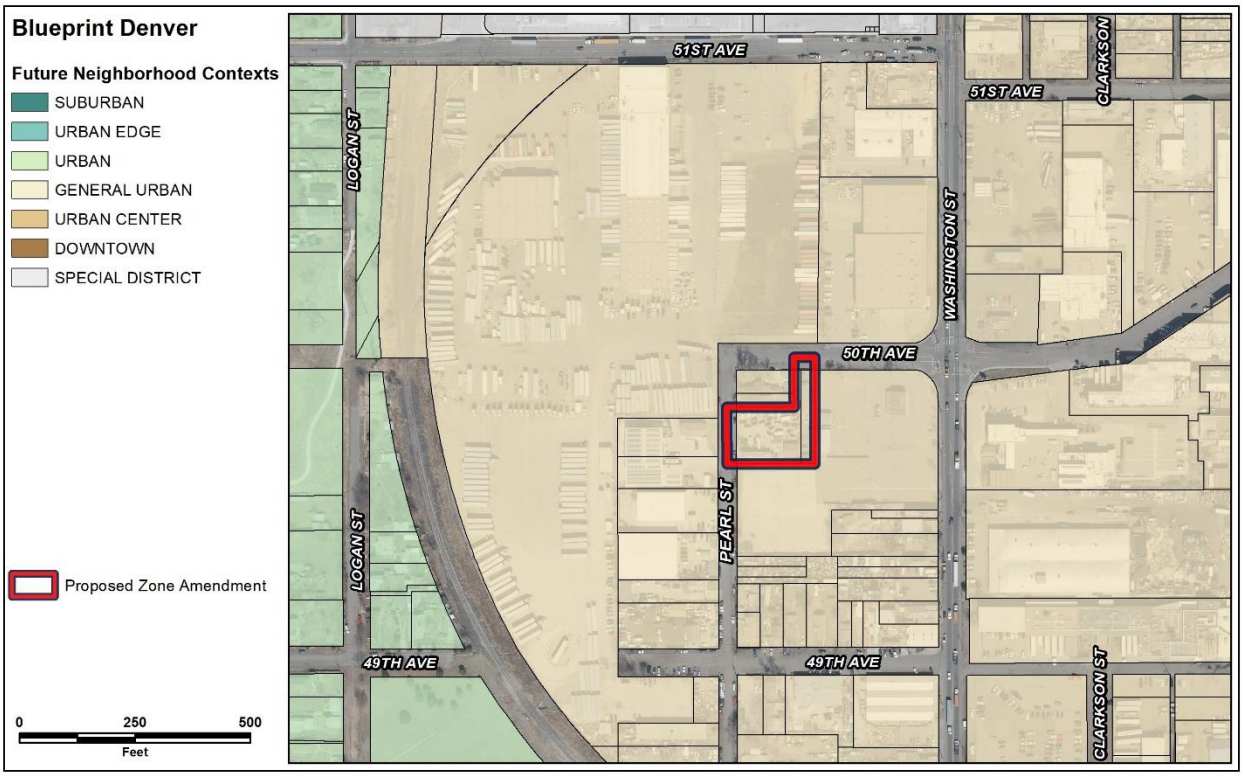
- Environmentally Resilient Goal 8, Strategy A - Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work, and play in their own neighborhoods (p. 54).

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

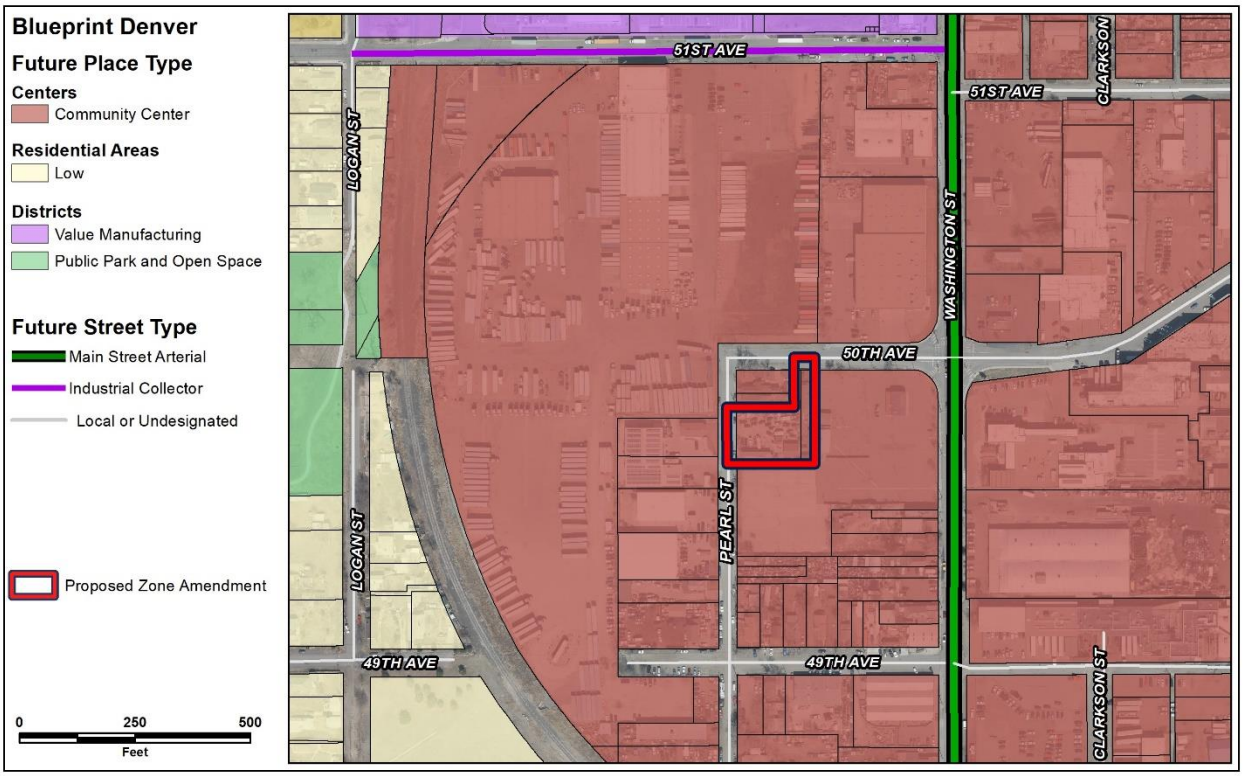
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Local Center place within the Urban Neighborhood Context and 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**

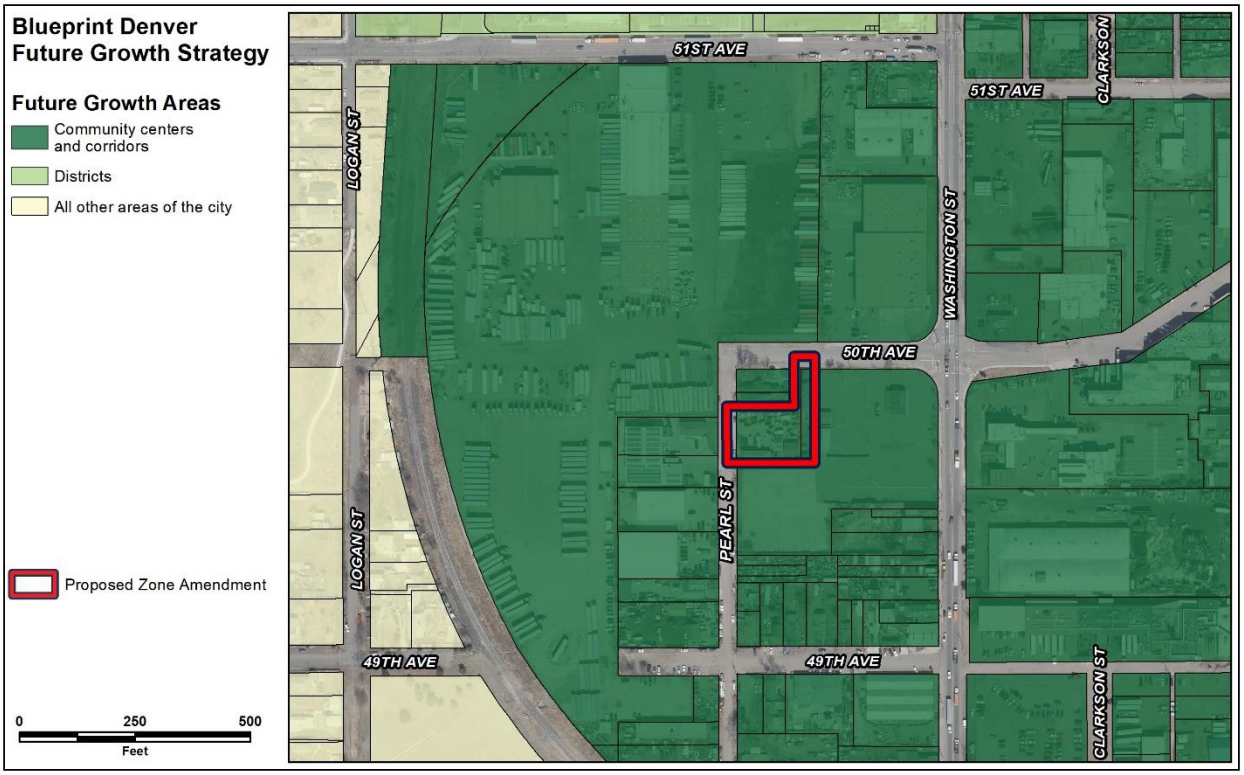


The neighborhood context of General Urban provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Community Center. *Blueprint Denver* describes the aspirational characteristics of Community Centers in the General Urban 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.

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). Because the intention is for these

properties to be tied into the development at 4995 North Washington Street, 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.

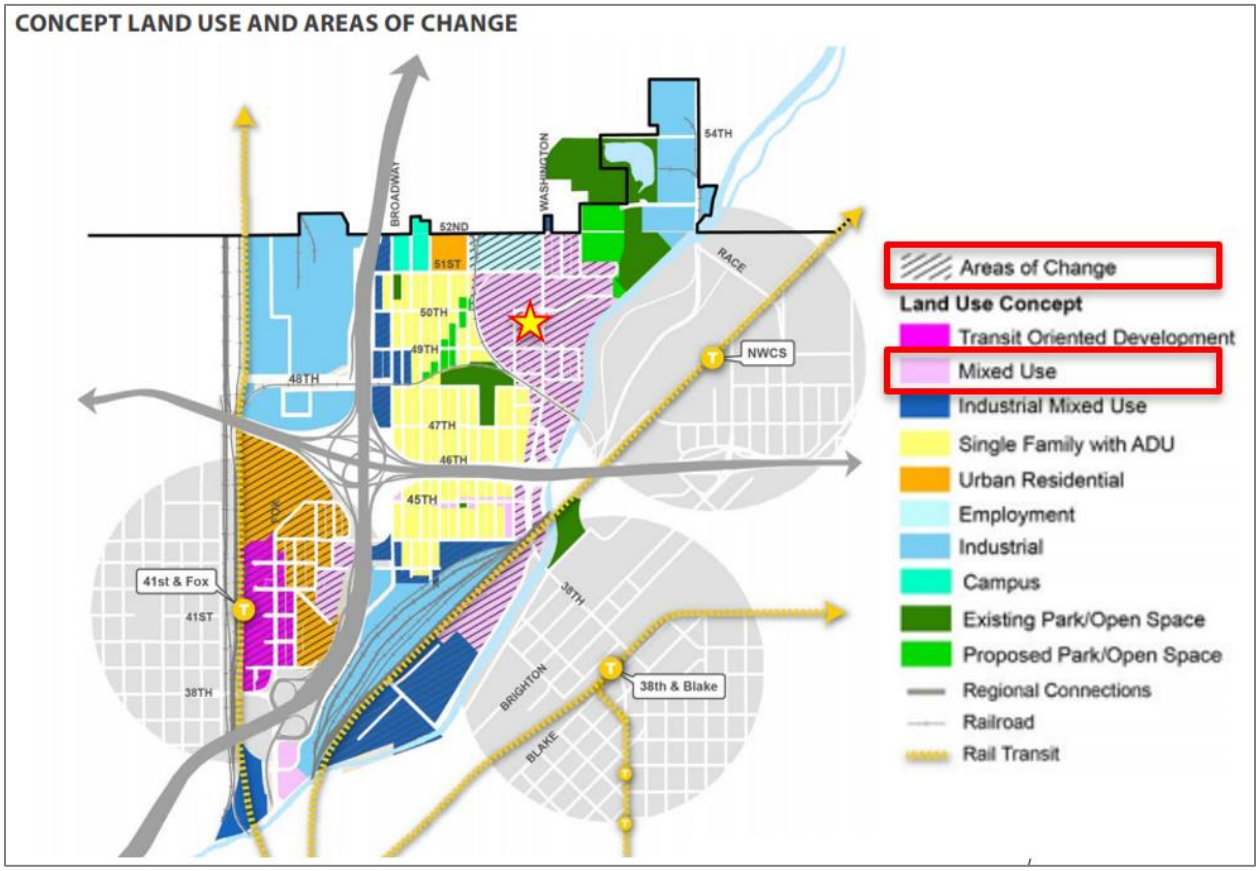
Blueprint Denver **Growth Strategy**



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 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.

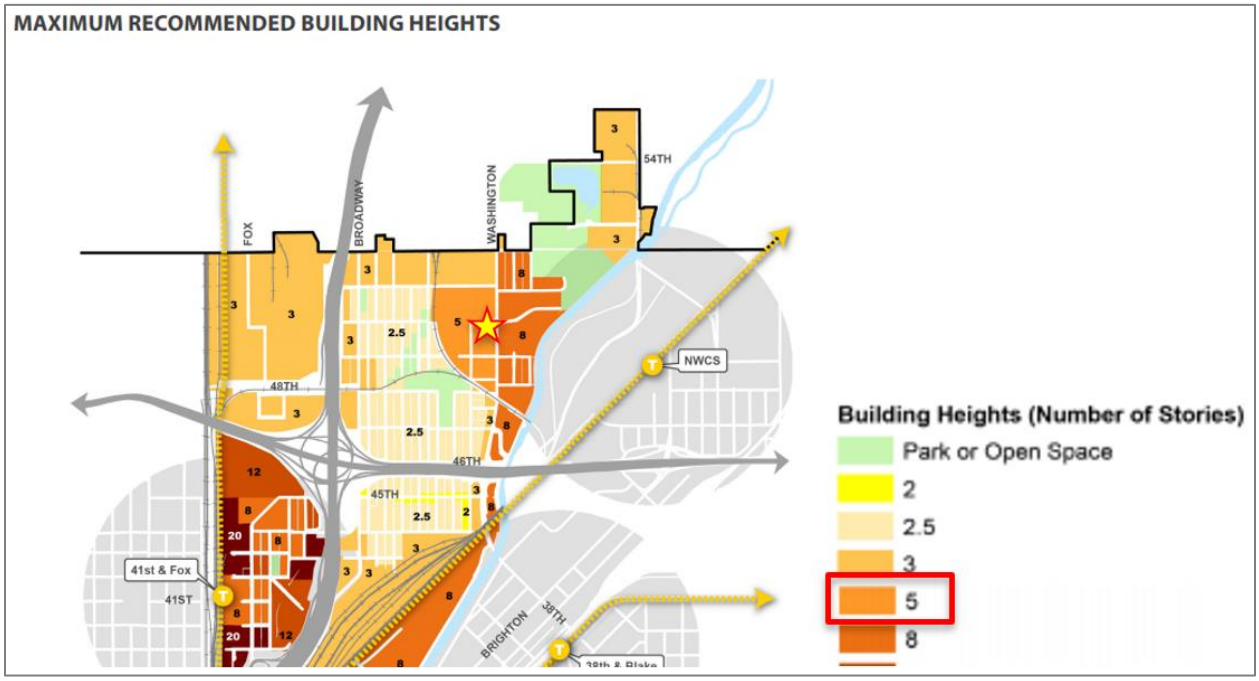
***Globeville Neighborhood Plan* (2014)**

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.



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).



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*.

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