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**TO:** Denver City Council Land Use, Transportation, and Infrastructure Committee  
**FROM:** Tony Lechuga, Senior City Planner  
**DATE:** November 2, 2023  
**RE:** Official Zoning Map Amendment Application #2023I-00027

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2023I-00027.

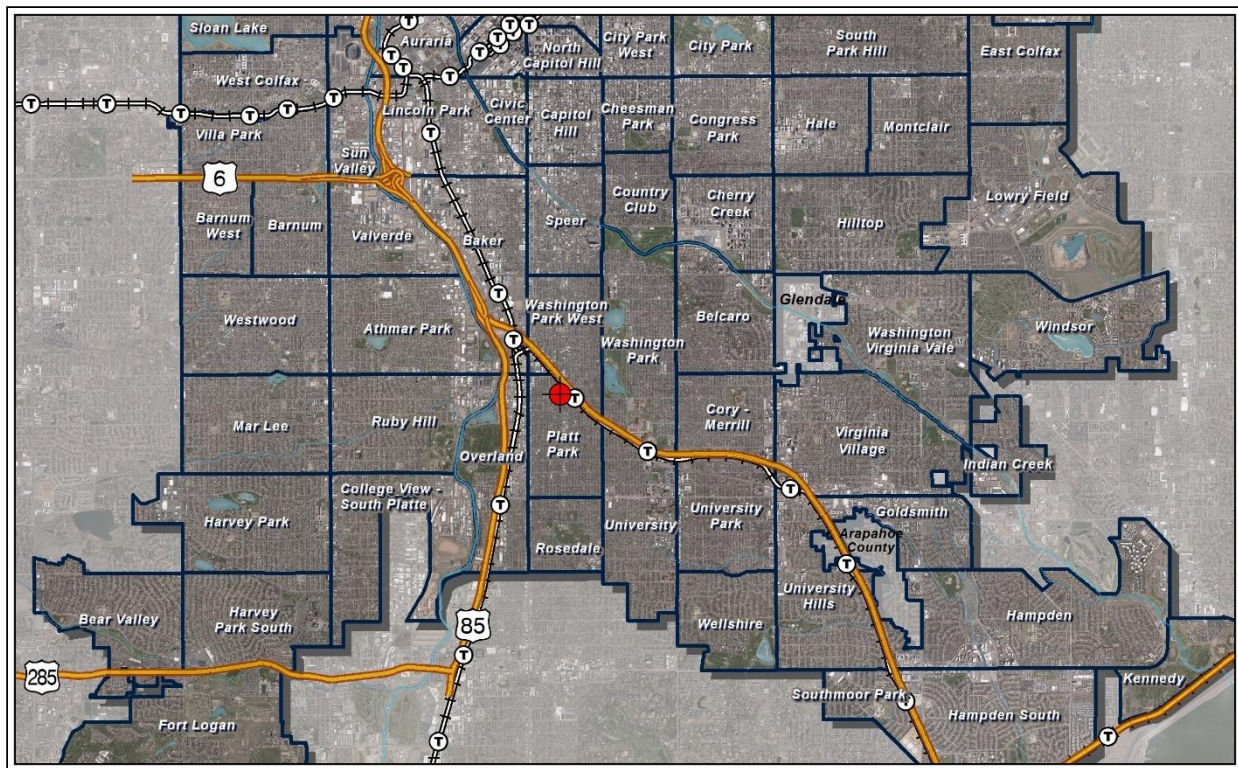
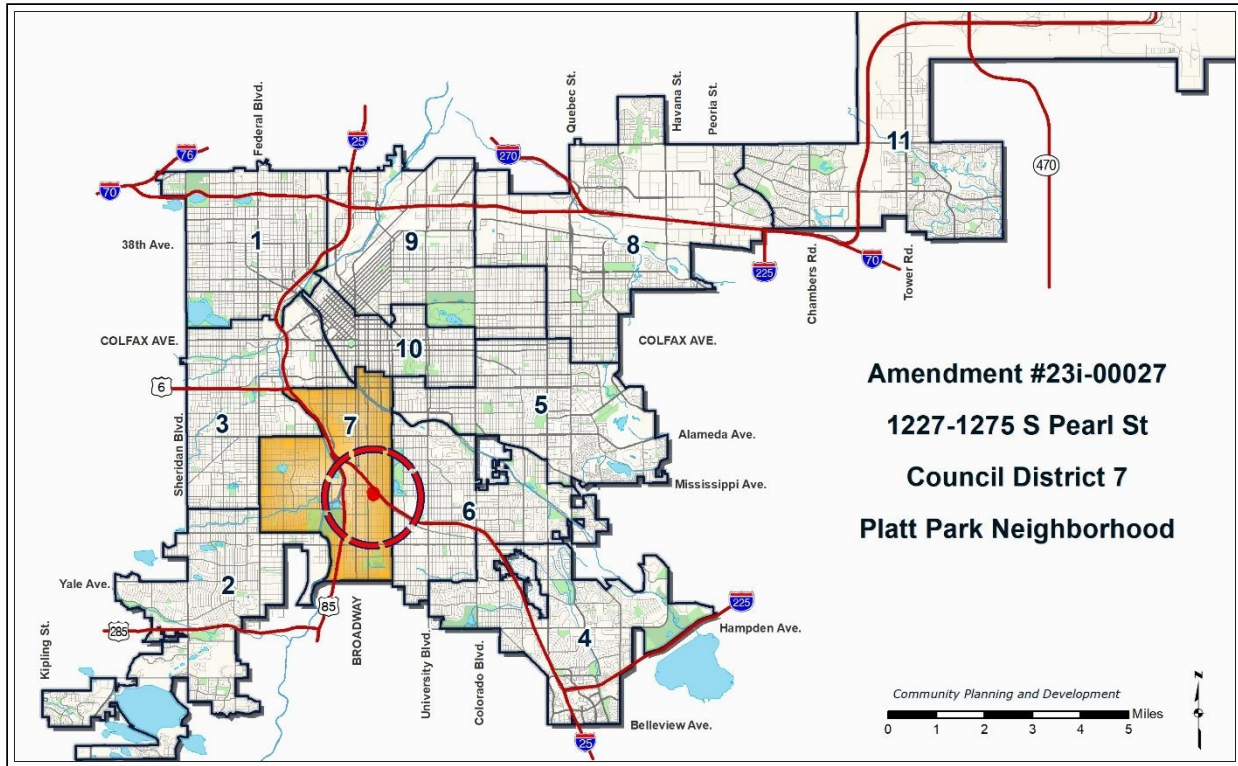
### Request for Rezoning

Address: 1227-1271 South Pearl Street  
Neighborhood/Council District and CM: Platt Park / Council District 7, CM Alvidrez  
RNOs: Platt Park People's Association (3PA), Inter-Neighborhood Cooperation (INC), Strong Denver  
Area of Property: 45,312 square feet or 1.04 acres  
Current Zoning: U-MS-3  
Proposed Zoning: U-MS-5  
Property Owner(s): 567 East Louisiana LLC; 1271 South Pearl LLC; 5090 Federal LLC  
Owner Representative: Chris Viscardi, Kentro Group

### Summary of Rezoning Request

- The subject property is located in the Platt Park neighborhood on the west side of South Pearl Street north of East Louisiana Avenue.
- The subject property is currently seven unique parcels with a diversity of land uses including multi-unit residential, commercial mixed-use, industrial warehouse, office, parking, and two-unit residential.
- The proposed rezoning will allow for the property to be redeveloped with a mix of residential and commercial uses up to 5 stories.
- The requested U-MS-5 district stands for Urbane Neighborhood Context – Main Street – 5 stories maximum, which allows for a mix of uses that promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. Further details of the requested zone district can be found in Article 5 of the Denver Zoning Code (DZC).

### Existing Context





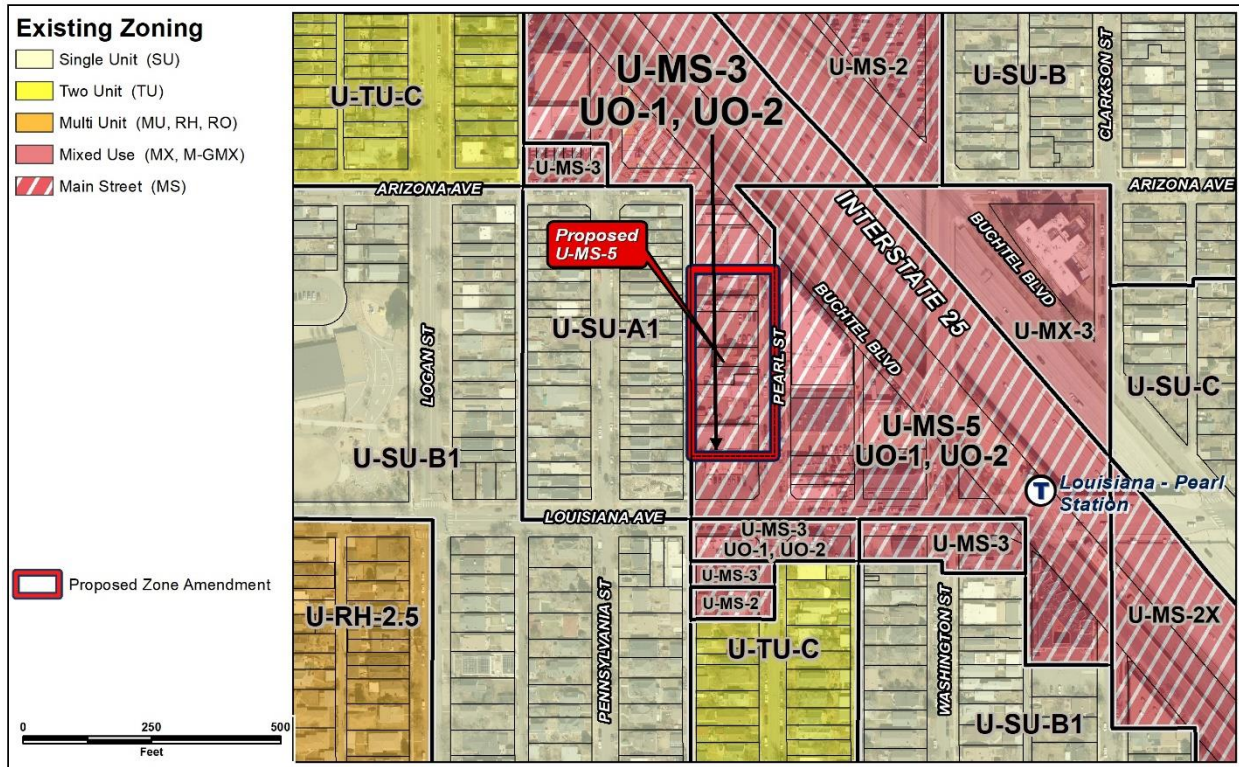
The site is located in the Platt Park neighborhood along South Pearl Street north of East Louisiana Avenue. The neighborhood consists of a diversity of single, two-unit, and multi-unit residential with Pearl Street and Broadway acting as primary commercial corridors. The neighborhood consists of a regular pattern of block shapes surrounded by an orthogonal street grid with a consistent presence of alleys. The subject property is located within the Washington Park View Plane which limits heights to about 75 feet. The McKinley-Thatcher Elementary School is two blocks west along East Louisiana Avenue. The north-eastern border of the neighborhood is delineated by the presence of Interstate 25 and the RTD Light Rail. The Louisiana/Pearl Light Rail station served by the E and H lines is about two blocks east along East Louisiana Avenue. Further transit access includes RTD's bus route 12, which runs north-south predominantly along Downing Street with a stop at the southwest corner of Louisiana and Pearl, and route 11 running east-west predominantly along Mississippi Avenue with stops two blocks west at the intersection of East Louisiana Avenue and South Logan Street and stops two blocks east at East Louisiana and I-25.



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	U-MS-3, UO-1, UO-2	Two-unit residential (operating as commercial), Multi-unit residential, Mixed-use, Industrial, Office, Parking	1-story multi-unit residential set back from Pearl, 2-story mixed-use office with off-street parking and set back from Pearl, 2-story industrial warehouse set back from Pearl, 2-story office in an old house set back from Pearl, a surface parking lot, a 2-story spa operating out of an old house set back from Pearl, and a 1-story commercial property partially set-back from Pearl Street and partially at the street-front	Generally regular grid of streets.  The north-eastern border of the neighborhood is Interstate 25 which crosses the neighborhood at a diagonal creating a break in the regular grid.  Block sizes and shapes are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	U-MS-3, UO-1, UO-2	Industrial (operating as commercial)	1-story building with four commercial spaces at the street-front	
South	U-MS-5, UO-1, UO-2	Commercial/Retail	1-story former 7-11 with a large surface parking lot	
East	U-MS-5, UO-1, UO-2	Commercial/Retail, and Mixed-Use Residential with ground floor retail	A surface parking lot serving the 1-story OBGYN and Pediatric offices built at the street-front; a 5-story mixed-use residential with ground floor retail built at the street-front with a rear-accessed parking garage	
West	U-SU-A1	Single-unit Residential	Pennsylvania Street consists of a series of 1.5-story single-unit residential homes on small lots with garages accessed from the alley	

### 1. Existing Zoning



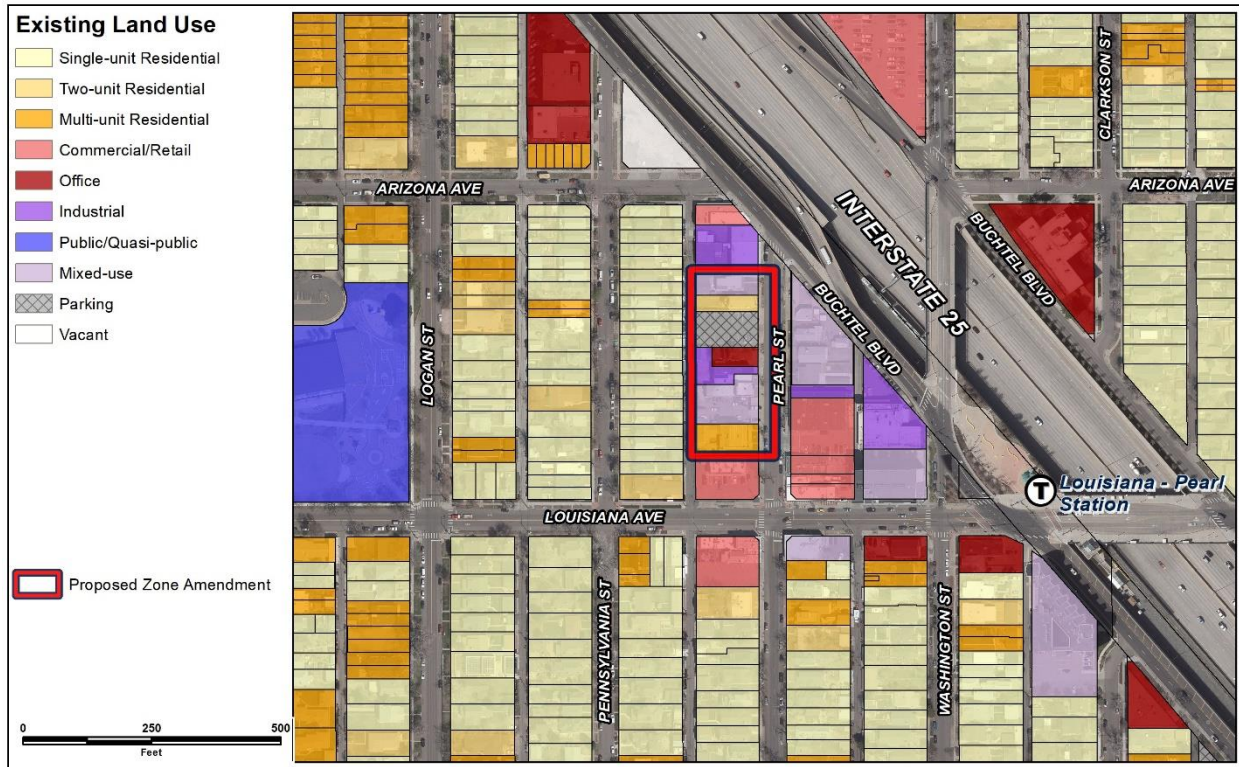
The subject site is currently zoned U-MS-3, UO-1, UO-2. The U-MS-3 zone district is a Main Street district that allows a mix of uses and is intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge. The 3-story district is intended to apply primarily to local or collector street corridors. Further details of the zone district can be found in Article 5 of the Denver Zoning Code (DZC).

### 2. Washington Park View Plane

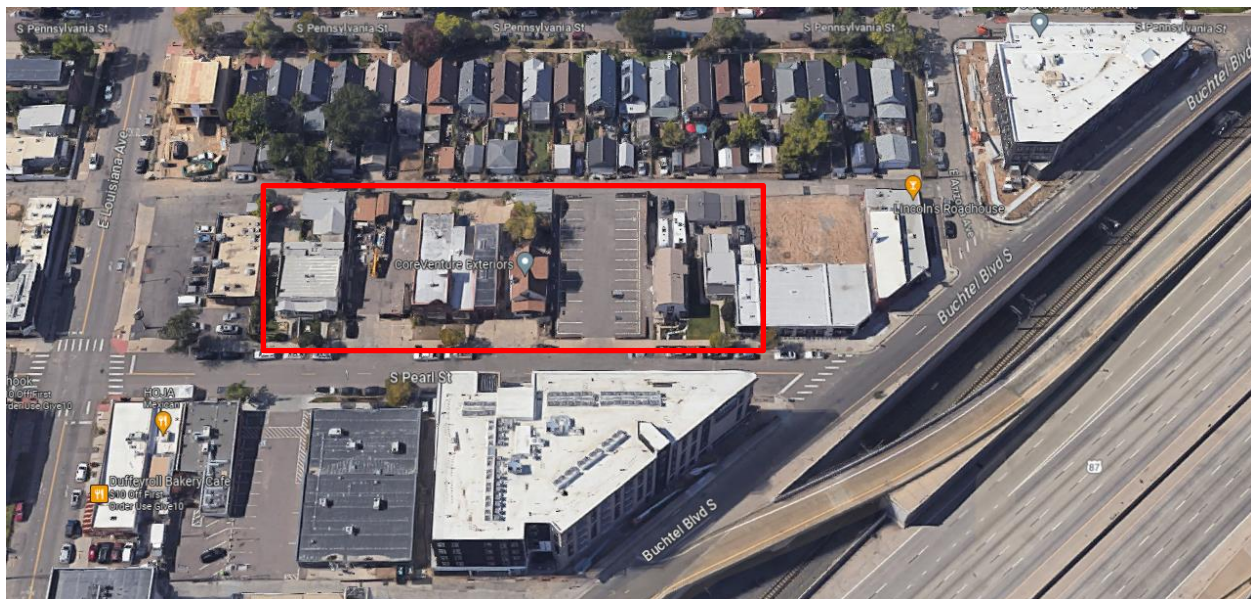
The subject site is located within the Washington Park View Plane which limits heights at this location to about 75 feet. The proposed zone district also has a maximum height of 75 feet within 175 feet of a protected district, which is applicable to this site.



### 3. Existing Land Use Map



### 4. Existing Building Form and Scale



Aerial view of the subject property, looking west (Source: Google Maps)





View of 1271 South Pearl Street, looking west (Source: Google Maps)



View of 1253 South Pearl Street, looking west (Source: Google Maps)



View of 1249-1251 South Pearl Street, looking west (Source: Google Maps)





View of 1231 South Pearl Street, looking west (Source: Google Maps)



View of 1227-1229 South Pearl Street, looking west (Source: Google Maps)



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





View of the property to the south along South Pearl Street, looking north-west (Source: Google Maps)



View of the 1-story commercial property along South Pearl Street, looking east (Source: Google Maps)



View of the 5-story mixed-use property along South Pearl Street, looking east (Source: Google Maps)



View of the 1-2-story single-unit residential properties along South Pennsylvania Street across the alley from the subject property, looking east (Source: Google Maps)

### Proposed Zoning

The requested U-MS-5 zone district has a maximum height of 5 stories or 70'. The minimum primary street front setback is 0', except for in the town house building form which has a 10' minimum primary street setback. A variety of mixed residential and commercial uses are allowed. For additional details of the requested zone district, see DZC Section 5.3.3.

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

Design Standards	U-MS-3 (Existing)	U-MS-5 (Proposed)
Primary Building Forms Allowed*	Town House; Shopfront	Town House; Shopfront
Stories/Heights (max)	3/45'	5/70'
Primary Build-To Percentages (min)	75%	75%
Primary Build-To Ranges	0' to 15'**	0' to 15'**
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	0' to 10'**	0' to 10'**
Upper Story Setback Above 27', adjacent to Protected District***	15'	20'
Upper Story Setback Above 51', adjacent to Protected District***	N/A	35'

\*Building forms are limited to these two because the subject property is within ¼ mile of a transit station platform

\*\*Standard varies between building forms

\*\*\* Subject property is adjacent a Protected District, rear, alley



## **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. Denver Department of Public Health & Environment - Division of Environmental Quality (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:** Approve Rezoning Only - Will require additional information at Site Plan Review

**Development Services - Fire Protection:** Approved – No Comments

**Development Services – Transportation:** Approved – No Response

**Development Services- Wastewater:** Approved – No Response

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>06/05/23</b>
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:	<b>10/17/23</b>
Planning Board voted 6-0 to recommend approval	<b>11/01/23</b>
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:	<b>10/27/23</b>
Land Use, Transportation and Infrastructure Committee of the City Council moved the bill forward:	<b>11/07/23</b>
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:	<b>11/27/23</b> (tentative)
City Council Public Hearing:	<b>12/18/23</b> (tentative)

- **Public Outreach and Input**
  - **Registered Neighborhood Organizations (RNOs)**
    - To date we have received no comments from RNOs.
  - **General Public Comments**
    - To date we have received no comments from the general public.



## 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)*
- *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, which are organized by vision element.

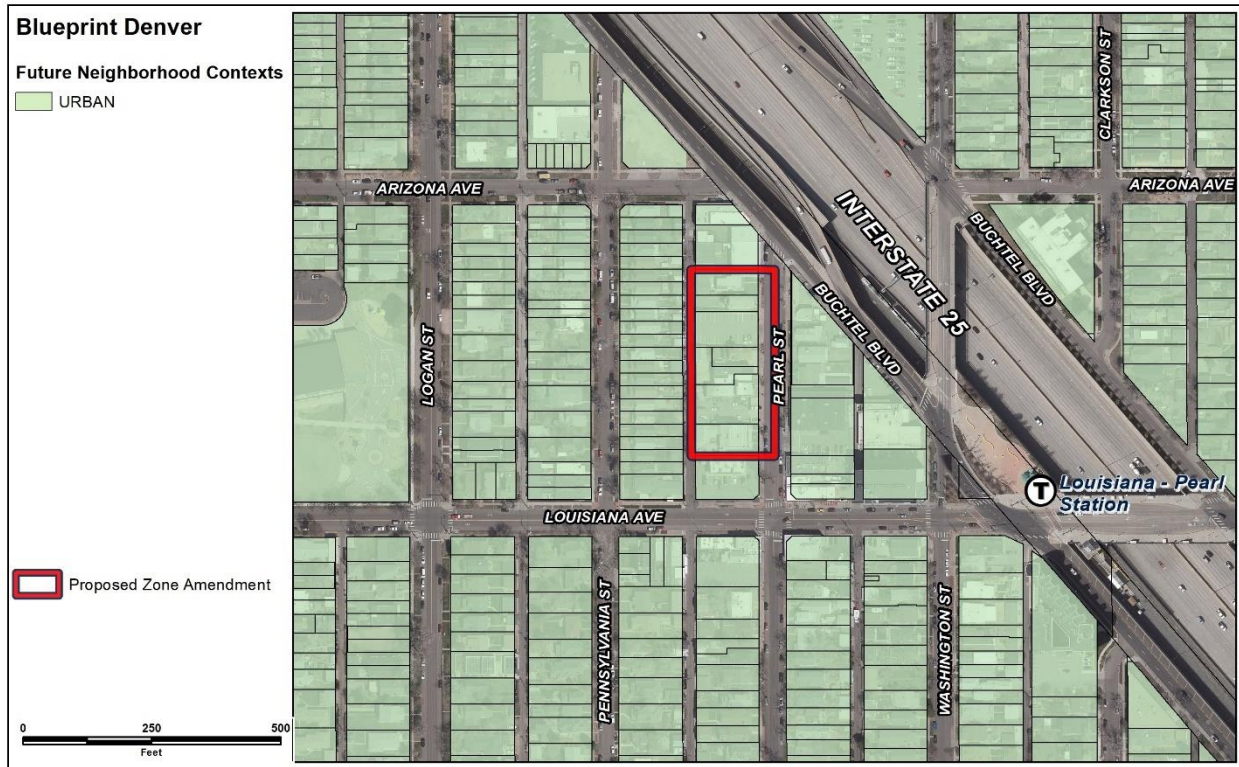
The proposed rezoning would allow for additional housing options near transit within an established neighborhood, consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- 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 B – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive Goal 2, Strategy C – Foster communities of opportunity by aligning housing strategies and investments to improve economic mobility and access to transit and services (p. 28).

#### ***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.

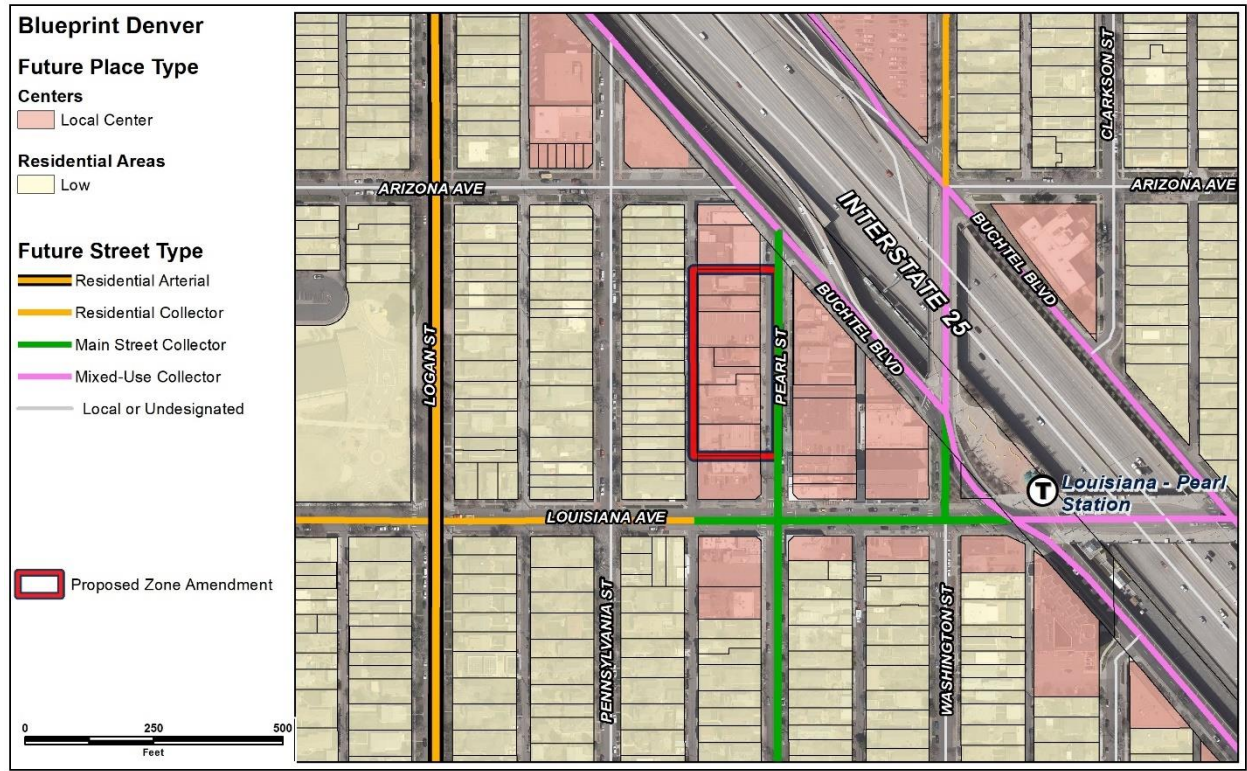
**Blueprint Denver Future Neighborhood Context**



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 Urban neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Urban neighborhood context is described as varying from “multi-unit developments to single-unit homes” and offering a “mix of uses, with good street activation and connectivity” while “residents living in this context have access to varied transit options and amenities” (p. 221). The proposed U-MS zone district is part of the Urban context and is “intended to promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge” (DZC 5.2.5.1). Since the proposed districts allow a substantial mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to an Urban context is appropriate and consistent with the plan.



### **Blueprint Denver Future Places**

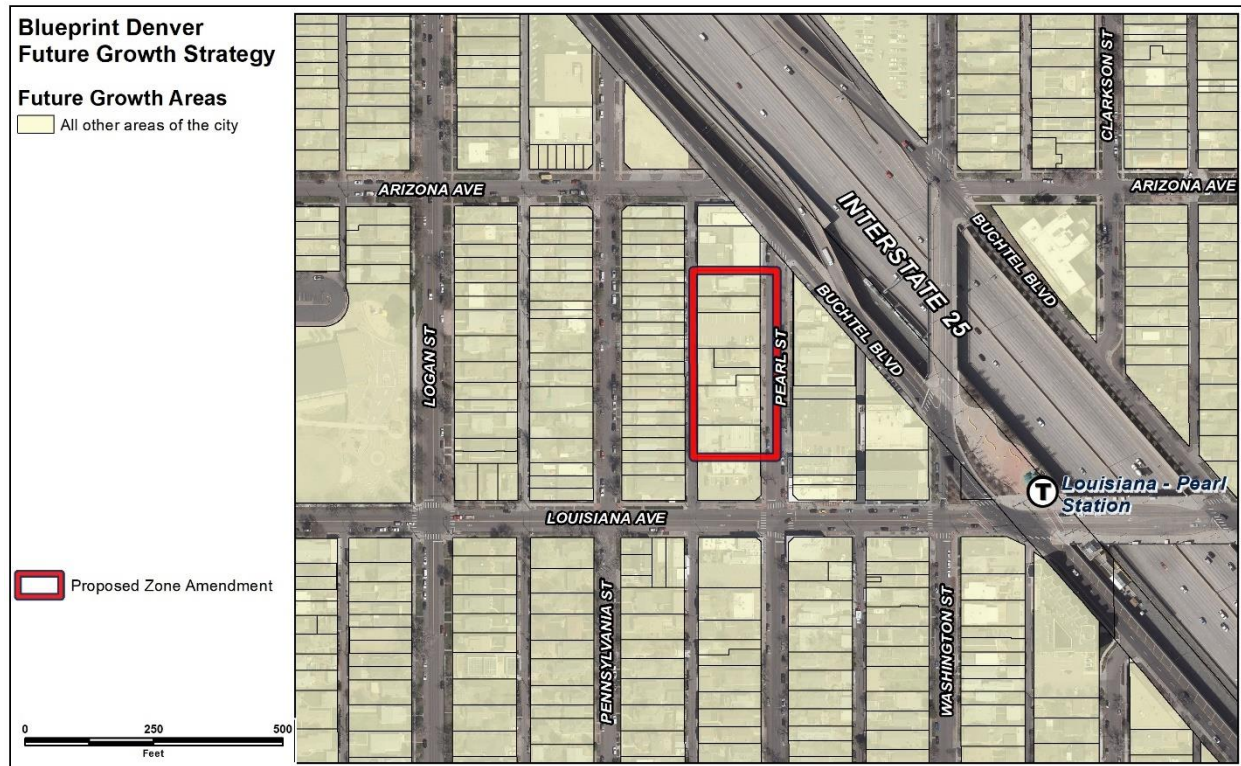


The subject property is designated as Local Center. *Blueprint Denver* describes Local Centers as “Primarily providing options for dining, entertainment and shopping. May also include some residential and employment uses. Typically frequented by residents of the neighborhoods (p. 226). Local Centers within the Urban neighborhood context is “defined by lower-scale buildings with active frontages providing a more intimate, pedestrian scale. Heights are generally up to 3 stories” (p. 226). *Blueprint Denver* also recommends that further guidance be provided by the small area plan (p. 62), which is described further in this report. The proposed U-MS-5 zone district is consistent with the Local Center place type as it would allow a diversity of commercial and residential uses along a main street with appropriately scaled heights.

In *Blueprint Denver*, future street types 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. Pearl Street is identified as a Main Street Collector, which is “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 streets... and should be applied where a higher degree of walkability and pedestrian activity

is desired” (DZC 5.2.6.1). The proposed U-MS-5 zone district is consistent with this street types as Pearl Street is a Main Street Collector.

### **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 all other areas of the city which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040 (p. 51). The proposed U-MS-5 will focus mixed-use growth to this area. Access to jobs, housing, and services can improve in the mixed-use zone districts, and this site has access to multiple bus lines as well as the Louisiana-Pearl Light Rail station.



**Louisiana-Pearl Station Area Plan (2007)**

The *Louisiana-Pearl Station Area Plan* focuses on the ¼ mile radius from the station platform which was completed in 2006 as part of the RTD Fast Tracks program. The plan focuses solely on the ¼ mile radius because this station is a walk-up station without a park-and-ride option which is unique to the RTD Light Rail system.



This property is noted as a Reinvestment Area which are noted as having character desirable to maintain but will also benefit from a great level of reinvestment and increased density (p. 29). Additionally, these properties are notable for their good access to collector streets and the station (p. 29).

Within the plan the reinvestment areas land use concept has two sub-areas, Urban Neighborhood Station Transition and Urban Neighborhood Station. This property is located in the Urban Neighborhood Station sub-area. Within this sub-area the development pattern is defined as variable, compact, dense with the highest intensity focused near the station platform and building heights from 1-5 stories with proper transitions to adjoining residential districts. The current Protected District standards will require appropriate ground-level and upper story building setbacks on the west adjacent to the protected district. While the plan guidance provides a broad

recommendation of 1-5 stories, on balance the proposed U-MS-5 zone district meets this plan guidance to create increased density within the Urban Neighborhood Station sub-area while assuring transitions to lower-scale residential areas.



## 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.

## 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 plans and fostering the creation of a dense, walkable, mixed-use area near transit.



#### **4. Justifying Circumstance**

The application identifies several changed or changing conditions as the Justifying Circumstance 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....”

As discussed above, the adopted plan recommendations state that redevelopment of the area is desired, and the broad guidance of the *Louisiana-Pearl Station Area Plan* on balance does recommend heights up to 5 stories that would ensure appropriate transitions to adjacent lower-density residential areas. Multiple new multi-story developments have occurred in the past 5 years, including a similar 5-story building across South Pearl Street. This is an appropriate justifying circumstance for the proposed rezoning.

#### **5. Consistency with Neighborhood Context Description, Zone District 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 context. 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 and promote a dense, urban, mixed-use environment. The U-MS-5 zone district meets the intent statement by being applied to a main street collector with a built height of up-to 5-stories. The entire site is within 175 feet of a protected district so the zoning will limit incentive heights and require upper story setbacks that ensure appropriate transitions.

### **Attachments**

1. Application