Community Planning and Development
Planning Services

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TO: Land Use, Transportation, & Infrastructure Committee of the Denver City Council
FROM: Chandler Van Schaack, Senior City Planner
DATE: January 17, 2019
RE: Official Zoning Map Amendment Application #2017I-00155
4519 Pearl St.
Rezoning from E-SU-B to U-SU-B1

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, staff recommends that the Land Use, Transportation, and Infrastructure Committee move Application #2017I-000155 forward for consideration by the full City Council.

Request for Rezoning

Address: 4519 Pearl St.
Neighborhood/Council District: Globeville Neighborhood / Council District 9
RNOs: Inter-Neighborhood Cooperation (INC), UCAN, Globeville Civic Association #2, Globeville Civic Partners, Elyria Swansea/ Globeville Business Association, Globeville K.A.R.E.S., Rio Norte, United North Metro Denver, United North Side Neighborhood
Area of Property: 6,250 square feet or 0.14 acres
Current Zoning: E-SU-B
Proposed Zoning: U-SU-B1
Property Owner: Philip M. Falco

Summary of Rezoning Request

- The subject site is located in the Globeville neighborhood on Pearl Street, just north of 45th Ave.
- The property is owned by the Applicant, Philip M. Falco, and currently contains a single unit residence. The owner wishes to rezone the property to allow for the addition of a detached accessory dwelling unit.
- The proposed U-SU-B1 zone district is a single unit district allowing urban houses and detached accessory dwelling units (and other detached accessory buildings) with a minimum zone lot area of 4,500 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard. Further details about the U-SU-B1 zone district can be found in Article 5 of the Denver Zoning Code (DZC).

Figure 1: Council District Map

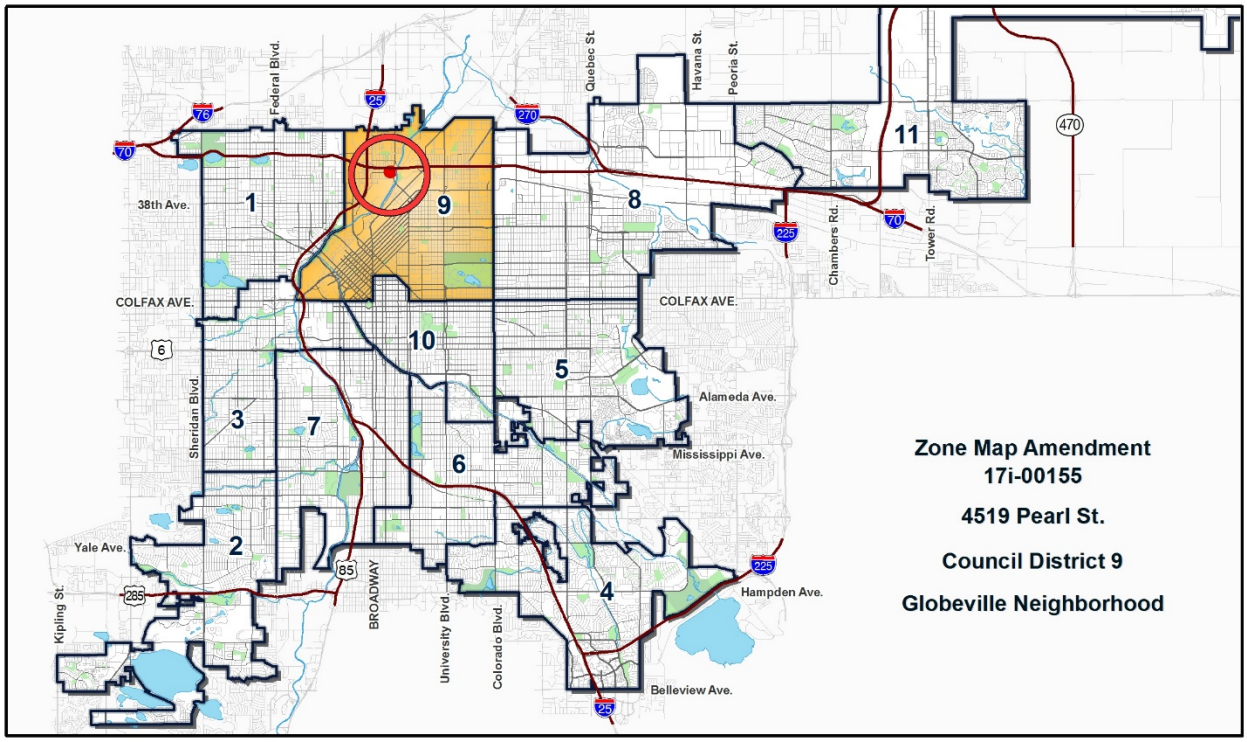


Figure 2: Neighborhood Map

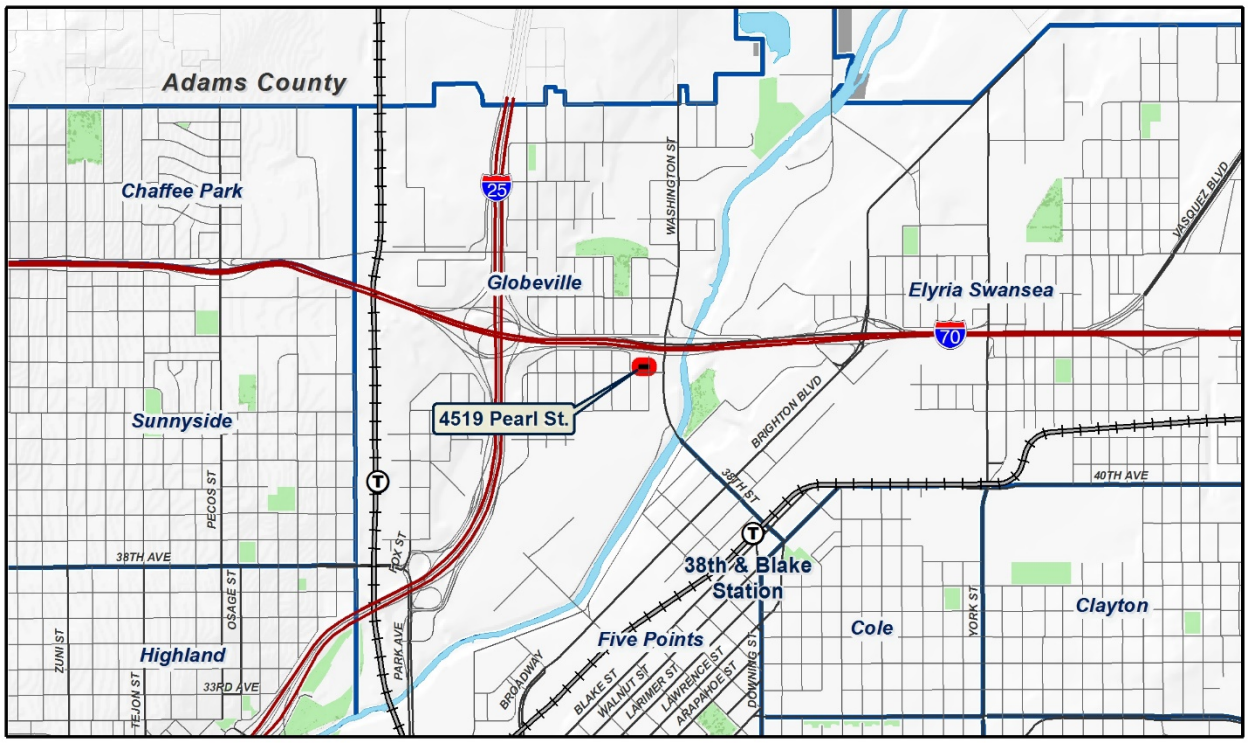
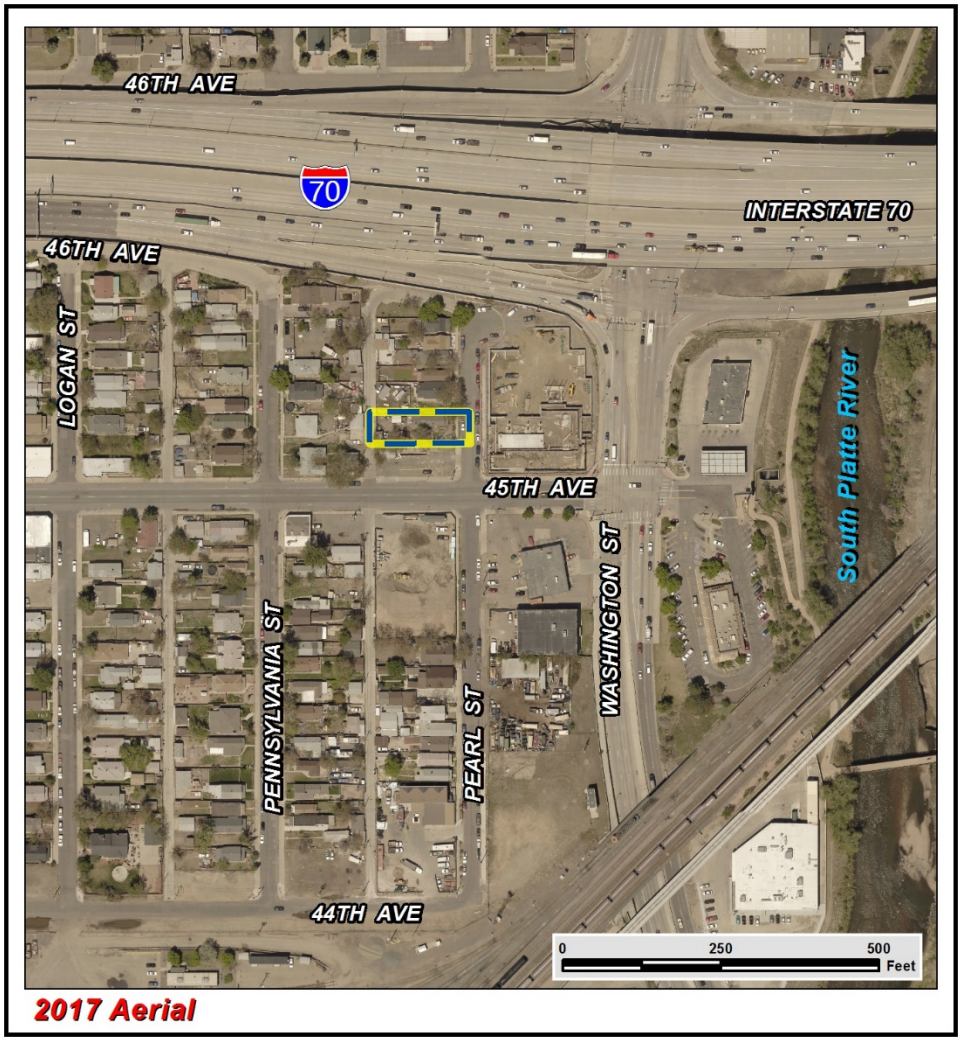


Figure 3: 2017 Aerial Map



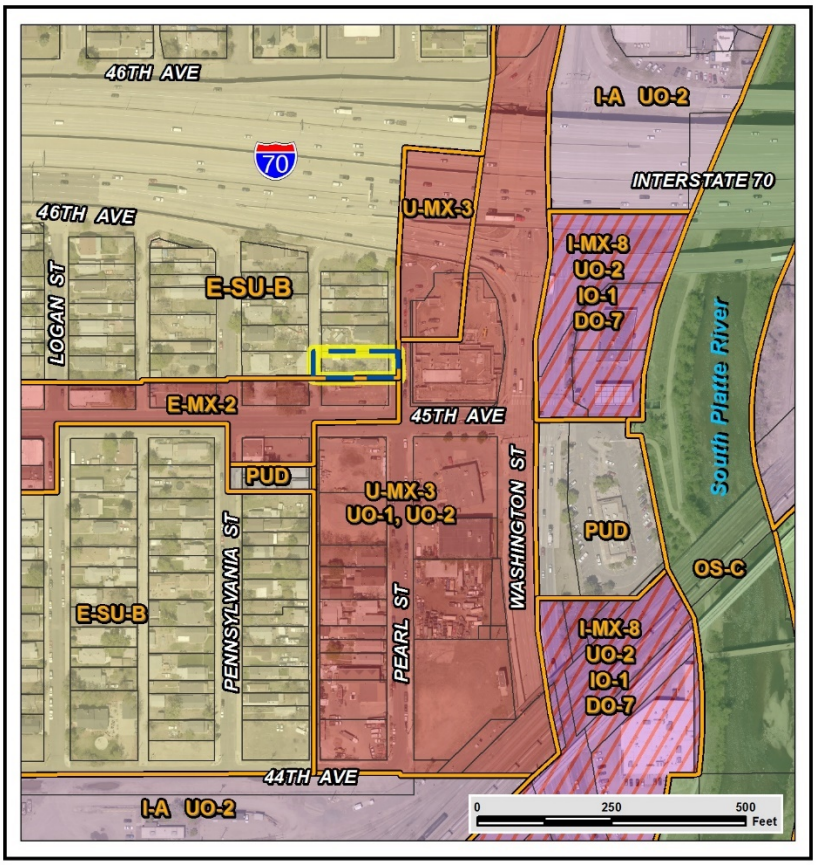
Existing Context

The subject parcel is located in the Globeville Neighborhood, on Pearl St. just north of 45th Ave., and currently contains a one-story single unit residential structure. I-70 lies just to the north of the site, and Washington St. lies a block to the east, with the South Platte river further to the east. The area surrounding the site contains a mix of land uses, with single- and multi-unit residential, mixed use, commercial and industrial uses all within a one block radius. The freight rail line runs across the neighborhood from the northeast, with a large rail yard lying to the south of 44th Ave. In terms of mobility, the site is located within walking distance of bus stops served by bus route 12 (on Washington St.), and is located roughly 0.75 miles from the 38th & Blake Street Station.

The following table summarizes the existing context proximate to the subject site:

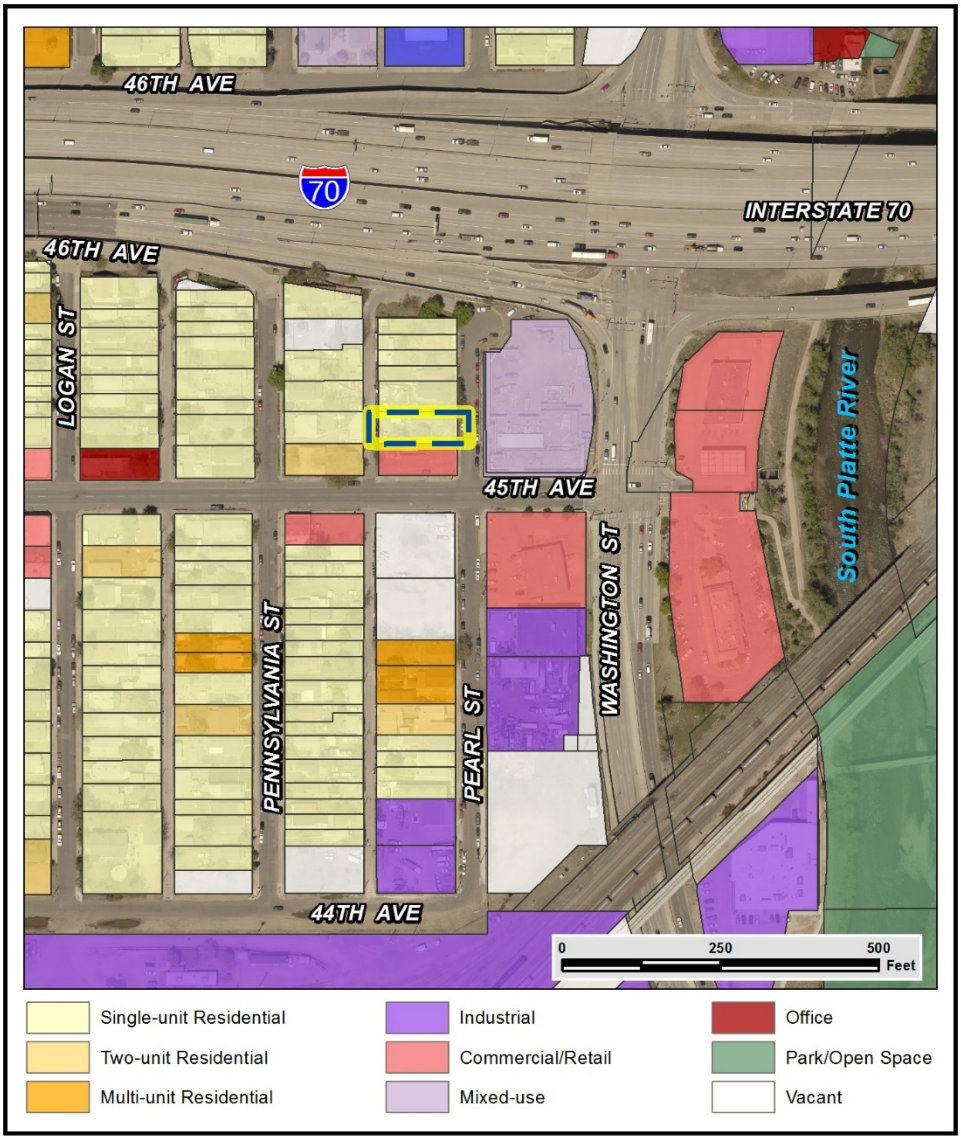
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-B	Single-unit residential	one-story single unit residence	Generally regular grid of streets west of site; Grid ends at Washington St. to the east and I-70 to the north. Block sizes and shapes south and west of site are consistent and rectangular. Vehicle parking to the side or rear of buildings (alley access).
North	E-SU-B	Single-unit residential	one-story single unit residence	
South	E-MX-2	Retail store	one-story building setback with surface parking between the building and the streets	
East	U-MX-3 UO-1 UO-2	Mixed Use	3-story mini-storage building with minimal setbacks	
West	E-SU-B	Single-Unit Residential	1-story urban house forms w/ consistent setbacks, detached garages facing alley	

1. Existing Zoning



The site is currently zoned E-SU-B, which is a single unit residential district within the Urban Edge Neighborhood Context allowing only urban houses with a minimum zone lot area of 4,500 square feet and a minimum zone lot width of 35 feet. The maximum height in the E-SU-B zone district is 2.5 stories (30 feet) on the front 65% of the lot and 1 story (17 feet) in the rear 35% of the lot, with a 1 foot increase in height for every 5 feet of additional zone lot width over 50 feet, up to a maximum height of 35 feet. Block-sensitive primary street setbacks apply, with 5 foot street-facing side yard setbacks and 3 foot minimum interior side yard setbacks with a combined minimum of 10 feet. There is a maximum combined building coverage allowance of 37.5%, which includes primary and accessory structures.

2. Existing Land Use Map

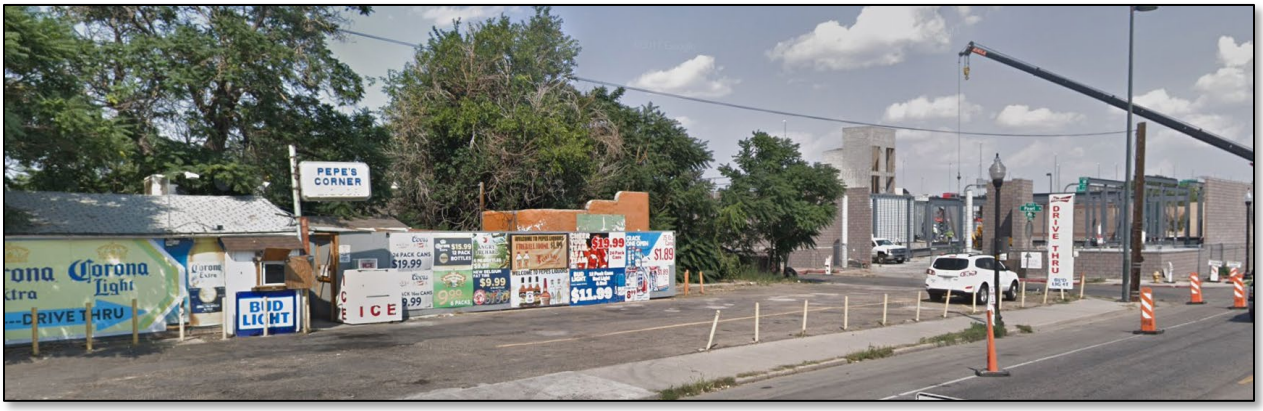


3. Existing Building Form and Scale (Images from Google Street View)

Aerial View of property and surrounding buildings looking west

Street view of subject property (left) and adjacent single unit residences

2017 street view looking northeast at commercial properties to south and east of site



Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No Response

Asset Management: Approved – No Response

Denver Public Schools: Approved – No Response

Department of Environmental Health: Approved. See Comments Below:
Notes. Denver Department of Public Health and Environment is not aware of environmental concerns on the Property and concurs with the rezoning request.
General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete.
If renovating or demolishing existing structures, there may be a concern of disturbing regulated materials that contain asbestos or lead-based paint. Materials containing asbestos or lead-based paint should be managed in accordance with applicable federal, state and local regulations.

The Denver Air Pollution Control Ordinance (Chapter 4- Denver Revised Municipal Code) specifies that contractors shall take reasonable measures to prevent particulate matter from becoming airborne and to prevent the visible discharge of fugitive particulate emissions beyond the property on which the emissions originate. The measures taken must be effective in the control of fugitive particulate emissions at all times on the site, including periods of inactivity such as evenings, weekends, and holidays.

Denver's Noise Ordinance (Chapter 36–Noise Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410).

Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.

Parks and Recreation: Approved – No Response

Public Works – ROW - City Surveyor: Approve Rezoning Only - Will require additional information at Site Plan Review. The submitted legal description matches the most current legal description from the most recent vesting instrument in the chain of title.

Development Services - Transportation: Approved – No Response

Development Services – Wastewater: Approved – No Response

Development Services – Project Coordination: Approved – No Response

Development Services – Fire Prevention: Approved – No Response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council and registered neighborhood organizations:	**2/08/18**
2 application re-submittals with review and referrals	**3/01/18-8/08/18**
Property legally posted for a period of 15 days and CPD written notice of the Planning Board	**12/26/18**

public hearing sent to all affected members of City Council and registered neighborhood organizations, and property owners:	
Planning Board public hearing:	**1/09/19**
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	**1/18/19**
Land Use, Transportation and Infrastructure Committee of the City Council:	**1/22/19**
Property legally posted for a period of 21 days and CPD written notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	**2/14/19 (tentative)**
City Council Public Hearing:	**3/4/19 (tentative)**

- **Registered Neighborhood Organizations (RNOs)**
  As of the date of this report, staff has not received any comments from RNOs pertaining to this application.

- **Other Public Comment**
  At the time of this staff report, staff has not received any public comments pertaining to this rezoning request.

- **Planning Board**
  Planning Board voted unanimously to recommend approval of the proposed rezoning to U-SU-B1. There was one member of the public who expressed support for this proposal.

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 2000
- Blueprint Denver (2002)
- Globeville Neighborhood Plan (2016 as amended)

Denver Comprehensive Plan 2000

The proposal is consistent with several Comprehensive Plan Strategies, including:

- Environmental Sustainability Strategy 2-F – *Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place; designing mixed use communities and reducing sprawl so that residents can live, work and play within their own neighborhoods.* (p.39)
- Land Use Strategy 3-B – *Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses*. (p. 60)
- Denver's Legacies Strategy 3-A – *Identify areas in which increased density and new uses are desirable and can be accommodated.* (p. 99)

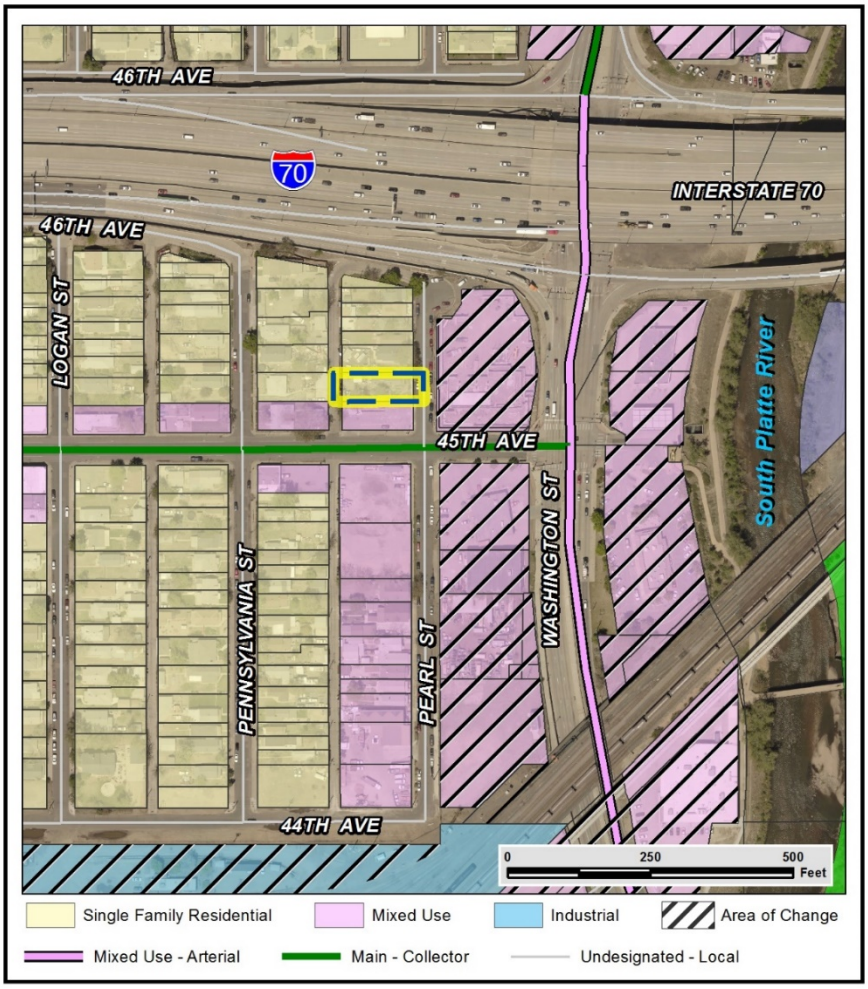
The proposed map amendment will enable higher density development at an infill location where services and infrastructure are already in place. The rezoning is consistent with these plan recommendations.

Blueprint Denver
According to Blueprint Denver, this site has a concept land use of "Single Family Residential" and is located in an Area of Stability.

Future Land Use
Blueprint Denver describes Single Family Residential areas as those with "densities fewer than 10 units per acre, often less than six units per acre neighborhood-wide," and "an employment base significantly smaller than the housing base" with "single family homes as the predominant residential type." According to the Development Standards in the Single Family Residential classification, accessory units are encouraged (p. 69). The proposed map amendment supports the Blueprint Denver Single Family Residential concept land use designation in that it would maintain a single-unit residential zone district on the site with the same minimum zone lot size but would also allow for an accessory dwelling unit.

Area of Change / Area of Stability
As noted, the subject site is located in an Area of Stability. The goal for Areas of Stability is "to maintain the character of an area while accommodating some new development and redevelopment" at appropriate locations (p. 127). In terms of the area character, the Globeville neighborhood is comprised of an eclectic mix of land uses. While the area immediately north and west of the subject site is

predominantly single unit residences, the surrounding properties to the east and south include mixed use, commercial/ retail, and industrial uses as well. Regardless of the eclectic nature of the surrounding area, the proposed rezoning is consistent with the Blueprint Denver Area of Stability recommendations in that it would allow for the addition of a accessory dwelling unit while maintaining the existing single unit residential design standards, thereby ensuring compatibility with the area character.



Street Classifications

Blueprint Denver classifies Pearl St. as an undesignated local street. Per Blueprint Denver, "the design features of local streets are influenced less by traffic volumes and are tailored more to providing local access. Mobility on local streets is typically incidental and involves relatively short trips at lower speeds to and from other streets." 45th Ave., which intersects Pearl St. immediately south of the subject site, is classified as a Collector Street. Further to the east, Washington Street is classified as a Mixed Use Arterial, and provides access to I-70 to the north and the 38th & Blake Station/ RiNo to the south and east.

It is important to note that the street grid in this portion of the city is interrupted in three directions (by I-70 to the north, Washington St. and the South Platte River to the east, and the freight rail tracks and yard to the south). Most streets fail to connect across these barriers, and as a result provide primarily

local access. The map amendment application is consistent with *Blueprint Denver's* street classification recommendations, as the addition of an accessory dwelling unit would not significantly affect existing local traffic patterns and would remain within the anticipated traffic levels for the existing street network.

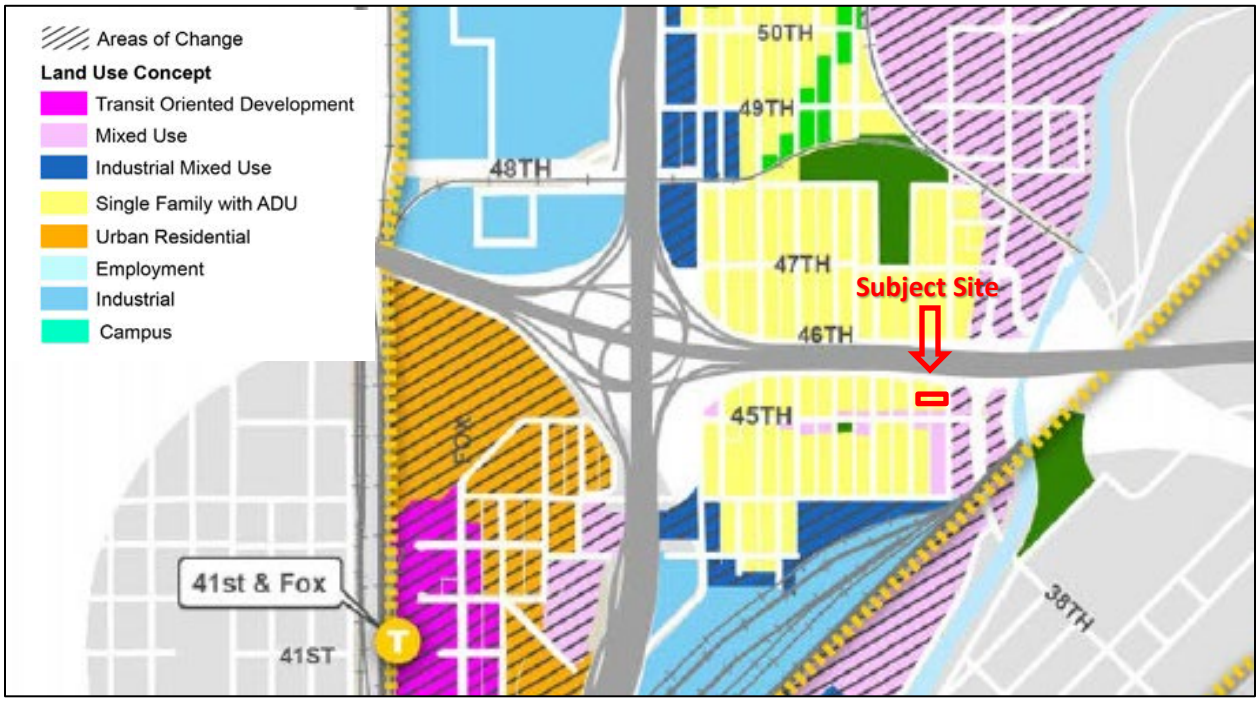
Globeville Neighborhood Plan (2016 as Amended)

The Globeville Neighborhood Plan identifies the subject property as part of the Residential Neighborhood Core, within an area of stability and with a land use recommendation of single-family with ADUs. Regarding the land use designation, the Plan provides the following policy support for accessory dwelling units in Recommendation B1: "*Allow accessory dwelling units to enable aging in place, additional income through rentals, and to increase the population density of the neighborhood without altering its character*" (p. 34). In addition, policies E1 and E2 (page 86) of the Globeville Neighborhood Plan state:

STRATEGIES UNIQUE TO THE RESIDENTIAL NEIGHBORHOOD CORE:

E1. Update the Neighborhood Context. *The Denver Zoning Code's Urban Neighborhood Context, as opposed to the currently-mapped Urban Edge Context, better reflects the use of alleys, limiting or prohibiting curb cuts for street access, and the continuation of detached sidewalks where possible.*

E2. Tailor Minimum Zone Lot Sizes. *In areas where the existing zoning requires a 4,500 square foot minimum zone lot size, a future zone district should maintain the 4,500 square foot zone lot minimum.*



Overall, the proposal is consistent with the recommendations of the Globeville Neighborhood Plan in that it supports the establishment of ADUs within the Residential Neighborhood Core while also

updating the neighborhood context from Urban Edge to Urban and maintaining the existing minimum zone lot size of 4,500 square feet.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 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 primarily through the implementation of the City's adopted plans, and by supporting the provision of context-sensitive affordable housing in the form of an accessory dwelling unit.

4. Justifying Circumstance

The proposed official map amendment is in an area with changed and changing conditions. DZC Section 12.4.10.8.A.4. states, "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…"

The justification for the proposed rezoning is based both on changes to the surrounding area, which include significant redevelopment within Globeville and in nearby RiNo, as well as recommendations included in the Globeville Neighborhood Plan, which was adopted in 2016 and which sets forth a more specific land use designation (Single Family with ADUs) than the Blueprint Denver designation of single family residential.

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

The requested zone district is within the Urban Neighborhood Context, which is primarily characterized by single-unit and two-unit residential uses with small-scale multi-unit residential uses and commercial areas typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form, and are primarily located along local and residential arterial streets. The street pattern consists of a regular pattern of block shapes surrounded by an orthogonal street grid, with a consistent presence of alleys (DZC 5.1.1). The Urban Neighborhood Context description is largely consistent with the existing conditions surrounding the subject site, which include primarily single and two-unit residential uses with a mix of embedded commercial uses, an orthogonal street grid extending to the west and the consistent presence of alleys. As mentioned in the Globeville Neighborhood Plan, the Urban Neighborhood Context is better suited for the area than the current Urban Edge Neighborhood Context.

Within the character of this context, the Residential Zone Districts are intended to promote and protect residential neighborhoods. The U-SU-B1 zone district is a single unit district allowing urban

houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard (DZC 5.2.2.2.F). The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent.

Attachments

1. Rezoning application