Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION* ☑ CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	Philip M. Falco
Address	730 17th Street, Suite 900
City, State, Zip	Denver, CO 80202
Telephone	303-915-7560
Email	phil@coloradolegal.com

*If More Than One Property Owner:
All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.

PROPERTY OWNER(S) REPRESENTATIVE** ☐ CHECK IF POINT OF CONTACT FOR APPLICATION	
Representative Name	
Address	
City, State, Zip	
Telephone	
Email	

**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.

Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, 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.

SUBJECT PROPERTY INFORMATION	
Location (address and/or boundary description):	4519 Pearl Street, Denver, CO 80216
Assessor's Parcel Numbers:	0222123015000
Area in Acres or Square Feet:	6,250
Current Zone District(s):	E-SU-B
PROPOSAL	
Proposed Zone District:	U-SU-B1

REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7	☑ 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 an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.
	☑ 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.
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8	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 on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage. ☑ The land or its surroundings has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area. ☐ 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. Please provide an attachment describing the justifying circumstance.
	☑ 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. Please provide an attachment describing how the above criterion is met.

REQUIRED ATTACHMENTS

Please ensure the following required attachments are submitted with this application:

☑ Legal Description (required to be attached in Microsoft Word document format)
☑ Proof of Ownership Document(s)
☑ Review Criteria

ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application:

☐ Written Authorization to Represent Property Owner(s)
☐ Individual Authorization to Sign on Behalf of a Corporate Entity

Please list any additional attachments:

Survey attached. The original plat map of Garden Place has the property in 2 lots: Lot 3 and Lot 4, Garden Place. This rezoning application simply sets the zone lot lines the same as the original plat map of Garden Place. This was approved by zoning in our meeting. Thank you.

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
720-865-2974 • rezoning@denvergov.org

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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.

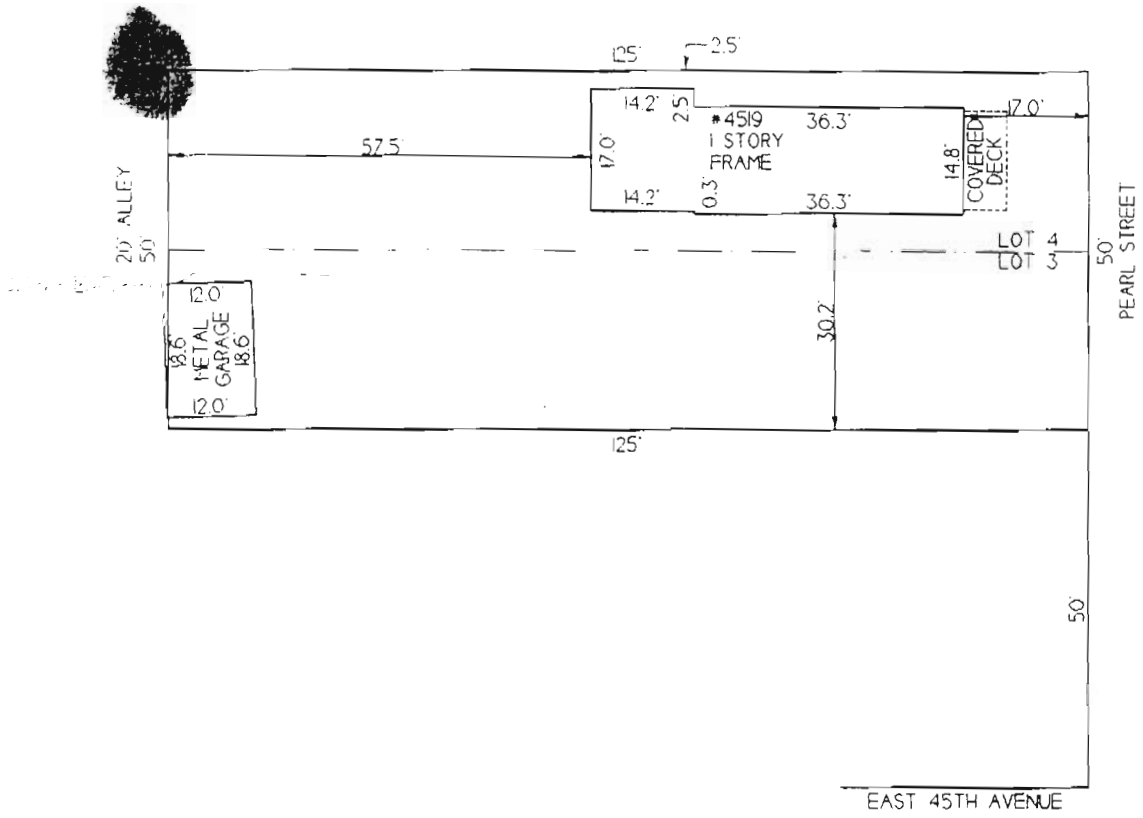
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (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%	*John Alan Smith* *Josie Q. Smith*	01/01/12	(A)	YES
Philip M. Falco	730 17th Street, Suite 900, Denver, CO 80202	100%		1/26/18	(A)	NO

Legal Description for 4519 Pearl Street

Lots 3 and 4, Block 5, Garden Place, City and County of Denver, State of Colorado

Legal Description
Provided by Customer

LOTS 3 & 4 BLOCK 5
GARDEN PLACE
CITY & COUNTY OF DENVER
STATE OF COLORADO



COLUMBINE SURVEYING, INC.
7573 South Ames Way
Littleton, CO 80128
(303) 972-8000

NORTH

Scale 1" = 20'

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this improvement location certificate was prepared for

JVM TITLE

that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

I further certify that the improvements on the above described parcel, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence of sign of my easement crossing or burdening any part of said parcel, except noted.

Notice: According to Colorado law you must commence any legal action based upon any defect in this improvement location certificate within three years after you first discovered such defect. In no event, may any action based upon any defect in this improvement location certificate be commenced more than ten years from the date of the certificate shown hereon.

NOTE: All platted and apparent easements are shown. Record easements, if any, are located by information provided by the customer unless otherwise noted.

Buyer : FALCO/PAYAN
Address : 4519 PEARL ST.

Title Co :
Order : 30600125

Michael A. Francks L.S. 13191
Professional Land Surveyor

6-19-00
Date

2006081931
Page: 1 of 1
05/24/2006 09:01A
City & County Of Denver QCD R6.00 D0.00

QUITCLAIM DEED

THIS DEED, made on April 26, 2006, between

4519 Pearl Street, LLC, 730 17th Street, Suite 670, Denver, CO. 80202, grantor, and

Philip M. Falco, 730 17th Street, Suite 670, Denver, CO. 80202, grantee,

WITNESSETH, that Grantor, in consideration of Ten Dollars and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents do remise, release, sell and QUITCLAIM unto the grantee, and the heirs, executors, administrators, legal representatives, successors and assigns of Grantee forever, all the right, title, interest, claim and demand which the grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Denver, State of Colorado, described as follows:

Lots 3 and 4, Block 5, Garden Place, City and County of Denver, State of Colorado

Commonly known as: 4519 Pearl Street, Denver, Co.

Consideration is less than $500.00.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee, heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has duly executed this deed on the date set forth above.

4519 Pearl Street, LLC

Philip M. Falco, member

When recorded return to:
Custom Title Solutions
2550 N. Redhill Ave.
Santa Ana, CA 92705
(800)756-3524 ext. 5545 7H460 1267266

STATE OF COLORADO)
) ss.
County of Denver)

The foregoing instrument was acknowledged before me on April 26, 2006 by Philip M. Falco, as member of 4519 Pearl Street, LLC.

Witness my hand and official seal.

My Commission expires: 6-10-2006

JOHN D. CARVER NOTARY PUBLIC STATE OF COLORADO

Notary Public John D. Carver

My Commission Expires 06-10-2006

2017I-00153

February 8, 2018 $1000 fee pd cc

4519 Pearl Street
Rezoning Review Criteria

Current zoning: E-SU-B
Proposed zoning: U-SU-B1

Criteria for review:
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)

Globeville Neighborhood Plan

The Globeville Neighborhood Plan identifies the subject property as an area of stability with a land use recommendation of single-family with ADUs, and is part of the Residential Neighborhood Core. What follows are excerpts from the Globeville Neighborhood Plan.

B1. MAINTAIN STABILITY IN THE RESIDENTIAL NEIGHBORHOOD CORE CHARACTER AREA.
In areas identified with Single Family with ADUs Concept Land Use:
-Maintain the current mix of low-scale residential building forms consisting predominantly of single unit dwellings with occasional duplexes or multi-unit structures.
-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.

-Promote existing development patterns, including relatively small lots, shallow setbacks, and moderate building coverage, with parking and vehicle access in the rear and serviced by alleys.
-Encourage the use of streetscape elements that promote residential character, walking, and bicycle use, including detached sidewalks, pedestrian scale lighting, limited curb cuts, and tree lawns.

The lot here at 4519 Pearl Street has alley access, with no curb cut for street access, so this policy is right on point. As we can see, the Globeville Neighborhood Plan allows, if not encourages, ADU's a means to reasonably increase density while retaining the historic character of beautiful Globeville.

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. (Globeville Neighborhood Plan p.86)

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. In areas where the existing zoning requires a 6,000 square foot minimum zone lot size, a future zone district should have a 5,500 square foot zone lot minimum.

4519 Pearl Street has only alley access, with no curb cuts or access to the street.

Denver Comprehensive Plan 2000
Quoted text is from the applicable Plan.

Housing – *Home ownership is increasingly a challenge for low- and middle income households. Rentals for families are very difficult to find, and economic segregation is an unfortunate reality that must be addressed* (intro p.9) . The proposed zoning change will create additional affordable housing to Globeville. This property has been Section 8 rented since 2004. The addition of an ADU will potentially double the occupancy of this lot.

Environmental Sustainability - *Promote environmental sustainability within neighborhoods by educating and encouraging residents to adopt environmentally friendly ways of living, such as recycling, water conservation, use of renewable resources, and low-impact methods of transportation* (p.37). With the advent of lightrail, Globeville is a connected community. It will become more connected as the development of the National Western Stock Show facility progresses. There are plans for bridges, for example, to the east of Globeville. This is a low-impact means of transportation. Globeville also has recycling.

Land Use Strategy - *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). This ADU project would create a bit more density. The ADU concept is a effective means to help tackle housing affordability.

*Work with the Denver Public Schools to preserve and incorporate educational facilities as key elements of healthy neighborhoods (*p.60). Globeville has Garden Place as its elementary school. Garden Place has been revitalized in the past several years. Additional density would harness this existing infrastructure.

Mobility Strategy – *Continue to promote mixed-use development, which enables people to live near work, retail and services.* (p. 78). Few locations are as central as Globeville. With the growth of RiNo, and National Western, Globeville is uniquely positioned as high-quality, yet lower income neighborhood centrally located near work and commerce.

The Plan calls for diverse housing options: "The increasing need for a broader array of housing options requires a more diverse mix of residential types that are both affordable and complementary to neighborhood character." Page 92.

Blueprint Denver (2002)
According to Blueprint Denver, this site has a concept land use of Single Family Residential and is located within an Area of Stability.

Area of Stability – The site is an area of stability. The goal for Areas of Stability are to maintain the character of an area while accommodating some new development and redevelopment at appropriate locations (p. 127). This ADU will maintain the character of Globeville while accommodating some new development. The overarching policy of affordable housing is partially accomplished yet retaining the character of the neighborhood.

Overarching Plan Recommendations
Blueprint Denver anticipates several key outcomes of this integrated approach to planning for the future:
• *Appropriately located and attractive density stimulates positive change and development in areas with strong links to transit.*
• *A diversity of housing in terms of size, type and cost provides a range of housing options and prices throughout the community.*
• *Residential areas are located near employment centers, thus creating more job opportunities across the city.* Blueprint Denver, page 18

This ADU change is an area of moderately strong transit. It provides for a more diverse housing option. It is also near employment - downtown Denver & RiNo, which is located down the Platte River bike path.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-SU-B1 would 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 The rezoning would allow the historically residential character of the Globeville neighborhood while enabling "*aging in place, additional income through rentals, and to increase the population density of the neighborhood without altering its character.*" Globeville Neghborhood Plan, p.34.

4. Justifying Circumstance

Section 12.4.10.8.A.4, DZC
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 existing justification is based both on changes to the surrounding area as well as a new plan (The Globeville Plan) having been adopted since the 2010 Zoning Code was adopted which sets forth a more specific land use designation (Single Family with ADU's) than the Blueprint Denver designation of single family residential.

The rezoning is justified, "The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area."

While this application does not embody a change of the context of the Globeville Neighborhood, it does embrace the reality that the neighborhood is increasing in density, as envisioned in the Globeville Neighborhood Plan. With the growth and ever encroaching RiNo neighborhood to the South, and the over $1 billion dollar investment in the National Western Complex, the inevitable future and evident present growth of Globeville is upon us. The ADU strategy is a perfect mechanism to adjust to this reality while retaining the beautiful historic character of the neighborhood. ADU's are a

justified means to increase density while retaining the historical character of the Globeville Neighborhood.

As stated in §5.2.2.1 of the Denver Zoning Code, "The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood." As stated, the ADU retains the character of the Globeville Neighborhood while promoting it.

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

The proposed map amendment is consistent with the applicable Neighborhood Context description found in the Denver Zoning Code (the Globeville Plan supports the Urban Neighborhood (U-) Context as opposed to the currently proposed Urban Edge (E-) Context).

As stated in the Globeville Neighborhood Plan, "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." (Globeville Neighborhood Plan p.86)

Section 5.1.3 BUILDING PLACEMENT AND LOCATION
"Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation." This is consistent with Globeville. The homes are of a "shotgun" style, typically 15 wide on a 25 foot wide lot – 5 foot setbacks or less.

Section 5.1.4 BUILDING HEIGHT
"The Urban Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets." This is also consistent with the typical Globeville home which is usually one story in height.

Section 5.1.5 MOBILITY
"There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system." This is also consistent with Globeville. Bus access on Washington is used frequently. Lightrail on 41st and Fox, The National Western Complex, and 38th and Blake provide access to Globeville residents. Probably the best mode of short-range transportation is the bike path that runs along the Platte River. From this path, residents can ride directly into downtown, RiNo, Cherry Creek, and Adams County, for example.