Community Planning and Development
Planning Services

201 W. Colfax Ave., Dept. 205
Denver, CO 80202
p: 720.865.2915
f: 720.865.3052
www.denvergov.org/CPD

TO: Denver City Council
FROM: Chandler Van Schaack, Senior City Planner
DATE: March 14, 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 approval for Application #2017I-000155 for a rezoning from E-SU-B to U-SU-B1.

Request for Rezoning

Application: #2017I-00155
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

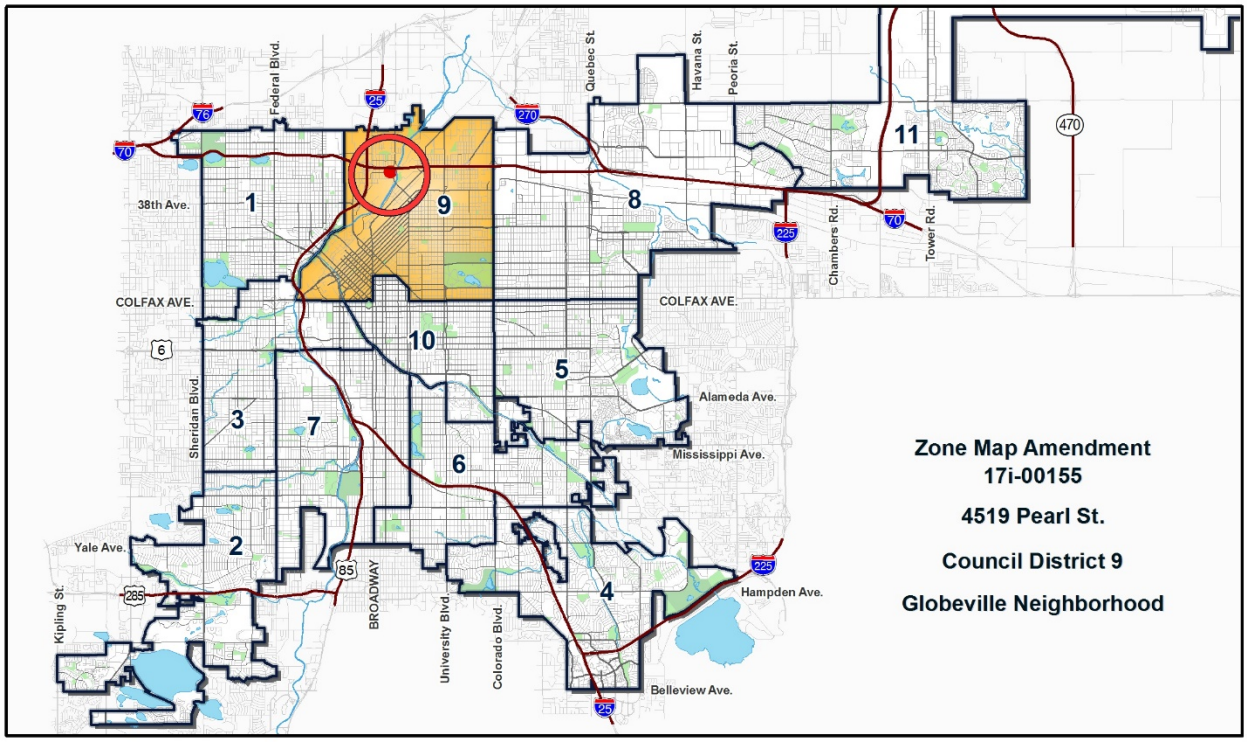


Figure 2: Neighborhood Map

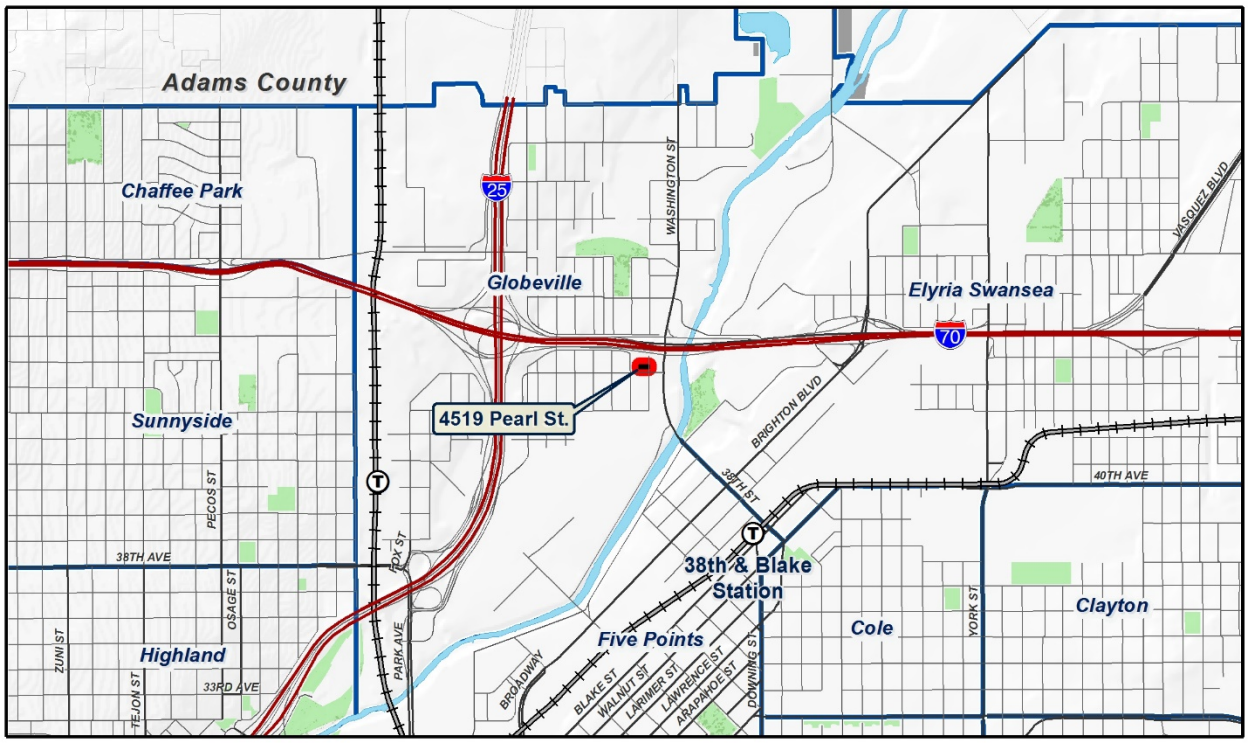
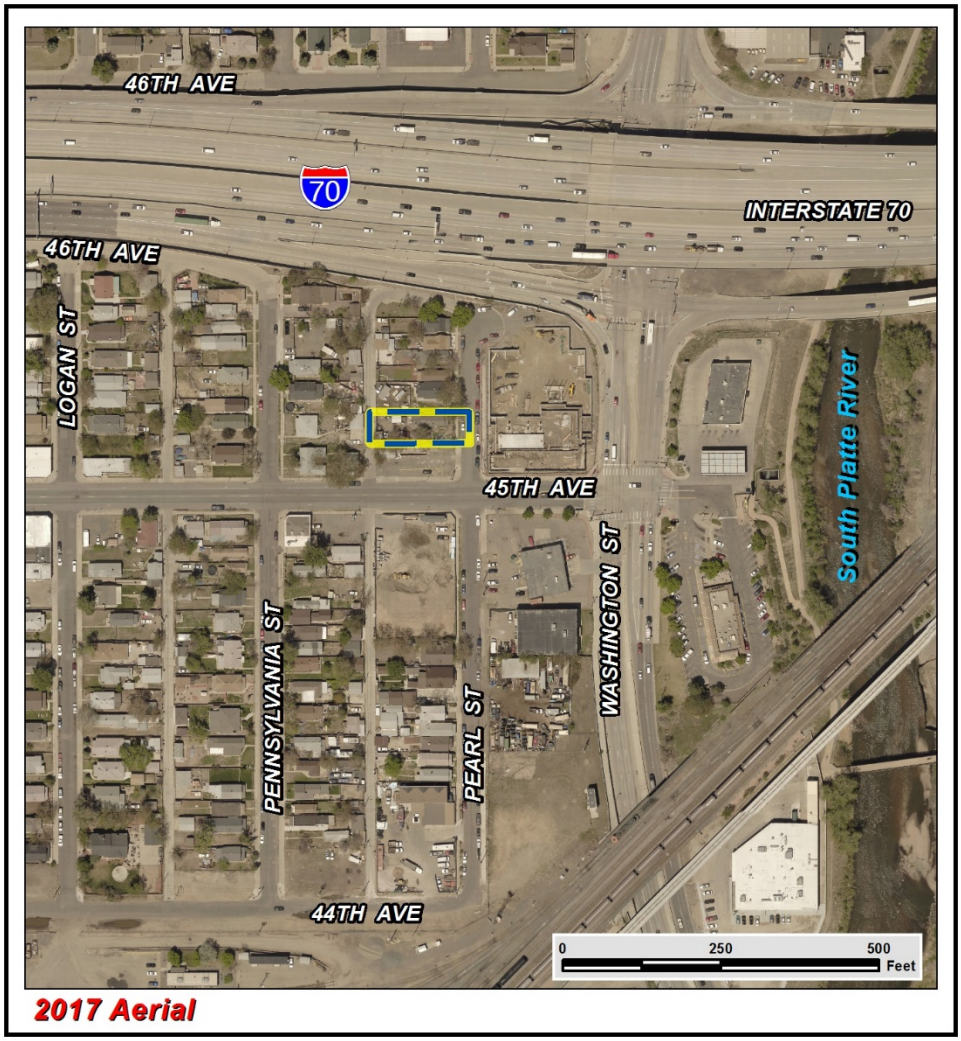


Figure 3: 2017 Aerial Map



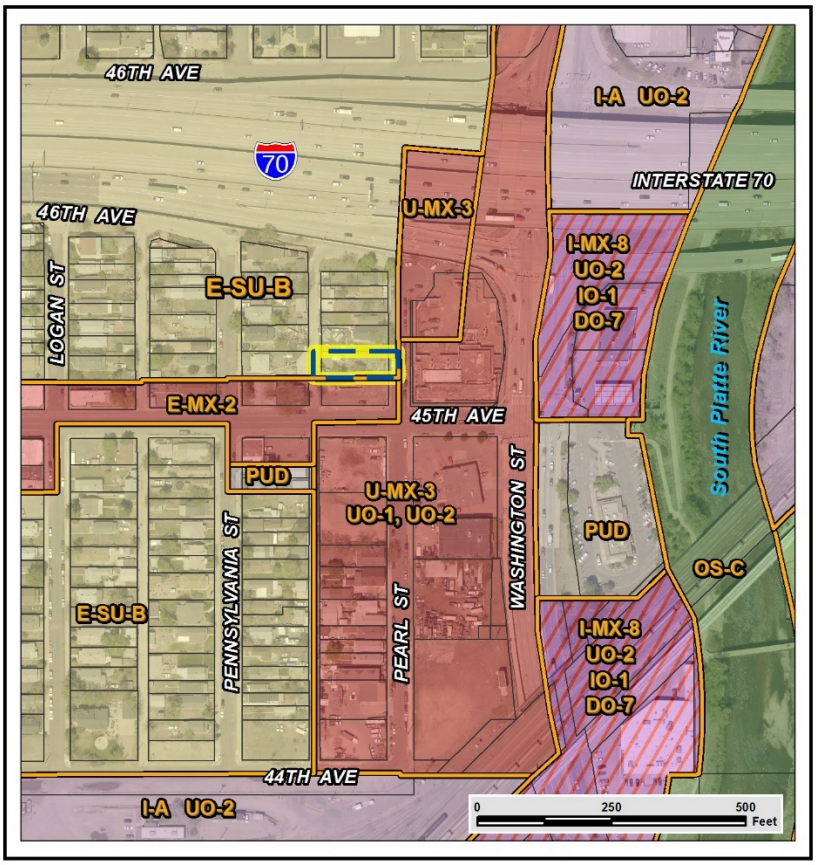
Existing Context

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:

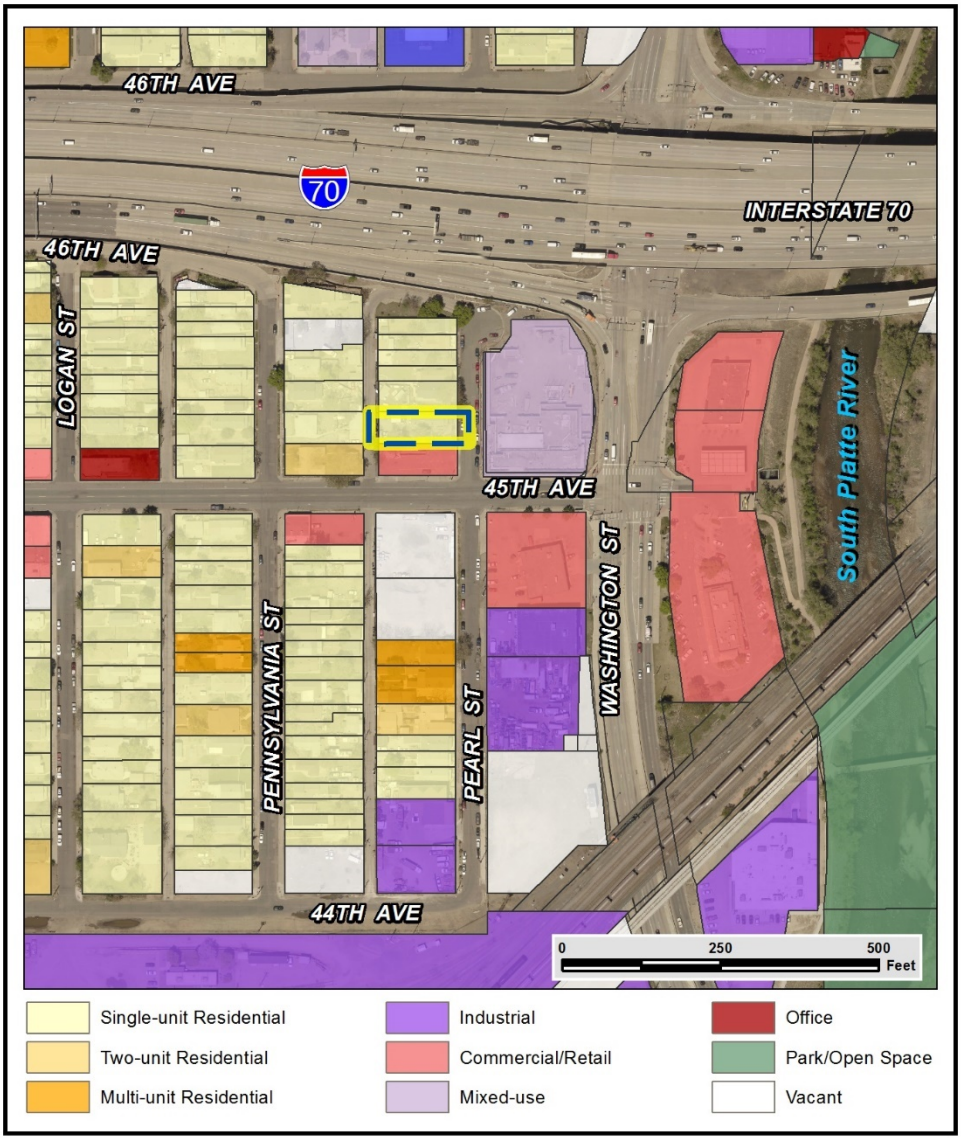
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	E-SU-B	Single-unit residential	one-story single unit residence	Generally regular grid of streets west of site; Grid ends at Washington St. to the east and I-70 to the north. Block sizes and shapes 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

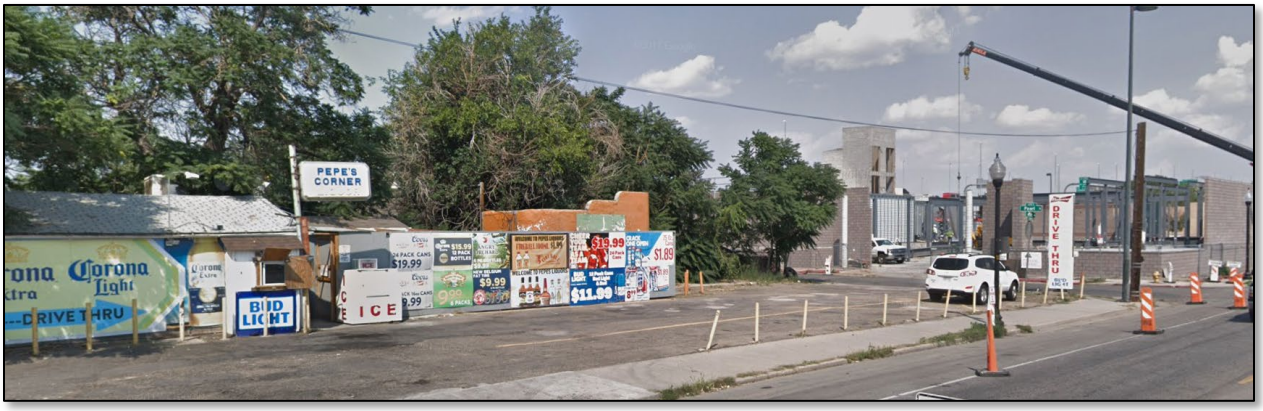


3. Existing Building Form and Scale (Images from Google Street View)

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:	**2/25/19**
City Council Public Hearing:	**3/18/19**

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

- **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. The Land Use, Transportation and Infrastructure Committee of the Denver City Council voted unanimously to move the application forward to City Council.

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)

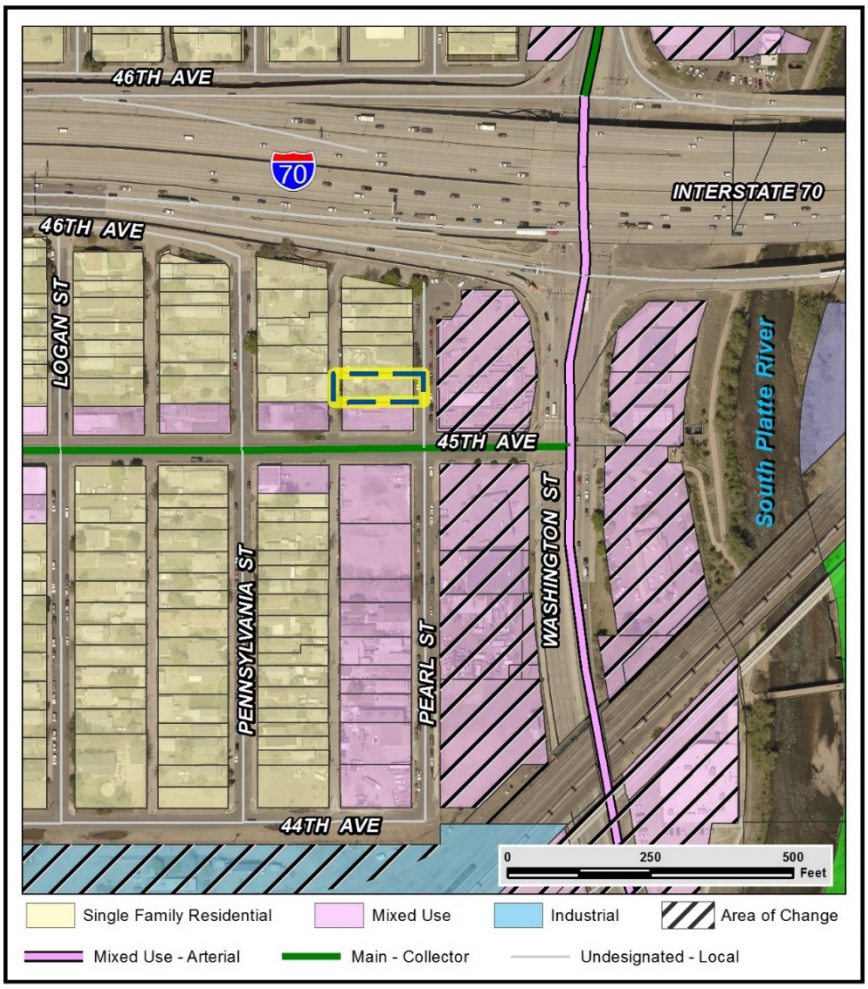
The proposed map amendment will enable higher density development at an infill location where services and infrastructure are already in place. The rezoning is consistent with these plan recommendations.

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.

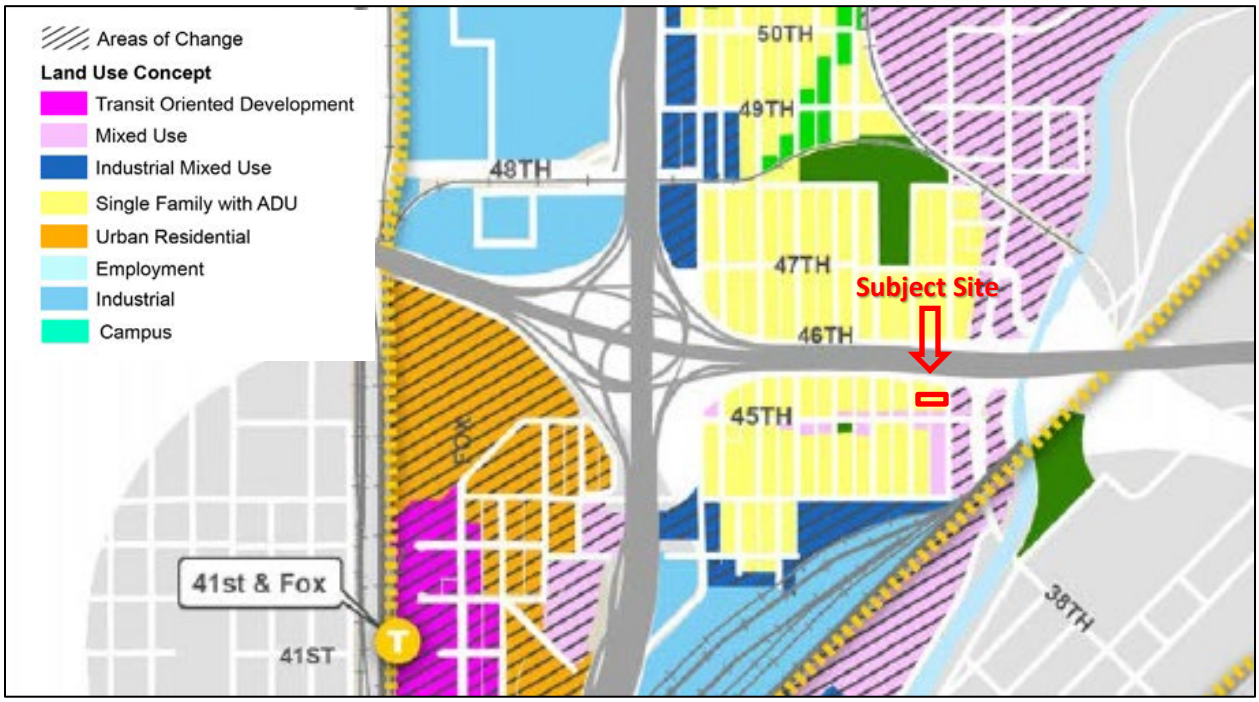
Globeville Neighborhood Plan (2016 as Amended)

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

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.

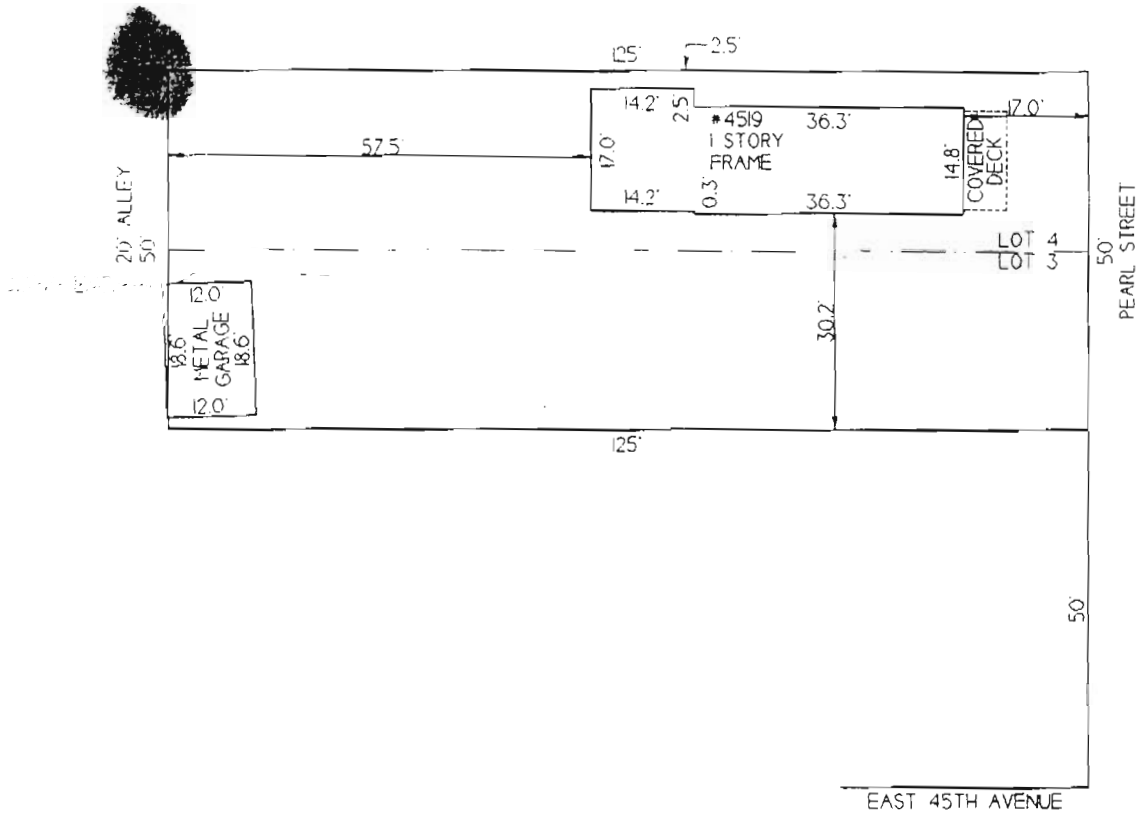
Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation 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.