



TO: Denver Land Use, Transportation and Infrastructure Committee
FROM: Brandon A. Shaver, Senior City Planner
DATE: October 24, 2019
RE: Official Zoning Map Amendment Application #2018I-00104
2220 Blake Street
Rezoning from R-MU-30 with waivers and conditions to C-MX-5

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2018I-00104.

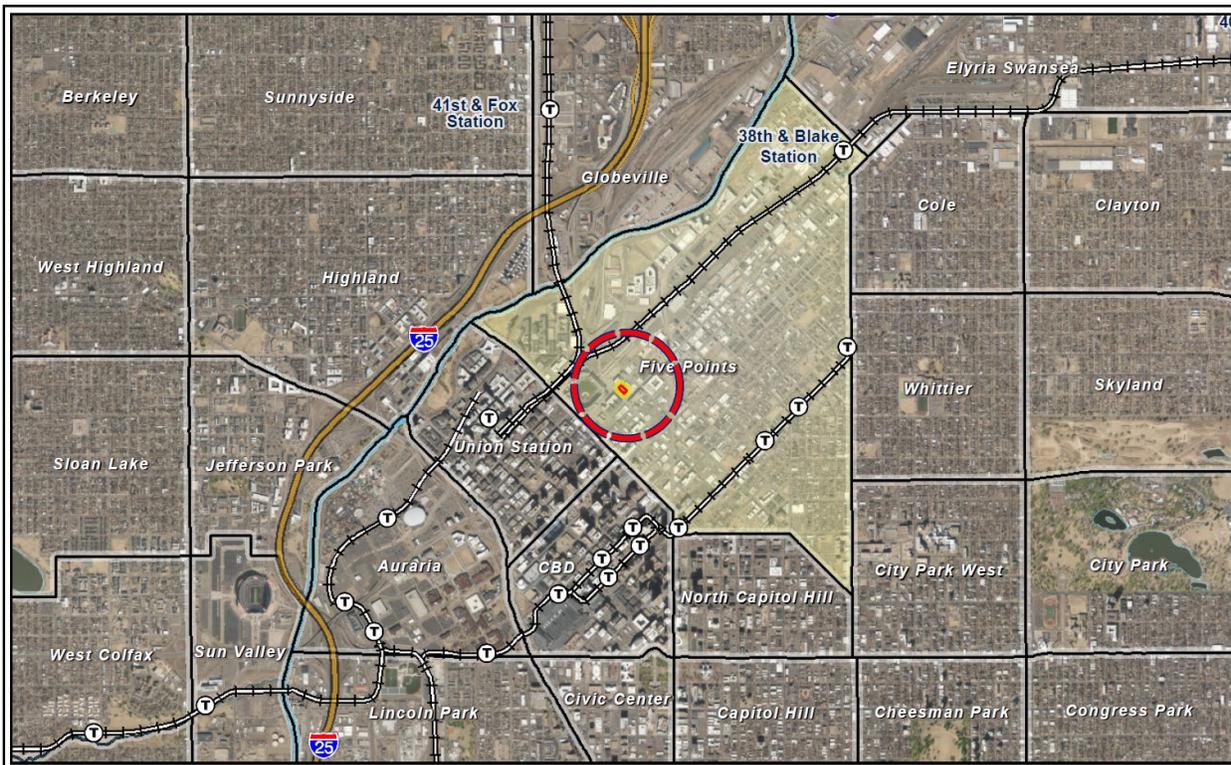
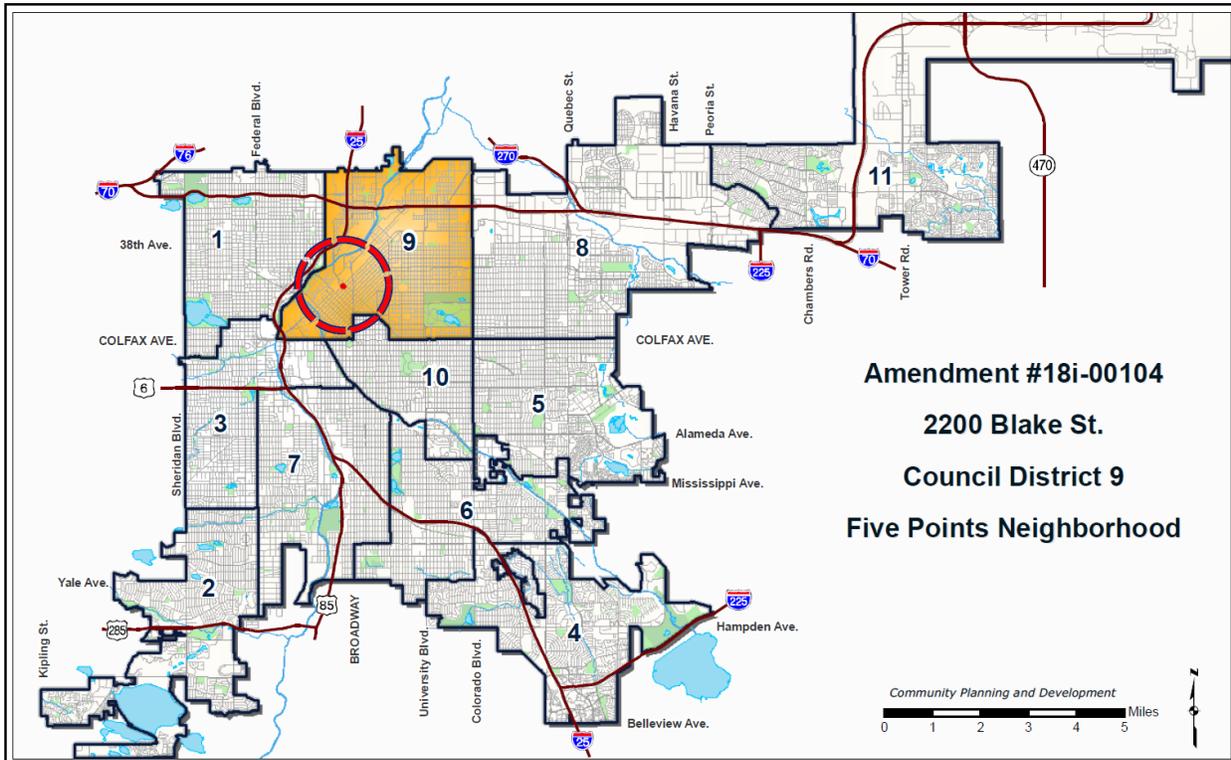
Request for Rezoning

Address: 2220 Blake Street
Neighborhood/Council District: Five Points / Council District 9
RNOs: Inter-Neighborhood Cooperation (INC), Center City Denver Residents Organization, UCAN, Five Points Business District, Rio Norte, Ballpark Collective
Area of Properties: 9,382 square feet or .22 acres
Current Zoning: R-MU-30 with waivers and conditions
Proposed Zoning: C-MX-5
Property Owner(s): SFK, LLC
Owner Representative: Lee Driscoll

Summary of Rezoning Request

- The property is in the Five Points statistical neighborhood at the northeast corner of Blake Street and 22nd Street.
- The property, owned by SFK LLC, is occupied by one building which houses Cherry Cricket's 2nd location.
- The applicant is requesting this rezoning to enable the restaurant to have more prominent signage which is prohibited under the current zoning.
- The proposed zone district, C-MX-5, can be summarized as follows (see map below illustrating proposed zone district):
 - The C-MX-5 zone district stands for Urban Center, Mixed Use, with a maximum height of 5 stories. The C-MX zone districts are mixed-use zone districts that allow a wide range of residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The C-MX-5 zone district allows up to 5 stories and 70 feet in building height.
 - Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 7 of the Denver Zoning Code (DZC).

Existing Context





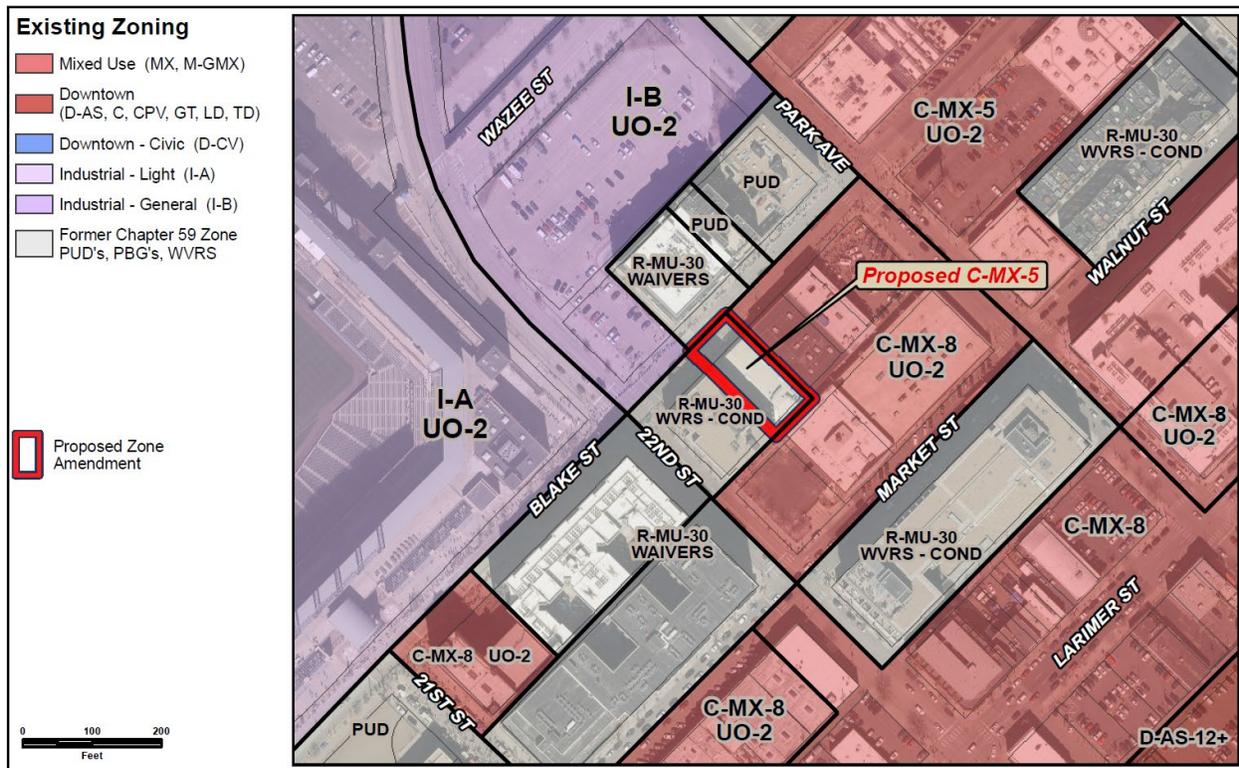
The subject property is in the Five Points neighborhood, within a ½ mile walkshed of Denver Union Station. Significant public investment, recent map amendments and the reopening of the transit station in 2014 suggest this area is continuing the transition into an urban center neighborhood context. The subject site is approximately 75 feet wide on the southeastern side of Blake Street between 22nd Street and Park Avenue. It can be accessed by vehicles via Blake Street which is a one-way street running southwest into downtown. Notable major land uses in the immediate area include Coors Field to the west and several mixed-use, industrial and multifamily uses in the surrounding blocks.

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	R-MU-30 with waivers and conditions	Commercial/Retail	1-story brick historic warehouse structure covering the entire lot	The area is served by the original diagonal Denver street grid interrupted by commuter and freight rail lines
North	C-MX-8, UO-2	Office	2-story brick historic commercial structure	
South	R-MU-30 with waivers and conditions	Multi-unit residential	5-story residential mixed-use brick structure built to property lines	

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
East	C-MX-8, UO-2	Office and commercial/retail	2-story brick historic warehouse structure	tracks two blocks to the northwest of the subject site
West	R-MU-30 with waivers	Multi-unit residential	6-story contemporary residential mixed-use structure	

1. Existing Zoning



The existing zoning on the subject property is R-MU-30 with waivers and conditions dating back to 2002. It is important to note that the subject property was rezoned to include the multi-family property abutting to the southwest. The R-MU-30 zone district is from Former Chapter 59 and is primarily residential, allowing higher density multiple unit dwellings of a density appropriate to the center-city and other activity centers. Supporting commercial development, such as consumer retail and service uses and small-scale office uses, is encouraged to create a truly mixed-use environment. There are four waivers in the current zoning relating to uses requiring special review, minimum required amount of open space (0%), minimum setbacks (zero), and maximum building height (65 feet). There is also one condition related to affordable housing in the current zoning. Prior to Denver’s inclusionary housing ordinance (IHO), affordable housing was often written into zoning in the form of conditions. In this case, the condition called for two units based on 95% median family income. The condition describes the

applicable area as the property located at 2200-2220 Blake Street which includes the Diamond Lofts at 2210 Blake Street. This building was constructed in 2005 and contains the two affordable dwelling units written into the zoning ordinance. After discussions with Denver Economic Development and Opportunity and the City Attorney's Office, it was determined that the affordable housing agreement has been satisfied and no additional income-restricted units would be required at the subject site (2220 Blake Street). The housing agreement at 2210 Blake Street is to remain in effect for a minimum period of 20 years, possibly expiring in 2025. For additional details of the R-MU-30 zone district, see Former Chapter 59, Division 15. For more details on the waivers and conditions, see the 2002 ordinance attachment to this staff report.

Several other properties in the neighborhood have been rezoned in recent years to Urban Center mixed-use zone districts with varying maximum building heights.

2. Historic District

The subject property is located within the Ballpark Neighborhood Historic District. The Ballpark Neighborhood Historic District was designated in 2002 for its historical associations with the city's development as a commercial, entertainment and industrial area with distinctive low-rise red brick commercial and warehouse architectural character. According to the Ballpark Historic District designation application, 2220 Blake Street is a contributing structure to the district. Any façade alterations or additions would require review by the Landmark Preservation Commission (LPC).

3. Existing Land Use Map

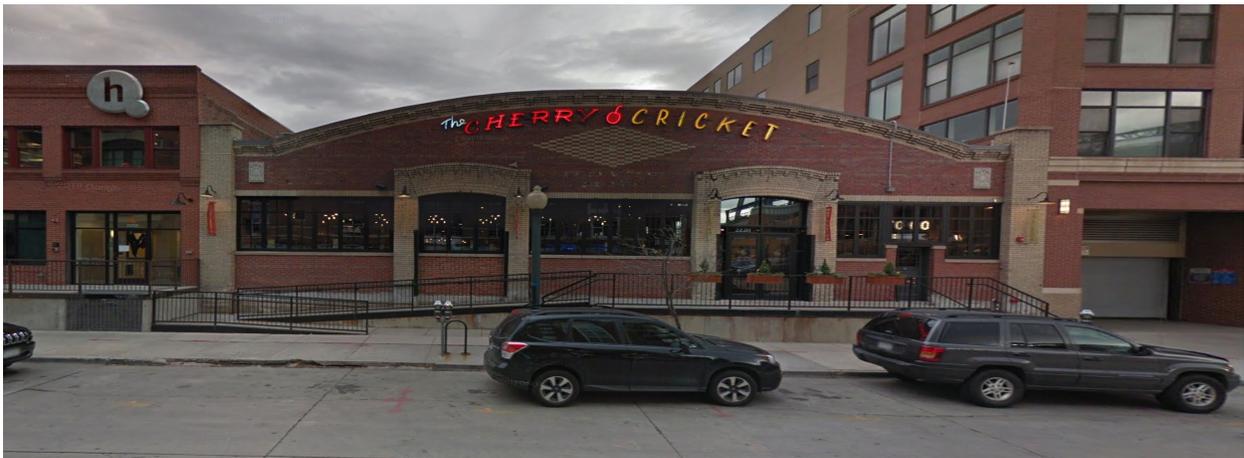


Existing land uses in the area are comprised of a mix of multi-unit residential, entertainment/cultural, industrial, office, commercial/retail, and public/quasi-public. Several parcels are used for parking, most notably the areas north of Coors Field.

4. Existing Building Form and Scale



Aerial view of the subject property looking northeast from above Coors Field (Source: Google Maps)



Front view of subject property looking southeast from Blake Street (Source: Google Maps)



North of the subject site looking southwest from Blake Street (Source: Google Maps)

Proposed Zoning

The requested zone district is C-MX-5. A variety of mixed residential and commercial uses are allowed. For additional details regarding building form standards in the C-MX-5 zone district, see the summarized table below and DZC Section 7.3.4.4.

Design Standards	R-MU-30 with waivers (Existing Zone District)	C-MX-5 (Proposed Zone District)
Primary Building Forms Allowed	N/A	Town House; General; Drive Thru Services/Restaurant*
Height in Stories/Feet (max)	65'	5 stories/ 70' – General
Primary Street Build-To Percentages (min)	N/A	70%
Primary Street Build-To Ranges (min/max)	N/A	10' to 15'- Town House 0' to 10' – General **
Primary Street Setbacks (min)	0' (waiver)	10' – Town House 0' – General
Side Street Setbacks (min)	0' (waiver)	7.5' – Town House 0' – General

**Standard varies between residential only buildings. * allowed subject to geographic limitations

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 Comments

Asset Management: Approved – No comments

Denver Public Schools: Approved – No Response

Department of Public Health and Environment: Approved – See Comments

DDPHE concurs with the rezoning and has no information to suggest that current environmental conditions would impact the rezoning.

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: DDPHE 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.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Legal is approved

Development Services - Transportation: Approved – No comments

Development Services – Wastewater: Approved – See Comments

DES Wastewater approves the subject zoning change. The applicant should note that redevelopment of this site may require additional engineering including preparation of drainage reports, construction documents, and erosion control plans. Redevelopment may require construction of water quality and detention basins, public and private sanitary and storm sewer mains, and other storm or sanitary sewer improvements. Redevelopment may also require other items such as conveyance of utility, construction, and maintenance easements. The extent of the required design, improvements and easements will be determined during the redevelopment process. Please note that no commitment for any new sewer service will be given prior to issuance of an approved SUDP from Development Services.

Development Services – Project Coordination: Approved – No comments

Development Services – Fire Prevention: Approved – No comments

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	5/6/19
Applicant revised and resubmitted application	6/27/19
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:	10/1/19
Planning Board public hearing: (voted 7-0 in favor)	10/16/19
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:	10/14/19
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	10/29/19
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	TBD
City Council Public Hearing (tentative)	12/9/19

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 currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*
- *Northeast Downtown Neighborhoods Plan (2011)*
- *Downtown Area Plan (2007)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, including:

- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).
- Economically Diverse and Vibrant Goal 3, Strategy A – *Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver* (p. 46).
- Economically Diverse and Vibrant Goal 10, Strategy B – *Support the creation, expansion and economic vitality of Denver food businesses* (p. 48).
- Strong and Authentic Neighborhoods Goal 1, Strategy A – *Build a network of well connected, vibrant, mixed-use centers and corridors* (p. 34).

The requested map amendment will support locally-owned businesses unique to Denver. The requested C-MX zone district will broaden the urban design considerations needed for local business to thrive, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

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 High Residential Area place within the Downtown Neighborhood Context and provides guidance from the future growth strategy for the city.

Blueprint Denver Future Neighborhood Context



The subject property is within the Downtown Neighborhood Context. “This context is the densest and most active. It contains the highest intensity residential and includes the largest employment center in Denver” (p. 265). The proposed C-MX-5 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas using building forms that clearly activate the public street edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods” (DZC 7.2.2.1). As the subject property does not abut a downtown zone district, and therefore cannot rezone to one per DZC section 12.4.10.3.A.1, the Urban Center neighborhood context is the most appropriate. Additionally, Blueprint Denver states, “The mapping of neighborhood context is at the citywide scale, so the boundaries of the contexts may be interpreted with limited flexibility if the request furthers the goals of Blueprint Denver and is consistent with the overall intent of the neighborhood contexts map” (p. 66). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning is to C-MX-5 is appropriate and consistent with the plan.

Blueprint Denver Future Places



The Future Places map designates the subject property as High Residential Area. Blueprint Denver describes the aspirational characteristics of High Residential Areas in the Urban Center context as having a “high mix of uses throughout including many large scale multi-unit residential uses. Commercial uses are prevalent. Buildings are the tallest of the residential places of this context. There is high lot coverage and shallow setbacks” (p. 260). Consistent with this guidance, the proposed C-MX-5 district provides for a mix of uses and stringent building form standards that create an active street level presence. Given the High Residential height guidance in Blueprint Denver, it is important to note that a citywide plan cannot provide specific detailed guidance on all aspects of a place. “The building heights identified in this plan provide a general sense of scale and are not intended to set exact minimums or maximums. For example, there may be times when building heights taller than specified are appropriate, such as a site immediately adjacent to a transit station. Alternatively, the tallest building heights may not make sense where a site is providing a transition between a higher intensity area to a lower intensity area” (p. 66). Therefore, the requested 5-story district height is consistent with the surrounding context and appropriate for the High Residential guidance in this location.

Street Types

Blueprint Denver 2019 classifies both 22nd and Blake streets as Downtown Arterials. These streets are “surrounded by the most intense land uses including hotels, street level retail and office, residential and mixed-use towers with a high focus on pedestrian and bike connectivity” (p. 158). Arterial streets are

designed for the highest degree of through movement. The proposed C-MX-5 zone district allows a broad range of residential and commercial land uses with a shallow front setback and allows the intense land uses anticipated for this street type. Therefore, the district is consistent with the downtown arterial street types at this location.

Growth Strategy



Blueprint Denver designates the subject property as part of a High Residential Area in a Downtown neighborhood context. High and High Medium Residential Areas in Downtown and Urban Center neighborhood contexts are anticipated to see 15% of new housing growth and 5% of new employment growth by 2040 (p. 50- 51). Focusing growth in these areas helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver” (p. 49). The proposed map amendment to C-MX-5 will allow for continued employment growth in a High Residential Area where it has been determined to be most appropriate. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Strategies

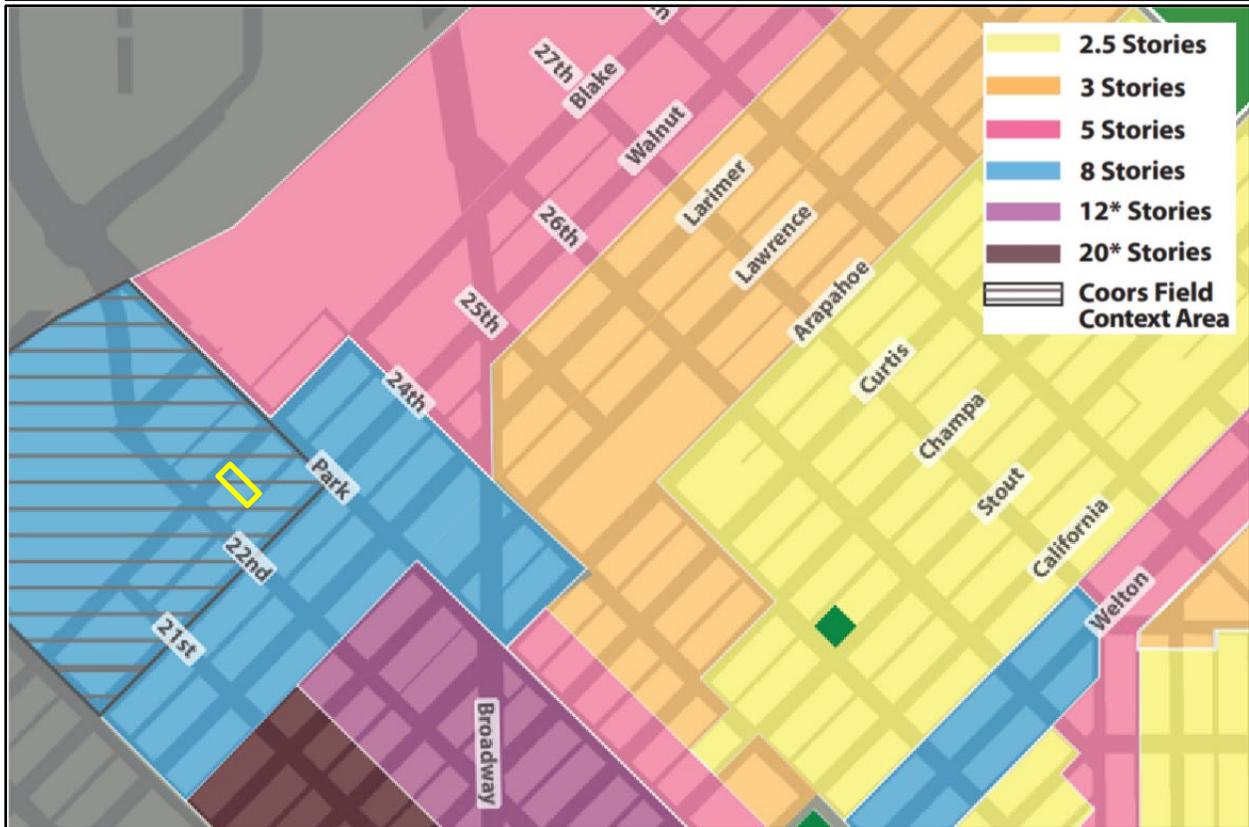
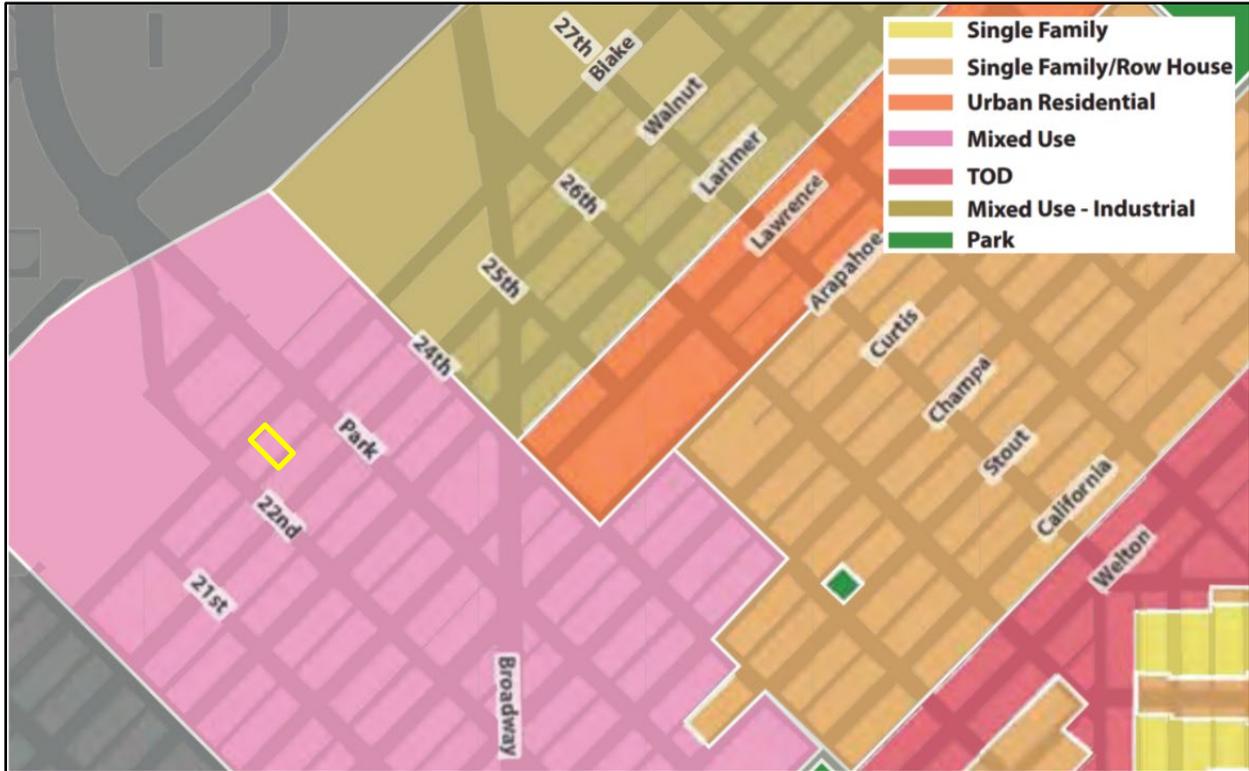
The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 3, Strategy A – *Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code (p. 73).*
- Land Use and Built Form – General Policy 3, Strategy D – *Update the zoning code sign regulations to recognize changing technologies and best practices (p. 73).*
- Land Use and Built Form – Economics Policy 6, Strategy A – *Support locally-owned businesses – new and old – to expand and evolve to meet the changing needs of residents and visitors (p. 93).*

The proposed map amendment is consistent with these strategies as the rezoning from Former Chapter 59 to Denver Zoning Code will the subject property signage-related flexibility to remain visible in a highly pedestrian activated transit-rich location.

Northeast Downtown Neighborhoods Plan

The Northeast Downtown Neighborhoods Plan was adopted by City Council in May 2011 and applies to the subject property. It designates the area mixed-use with an 8-story maximum and is within the Coors Field Context Area. Mixed Use areas are described in the plan as having both a sizable employment base as well as a variety of mid to high density housing options. These areas also place importance on pedestrian access and ensuring that residential and non-residential uses are always within short walking distances from one another. The plan includes recommendations such as “promote the use of design elements that link the building directly to the street environment” (p. 18). Lastly, areas falling within the Coors Field Context Area are recommended to have building heights that do not exceed the height of the stadium.



The application of C-MX-5 is consistent with the goals and objectives of the Northeast Downtown Neighborhoods Plan, including: “promote urban character with a build-to line to provide a consistent street edge and to support pedestrian activity. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation, and access to the street” (p. 74). The building form standards of the requested zone district will accomplish these goals. The 5-story maximum height allowed by the requested zone district is consistent with the maximum height recommended by the plan as it does not exceed the height of Coors Field.

Downtown Area Plan

The Downtown Area Plan, adopted in 2007, contains goals related to the subject site. The plan envisions Ballpark transforming into a dense, vibrant, mixed-use district. A key recommendation includes: “Implement pedestrian improvements throughout the district with emphasis on Larimer, 21st Street and Park Avenue” (p. 55). As rezoning the property to C-MX-5 would require active ground-floor uses with higher transparency and greater flexibility for pedestrian-oriented signage, it is consistent with the area plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-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 the implementation of the city’s adopted land use plan and fostering the creation of a pedestrian friendly, mixed-use area near high-capacity transit. Also, the proposed map amendment will allow for greater employment opportunities, contributing to the general welfare of current and future residents.

4. Justifying Circumstances

The application cites justifying circumstance DZC section 12.4.10.8.A.4.c., “That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 Zoning”. The current zoning (R-MU-30 with waivers and conditions) was put in place in 2002 and as such, the property does not enjoy the flexibility offered by the modern, form and context-based Denver Zoning Code. The waivers and conditions on the subject property are no longer appropriate or needed with the application of C-MX-5.

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

As described in the Denver Zoning Code, the General Character of the Urban Center (C-) district will include “multi-unit residential and mixed-use commercial strips and commercial centers.” It is also described as follows: “Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily

located along main and mixed-use arterial streets.” As has been described in the staff report, this rezoning request is to bring the subject Property’s zoning into conformance with the zoning that already exists in the surrounding neighborhood, i.e. mostly a mix of C-MX-5 and C-MX-8.

The general purpose for the mixed-use zone districts stated in the Denver Zoning Code is to “promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly define and activate the public street edge” and “ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods” (DZC Section 7.2.2.1). The proposed C-MX-5 zone district would facilitate mixed-use development with active ground floors, consistent with the stated purpose.

According to the zone district intent stated in the Denver Zoning Code, the C-MX-5 district “applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired” (DZC Section 7.2.2.2.B). The subject site is served by an arterial street with high-frequency transit nearby. Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Attachments

1. Application
2. 2002 Ordinance