



## Zone Map Amendment (Rezoning) for PUD - Application

PROPERTY OWNER INFORMATION*	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name	
Address	
City, State, Zip	
Telephone	
Email	

\*If More Than One Property Owner: All official map amendment applications for a PUD District shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.

PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> 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 all property owners, 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.

### SUBJECT PROPERTY INFORMATION

Location (address and/or boundary description):	
Assessor's Parcel Numbers:	
Area in Acres or Square Feet:	
Current Zone District(s):	

### PROPOSAL

Proposed Zone District:	<input type="checkbox"/> General PUD	<input type="checkbox"/> Detailed PUD
Proposing SubAreas:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intent of PUD:		
Standard Zone District: Please list the zone district(s) on which the PUD will be based:		
Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary:	Deviation	Why deviation is necessary

Deviations from Standard Zone District: Please provide a list of proposed deviations and an explanation of why the deviation is needed. Please provide as an attachment if necessary:

Last updated: September 29, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)



For Office Use Only:

Date \_\_\_\_\_ Fee \_\_\_\_\_

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

# REZONING GUIDE

## Rezoning Application for PUD Page 2 of 3

### REVIEW CRITERIA

General Review Criteria: The proposal must comply with all of the general review criteria  DZC Sec. 12.4.10.7	<p><input type="checkbox"/> 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</p> <p>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.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
Additional Review Criteria for Non-Legislative Rezonings: The proposal must comply with both of the additional review criteria  DZC Sec. 12.4.10.8	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> 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.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> 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.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
Additional Review Criteria for Rezoning to PUD District: The proposal must comply with all of the additional review criteria  DZC Sec. 12.4.10.9	<p><input type="checkbox"/> The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development).</p> <p><input type="checkbox"/> The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6.</p> <p><input type="checkbox"/> The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.</p> <p><input type="checkbox"/> The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).</p> <p>Please provide an attachment describing how the above criteria are met.</p>



## REZONING GUIDE

Rezoning Application for PUD Page 3 of 3

## REQUIRED ATTACHMENTS

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

- Legal Description (required to be attached as a Microsoft Word document)
- Proof of Ownership Document(s)
- Review Criteria

## ADDITIONAL ATTACHMENTS

Please identify any additional attachments provided with this application: **N/A**

- Written Authorization to Represent Property Owner(s)
- Deviations from Standard Zone District

Please list any additional attachments:

**N/A**

## PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

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 to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	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 ap- proved	Property owner repre- sentative written authoriza- tion? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
Denver Metropolitan Major League Baseball Stadium District by Robert Lee - Chair	1901 Wazee Street Denver, CO 80202 (303) 292-0200	100%	<i>Robert Lee</i>	02/19/21	(A)	YES

Last updated: September 29, 2015

Return completed form to [rezoning@denvergov.org](mailto:rezoning@denvergov.org)

PARCEL DESCRIPTION BASEBALL PARCEL A: (PARKING LOT + WALKWAY)

A PARCEL OF LAND SITUATED IN A PORTION OF BLOCK C, EAST DENVER, AND BLOCK 1, HOYT & ROBINSONS ADDITION TO DENVER, BEING A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY AND COUNTY OF DENVER, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK C, EAST DENVER, SAID POINT ALSO BEING AT THE NORTHEASTERLY RIGHT OF WAY INTERSECTION OF 19TH STREET AND WAZEE STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 45 DEGREES 26 MINUTES 17 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK C, EAST DENVER AND EXTENSION THEREOF AND THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID 19TH STREET A DISTANCE OF 326.09 FEET TO A POINT ON THE NORTHEASTERLY EXTENSION OF THE WYNKOOP STREET 20.00 FOOT RANGE LINE; THENCE NORTH 45 DEGREES 26 MINUTES 37 SECONDS WEST ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 1, HOYT & ROBINSONS ADDITION TO DENVER AND EXTENSION THEREOF AND THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID 19TH STREET A DISTANCE OF 19.40 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL OF LAND CONVEYED TO THERMO HEAD HOUSE, L.L.C. BY SPECIAL WARRANTY DEED RECORDED OCTOBER 13, 1994 AT RECEPTION NO. 9400156352; THENCE NORTH 44 DEGREES 21 MINUTES 17 SECONDS EAST ALONG SAID SOUTHEASTERLY LINE OF RECEPTION NO. 9400156352, A DISTANCE OF 375.95 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF ACQUISITION PARCEL TK 2279-00-005 REV. 1, CONVEYED TO THE CITY AND COUNTY OF DENVER BY SPECIAL WARRANTY DEED RECORDED APRIL 07, 1993 AT RECEPTION NO. R-93-0043076 IN THE CITY AND COUNTY OF DENVER CLERK AND RECORDER'S OFFICE; THENCE SOUTH 46 DEGREES 55 MINUTES 34 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE OF RECEPTION NO. R-93-0043076, A DISTANCE OF 281.08 FEET; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE OF RECEPTION NO. R-93-0043076, SOUTH 45 DEGREES 29 MINUTES 38 SECONDS EAST A DISTANCE OF 66.09 FEET TO A POINT ON THE EXTENSION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID WAZEE STREET; THENCE SOUTH 44 DEGREES 35 MINUTES 38 SECONDS WEST ALONG THE EXTENSION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID WAZEE STREET AND THE SOUTHEASTERLY LINE OF SAID BLOCK C, EAST DENVER AND THE EXTENSION THEREOF A DISTANCE OF 383.31 FEET TO THE TRUE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

CONTAINING 131,694 SQUARE FEET OR 3.023 ACRES MORE OR LESS.

# 1901 WAZEE ST

<b>Owner</b>	DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DIST 2195 BLAKE ST DENVER, CO 80205-2010
<b>Schedule Number</b>	02279-16-056-000
<b>Legal Description</b>	T3 R68 SE/4 S28 & SW/4 S27 & NW/4 S34 & NE/4 S33 BEG S COR "BLK ""C"" EAST DENVER DAF T3 R68 SE/4 OF S28 & SW/4 OF S27 & "NW/4 OF S34 & NE/4 OF S33 BEG S COR B ""C"" EAST DENVER TH NW"326.19FT NWLY 19.4FT NE
<b>Property Type</b>	375.95FT SE 281.07FT SELY 66.09FT SW376.03FT TPOB EXC PT COM SE COR BLK C TH N44.5525E RESIDENTIAL-MULTI UNIT APARTS 319.59FT N45.4518W 7.67FT TPOB TH N45.4518W 16FT N45.2108E 8.5FT
<b>Tax District</b>	DENVER

## Print Summary

### Property Description

<b>Style:</b>	OTHER	<b>Building Sq. Foot:</b>	132266
<b>Bedrooms:</b>		<b>Baths Full/Half:</b>	0/0
<b>Effective Year Built:</b>	2019	<b>Basement/Finish:</b>	0/0
<b>Lot Size:</b>	0	<b>Zoned As:</b>	I-MX-8

**Note:** Valuation zoning may be different from City's new zoning code.

### Current Year

Actual	Assessed	Exempt		
Land		\$0	\$0	\$0
Improvements		\$10,663,000	\$762,410	
Total		\$10,663,000	\$762,410	

### Prior Year

Actual	Assessed	Exempt		
Land		\$0	\$0	\$0
Improvements		\$0	\$0	
Total		\$0	\$0	

## Real Estates Property Taxes for current tax year

Mill Levy \* **74.195** \*

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

Installment 1  
(Feb 28  
Feb 29 in Leap Years)

Installment 2  
(Jun 15)

Full Payment  
(Due Apr 30)

### Date Paid

Original Tax Levy	\$28,283.49	\$28,283.52	\$56,567.01
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Paid	\$0.00	\$0.00	\$0.00
Due	\$28,283.49	\$28,283.52	\$56,567.01

### Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment <a href="#">i</a>	N	Prior Year Delinquency <a href="#">i</a>	N
Additional Owner(s) <a href="#">i</a>	N	Scheduled to be Paid by Mortgage Company <a href="#">i</a>	N
Adjustments <a href="#">i</a>	N	Sewer/Storm Drainage Liens <a href="#">i</a>	N
Local Improvement Assessment <a href="#">i</a>	N	Tax Lien Sale <a href="#">i</a>	N
Maintenance District <a href="#">i</a>	N	Treasurer's Deed <a href="#">i</a>	N
Pending Local Improvement <a href="#">i</a>	N		

Real estate property taxes paid for prior tax year: **\$0.00**

### Assessed Value for the current tax year

Assessed Land	\$0.00	Assessed Improvements	\$762,410.00
Exemption	\$0.00	Total Assessed Value	\$762,410.00

STATEMENT OF OWNER

I, Raymond T. Baker, as the Chair of the Board of Directors, the authorized representative of DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT, a body corporate and politic and a political subdivision of the State of Colorado ("Owner"), the owner of the real property legally described on Exhibit A attached hereto (the "Property"), hereby authorizes COLORADO ROCKIES BASEBALL CLUB, LTD., a Colorado limited partnership (the "Applicant"), and its agents, attorneys, architects, or engineers (collectively, "Agents") to submit all submittals and applications necessary to obtain approval by the City and County of Denver, Colorado of the "Site Development Plan" and the "Rezoning" (as defined below) for the Property, including without limitation any concept plan, site development plan, civil construction plans, zoning permit, building permit, and zone lot(s) for redevelopment and use of the Property (collectively, "Applications"); provided, however, that the Applications shall not include any other rezoning of any portion of the Property without the express written consent of Owner.

By providing this consent, Owner acknowledges that it has been provided with a copy of, and has approved, the initial submittal for the Site Development Plan and the initial submittal for the Rezoning pursuant to Section 5 of the Ground Lease dated March 31, 2017 and pursuant to the User Agreement, Lease, and Management Agreement dated March 31, 2017, both by and between Owner and Applicant. Having reviewed and approved the Site Development Plan and Rezoning, Owner hereby further acknowledges and agrees that Applicant and its Agents may make such modifications, amendments, supplements, renewals, terminations, or replacements to the Applications and resulting entitlements, permits, and other approvals as the Applicant desires or as are requested, permitted, or required from time to time by the City or County of Denver ("Modifications"), and Owner's consent shall not be required with respect to any Modification, unless such Modification individually and fundamentally transforms the development program for the Property from the development program contemplated by the initial submittals of the Site Development Plan or Rezoning reviewed and approved by Owner.

As used herein, the "Site Development Plan" means the approvals required under the site development plan process of the City and County of Denver, and the "Rezoning" means the rezoning of the entire Property to PUD-G and approval of a related General PUD District Plan.

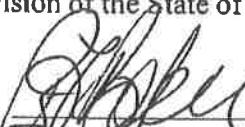
Notwithstanding Owner's consent granted in accordance with the terms of this letter, by providing such consent Owner is not a party to, or otherwise a participant in, such Applications or Application processes.

The Owner is fully aware of the request/proposal being made by the Applicant and the actions being initiated on the Property. The Owner understands that the Application must be found to be complete by the City and County of Denver before the request can officially be accepted and the review process initiated. By this acknowledgement, the Owner hereby certifies that the above information is true and correct.

*(signature page follows)*

OWNER:

DENVER METROPOLITAN MAJOR LEAGUE  
BASEBALL STADIUM DISTRICT,  
a body corporate and politic and a political  
subdivision of the State of Colorado

By: 

Name: Raymond T. Baker

Title: Chair

Date Executed: May 31, 2018

STATE OF Colorado )  
COUNTY OF Denver )

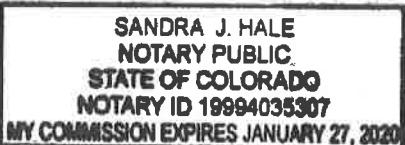
The foregoing instrument was acknowledged before me this 31 day of May,  
2018, by Raymond T. Baker, as Chair of Denver Metropolitan Major  
League Baseball Stadium District, a body corporate and politic and a political subdivision of the  
State of Colorado.

Witness my hand and official seal.

(SEAL)

  
Notary Public

My commission expires: Jan. 27, 2020



16498326 5

PARCEL DESCRIPTION BASEBALL PARCEL A: (PARKING LOT + WALKWAY)

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**DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT**

**RESOLUTION 2-18**

A quorum being present, the following resolution was adopted on a vote of 5 in favor and 0 opposed, with 0 abstentions, on the 19<sup>th</sup> day of March, 2018.

**RESOLVED**, that the Statement of Owner indicating the District's consent to the filing with the City and County of Denver of the Site Development Plan and the Rezoning by the Colorado Rockies Baseball Club, Ltd., (as the Applicant) and consenting to the Applicant being permitted to make certain modifications and future filings as are described in the Statement of Owner is approved, and Raymond T. Baker, as Chair, and each other Director of the District is authorized to execute the Statement of Owner and execute any documents, agreements or certificates related or ancillary thereto, and the Chair, each Director and the staff is authorized to take such other and further action as may be necessary or appropriate to effect the purposes of this resolution.

AUTHENTICATED



Raymond T. Baker, Chair

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CONTAINING 131,694 SQUARE FEET OR 3.023 ACRES MORE OR LESS.

I, DEAN O. DANIELSON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

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DEAN O. DANIELSON  
P.L.S. NO. 16828

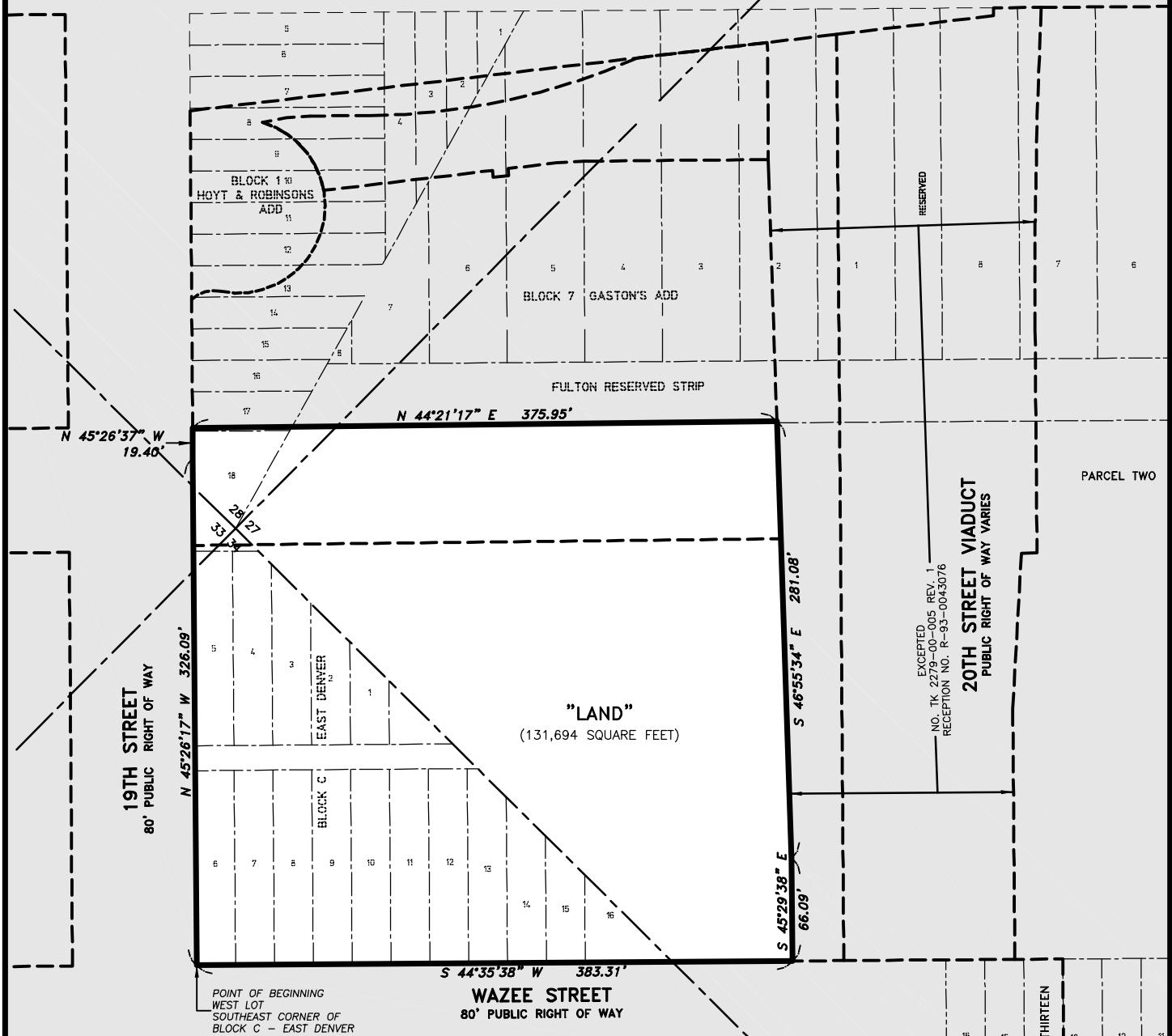
**DENVER METROPOLITAN  
MAJOR LEAGUE BASEBALL**

**DESCRIPTION OF THE LAND**

THIS DESCRIPTION IS NOT THE RESULT  
OF A MONUMENTED LAND SURVEY.  
IT IS INTENDED ONLY TO DEFINE THE  
AREA DESCRIBED HEREON.

SCALE: 1"=100'	DATE: MAY 03, 2018	
REV:	SHEET 1 OF 2 SHEETS	
DRN. WB	APPR.	1805-101

VACATED WEWATTA STREET



DENVER METROPOLITAN  
MAJOR LEAGUE BASEBALL

DESCRIPTION OF THE LAND

SCALE: 1"=100'	DATE: MAY 03, 2018
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REV:	SHEET 2 OF 2 SHEETS
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DRN. WB	APPR.	1805-101
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February 19, 2021

City and County of Denver  
Community Planning and Development  
Attn: Brandon Shaver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Re: Cover Letter to West Lot PUD Amendment Application

Mr. Shaver:

We represent West Lot LLC, a Colorado limited liability company (“West Lot LLC”) with respect to its enclosed application to amend the Planned Unit Development General-19 District Plan (“PUD-G #19”) approved by City Council on November 13, 2018 (the “PUD Amendment”). PUD-G #19 applies to the approximately 3-acre property generally located at the north corner of 19<sup>th</sup> and Wazee Streets, commonly known as the West Lot and Wynkoop Promenade and more particularly described on the attached Exhibit A (the “Property”), in the City and County of Denver, Colorado (the “City”). The PUD Amendment is intended to allow for increased flexibility in the size, type, location, and attributes of signs and screens allowed in the PUD-G #19 district. The PUD Amendment is also consistent with the original public benefit outlined in PUD-G #19 and introduces new community benefits through the Signage enhancements. This letter is provided as part of the application for the PUD Amendment and to provide the City with additional information that may aid the City in reviewing and approving the application.

### BACKGROUND

West Lot LLC is a subtenant of the Property pursuant to a 96-year Amended and Restated Sublease Agreement, dated November 4, 2019, by and between West Lot LLC and Rockies West Lot, LLC, a Colorado limited liability company (“Subsidiary Subtenant”), which Subsidiary Subtenant is a subtenant of the Property pursuant to a 96-year Amended and Restated Sublease Agreement, dated November 4, 2019, by and between Subsidiary Subtenant and Colorado Rockies Baseball Club, Ltd., a Colorado limited partnership (“Rockies”), which Rockies are the tenant of the Property pursuant to a 99-year Amended and Restated Ground Lease, dated March 31, 2017, by and between the Rockies and the Denver Metropolitan Major League Baseball District, a body corporate and politic and a political subdivision of the state of Colorado, which is the owner of the entire Property. The Property is directly across 20<sup>th</sup> Street from Coors Field.

In 2018 the Rockies submitted an application to rezone the Property from its zoning as I-MX-8, UO-2 to PUD-G #19, which application was approved by City Council on November 13, 2018 (the “Initial PUD Application”). The PUD-G #19 zoning provides for certain standards and guidelines including:

- tailored primary building form standards;
- tailored build-to and transparency alternatives;
- maximum vehicle parking;
- a requirement for Wynkoop Promenade;
- a minimum requirement for private open space;
- establishment of a base plane for measuring building height;
- establishment of primary and side street zone lot lines;
- tailored standards for private open space; and
- design standards and guidelines.

While PUD-G #19 is primarily based on D-AS-12+ zoning, it incorporates elements from other zone districts to create a customized set of standards for the Property.

The Initial PUD Application was motivated by a desire to create a new type of development that would advance a number of City goals, create a sense of vibrancy in a key location/corridor of Downtown and provide a range of public and community benefits. To that end, the Property was rezoned to facilitate development of a mixed-use project generally consisting of a hotel, office building, residential condominiums, ground-floor retail and a large amount of activated public-gathering spaces (the “**Project**”). The mix of uses is intended to serve as a backdrop to a content plaza that will serve as community gathering space and provide year-round events. Overall, the Project is designed to create a unique and distinctive place that will include landscape and amenity enhancements to the existing Wynkoop Promenade and right-of-way, pedestrian and mobility improvements to 20<sup>th</sup>, 19<sup>th</sup>, and Wazee Streets.

The PUD Amendment is necessary for the allowance of Signage (as defined below) that was always considered and presented as part of the overall Project and PUD-G #19. This PUD Amendment is entirely consistent with the original intention of the Initial PUD Application and raises the level of quality and urban design through innovative signage.

### **SIGNAGE DESCRIPTION**

A key element of the Project is a set of screens and a projection that will provide arts and cultural, social, entertainment, advertising, public service messages and sports-themed content that will enhance the Project as a unique destination near Coors Field in Downtown Denver (the “**Signage**”) that is open and accessible to all ages and all members of the community. The purpose of the PUD Amendment is to allow for this Signage. This Signage includes:

- A digital display system in the center of the content plaza (the “**Content Plaza Screen**”). The Content Plaza Screen will measure about 68 feet wide and 22 feet tall and is intended to display art, sports-themed content, promotions, and entertainment. Specifically, content is anticipated to include, but not be limited to, arts and culture, sports and game viewing; events such as concerts, TED Talks, seasonal content, or faith-based assemblies; promotions for other cultural activities and events; sponsored plaza expression; visual art from local and non-local artists, photography, cinema, and live feed events; interactive feed events; e-sports tournaments; and health and wellness content such as yoga classes. The Content Plaza Screen shall not be visible from the public right of way, including vehicular

traffic.

- A projection on the underside of the bridge that spans the diagonal walkway between the two towers at the 11<sup>th</sup> floor (the “**Residential Tower Bridge Projection**”). Content on the Residential Tower Bridge Projection will be heavily geared toward arts and culture, and the brightness (no brighter than a typical smartphone) will be respectful of the nearby rights of way.
- A series of 5 digital banners to be located along the Wynkoop Promenade (the “**Digital Banners**”). The Digital Banners are intended both to serve as streetlight fixtures and to assist pedestrians with wayfinding. They will be about 24 feet tall and about 2.75 feet wide with digital display systems about 12 feet in height on both sides that will provide content that may include, but not be limited to, art from local and non-local artists, sports-themed content, promotions, entertainment, photography, interactive feeds, public service announcements, emergency broadcast messages, and wayfinding information.

Each of the envisioned types of Signage constitutes an “**Outdoor General Advertising Device**” or “**Billboard**” as defined in the Code because the Signage may be used to display content related to products, services or uses not on the same zone lot as the Signage. *See* Code § 13.3. However, for each of these Signage components, the PUD proposes a variety of limitations, such as hours of operation, illumination and requirements for public and arts content. Hours of operation and brightness maximums will be sensitive to uses on adjoining zone lots, and content requirements will ensure that a significant proportion of content on each sign will be geared toward arts and culture and entertaining or informative content. Therefore, while technically the Signage meets the definition of Billboard, with these limitations and in this context, the Signage is really a critical placemaking feature that will promote and advance social and economic vitality in the Lower Downtown area.

### **PUBLIC BENEFIT**

The Project as enhanced by the Signage has been designed to align with the City’s defined land use goals and objectives for a vibrant, engaging public realm and will confer significant public benefit on the surrounding community through vibrant activation, high-quality urban design, friendliness to pedestrians, emphasis on connectivity of downtown destinations and experiences, and their focus on family-friendly activities and arts, cultural and educational programming. West Lot LLC is also committed to entering into a development agreement with the City pursuant to which the West Lot LLC will foster relationships with local artists and art institutions of higher education to create and display high-quality art content on the Signage that supports content creators, and West Lot LLC will work to partner artists with local women-owned, minority-owned and disadvantaged businesses to create content for the Signage that will support those businesses. While we recognize that these benefits do not necessarily correlate to the PUD criteria, nor do we intend to incorporate them into the PUD Amendment itself, it is important context for the City to know that it is the intent of West Lot LLC that the Project be designed to enhance many of the City’s enumerated goals.

The Project and Signage will contribute to the public's enjoyment of a long-standing establishment in Denver: the Colorado Rockies. The Rockies are a Colorado institution and a Denver icon. Moreover, the Project is anticipated to generate \$125 million to be contributed to capital improvements and maintenance funds for Coors Field, which is the premier tourist designation to enjoy the Colorado Rockies and is also a strong generator of revenue for the City.

A particularly remarkable public benefit within the Project is the private open space, which is the largest private open space in the City. The PUD requires a minimum of 20% open space with tailored standards for the open space, and in fact more than 30% of the Project is private open space. City plans such as The Outdoor Downtown Master Plan ("The **Outdoor Downtown**") and the Game Plan for a Healthy City ("Game **Plan**") have demonstrated the City's continuing commitment to outdoor spaces and activities that can be enjoyed by all the residents of Denver. A recurring theme of these plans is that open space should be only a short walk away from any Denver resident. The Project and the Signage further these plans by providing an activated, walkable Downtown outdoor space that serves as a distinctive gateway to the City, an outdoor cultural and educational experience, and place for families and friends to gather.

Additionally, the Signage not only participates in but is on the cutting edge of the City's plans. A major focus in the update to the City's Comprehensive Plan 2040 and to Blueprint Denver has been an emphasis on quality of life infrastructure and complete neighborhoods. A key piece of feedback from the community surrounding the Property was that, with bars and other amenities that cater to ballpark goers as the main amenities in the area, the Ballpark district was not maximally inclusive towards families and people of all ages, interests, and incomes. The area is a popular one—an analysis of rail station activity in May 2019 discovered that about 37,531 riders pass through Union Station on a typical workday, which makes this location perfect to cater to visitors seeking safe, quality entertainment in the area. The Project as enhanced by the Signage is a leap towards characterizing the Ballpark/Lower Downtown area as an area for all ages, where people of all backgrounds and walks of life can mingle and enjoy the outdoor space, attend a community assembly, watch a TED Talk or a movie, participate in an interactive feed event, or do yoga, all facilitated by the programming on the Content Plaza Screen and other Signage. The Signage enhances design standards in the PUD that provide public benefit, including requirements that open spaces and enhanced setbacks incorporate features that provide a sense of comfort and safety for pedestrians and enhance year-round usability. The PUD requires that open spaces be fronted with highly active uses and oriented to provide a visual connection to the street, demonstrating to the public that the Project is maximally inclusive and inviting foot traffic. The Project as enhanced by the Signage in the content plaza and Wynkoop Promenade improvements will contribute to the quality of life infrastructure and complete neighborhoods prioritized in Blueprint Denver.

The City has also recently enhanced its focus on promoting walkability, connectivity, and healthy activity with the creation of multiple City plans such as Denver Moves: Pedestrians and Trails ("Denver **Moves**"), 5280 Trail Vision Plan ("5280 **Trail Plan**"), and the 21<sup>st</sup> and Wynkoop Design Plan. The Project and Signage are poised to further these plans significantly. The existing PUD incorporates walkable outdoor space by requiring that Wynkoop Promenade and the 20<sup>th</sup> Street frontage be designed to accommodate a 15 foot clear path for public pedestrian and bicycle access that must remain publicly accessible and usable at all times. The Signage will further enhance this

pedestrian access with the wayfinding Digital Banners, invite pedestrians with entertaining content on the Content Plaza Screen, and foster repeat traffic that will enhance the pedestrian-friendly nature of the area. The Project will also serve as a key amenity and gathering place along the “**5280 Trail**”, the conceptual 5-mile urban loop that will wind through the communities and landmarks of Downtown districts and surrounding areas to facilitate community gathering, green spaces, and an overall sense of place. The enhancement of Wynkoop Promenade as a portion of the 5280 Trail also will provide a special public space enjoyable by people of all ages, backgrounds, incomes, and interests who may stroll with friends, teach a child to ride a bike, or take a preferred route to lunch.

The Signage and Project as a whole will also contribute to what the 21<sup>st</sup> and Wynkoop Design Plan envisions for Wynkoop Street as “an active plaza-like atmosphere that acknowledges the street as the ‘doorstep’ to the City,” an atmosphere that facilitates pedestrian and bicycle traffic and helps Wynkoop Street overcome identified challenges in accommodating multi-modal transportation. The Digital Banners will help to define Wynkoop Promenade as part of a “signature street” in the neighborhood, and the Content Plaza Street and Residential Tower Bridge Project will “[i]mprove the game day experience for guests to Coors Field” and overall be a significant enhancement to the experience of the public realm. The 21<sup>st</sup> and Wynkoop Design Plan identifies the Property as an area that should be “focused on event activities, but flexible to encourage everyday use.” The Project as enhanced by the Signage is precisely this type of development. The PUD requires that open space be designed to accommodate events such as outdoor concerts where possible and states that open space should be designed to accommodate a variety of activities for all ages with design elements such as interactive play features and seating areas. The Signage fulfills this requirement by allowing sports fans to gather for broadcasts of sporting events on the Content Plaza Screen and also allowing families to gather on a daily basis and enjoy a concert, educational programming, visual art from local and non-local artists, or an interactive feed event.

A key component of the Project and a key source of the community benefit is the Signage and urban design enhancements the Signage brings to the location. The Digital Banners will enhance the pedestrian experience and connectivity of the Project, the Residential Tower Bridge Projection will enhance the quality of the public space, and the Content Plaza Screen will serve as a major draw for nearby residents and their families for daily recreational and educational activities from e-sports tournaments to TED Talks to wellness classes that will increase the quality of the community. The Signage will enhance the existing PUD design standards and guidelines that go beyond base zoning code requirements to respect the character of the adjacent LoDo Historic District and urban character of the area by requiring high quality materials, ground floor activation, and iconic building elements and architectural features. The Project will also include landscape and amenity enhancements to the existing Wynkoop Promenade and right-of-way improvements to 20th, 19th and Wazee Streets. This overall high level of quality is a tangible public benefit especially because of the Project’s relation and adjacency to the LoDo Historic District.

The Signage is designed to emphasize the connectivity among various Downtown and surrounding destinations through creative and educational screens and signs that will encourage interaction and outdoor activity. They will serve as distinctive, iconic figures that will showcase the advanced technology that characterizes the City. The Signage will be associated with the Ballpark district

and will promote sustainable development and economic vitality throughout that district that all people and their families of all ages, backgrounds, and incomes can enjoy together.

### **GOOD NEIGHBOR**

Seamless integration into the surrounding community has been a key concept driving the design of the Project, the PUD, and the Signage. In keeping with our desire to be a good neighbor and for the comfort of the surrounding residents and businesses, we are limiting the hours of operation of the Signage through the approval process for the PUD Amendment and Comprehensive Sign Plan. Also, screens and projectors will be equipped with light sensors and controlled by automatic dimming software to limit luminescence to certain maximum levels defined in the PUD. The dimming software will react to sunrise, sunset, and overcast weather. Although we recognize that the good neighbor policy will not be a part of the PUD Amendment, and therefore not enforceable by the City, the Project team has worked with the neighbors to reach agreements in connection with the original PUD to limit hours of operation and noise for the benefit of the neighborhood as a whole. Throughout the process the Project team has worked with nearby property owners and neighborhood groups to ensure that the Project is compatible with and appropriate for its surroundings. The Content Plaza Screen will have a minimal impact on adjacent residential uses and no impact on vehicular traffic, the Digital Banners will have a minimal impact on vehicular traffic, and the Residential Tower Bridge Projection will only be partially visible from portions of the right of way.

### **NEIGHBORHOOD OUTREACH**

The neighborhood outreach process has been thorough and thoughtful and has consistently revealed enthusiastic, wholehearted support from the surrounding community.

As described in the Initial PUD Application, the Rockies and the Project team have engaged in a lengthy and thorough community outreach process throughout the conception and development of this Project. Throughout the entire process the community has expressed clear support for the Project, including the Signage which was a visible part of our outreach, materials and design presentations all along.

West Lot LLC has throughout the process met with and reached out to RNOs and community groups regarding the PUD amendment for the Signage. Meetings with community groups, RNOs, HOAs and other individuals and businesses were held in advance of the Comprehensive Sign Plan hearing at the Denver Planning Board and have and will continue throughout the process.

Starting as early as August of 2017, the Rockies invited all Registered Neighborhood Organizations (RNOs) surrounding the site and the proximate HOAs and condo associations to attend meetings at Coors Field where the Rockies shared early information and project vision for the Project. The Rockies have also hosted five large community meetings (8/14/17, 8/28/17, 9/25/17, 2/5/18, 5/30/18) for the group of RNOs, HOAs, and interested stakeholders surrounding the site. Sign-in sheets to these meetings have been shared with the CPD case manager. Attendance was strong at each meeting.

In addition to the community meetings where the Rockies distributed project information, updates, and design evolutions, the Rockies have delivered presentations throughout the process to the LoDo District, Lower Downtown Neighborhood Association (LoDoNa), One Wynkoop Plaza HOA, Rocky Mountain Warehouse Lofts HOA, Downtown Denver Partnership (DDP), 5280 Loop project team, and others.

Many of the design components of the Project have evolved in response to the feedback from the community. The community, residents, and business owners surrounding the site have contributed significantly to the Project design and enthusiastically recognized the community benefit it will bring. When the PUD was originally approved, all comment from the surrounding community was in support of the Project. Now more than ever the community recognizes the public benefits of this Project and wants this Project to be developed.

## ANALYSIS

An amendment to a PUD is reviewed according to the same procedures and is subject to the same criteria as a new application for rezoning to a PUD. Code, § 12.3.7.2.A.1. Therefore, an application for an amendment to a PUD must satisfy the criteria for approval that apply to zone map amendments, the criteria that apply to non-legislative rezonings, and the criteria that apply to rezonings to PUDs specifically. Code, §§ 12.4.10.7; 12.4.10.8; and 12.4.10.9. The following is an analysis of how the application for the PUD Amendment satisfies each of these criteria.

### I. Criteria for Zone Map Amendments

The City Council may approve a proposed amendment to a PUD if the proposed amendment complies with the specified criteria for an official zone map amendment in Section 12.4.10.7 of the Code. The PUD Amendment complies with those criteria, as explained in detail below.

1. The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to meet a community need that was not anticipated at the time of the adoption of the City's plan.

The PUD Amendment is consistent with the City's adopted plans and also furthers the goals of many of the other supplemental plans created to enhance the health, walkability, and design of the City.

- a. *Adopted Plans*

- i. Central Platte Valley Comprehensive Plan Amendment from 1991

The Property is subject to the Central Platte Valley Comprehensive Plan Amendment from 1991 (“Platte Amendment”). The PUD Amendment is consistent with the Platte Amendment.

The Platte Amendment, adopted 29 years ago, envisions the Central Platte Valley as “a single interface point for heave and light rail, inter- and intra-city bus, automobile, and pedestrian activity,” and “the transportation HUB of the region,” though the “predominant character of development in the valley will be an urban mix of office, residential, entertainment, recreational,

and commercial uses.” The Central Platte Valley has undergone substantial change and redevelopment since its adoption, including the construction of Coors Field and redevelopment of Union Station. Nonetheless, the PUD Amendment, like the initial PUD, is still consistent with the Platte Amendment because it would satisfy a number of the goals articulated in the Platte Amendment.

The Platte Amendment establishes Goals, Intent Statements, and Concepts for the future development and redevelopment of the Central Platte Valley. The PUD Amendment furthers many of these Goals, Intent Statements, and Concepts, including:

- Goal 1.1: “Redevelop the Valley in ways that recognize it as a valuable resource to the whole City.”
- Goal 1.2: “Encourage a mix of land uses in the CPV which will support a dense urban character.”
- Goal 1.3: “Provide amenities which will knit Downtown and adjacent neighborhoods together.”
- Goal 1.4: “Encourage a mix of commercial development which will: create new jobs, generate direct and indirect tax revenue, attract new Downtown residents, provide new amenities.”
- Goal 1.5: “Accommodate an appropriate mix of uses and encourage viable development to satisfy both the economic needs of landowners and public needs, including: public open space, economic development, housing, public facilities.”
- Intent Statements, Land Use A: “Capitalize on a unique opportunity to reuse former rail-yard and obsolete industrial land in the heart of Denver.” - noting that the Property was a rail-yard at the time of adoption of the Platte Amendment was adopted.
- Intent Statements, Land Use C: “Redevelop the Valley to help satisfy the needs of the Downtown and the adjoining neighborhoods by making provision for: neighborhood parks and recreation facilities, city-wide parking and recreation facilities, housing to develop a 24-hour Downtown population, housing to reinforce adjoining neighborhoods, increased tax base, support for Downtown retail, hotels, restaurants, and entertainment facilities, Downtown access and parking, increased employment opportunities for residents of adjoining neighborhoods, support for Denver’s cultural, and arts resources, support services for Downtown’s businesses and employees.”
- Goal 2.3: “Provide an orderly, visually pleasing and active environment for: workers, residents, neighbors, visitors.”
- Goal 2.4: “Reinforce desired land use patterns.”
- Goal 2.5: “Enhance amenities for new residential, specialized office, research and development uses.”
- Goal 4.1: “Foster a character for the CPV which is different and distinct from that of Downtown[.]”
- Goal 4.2: “Encourage the individual qualities of each sub-area to be manifest in local urban character; do not generate a single image of the entire CPV.”
- Intent Statement: Character A: “Redevelop the Valley in such a way that it complements the character and functions of Downtown and Lower Downtown, reinforcing them with uses and densities which will rebuild a market for retail, housing, services, hotels, entertainment, and first class office space.”

- Concept L: “Locate public facilities (such as an amusement park, a baseball stadium, an aquarium, and other cultural/recreational facilities), in the Valley. Create more tourist attractions in support of Downtown hotel, retail, and convention center trade.”
- “Pedestrian access between LoDo and the stadium should be provided along Wynkoop, Wazee, and Blake Streets.”
- “Light glare and noise should be confined to the site as much as possible.”

The Project, as enhanced by the Signage, is intended to operate as a new hub for year-round activity that is distinct to the Valley and unique from the remainder of Downtown. As a whole, the PUD allows for development of a mix of uses that will attract new employers, retailers, and patrons, and provide for outdoor spaces and cultural amenities such as the Hall of Fame. The Content Plaza Screen will enhance the use of the content plaza as an open gathering and entertainment center that contributes to the unique feel of the Wynkoop Promenade and complements the nearby amenities of Coors Field. The Digital Banners and Residential Tower Bridge Projection will also contribute to the unique look and feel of the Project. The content and messaging provided by the Signage will also contribute to the unique public character of the central plaza, which will take on some of the characteristics of an outdoor amphitheater.

Additionally, permitting the Signage will support the character of the Central Platte Valley as a dense urban center with outdoor amenities a walkable distance from Coors Field. The Platte Amendment envisions pedestrian connection to Coors Field along Wynkoop, and the Digital Banners help to highlight and facilitate the use of this connection. The Signage as a whole, and the Content Plaza Screen in particular, will offer entertainment and educational and creative content that attracts people of all ages, backgrounds, incomes, and interests from adjacent neighborhoods. Sports programming will attract people from nearby Denver neighborhoods seeking recreation and entertainment, and informational lunch programming will attract pedestrians from surrounding neighborhoods and office workers to gather and enjoy open space and educational content such as TED Talks during the workday. Families can gather for local civic cultural events or a yoga class. The Project will generate direct and indirect tax revenue, and the Signage will entice visitors and new residents to the Project.

The PUD Amendment and the PUD as a whole also comply with design and noise-related guidelines of the Platte Amendment. For example, the Platte Amendment’s guidelines provide that light glare and noise at and near the baseball stadium site should be confined to the site as much as possible, and the PUD Amendment complies by suggesting wayfinding Digital Banners that will guide baseball game attendees to other appropriate venues efficiently and by providing content on the Content Plaza Screen and Residential Tower Bridge Project that is minimally visible from surrounding sites. The Platte Amendment also generally disfavors high rise development and favors development of building heights “consistent with the fabric of Lower Downtown.” Accordingly, the PUD standards were developed with consideration of the building heights and transitions coming from the Lower Downtown Historic District and include standards appropriate for this transitional property located on Wynkoop Promenade between Union Station and Coors Field.

As a former parking lot before the rezoning to PUD-G #19, the Property was underutilized, and the Signage is a key component of redeveloping and reusing the Property. The Platte Amendment

designates the Property as within the Upland Sub-Area and provides that uses within this Sub-Area should be “mixed with a predominance of office uses south of 22nd Street,” and that properties between 19th and 20th Streets “should be developed for uses which complement and strengthen the prevailing Lower Downtown mix of office, retail, housing and galleries.” This fits with the projected future uses for the Property according to the Map of Preferred Land Uses in the Platte Amendment, which depicts the Property as “General Mixed Use (Office, Retail, Housing, Entertainment, Hotel)/Light Industrial Warehouses Not Allowed.” The Project as enhanced by the Signage perfectly fulfills this vision of the Sub-Area. The Signage will support Denver’s cultural and arts resources through culturally-relevant programming on the Content Plaza Screen, Digital Banners, and Residential Tower Bridge Projection. The Signage as a whole is designed to contribute to the “visually pleasing and active character” of the outdoor content plaza. The Digital Banners are designed to contribute to the “orderly” environment as wayfinding markers. Overall, the Content Plaza Screen, Residential Tower Bridge Projection, and Digital Banners will function as cultural amenities that create inclusive natural gathering places for Downtown residents.

The map of Pedestrian Routes in the Platte Amendment depicts both Wynkoop and 20th Streets as “Primary Central Platte Valley Routes,” which should be integrated with the open space system and amenities and designed to “give safe and convenient access to all destinations for those on foot.” Guidelines for the Upland Sub-Area provide that pedestrian and bicycle access “should be provided by extension of Wynkoop at or near grade over depressed 20th Street,” which is of course the current state of Wynkoop Promenade. The PUD is designed to enable the preservation and enhancement of Wynkoop Promenade in keeping with the Platte Amendment’s vision. The Digital Banners will serve as an additional enhancement to Wynkoop Promenade and assist with wayfinding.

Ultimately, the Signage is designed as a new amenity and key attractor to the Project. For the foregoing reasons, the PUD Amendment is consistent with the Platte Amendment.

## ii. Comprehensive Plan 2040

At the time of adoption of PUD-G #19, the comprehensive plan in effect for the City was Comprehensive Plan 2000. In May 2019, City Council adopted Comprehensive Plan 2040 (the “**Comprehensive Plan**”), which serves as “a holistic and sustainable vision to guide the future of Denver” and “creates a vision and goals to tie together the City’s plans and policies.” The Comprehensive Plan sets forth a series of vision elements and long-term integrated goals to guide the City’s development. The PUD Amendment is consistent with many of the visions and goals in the Comprehensive Plan, including but not limited to:

- Vision Element 2.2: “Enhance Denver’s neighborhoods through high-quality urban design.”
- Vision Element 2.3: “Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture and culture.”
- Vision Element 2.4: “Ensure every neighborhood is economically strong and dynamic.”
- Vision Element 2.7: “Leverage the arts and support creative placemaking to strengthen community.”

- Vision Element 2.8: “Conduct intentional, equitable and measurable neighborhood planning.”
- Vision Element 3.8: “Build and maintain safe bicycle and pedestrian networks.”
- Vision Element 3.8: “Strengthen multimodal connections in mixed-use centers and focus growth near transit.”
- Vision Element 4.7: “Accelerate Denver’s economic vitality through arts, culture, and creativity.”
- Vision Element 4.8: “Expand participation in arts and culture and ensure that arts and culture are accessible to all.”
- Vision Element 4.9: “Stimulate the growth of ideas and innovation.”
- Vision Element 5.1: “Mitigate climate impact by significantly reducing greenhouse gas emissions.”
- Vision Element 5.9: “Protect and improve air quality.”
- Vision Element 6.2: “Provide high-quality parks, recreation facilities and programs that serve all Denver residents.”
- Strong and Authentic Neighborhoods Goal 1.D: “Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities.”
- Strong and Authentic Neighborhoods Goal 2.C: “Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.”
- Strong and Authentic Neighborhoods Goal 2.D: “Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.”
- Strong and Authentic Neighborhoods Goal 3.D: “Expand resources to preserve and enhance neighborhood culture.”
- Healthy and Active Goal 1.C: “Design safe public spaces and recreational areas to serve people of all ages and backgrounds.”
- Denver and the Region Goal 1: “Be a regional leader in smart growth.”
- Denver and Region Goal 1 Strategy A: “Demonstrate the benefits of compact, mixed-use development for the region.”

For the reasons that the PUD Amendment is consistent with the Platte Amendment, the PUD Amendment is also consistent with the Comprehensive Plan. The Signage is intended to enhance the Project as a cultural, sports, recreational, educational, and entertainment center that incorporates high-quality urban design in a mixed-use context and celebrates culture, creativity, ideas, and innovation in a way that is accessible to people of all ages, backgrounds, interests, and incomes. By doing so, the Project contributes to the surrounding strong and authentic neighborhoods, including LoDo and the Ballpark district. LoDo, as Denver’s oldest neighborhood, is a hub of family-friendly attractions and businesses, including some of Denver’s best-known restaurants, galleries, shops and boutiques. Similarly, the Ballpark District provides family-friendly entertainment. The PUD Amendment integrates the Project into these neighborhoods by providing family-friendly activities facilitated by the Content Plaza Screen and Residential Tower Bridge Projection; such activities are complementary to and compatible with the activities and uses in the LoDo and Ballpark District neighborhoods. The PUD Amendment also helps to integrate

these neighborhoods with one another by providing wayfinding Digital Banners that help pedestrians navigate these neighborhoods.

The PUD Amendment also helps to accomplish the City's sustainability and climate change goals as expressed in the Comprehensive Plan including goals to reduce emissions and improve air quality, by providing Signage that assists with pedestrian wayfinding and thereby encourages repeat-visit pedestrian activity to the Project. Additionally, the PUD Amendment contributes to the health and activity goals of the Comprehensive Plan because the Content Plaza Screen is intended to provide health and wellness programming, such as yoga classes.

The PUD Amendment also contributes to the compatibility of the PUD as a whole with the Comprehensive Plan. As noted above, the PUD as a whole allows for development of a mix of uses that will create natural gathering places for the residents of Downtown. By providing plentiful pedestrian access, design standards for Wynkoop Promenade and the Project as a whole, robust new economic activity, a minimum open space requirement that the Project will exceed, and parking reduction strategies the PUD allows for a Project that will serve as a new hub for year-round activity unique to Downtown. The Project will help Denver be a "regional leader in smart growth" and "demonstrate the benefits of compact, mixed-use development for the region."

While the PUD Amendment would further many more strategies and recommendations in the Comprehensive Plan, the above list demonstrates the extent to which the PUD Amendment is consistent with the adopted Comprehensive Plan.

### iii. Blueprint Denver (2019)

The City's Blueprint Denver was adopted in 2002 and updated in April 2019. Blueprint serves as a supplement to the Comprehensive Plan that "provides the foundation for citywide policies and recommendations related to land use, transportation, design and growth" and "guides where new jobs and homes should go, how our transportation system will improve, how to strengthen our neighborhoods and where and how we invest in our communities with new infrastructure and amenities." Blueprint sets a framework for "citywide policies and specific strategies" to achieve the visions of the Comprehensive Plan.

A major theme of Blueprint is a focus on equity, defined as "when everyone, regardless of who they are or where they come from, has the opportunity to thrive. Where there is equity, a person's identity does not determine their outcome." The Project and the Signage are intended to significantly advance the value of equity by providing a pedestrian-friendly, inclusive open space that will appeal to people and families of all ages, backgrounds, income levels, and interests with a variety of events from faith-based assemblies to educational programming to e-sports tournaments. The Project and Signage are intended to serve a dense mix of uses in one area, so in addition to the typical project-identifying and tenant-identifying signage that is allowed by D-AS-12+ zoning, the Content Plaza Screen, Residential Tower Bridge Projection, and Digital Banners are necessary as amenities and functional parts of the entertainment to truly create a sense of place. The PUD Amendment makes it possible for the Project to present a wide variety of interactive content that appeals to a diverse range of patrons. Such content can attract and educate a wide variety of people. The PUD Amendment is also necessary to permit the type of Signage that can

be adapted to meet current and future social distancing requirements and provide needed outdoor programming opportunities at a time when people are leery of gathering indoors.

Other major themes in Blueprint are promotion of quality of life and the creation of complete networks and neighborhoods with distinct identities. The Project and Signage are designed to contribute to the unique identity of Denver and the Ballpark and to promote the quality of life of all nearby residents by providing quality outdoor space and entertainment.

The PUD Amendment is consistent with many of the policies and recommendations in Blueprint, including but not limited to:

- Land Use & Built Form: Economics Policy 06: “Ensure Denver and its neighborhoods have a vibrant and authentic retail and hospitality marketplace meeting the full range of experiences and goods demanded by residents and visitors.”
- Land Use & Built Form: Economics Strategy 06(C): “Promote Denver as a destination for healthy living and economic opportunity.”
- Land Use & Built Form: Economics Strategy 06(D): “Build on Denver’s national and regional entertainment options to continue to blend the arts, entertainment, shopping and hospitality into unique Denver experiences.”
- Land Use & Built Form: Design Quality & Preservation Policy 03: “Create exceptional design outcomes in key centers and corridors.”
- Land Use & Built Form: Design Quality & Preservation Policy 04: “Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.”
- Land Use & Built Form: Design Quality & Preservation Policy 05: “Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places.”
- Mobility Strategy 01(D): “Increase the number of services and amenities that are available by walking, rolling and biking by integrating more local centers and corridors into residential areas, especially for areas that score low in Access to Opportunity.”
- Mobility Policy 02: “Align the impacts of private development with transportation infrastructure and promote development that creates walkable, transit-friendly communities.”
- Mobility Policy 03: “On all streets, prioritize people walking and rolling over other modes of transportation.”
- Mobility Policy 09: “Improve safety on Denver’s streets and collaborate with city departments on safety programs when developing small area plans.”
- Quality of Life Infrastructure Policy 01: “Expand tools and regulations to ensure high-quality parks and outdoor public spaces keep pace with Denver’s growth.”
- Quality of Life Infrastructure Policy 05: “Ensure attractive streets and outdoor spaces in all centers and corridors, giving priority to pedestrian spaces and amenities.”
- Quality of Life Infrastructure Policy 10: “Work with public and private partners to improve access to shops, restaurants, entertainment, civic uses, services and a variety of daily needs for all Denver residents.”

While the PUD Amendment would further many more strategies and recommendations in Blueprint, the above list demonstrates the extent to which the PUD Amendment and PUD as a whole are consistent with Blueprint.

Blueprint also outlines the following components to consider in any requests for official zone map amendments: (i) the guidance in the neighborhood contexts map, (ii) the guidance in the future places map and place descriptions, and (iii) the growth strategy and related map. The PUD Amendment is consistent with all of these components.

#### A. Neighborhood Contexts Map

Like the Code, Blueprint is organized by “**Neighborhood Contexts**,” which are “a way to understand the differences in land use and built form, mobility options, and quality-of-life infrastructure between different neighborhoods.” The Property is located in the “**Downtown Context**,” which includes the highest mix of uses in the City and “a range of flexible outdoor spaces and hardscaped plazas.” The Downtown Context is also intended to enhance the pedestrian environment.

The Signage is compatible with the Downtown Context because it will enhance and serve the residents and patrons of the mix of residential, office, retail, and eating and drinking uses in the Project and surrounding neighborhoods. The Signage and the requirements of the PUD with respect to open space and the Wynkoop Promenade will contribute to the pedestrian-friendly nature of the Project by creating a heightened pedestrian environment that fosters civic pride. The Digital Banners will provide wayfinding amenities that are located and scaled for pedestrian use and will promote a lively sense of public activity in the Project. Similarly, the Residential Tower Bridge Projection and Content Plaza Screen will activate the surrounding area and provide outdoor entertainment and culture.

#### B. Future Places Map

The Future Places Map places the Property within a “**Regional Center**,” which is intended to serve as the “widest customer draw of all places with a 24/7 live, work and play environment attractive to locals and visitors.” The Regional Center also calls for a “high degree of urbanism paired with a strong pedestrian realm.”

As described elsewhere in this letter, the Signage and PUD as a whole are designed to create a sense of place of the Project as an urban center and attractor of locals and visitors, including pedestrians from nearby residences and nearby Coors Field. The Signage, and particularly the Content Plaza Screen, will benefit different types of users, including sports fans and consumers of artistic and cultural content and entertainment. While the Signage will enhance the experience of games at Coors Field, it is designed pursuant to the existing PUD requirements to facilitate events on a year-round basis. As integrated into the mix of residential, office, restaurant, and retail uses that the PUD permits, the Signage is a key component of the “live, work and play environment” that will draw in customers from nearby neighborhoods and the greater Denver metro area and beyond throughout the year. Therefore the Signage is compatible with Blueprint’s characterization of the Property as within a Regional Center.

### C. Growth Strategy

The Growth Strategy in Blueprint is intended to strengthen existing neighborhoods with strategically planned infill development to enhance the unique character of the City. As a version of the Future Places Map, the Growth Strategy shows the goals for distributing growth in the City. In the Regional Center in which the Property is located, job growth is projected to increase by 50%, and housing is intended to increase by 35%. The Signage enhances the Growth Strategy by contributing to the unique character of the area as a draw for future residents and commerce. The Signage will promote social and economic vitality for the Ballpark district and LoDo.

For the foregoing reasons, the PUD Amendment is consistent with Blueprint.

#### iv. Downtown Area Plan (2007)

The City adopted the Downtown Area Plan (“[Area Plan](#)”) in 2007 as a supplement to the Comprehensive Plan and as “a tool to help community leaders, decision-makers, and citizens build upon Downtown’s assets and guide future development to reflect the community’s vision of a livable, healthy, sustainable and vibrant Downtown.” As noted in the Initial PUD Application, the Area Plan identifies the Property as a key “Opportunity Site” in LoDo. Opportunity Sites are “vacant or underutilized parcels” in “strategic location[s]” with the “potential to not only shape new development on the site itself, but also catalyze additional development in the surrounding areas.” Development and redevelopment of Opportunity Sites “is essential to creating a dynamic, connected and walkable Downtown Denver.”

The PUD Amendment will allow for the Signage as a key component of the redevelopment of the Property into a mixed-use catalyst for the type of development envisioned in the Area Plan. The Content Plaza Screen and Residential Tower Bridge Projection will create more dynamic space that will be more connected and walkable with the help of the Digital Banners. The Signage and particularly the Content Plaza Screen also will constitute the types of “family-oriented . . . amenities” and “active uses” described in the Area Plan that will “bring liveliness and a sense of comfort and safety” to Downtown. With Signage that takes advantage of movement, light, and interactivity to engage the viewer, the Project stands to provide quality entertainment to all viewers and to draw in a diverse range of persons, from families enjoying art, to athletes practicing yoga, to businesspeople having lunch and enjoying an outdoor TED Talk. Without the Signage, the Project would lose the opportunity to engage nearby viewers with real-time responses and programming geared towards the desires of diverse audiences.

Additionally, the Area Plan calls for the facilitation of pedestrian movement by describing Wynkoop as a “Priority Pedestrian Connection” and identifying a lack of “cohesive pedestrian environments” as a significant challenge facing the City. The Signage will enhance the pedestrian experience along the Wynkoop Promenade that the PUD as a whole fosters with the strategic placement of the wayfinding Digital Banners and ensure that the Wynkoop Promenade is a key amenity along with the 5280 Trail. The Area Plan specifically identifies “undeveloped surface parking lots” and the lack of “cohesive pedestrian environments” as challenges confronting the City. It encourages development of all types of retail downtown and states that parking requirements should be eliminated where appropriate to encourage small retail businesses. The PUD as enhanced by the Signage helps the City overcome these challenges and accomplish these

goals by facilitating the redevelopment of the existing surface parking lot into a pedestrian-friendly mixed-use development with a significant retail presence near Union Station.

The PUD Amendment will also foster compatibility of the Project with LoDo by creating a pedestrian-friendly environment with family-friendly amenities and a diverse variety of opportunities for entertainment, just like the revitalized LoDo. Without mimicking any distinctive developments in LoDo, the Signage will provide a unique entertainment opportunity and a look and feel that is compatible with the look and feel of LoDo as an authentic community of pedestrian scale. This Signage builds on the high quality design elements that exceed the requirements of the base zoning district. The Project will therefore contribute to the safety and cultural opportunities in the area while honoring the grit and authenticity LoDo is known for.

The Area Plan also sets out five “vision elements,” one of which is development of “A Green City.” Part of making Denver a Green City is building “an outdoor downtown.” The Signage will help to build an outdoor Downtown by attracting nearby residents with outdoor entertaining and cultural content and thereby “strengthening connections between existing parks, plaza and recreation areas, and enhance[ing] the public realm to provide venues for outdoor activities throughout Downtown.” The Area Plan states that it is important to “provide venues for residents, workers and visitors to gather, relax and play.” This can be accomplished by hosting events that “promote biking and walking in Downtown,” and by continuing to “cluster world-class sports facilities in Downtown.” The Signage will contribute to an exciting and entertaining space for residents and patrons to gather, relax and play by facilitating the hosting of sporting events and other cultural events.

The Area Plan also sets out five “vision elements,” one of which is development of “A Green City.” Part of making Denver a Green City is building “an outdoor downtown.” This is broadly described as “strengthening connections between existing parks, plaza and recreation areas, and enhance[ing] the public realm to provide venues for outdoor activities throughout Downtown.” The Area Plan states that it is important to “provide venues for residents, workers and visitors to gather, relax and play[.]” This can be accomplished by “adding street trees and landscaping in the public right-of-way, in private open spaces and on rooftops,” by hosting events that “promote biking and walking in Downtown,” and by continuing to “cluster world-class sports facilities in Downtown.”

The PUD, the PUD Amendment, and the Signage will contribute to the development of an outdoor downtown and green city by creating new, landscaped outdoor spaces for residents and patrons to gather, relax, and play. It will rejuvenate Wynkoop Promenade and connect it to the Project and the central plaza. Where there was once a barren surface parking lot, the Project will provide interesting connections open to bikers and pedestrians and landscaped right-of-ways and open space.

For the foregoing reasons, the PUD Amendment is consistent with the Area Plan.

b. *Supplemental Plans*

Not only is the PUD Amendment consistent with the City’s adopted plans, it is also compatible with many of the supplemental plans created for the City.

### i. Game Plan for a Healthy City

Game Plan dated May 2019 and adopted as a supplement to the Comprehensive Plan is “a park and recreation plan for Denver’s urban and mountain park systems that proclaims safe and easy access to parks and open space, a healthy lifestyle, and a healthy environment are all basic rights for every resident.”

By providing the largest privately owned open space in the City, the Project and Signage further the following guiding principles and goals of the plan:

- Guiding Principle: “Ensure equity in the distribution of parks and park resources and programming so that all residents have the opportunity to improve their personal health and well-being.”
- Guiding Principle: “Provide parks and programming that reflect Denver’s community and cultural identity.”
- Goal 6: “Ensure that parks, facilities, programs, and staff contribute to a high-quality, safe, and meaningful experience for park users and program participants.”
- Goal 7: “Achieve equitable access for underserved communities to parks and recreation amenities for all members of the community.”
- Goal 8: “Make decisions informed by an understanding of community perspectives.”
- Goal 9: “Provide quality programs and places that respond to Denver’s evolving needs.”
- Goal 13: “Increase the supply of parks, facilities, and resources relative to Denver’s population growth.”
- Goal 15: “Recognize parks and public spaces as vital elements of urban infrastructure for the city.”
- Goal 16: “Protect and enhance Denver’s legacy pathways: its parkways, greenways, and trails.”
- Goal 17: “Highlight and protect the system’s unique historic, social, and cultural resources.”
- Goal 19: “Design parks, facilities, and programs that reflect Denver’s distinct places and neighborhood identities.”
- Goal 20: “Provide opportunities to expand Denver’s healthy, outdoor lifestyle to all.”

For the same reasons that the Project and the Signage further the goals of The Outdoor Downtown, the Project and Signage further the goals of the Game Plan. As a private open space meant to provide outdoor amenities and programming to people of all ages, backgrounds, and incomes, the Project and Signage encapsulate an inclusive approach to enhancing the outdoor experience in Denver.

While the PUD Amendment would further many more goals and priority strategies in Game Plan, the above list demonstrates the extent to which the PUD Amendment is consistent with Game Plan.

### ii. Denver Moves: Pedestrians and Trails

Denver Moves is a citywide plan that went into effect in 2017 and focuses on the enhancement of the pedestrian experience in Denver through the completion and improvement of sidewalks, street

crossings, and trails. Denver Moves is not adopted as a supplement to the Comprehensive Plan, and therefore consistency with Denver Moves is not necessary for compliance with the criteria for an official zone map amendment. Nonetheless, because Denver Moves is intended to be used by various City departments to implement the Comprehensive Plan, consistency with Denver Moves helps to further the City's objectives and policies as set forth in the Comprehensive Plan.

The Project and Signage are consistent with and further the following vision statements and goals in Denver Moves:

- “The vision for the pedestrian network of the City and County of Denver is one that provides residents, employees and visitors with a walkable environment that is safe and comfortable for all users and treats all users with dignity;”
- “The pedestrian environment will be well-connected with a complete set of sidewalks and crossings that access key destinations including transit stops and stations, parks and grocery stores;”
- “Walking will be a safe mode of transportation and activity for all ages;”
- “The pedestrian environment will not only create a comfortable walking experience, but serve as a beautiful, clean and well-lit space that promotes healthy living.”
- Goal 2: Connectivity: “A complete, connected sidewalk network without gaps and with frequent pedestrian crossings across barriers.”
- Goal 3: Destination Access: “A complete pedestrian network with sidewalks and crossings that are up to standards and provide direct access to key destinations: transit, grocery stores, parks, schools and health care centers.”
- Goal 6: Safety: “A safe network of pedestrian facilities that enables walking as a comfortable transportation mode and is designed to reduce or eliminate crashes involving pedestrians.”

By creating a family-friendly and inclusive outdoor space, the Project and the Signage will contribute to a highly walkable environment that is safe and comfortable. The Project will contribute uniquely to the Downtown area by creating a family-friendly outdoor location that caters to people of all ages and backgrounds. The Digital Banners will activate the Wynkoop Promenade and encourage pedestrian connections among key destinations, and their wayfinding features and the family-friendly atmosphere created by the Signage will contribute to safety. Through active programming that is accessible by pedestrians, the Content Plaza Screen will promote healthy living. As a walkable link between nearby amenities and transit, the Project and Signage will also promote the goals of connectivity and destination access.

For the foregoing reasons, the PUD Amendment is consistent with Denver Moves.

### iii. 5280 Trail Vision Plan

The 5280 Trail Vision Plan dated August 20, 2019 was developed to set the framework for the 5280 Trail, a proposed urban trail that will unite the downtown districts with surrounding areas, connecting neighborhoods and people. The 5280 Trail as envisioned will incorporate the Wynkoop Promenade and wrap around the northeast side of the Property. The 5280 Trail is intended to be an integration of new park and open spaces that promotes healthy connections between various neighborhoods. The 5280 Trail Vision Plan is not adopted as a supplement to the Comprehensive

Plan, and therefore consistency with the 5280 Trail Vision Plan is not necessary for compliance with the criteria for an official zone map amendment. However, because the 5280 Trail Vision Plan builds on the visionary ideas and goals identified in plans adopted as supplements to the Comprehensive Plan, the 5280 Trail Vision Plan helps to further the City's goals as set forth in adopted City plans.

The 5280 Trail Plan characterizes Wynkoop Street as "Denver's Living Room" and sets the intention to complete the "Living Room" with "a shared street that prioritizes pedestrians, gathering and commerce in downtown's historic center and present day transit hub." With respect to Wynkoop Promenade specifically, the 5280 Trail Plan states, "A pedestrian plaza creates a terminus and provides a strong connection between Coors Field and Wynkoop Street." By contributing to the development of the Wynkoop Promenade as a shared pedestrian-friendly space that connects Coors Field with Wynkoop Street, the Project and Signage clearly will help to further this intention.

The 5280 Trail Plan states that wayfinding elements should be located at "key locations" such as major street crossings, major bicycle routes, cultural institutions, and neighborhood gateways. The Digital Banners fulfill this vision by providing attractive wayfinding amenities along Wynkoop Promenade.

Like the Project and the Signage, the 5280 Trail Plan focuses on benefitting a "wide range of users including children, tourists on B-cycles, parents with kids in bike trailers, joggers, roller skaters, wheel chair users and dog walkers."

For these and other reasons as described herein, the PUD Amendment is consistent with the 5280 Trail Plan.

#### iv. 21<sup>st</sup> and Wynkoop Design Plan

The 21<sup>st</sup> and Wynkoop Design Plan dated July 2016 was created with the goal to "develop a conceptual design of the streets that balances the needs of all users and enhances these corridors as premier destinations in the city." This plan recommended the creation of the 5280 Trail, then called the "Mile High Loop," which as described above will incorporate the Wynkoop Promenade and also pass the northeast side of the Property and "extend[] the notion of the trail open space into the City." The 21<sup>st</sup> and Wynkoop Design Plan is not adopted as a supplement to the Comprehensive Plan, and therefore consistency with the 21<sup>st</sup> and Wynkoop Design Plan is not necessary for compliance with the criteria for an official zone map amendment. Nonetheless, because the 21<sup>st</sup> and Wynkoop Design Plan considered and intends to implement plans such as Blueprint Denver, consistency with the 21<sup>st</sup> and Wynkoop Design Plan helps to further the objectives of the City's adopted plans.

The 21<sup>st</sup> and Wynkoop Design Plan identified Wynkoop Street as a "missed opportunity to create a signature street" and noted that "the street lacks unity and a multi-modal strategy to comfortably accommodate pedestrian and bicycle traffic." To overcome these challenges, the 21<sup>st</sup> and Wynkoop Design Plan conceptualized Wynkoop Street as "an active plaza-like atmosphere that acknowledges the street as the 'doorstep' to the City." As noted above, the Project and Signage fit this conceptualization in a unique and Denver-specific way through the creation of a plaza-like

atmosphere with quality entertainment on the Signage that will facilitate and draw in pedestrian and bicycle traffic. In doing so, the Signage and Project as a whole align with the following goals as enumerated in the 21<sup>st</sup> and Wynkoop Design Plan:

- “Help create signature streets within the neighborhood(s)”
- “Improve the game day experience for guests to Coors Field”
- “Connect with other key destinations and the overall public realm experience”
- “Facilitate reinvestment in underutilized properties”
- “Enhance the overall public realm experience”

The installment of the signage will enhance Wynkoop as a “signature” street that connects with other key destinations, facilitate reinvestment in the underutilized Property, and enhance the experience of pedestrians, nearby residents, and tourists. The Project will help to create a “vibrant,” “entertaining,” and “bold” character area that acts as a “gateway[] to the Ballpark” and, as described above, the Project fits entirely into the 21<sup>st</sup> and Wynkoop Design Plan’s vision of the Property as an area “focused on event activities, but flexible to encourage everyday use.”

For these and other reasons described herein, the PUD Amendment is consistent with the 21<sup>st</sup> and Wynkoop Design Plan.

#### v. The Outdoor Downtown

The Outdoor Downtown, adopted in 2017, is a 20-year master plan intended to provide a list of policies and programs that “will make Downtown’s parks and public spaces world-class destinations.” The Outdoor Downtown is not adopted as a supplement to the Comprehensive Plan, and therefore consistency with The Outdoor Downtown is not necessary for compliance with the criteria for an official zone map amendment. However, The Outdoor Downtown is intended to tie in to the City’s ongoing planning initiatives, including Blueprint Denver, and therefore helps to further the objectives of the City’s adopted plans.

A goal of The Outdoor Downtown is to encourage the creation of private open spaces and allocate parks and quality open spaces “within specific walking distance from all Downtown users to ensure that everyone has convenient access to vibrant open space on a daily basis.” The Project as enhanced by the Signage clearly facilitates this goal by providing the largest private open space in the City with entertainment for pedestrians and residents of nearby neighborhoods.

Additionally, the Project’s open space and the Signage align with all of the enumerated goals of The Outdoor Downtown:

- “Celebrate and activate Denver’s Outdoor Downtown”
- “Create a premier Downtown by providing accessible and inviting parks and public spaces that contribute to an economically thriving Downtown”
- “Foster a diverse and livable Downtown”
- “Cultivate Denver’s culture and identity in the outdoor spaces”
- “Provide environmentally and functionally sustainable outdoor spaces”

In addition, the Project and Signage align with and further the following aspirations, recommendations, and policies, projects, and programs in The Outdoor Downtown:

- Aspiration: “To realize the full potential of Downtown’s parks and public spaces by heightening their sense of safety, comfort, usability and excitement.”
- Aspiration: “Downtown parks and public spaces that better support the daily fitness needs of residents and that create novel urban recreational experiences unique to Denver.”
- Recommendation 2.2: “Create a network of various sized parks, public spaces and venues to ensure that all Downtown residents, employees and visitors have access to quality outdoor space within a three minute walk.”
- Policies, Projects & Programs 2.2.1: “Work with public officials and private property owners to develop guidelines to improve the quality and public accessibility of open spaces in private developments, such as private plazas, activated alleys and other open spaces. Include mechanisms to reduce liability for property owners.”
- Policies, Projects & Programs 2.3.2: “Provide infrastructure to support group exercise, games (e.g., chess, Ping-Pong, foosball), court sports (e.g., basketball, futsal, pickle ball), winter activities (e.g., ice skating, hockey, curling), and other active uses in new and existing Downtown Denver parks and public spaces.”
- Recommendation 2.4: “Provide a range of year-round and multi-generational programs and activities that meet the needs of the Downtown population.”
- Aspiration: “To enhance the day-to-day experience of life Downtown by allowing easy and intuitive movement to and through the city and by offering opportunities to explore every corner.”
- Recommendation 3.1: “Coordinate with Denver Moves plans to improve pedestrian, transit and bicycle connections to and through Downtown Denver from surrounding neighborhoods, transit stations and regional trails.”
- Recommendation 3.2: “Create distinct gateways and wayfinding to encourage navigation of Downtown Denver through parks and public spaces.”
- Policies, Projects & Programs 3.2.3: “Provide directional signage and wayfinding at ‘decision points,’ such as transit stations, entries to regional trails, special-use parks and local landmarks.”
- Policies, Projects & Programs 3.4.4: “Work with technology partners to pioneer innovative uses of the public realm, such as smart benches, interactive wayfinding and responsive public art.”
- Aspiration: “The public realm will be an active participant in the cultural life of the city by acting as a stage for expression and by exhibiting the full range of Colorado culture in a condensed urban form.”
- Recommendation 4.2: “Catalyze and support the integration of art and culture into the Outdoor Downtown.”

The Project’s private outdoor space that is accessible by the public will further these goals by providing quality outdoor activities and a sense of place that unites, acknowledges, and respects the diversity of ages, backgrounds, incomes, and interests in the City. The Signage will also integrate art and culture into the outdoor City environment through the display of visual art from local and non-local artists, cinema, and photography on the screen that will be accessible to all.

While the PUD Amendment would further many more aspirations, recommendations, and programs in The Outdoor Downtown, the above list demonstrates the extent to which the PUD Amendment is consistent with The Outdoor Downtown.

Therefore, the PUD Amendment complies with the City's existing plans. For the foregoing reasons, the PUD Amendment satisfies this criterion for approval.

2. 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.

The PUD Amendment does not promulgate regulations or restrictions for buildings in the district, and therefore this criterion does not apply. The underlying PUD fulfills this requirement by drawing upon elements of the C-MX Zone District for design standards, building form, open space, and similar standards and requirements and inherently creating regulations and restrictions specific to the buildings on the Property.

3. The proposed official map amendment furthers the public health, safety and general welfare of the City.

The City has adopted multiple plans in the interest of public health, safety, and the general welfare, including the Platte Amendment, the Comprehensive Plan, Blueprint, the Downtown Area Plan, Denver Moves, 5280 Trail Vision Plan, 21<sup>st</sup> and Wynkoop Design Plan, The Outdoor Downtown, and Game Plan. As described in detail above, the PUD Amendment furthers the goals, policies, and strategies in these City plans, and thus furthers the health, safety, and general welfare of the City.

Additionally, the development surrounding the Project will be positively impacted by the Signage. The surrounding neighborhoods including the Ballpark District and LoDo are urban, pedestrian-scaled places, and the Signage is an integral part of an urban, pedestrian-focused development. The design of the Project is also such that the Signage in general is not visible unless patrons wish to view it, such as by entering the content plaza, walking to the content plaza along the Wynkoop Promenade, or walking beneath the Residential Tower Bridge Projection. The Signage also builds on the requirements of the underlying PUD, which enhances safety with active spaces, transparency requirements and pedestrian scaled lighting.

Therefore, the PUD Amendment satisfies this criterion for approval.

## II. Criteria for Non-Legislative Rezonings

In addition to the foregoing criteria, the City Council may approve an amendment to a PUD that the City Attorney has determined is not a legislative rezoning, provided that one of the following circumstances exists:

- a. The existing zoning of the land was the result of an error;

- b. The existing zoning of the land was based on a mistake of fact;
- c. 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;
- d. 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:
  - (i) Change or changing conditions in a particular area, or in the city generally, or
  - (ii) A City adopted plan, or
  - (iii) That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
- e. 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 the Code.

The PUD Amendment is a non-legislative rezoning and the circumstances described in “d(i)” and “d(ii)” above exist with respect to the Property.

The area surrounding the Property has changed and has continued to change since the adoption of I-MX zoning for the Property in 2010. At that time, the purpose of the Property was to provide surface parking for the nearby Coors Field. Now, the highest purpose of the Property is no longer surface parking but is instead the set of uses envisioned for the Project, as enhanced by the Signage.

Additionally, since the adoption of PUD-G #19 zoning in November 2018, significant development projects have been designed, approved and constructed, or are presently under construction, in the Downtown area. Major new development in 2019 included numerous new condominium projects, various new office buildings, including the World Trade Denver office building and hotel, and mixed use developments such as Train Denver on the north end of RiNo, many of which are still ongoing. As the Denver landscape continues to change and the Downtown area becomes more urban, unique attractions such as the Signage and accompanying amenities have become critical to attract visitors and proactively mold the character of Denver as a City with high-quality pedestrian urban core and a variety of high-quality culture, sports, and entertainment. The Signage is necessary in addition to the signage allowed by D-AS-12+ zoning because in Denver’s urban landscape, the typical project-identifying and tenant-identifying signage that inundates the urban core does not permit opportunities for engagement with pedestrians and creation of a true sense of place to the same degree that the Signage will permit. The PUD Amendment makes it possible for the Project to present a wide variety of unique and novel

interactive content that appeals to a diverse range of patrons. Such content can attract and educate a wide variety of people and further the social justice goals of the Rockies.

Since the adoption of PUD-G #19, the City has also made a shift toward incorporating more and more digital art and advertising into its urban cityscape. For example, in November 2019, the exhibit Night Lights Denver began projecting animated art shows on the clock tower on 16<sup>th</sup> Street at night. Strategic use of digital screens continues to take hold along 16<sup>th</sup> Street Avenue in complement to the computerized electronic sign at the Denver Pavilions commonly known as the iconic “Great Wall.” The Denver Digital Network has placed five large-format screens in major Downtown locations such as the Colorado Convention Center and the 16<sup>th</sup> Street Mall accounting for over 3,350 square feet of digital signage, and the impact of these screens on the Denver cityscape has only truly become clear since the adoption of PUD-G #19. The Denver Theater District has continued to display advertising on its static and LED screens to fund art and cultural activities for the benefit of the public. Near the Project, Coors Field continues to employ its digital screens for entertainment and advertisement for the ultimate benefit of the sports fans it attracts. The Signage as allowed by the PUD Amendment is necessary for the Project to respond to this shift in cityscape and to contribute to the cityscape’s mindful development by adding complementary amenities that promote the City’s unique cityscape and engage the surrounding community with entertaining and interactive content. Revenues from the Signage will fund the content and programming that will contribute to Denver’s position as a cultural and artistic leader, and the Project as a whole contributes to keeping the Rockies at Coors Field.

Additionally, as described previously, multiple major City-adopted plans have changed or been adopted since the approval of the Initial PUD Application in 2018. Comprehensive Plan 2000, the plan in effect at the time of initial approval of PUD-G #19, was replaced with the current Comprehensive Plan in May 2019. Blueprint, originally adopted in 2002, was revised in April 2019. With respect to the former plans that were replaced in 2019, the current Comprehensive Plan acknowledges, “a lot has changed since those plans were adopted.” For example, Comprehensive Plan 2000 was adopted as the Central Platte Valley was transitioning from a former railyard area to a hub for major sports and entertainment venues, with development projects that “set the stage for new development that complements Downtown, Lower Downtown and the adjacent Highlands neighborhood.” The PUD-G #19 District Plan as adopted fit well into this framework. The current Comprehensive Plan was adopted in 2019 with a more regional focus, more nuanced challenges with respect to equity, diversity, and inclusivity, a stronger focus on culture, and an aspiration of creating “authentic neighborhoods reflecting the unique culture and history of the people who live there” and a “world class urban center.” The approval of the Signage is a key step towards accomplishing the more heightened and nuanced goals of the current Comprehensive Plan, acknowledging and shaping the unique characteristics of the Ballpark area as a “world-class urban center.”

Similarly, as described on the “Denveright” City website that describes the updates to the City’s plans, Blueprint’s 2019 revision focused “for the first time” on greater inclusivity and diversity, “considering social equity factors so we can tailor solutions to each neighborhood’s unique needs—so changes that occur can benefit everyone.” The Signage responds to this new focus by providing new pedestrian-friendly, outdoor amenities enjoyable by all residents in nearby neighborhoods and the greater Denver area. Additionally, when describing the revised Blueprint

and its growth strategy, the current Comprehensive Plan states that the revised Blueprint is intended to strengthen neighborhoods “through thoughtful infill development that enhances the city’s unique character.” The Signage is exactly the type of amenity that thoughtfully enhances the uniqueness of the Downtown area.

Game Plan was also updated in 2019 with an emphasis on the role parks and recreation services play in creating “equitable, livable cities” and demonstrating the City’s commitment to open spaces and opportunities for all residents to participate in outdoor activities and programming. The Project will provide the largest privately owned open space in the City and contribute to the equitable and livable nature of the Ballpark district and the City in general, and the Signage will facilitate outdoor activities, educational programming and entertainment that families can enjoy.

In addition to these revisions, a new plan, the 5280 Trail Plan was promulgated in August 2019 to provide the framework for the 5280 Trail and thereby enhance the health, outdoor experience, and inclusivity of the City. By enhancing a portion of the 5280 Trail with wayfinding Digital Banners and providing a content plaza for pedestrians and bicyclists along the way, the Project and Signage further the goals of the 5280 Trail Plan.

Therefore, the PUD Amendment satisfies the criteria for approval of a non-legislative rezoning.

### **III. Criteria for Rezoning to PUD District**

The City Council may approve a PUD Amendment if it complies with the specific criteria for rezoning to a PUD in Section 12.4.10.9 of the Code. The PUD Amendment complies with those criteria, as explained in detail below.

1. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code.

Per Code § 9.6.1.1(A), the purpose of PUD zoning “is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process.” As described in the Initial PUD Application, the existing PUD-G #19 District Plan accomplished this goal by incorporating elements from existing zone districts into one document that can be reviewed and approved in a single process, and will continue to accomplish this goal if the PUD Amendment is approved.

Section 9.6.1.1(B) of the Code states that PUD zoning is not intended “as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.” Under the prior zoning, the Property could have been developed from lot line to lot line without preserving any private open space, making any enhancements to Wynkoop Promenade, or providing other amenities. The Project as enhanced by the Signage will elevate the required design and site layout compared to what was allowed under prior zoning. The PUD Amendment is intended to develop a site that is consistent with the surrounding neighborhoods, including the Ballpark area and LoDo. The Project as enhanced by the Signage will act as an entertainment center that complements nearby Coors Field and will serve as a pedestrian-focused amenity with a variety of opportunities for entertainment compatible with LoDo. The Signage is also designed to be minimally visible to surrounding

residential uses, including on-site uses, and to traffic on the nearby rights of way. While the Signage may have a positive effect on the development's economic feasibility, the intent of the PUD Amendment is entirely in keeping with the intent of the original PUD-G #19 rezoning: to ensure that the eventual Project is compatible with the neighborhood context and character by requiring private open space, limiting density, imposing appropriate stepbacks, and allowing West Lot LLC to utilize and improve upon the existing Wynkoop Promenade and to connect it to the proposed central plaza on the Property.

The Code also provides that PUD zoning "is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided." Code, § 9.6.1.1(A). The Code defines "unique and extraordinary circumstances" that justify a rezoning to PUD to include, without limitation, the following:

- a. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;
- b. Where a customized zoning approach is necessary to protect and preserve the character of a Historic Structure or historic district;
- c. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or
- d. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.

Because the Initial PUD Application complied with this criterion by demonstrating the unique and extraordinary circumstances described in "a," "c," and "d" above, and because the PUD Amendment does not interfere with the compliance of the PUD-G #19 District Plan with this criterion, the PUD Amendment meets this criterion to the extent that it is applicable. The Initial PUD Application provided protections and enhancements for Wynkoop Promenade that no existing zone district could provide, and the Digital Banners contribute to these enhancements as a wayfinding amenity. The Initial PUD Application also brought the Property closer to conformance with the City's adopted plans by providing important design standards and guidelines that bring the Property closer to conformance with the neighborhood and adjacent Historic District in a way that the existing zoning could not, and the Signage is a key component of the Project's design. Finally, the complexity presented by Wynkoop Promenade, the steep grade on 20<sup>th</sup> Street, and the intent to develop a central plaza that includes the Content Plaza Screen demanded a more customized zoning approach to achieve a successful development.

Per § 9.6.1.1(D), in exchange for the flexibility granted in the PUD, "development under a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities,

and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.” As explained in the Initial PUD Amendment, the purpose of the PUD, and the continuing purpose of the PUD Amendment, is to enhance the development program for the eventual Project and to allow for and require the development of amenities that will serve a public benefit. The PUD Amendment is to allow West Lot LLC to develop the central plaza, enhance Wynkoop Promenade, and develop an effective mix of uses. The PUD Amendment allows for a more creative use of the Property that includes private open space, a diversity of compatible uses, and development that is compatible with adjacent properties. The Signage helps to fill the void of family-friendly destinations in the Ballpark neighborhood and will contribute to the resurgence of LoDo initiated by Coors Field and continued and expanded by iconic projects such as Union Station. The Signage contributes to sustainable modes of transportation by enhancing the pedestrian experience along Wynkoop Promenade and will provide amenities accessible by people of a diverse range of backgrounds. The following are examples of interactive amenities the Project could not provide without the enhanced Signage:

- Sports programming and activities
- Real-time digital interactive activities
- Streamed faith-based assemblies
- Streamed TED Talks
- Streamed outdoor yoga on a large scale
- Movies
- Projections of real-time photos from visitors
- Real-time updates on news and current events

Therefore, for the above reasons, the PUD Amendment is consistent with the intent and purpose of PUD districts stated in Article 9, Division 9.6 (Planned Unit Development) of the Code.

2. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6.

The PUD Amendment and existing PUD comply with all such criteria, as confirmed by City staff. The PUD, as amended, shall continue to specify permitted and accessory uses, and contain detailed design and building form standards, which are based on provisions selected from the base D-AS-12+ Zone District and the C-MX Zone District to aid with consistent interpretation with the Code.

3. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions.

The only way to permit the Signage is to amend the existing PUD-G #19 zoning. As a use that must be permitted by a zone district, the Signage may not be permitted through a variance, waiver, or condition.

Rezoning the Property to another zone district that allows the Signage as a use by right is not feasible because the PUD-G #19 zoning is necessary for development of the Project as a whole. As detailed in the Initial PUD Application, the Project as a whole would not be feasible under

other zone districts and would otherwise require an unreasonable number of variances or waivers and conditions. Wynkoop Promenade is not a public right-of-way. Therefore, under the Code, in any other zone district than PUD, no regulations specifically govern this interface, and it would not be possible to hold subsequent developers or property owners to the high standards envisioned for the Project. Many of the important form-based and design standards and protections in the PUD (such as proper build-to, transparency, etc.) would not have applied to the site, which created a large gap in standard zoning and put one of the site's most important frontages at risk. No standard zone district fits the unique features and characteristics of the site. Therefore, customized zoning approach was necessary to preserve the high standards envisioned for the Project and the unique street frontages, including the frontage on the Wynkoop Promenade.

4. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property.

The Project is adjacent to Coors Field, which is an activated and energized space that employs a large variety of digital signage, including outdoor digital advertising. The Project is also adjacent to nearby LoDo and provides complementary entertainment and activities to the pedestrian-friendly, revitalized Historic District. The Signage will extend and build upon this activation and energy and complement the signage in surrounding neighborhoods by allowing for the broadcasting of sporting events or other complementary content. The Digital Banners will also activate the Wynkoop Promenade and serve as a visual link from Union Station to Coors Field. As noted above, the Signage will be subject to a good neighbor policy that limits its luminescence and hours of operation. The Content Plaza screen will not be visible from the right of way and will be minimally visible from surrounding residential uses including on-site uses, and the Digital Banners will be minimally impactful on vehicular traffic. The Residential Tower Bridge Projection is not visible from residences in the Ballpark area and is only partially visible from certain portions of the right of way. Therefore, the Signage is compatible with the uses allowed in the adjacent zone districts.

As described in detail in the Initial PUD Application, the existing PUD will continue to establish office, residential, and retail uses that are compatible with uses on the adjacent properties.

5. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

The PUD Amendment does not and is not intended to establish any new permitted building forms, so this criterion does not apply.

The Initial PUD Application was tailored to ensure compatibility with adjacent properties and the LoDo neighborhood by drawing from components of the building form and design standards for D-AS-12+ and C-MX Zone Districts with variations for building height, siting, and design elements related to building configuration, required private open space, street level activation, and visible parking above street level. It also adopted supplemental design standards, design standard

alternatives, and design standard exceptions in D-AS-12+, with some exceptions, additions, and modifications for build-to alternatives, transparency alternatives, and height to apply C-MX-12 standards and allowed for active use of the rooftop at the required upper story setback.

For example, the PUD limits the height of the buildings along 19th Street and requires certain step-backs to mitigate the visual impact of the eventual Project on the street and adjacent properties. This helps to ensure compatibility with, and a smooth transition to, the shorter buildings in nearby LoDo. In recognition of Wynkoop Promenade's unique status and importance, the build-to minimum and maximum range for the zone lot at the west zone lot line have been adjusted, the PUD requires that private open space be visible from either a Primary or Side Street, and (for the purposes of measuring such visibility) the west zone lot line will be designated as a Primary Street. The PUD also requires a pedestrian walkway within 80 feet of the west zone lot line to connect 19th and 20th Streets, again bringing appropriate attention to Wynkoop Promenade and increasing the compatibility of the proposed Project in relation to adjacent properties (including the walkable LoDo area) by providing a pedestrian-accessible transition at the boundary of the Property. The Signage is the next logical step in continuing to develop a Project that is compatible with adjacent neighborhoods, that enhances the open space, and that highlights the Project's pedestrian amenities.

By drawing on components of the building form and design standards for D-AS-12+ and C-MX Zone Districts, with minor variations, the PUD has been tailored to ensure compatibility with adjacent properties and the LoDo neighborhood. Moreover, the eventual Project as enhanced by the Signage will reflect the design discussed in numerous conversations with adjacent property owners, Registered Neighborhood Organizations, HOAs, and similar interested parties.

## **CONCLUSION**

As discussed in detail above, the PUD Amendment satisfies all of the criteria in the Code for approval of a zone map amendment, a non-legislative rezoning, and a rezoning to a PUD, and thereby satisfies all of the criteria of the Code for an amendment to a PUD. West Lot LLC has worked hand-in-hand with the City, neighbors, and various other interested parties to ensure that the PUD Amendment and resulting Project, as enhanced by the Signage, reflect the best use of the Property and allow for development of a project that will enhance the neighborhood, provide unique amenities, and contribute to the unique character of Downtown Denver. As described throughout this letter, the PUD Amendment will provide significant public benefit and advance innumerable City goals and plan recommendations. Therefore, we respectfully request that the City approve the proposed PUD Amendment.

Sincerely,  
**Brownstein Hyatt Farber Schreck, LLP**



Carolynne C. White, Esq.

Attorney

August 11, 2021

City and County of Denver  
Community Planning and Development  
Attn: Brandon Shaver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Re: West Lot PUD Amendment Application, Follow Up Response to Planning Board Questions/Comments

Mr. Shaver:

As you know, we represent West Lot LLC, a Colorado limited liability company (“West Lot LLC”) with respect to its application to amend the Planned Unit Development General-19 District Plan (“PUD-G #19”) approved by City Council on November 13, 2018 (the “PUD Amendment”). PUD-G #19 applies to the approximately 3-acre property generally located at the north corner of 19<sup>th</sup> and Wazee Streets, commonly known as the West Lot and Wynkoop Promenade and more particularly described on the attached Exhibit A (the “Property” or “McGregor Square”), in the City and County of Denver, Colorado (the “City”). On July 21, 2021, the Planning Board heard presentation and testimony regarding the PUD Amendment, and provided comments and feedback about the PUD Amendment, then continued the hearing to August 18, 2021. This letter is provided to highlight for the Planning Board those minor revisions West Lot LLC proposes to incorporate into the PUD Amendment, and provides some additional information in response to the Planning Board’s questions.

Overall, the effect of these changes is to decrease the opportunities for off-premise advertising; to increase the requirements for Public Art and Screen Share; and to clarify areas of concern or which were unclear. For example, because the Tower Bridge Projection Sign is the only sign with any measurable visibility from public rights of way, it is no longer proposed to utilize off-premise advertising at any time. Rather, the Tower Bridge Projection Sign will be used as it is presently authorized; no additional authorization is sought in the PUD Amendment for the Tower Bridge Projection Sign. Further, Game Days and Event Days are no longer excepted out of minimum Public Art and Screen Share requirements.

## **Revisions to PUD Application**

The below summarizes the revisions that West Lot LLC proposes to the PUD Amendment to clarify various issues, and address inconsistencies identified through Planning Board review.

1. Section 6.3.3.C.1(a)(i). In this section, the applicant is proposing to add additional language to help clarify content requirements, and fix a typo. While the First Amendment generally imposes limitations on the ways in which the content of signs can be regulated, the PUD can and does delineate the ways in which the PUD proposes to regulate content – namely by requiring that certain percentages of total screen time be devoted to Public Art, Screen Share, and other community purposes.
2. Section 6.3.3.C.1(a)(ii). This section, which had identified certain times when signs higher than 70 feet above finished grade (namely the Tower Bridge Projection Sign) could display off-site advertising, is proposed to be removed. The effect of this is that the Bridge Project sign – or any sign which is later approved that is higher than 70 feet above finished grade – may not display off-premise advertising at any time.
3. Section 6.3.3.C.9(b). In this section, the applicant also proposes to delete the reference to the Bridge Projection, consistent with the above.
4. Figure 6.1. This illustration is revised to remove the Tower Bridge Projection Sign and change banners to Screens B.
5. Section 6.3.3.C.11(a)(iii). This section is revised to provide additional language to clarify that details regarding the process and standards for allocation of Screen Share time will be required to be set forth in the Conceptual Sign Plan (“CSP”).
6. Section 6.3.3.C.13(a). In this section, West Lot LLC is proposing to increase the Public Art/Screen Share time to 15% on Screen A on all days, including Game Days and Event Days. This section is also revised to change the denominator for the percentage calculation from annual to weekly. The combined effect of these two changes (increase percentage and remove exclusion for Game Days and Event Days) will result in overall more time being devoted to Public Art and Screen Share, in response to feedback from the Planning Board.
7. Section 6.3.3.C.13(b). This section is proposed to be deleted, consistent with previous changes to remove the ability to display off-premise advertising on the Tower Bridge Projection Sign.
8. Section 6.3.3.C.13(c). The changes in this section increase Public Art and Screen Share minimum requirements for Screen B to 15% on Game Days and Event Days, and change the denominator for the calculation of percentage from annual to weekly. This will also result in Public Art and Screen Share being presented more of the time.

9. Section 6.6.4. In the “Definitions” section, the Tower Bridge Projection Sign is deleted. Additionally, a definition of Screen Share has been added, to provide additional clarity regarding what is intended for this use of the sign.

### **Questions**

This section summarizes some of the important questions asked by Planning Board members and provides responses for the Board’s consideration.

- a. “Good Neighbor Policy.” Several Board members had questions about the applicant’s use of this term, and may have been thinking of a “Good Neighbor Agreement” that is sometimes a component of infill development. Unlike in an agreement between private parties, when the agreed-upon limitations are incorporated into the zoning documents, the City has the means and authority to enforce them.

In this case, West Lot LLC has engaged in years of productive dialogue with residents and property owners in the vicinity of the Property, resulting in a package of operational conditions on the use authorized by this PUD Amendment. These conditions are presently incorporated into the CSP, which was approved by the Planning Board on December 16, 2020, and are reproduced below.

### **HOURS OF OPERATION**

McGregor Square has instituted a good neighbor policy and has agreed to limit the use of all of the Project Screens and projections:

- Sunday - Thursday: 8:00 am - 10:30 pm
- Friday - Saturday: 7:00 am - 11:59 pm
- Official Holidays\*: 7:00 am - 11:59 pm
- New Year’s Eve: 7:00 am - 1:00 am
- Game or Event Days: 8:00 am - 30 minutes after conclusion of game, if it is a night game.

\* Official Holidays: New Year’s Day, Martin Luther King Day, Valentine’s Day, Presidents Day, St. Patrick’s Day, Colorado Rockies’ Opening Day, Cinco de Mayo, Memorial Day, Independence Day, Labor Day, Halloween, Veterans’ Day, Thanksgiving Day, Christmas Eve and Christmas Day.

### **ILLUMINATION**

All Project Screens and projectors are to be equipped with light sensors and controlled by automatic dimming software to limit the luminescence to the maximum levels as follows:

- Sunrise to Sunset:
  - Sunny: 6500 nits\*\*

Overcast : 4000 nits

Sunset to 10:30 p.m. (Sunday- Thursday): 900 nits

Sunset to 12:00 a.m. (Friday, Saturday & Official Holidays): 900 nits

Sunset to 1:00 a.m. (New Year's Eve): 900 nits

\*\* Light luminescence is measured in nits, defined as being equal to (1) candela per square meter.

- b. Content Selection. In a related issue, Planning Board members asked about how Public Art and Screen Share content and businesses would be selected. That information is intended to be addressed in the CSP to be submitted following approval of this PUD Amendment. Below is the language as presently drafted in the pending CSP.

**Art Selection:** Developer will establish an “Advisory Committee” to provide knowledge, ideas and to curate content in furtherance of the purposes of this CSP that will consist of (i) a representative of one of Denver’s Arts organizations (DA&V, SCFD, etc), (ii) a representative from a Registered Neighborhood Organization whose boundaries are within 200 feet of the Property, (iii) a representative of local non-profit organizations, (iv) a representative of the Developer, and (v) an at-large member to be chosen by the Developer from categories other than these listed as appropriate for furthering the mission of the program. This Committee will create and establish a set of guidelines and policies to further its purposes.

The applicant has had productive dialogue with several arts-related organizations and stakeholders who can provide valuable input in curating the content of the Public Art component of this project.

- c. Plan Support for PUD Amendment.

For a complete explanation of how the PUD Amendment is consistent with applicable and adopted plans, please see the Cover Letter dated February 19, 2021 accompanying the PUD Amendment. Following is a brief overview of the highlights of these plans and applicable provisions. In order to keep this letter brief, goals and plan provisions which are especially or particularly supported by the PUD Amendment are highlighted in yellow.

## 1.Comprehensive Plan 2040

At the time of adoption of PUD-G #19, the comprehensive plan in effect for the City was Comprehensive Plan 2000. In May 2019, City Council adopted Comprehensive Plan 2040 (the “**Comprehensive Plan**”), which serves as “a holistic and sustainable vision to guide the future of Denver” and “creates a vision and goals to tie together the City’s plans and policies.” The Comprehensive Plan sets forth a series of vision elements and long-term integrated goals to guide the City’s development. The PUD Amendment is consistent with many of the visions and goals in the Comprehensive Plan, including but not limited to:

- Vision Element 2.2: “Enhance Denver’s neighborhoods through high-quality urban design.”
- Vision Element 2.3: “Preserve the authenticity of Denver’s neighborhoods and celebrate our history, architecture and culture.”
- Vision Element 2.4: “Ensure every neighborhood is economically strong and dynamic.”
- Vision Element 2.7: “Leverage the arts and support creative placemaking to strengthen community.”
- Vision Element 2.8: “Conduct intentional, equitable and measurable neighborhood planning.”
- Vision Element 4.7: “Accelerate Denver’s economic vitality through arts, culture, and creativity.”
- Vision Element 4.8: “Expand participation in arts and culture and ensure that arts and culture are accessible to all.”
- Vision Element 4.9: “Stimulate the growth of ideas and innovation.”
- Vision Element 6.2: “Provide high-quality parks, recreation facilities and programs that serve all Denver residents.”
- Strong and Authentic Neighborhoods Goal 2.C: “Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.”
- Healthy and Active Goal 1.C: “Design safe public spaces and recreational areas to serve people of all ages and backgrounds.”

While the PUD Amendment would further many more strategies and recommendations in the Comprehensive Plan, the above list demonstrates the extent to which the PUD Amendment is consistent with the adopted Comprehensive Plan.

## 2. Blueprint Denver (2019)

The City’s Blueprint Denver was adopted in 2002 and updated in April 2019. Blueprint serves as a supplement to the Comprehensive Plan that “provides the foundation for citywide policies and recommendations related to land use, transportation, design and growth” and “guides where new jobs and homes should go, how our transportation system will improve, how to strengthen our neighborhoods and where and how we invest in our communities with new infrastructure and amenities.” Blueprint sets a framework for “citywide policies and specific strategies” to achieve the visions of the Comprehensive Plan.

The PUD Amendment is consistent with many of the policies and recommendations in Blueprint, including but not limited to:

- Land Use & Built Form: Economics Strategy 06(D): “Build on Denver’s national and regional entertainment options to continue to blend the arts, entertainment, shopping and hospitality into unique Denver experiences.”
- Land Use & Built Form: Design Quality & Preservation Policy 03: “Create exceptional design outcomes in key centers and corridors.”
- Land Use & Built Form: Design Quality & Preservation Policy 04: “Ensure an active and pedestrian-friendly environment that provides a true mixed-use character in centers and corridors.”
- Quality of Life Infrastructure Policy 01: “Expand tools and regulations to ensure high-quality parks and outdoor public spaces keep pace with Denver’s growth.”
- Quality of Life Infrastructure Policy 05: “Ensure attractive streets and outdoor spaces in all centers and corridors, giving priority to pedestrian spaces and amenities.”
- Quality of Life Infrastructure Policy 10: “Work with public and private partners to improve access to shops, restaurants, entertainment, civic uses, services and a variety of daily needs for all Denver residents.”

While the PUD Amendment would further many more strategies and recommendations in Blueprint, the above list demonstrates the extent to which the PUD Amendment and PUD as a whole are consistent with Blueprint.

Blueprint also outlines the following components to consider in any requests for official zone map amendments: (i) the guidance in the neighborhood contexts map, (ii) the guidance in the future places map and place descriptions, and (iii) the growth strategy and related map. The PUD Amendment is consistent with all of these components.

#### A. Neighborhood Contexts Map

Like the Code, Blueprint is organized by “**Neighborhood Contexts**,” which are “a way to understand the differences in land use and built form, mobility options, and quality-of-life infrastructure between different neighborhoods.” The Project is located in the “**Downtown Context**,” which includes the highest mix of uses in the City and “a range of flexible outdoor spaces and hardscaped plazas.” The signage authorized by the PUD Amendment is key to making the plaza area flexible. By changing the programming presented, the usage and feel of the space can be changed from a peaceful yoga class in the morning, to an educational TED talk at lunchtime, to inspiring people to dance with live music broadcasts in the evening.

The Signage is compatible with the Downtown Context because it will enhance and serve the residents and patrons of the mix of residential, office, retail, and eating and drinking uses in the Project and surrounding neighborhoods. The Signage and the requirements of the PUD with respect to open space and the Wynkoop Promenade will contribute to the pedestrian-friendly nature of the Project by creating a heightened pedestrian environment that fosters civic pride. The Digital Banners will provide wayfinding amenities that are located and scaled for pedestrian use and will promote a lively sense of public activity in the Project. Similarly, the Residential Tower

Bridge Projection and Content Plaza Screen will activate the surrounding area and provide outdoor entertainment and culture.

#### B. Future Places Map

The Future Places Map places the Property within a “**Regional Center**,” which is intended to serve as the “**widest customer draw of all places with a 24/7 live, work and play environment attractive to locals and visitors.**” The Regional Center also calls for a “high degree of urbanism paired with a strong pedestrian realm.”

As described elsewhere in this letter, the Signage and PUD as a whole are designed to create a sense of place of the Project as an urban center and attractor of locals and visitors, including pedestrians from nearby residences and nearby Coors Field. The Signage, and particularly the Content Plaza Screen, will benefit different types of users, including sports fans and consumers of artistic and cultural content and entertainment. While the Signage will enhance the experience of games at Coors Field, it is designed pursuant to the existing PUD requirements to facilitate events on a year-round basis. As integrated into the mix of residential, office, restaurant, and retail uses that the PUD permits, the Signage is a key component of the “live, work and play environment” that will draw in customers from nearby neighborhoods and the greater Denver metro area and beyond throughout the year, and, as previously explained, create a flexible and engaging environment with different types of programming for different occasions and audiences. Therefore the Signage is compatible with Blueprint’s characterization of the Property as within a Regional Center.

#### C. Growth Strategy

The Growth Strategy in Blueprint is intended to strengthen existing neighborhoods with strategically planned infill development to enhance the unique character of the City. As a version of the Future Places Map, the Growth Strategy shows the goals for distributing growth in the City. In the Regional Center in which the Property is located, job growth is projected to increase by 50%, and housing is intended to increase by 35%. The Signage enhances the Growth Strategy by contributing to the unique character of the area as a draw for future residents and commerce. The Signage will promote social and economic vitality for the Ballpark district and LoDo.

For the foregoing reasons, the PUD Amendment is consistent with Blueprint.

### 3. Downtown Area Plan (2007)

The City adopted the Downtown Area Plan (“**Area Plan**”) in 2007 as a supplement to the Comprehensive Plan and as “a tool to help community leaders, decision-makers, and citizens build upon Downtown’s assets and guide future development to reflect the community’s vision of a livable, healthy, sustainable and vibrant Downtown.” As noted in the Initial PUD Application, the Area Plan identifies the Property as a key “Opportunity Site” in LoDo. Opportunity Sites are “vacant or underutilized parcels” in “strategic location[s]” with the “potential to not only shape new development on the site itself, but also catalyze additional development in the surrounding areas.” Development and redevelopment of Opportunity Sites “is essential to creating a dynamic, connected and walkable Downtown Denver.”

The Signage is a key component that allows the Property to be transformed into a vibrant and dynamic mixed-use catalyst for the type of development envisioned in the Area Plan. The Content Plaza Screen and Residential Tower Bridge Projection will create more active space that will be more connected and walkable with the help of the Digital Banners. The Signage and particularly the Content Plaza Screen also will constitute the types of “family-oriented . . . amenities” and “active uses” described in the Area Plan that will “bring liveliness and a sense of comfort and safety” to Downtown. With Signage that takes advantage of movement, light, and interactivity to engage the viewer, the Project stands to provide quality entertainment to all viewers and to draw in a diverse range of persons, from families enjoying art, to athletes practicing yoga, to businesspeople having lunch and enjoying an outdoor TED Talk. Without the Signage, the Project would lose the opportunity to engage nearby viewers with real-time responses and programming geared towards the desires of diverse audiences.

Other key provisions of the Downtown Area Plan include:

- P.9, Strategy Framework, National and Global Trends:
  - Embracing cultural and demographic diversity

*The Signage and the Public Art and culture standards proposed to be incorporated into the PUD Amendment and CSP will ensure that McGregor Square fulfills this goal.*

- Making Downtown event-friendly

*As noted, the Signage will help make this part of Downtown friendly and welcoming to a wide variety of events and audiences, due to its extreme flexibility and customizability.*

- Capitalizing on established attractions

*Coors Field is an established attraction, on which the Signage and McGregor Square generally will capitalize by drawing visitors year round.*

- P.12 of the Downtown Area Plan lays out the 5 Vision Elements and 19 Strategies and Projects (including 7 Transformative Projects). For instance:
  - A. A Prosperous City includes strategies and projects to make Denver the ‘Downtown of the Rocky Mountain Region,’ have a ‘Comprehensive Retail Strategy’ and be ‘Clean and Safe’.
  - B. A Walkable City includes strategies and projects such as ‘An Outstanding Pedestrian Environment’
  - C. A Diverse City includes strategies and projects such as ‘A Family Friendly Place’ and ‘An International Downtown’

## GOAL

Attract children and their parents to visit, go to school, recreate, explore and live Downtown.

### WHY IT'S IMPORTANT

Children bring liveliness and a sense of comfort and safety to any neighborhood. Downtown Denver has yet to tap into the economic benefits of family markets. Increased family patronage will help boost retail, entertainment and special events. Family-oriented businesses, housing and amenities offer a variety of development opportunities to stimulate future investment in Downtown.

### POLICIES, PROJECTS AND PROGRAMS

C2a. Create quality education options for Downtown residents and workers and their families

- Establish a magnet K-8 school in the core
- Provide early childhood education options in Downtown

C2b. Launch a series of events aimed at attracting children and youth to Downtown

C2c. Integrate fun features, such as fountains and play environments, into the 16th Street Mall, streetscapes, and open spaces

C2d. Create and distribute a marketing piece aimed at families living, visiting and shopping Downtown

C2e. Provide transit, bike and pedestrian connections to family attractions



Family-oriented retail options will help keep families with small children Downtown.



Fun events and activities, such as ice skating at Rockefeller Plaza in New York, NY, are vital to attracting families to explore and live in Downtown.

The above screen shot from the Downtown Area Plan truly speaks to the type of precise type of family friendly place that McGregor Square is proposing to create. With the endlessly customizable potential of the Signage proposed by this PUD Amendment, the environment can be focused on family-friendly audiences and adjusted when appropriate for other types of events.

- C.4 An International Downtown includes recommendations to 'Create and advocate for event-friendly policies to attract and retain events appealing to a variety of cultures

*Event friendly policies certainly would include the type of dynamic signage proposed by this PUD Amendment, to allow for cultural, arts and flexible content and events.*

- E. A Green City includes strategies and projects such as 'An Outdoor Downtown'.

## 4. Central Platte Valley Comprehensive Plan Amendment from 1991

Plan Goals:

- Goal 1.5: “Accommodate an appropriate mix of uses and encourage viable development to satisfy both the economic needs of landowners and public needs, including: public open space, economic development, housing, public facilities.”
- Intent Statements, Land Use A: “Capitalize on a unique opportunity to reuse former rail-
- Intent Statements, Land Use C: “Redevelop the Valley to help satisfy the needs of the Downtown and the adjoining neighborhoods by making provision for: neighborhood parks and recreation facilities, city-wide parking and recreation facilities, housing to develop a 24-hour Downtown population, housing to reinforce adjoining neighborhoods, increased tax base, support for Downtown retail, hotels, restaurants, and entertainment facilities, Downtown access and parking, increased employment opportunities for residents of adjoining neighborhoods, support for Denver’s cultural, and arts resources, support services for Downtown’s businesses and employees.”
- Goal 2.3: “Provide an orderly, visually pleasing and active environment for: workers, residents, neighbors, visitors.”
- Goal 4.1: “Foster a character for the CPV which is different and distinct from that of Downtown[.]”
- Concept L: “Locate public facilities (such as an amusement park, a baseball stadium, an aquarium, and other cultural/recreational facilities), in the Valley. Create more tourist attractions in support of Downtown hotel, retail, and convention center trade.”
- “Pedestrian access between LoDo and the stadium should be provided along Wynkoop, Wazee, and Blake Streets.”
- “Light glare and noise should be confined to the site as much as possible.”

The Content Plaza Screen will enhance the use of the content plaza as an open gathering and entertainment center that contributes to the unique feel of the Wynkoop Promenade and complements the nearby amenities of Coors Field. The Digital Banners and Residential Tower Bridge Projection will also contribute to the unique look and feel of the Project. The content and messaging provided by the Signage will also contribute to the unique public character of the central plaza, which will take on some of the characteristics of an outdoor amphitheater.

Additionally, permitting the Signage will support the character of the Central Platte Valley as a dense urban center with outdoor amenities a walkable distance from Coors Field. Sports programming will attract people from nearby Denver neighborhoods seeking recreation and entertainment, and informational lunch programming will attract pedestrians from surrounding neighborhoods and office workers to gather and enjoy open space and educational content such as TED Talks during the workday. Families can gather for local civic cultural events or a yoga class.

The PUD Amendment and the PUD as a whole also comply with design and noise-related guidelines of the Platte Amendment. For example, the Platte Amendment’s guidelines provide that light glare and noise at and near the baseball stadium site should be confined to the site as much as possible, and the PUD Amendment complies by suggesting wayfinding Digital Banners that will guide baseball game attendees to other appropriate venues efficiently and by providing content on the Content Plaza Screen and Residential Tower Bridge Project that is minimally visible from surrounding sites.

## 5. 21<sup>st</sup> and Wynkoop Design Plan

### Plan Goals:

- “an active plaza-like atmosphere that acknowledges the street as the ‘doorstep’ to the City,” an atmosphere that facilitates pedestrian and bicycle traffic and helps Wynkoop Street overcome identified challenges in accommodating multi-modal transportation.
- The 21<sup>st</sup> and Wynkoop Design Plan identifies the Property as an area that should be “focused on event activities, but flexible to encourage everyday use.”
- “[i]mprove the game day experience for guests to Coors Field”

The Digital Banners will help to define Wynkoop Promenade as part of a “signature street” in the neighborhood, and the Content Plaza Street and Residential Tower Bridge Project will enhance the public realm. The Signage fulfills these requirements by, among other activities, allowing sports fans to gather for broadcasts of sporting events on the Content Plaza Screen and also allowing families to gather on a daily basis and enjoy a concert, educational programming, visual art from local and non-local artists, or an interactive feed event.

\* \* \*

In addition to these adopted plans, the PUD Amendment is consistent with several additional planning efforts, into which downtown advocates and community members invested time and ideas, and which the PUD Amendment will help make a reality. These plans are reviewed in more detail in the Cover Letter as noted above. One excellent example, however, highlighted here, is the Outdoor Downtown Plan.

### i. The Outdoor Downtown

The Outdoor Downtown, adopted in 2017, is a 20-year master plan intended to provide a list of policies and programs that “will make Downtown’s parks and public spaces world-class destinations.” The Outdoor Downtown is not adopted as a supplement to the Comprehensive Plan, and therefore consistency with The Outdoor Downtown is not necessary for compliance with the criteria for an official zone map amendment. However, The Outdoor Downtown is intended to tie in to the City’s ongoing planning initiatives, including Blueprint Denver, and therefore helps to further the objectives of the City’s adopted plans.

A goal of The Outdoor Downtown is to encourage the creation of private open spaces and allocate parks and quality open spaces “within specific walking distance from all Downtown users to ensure that everyone has convenient access to vibrant open space on a daily basis.” The Project as enhanced by the Signage clearly facilitates this goal by providing the largest private open space in the City with entertainment for pedestrians and residents of nearby neighborhoods.

Additionally, the Project’s open space and the Signage align with all of the enumerated goals of The Outdoor Downtown:

- “Celebrate and activate Denver’s Outdoor Downtown”

- “Create a premier Downtown by providing accessible and inviting parks and public spaces that contribute to an economically thriving Downtown”
- “Foster a diverse and livable Downtown”
- “Cultivate Denver’s culture and identity in the outdoor spaces”
- “Provide environmentally and functionally sustainable outdoor spaces”

In addition, the Project and Signage align with and further the following aspirations, recommendations, and policies, projects, and programs in The Outdoor Downtown:

- Aspiration: “To realize the full potential of Downtown’s parks and public spaces by heightening their sense of safety, comfort, usability and excitement.”
- Aspiration: “Downtown parks and public spaces that better support the daily fitness needs of residents and that create novel urban recreational experiences unique to Denver.”
- Recommendation 2.2: “Create a network of various sized parks, public spaces and venues to ensure that all Downtown residents, employees and visitors have access to quality outdoor space within a three minute walk.”
- Policies, Projects & Programs 2.2.1: “Work with public officials and private property owners to develop guidelines to improve the quality and public accessibility of open spaces in private developments, such as private plazas, activated alleys and other open spaces. Include mechanisms to reduce liability for property owners.”
- Policies, Projects & Programs 2.3.2: “Provide infrastructure to support group exercise, games (e.g., chess, Ping-Pong, foosball), court sports (e.g., basketball, futsal, pickle ball), winter activities (e.g., ice skating, hockey, curling), and other active uses in new and existing Downtown Denver parks and public spaces.”
- Recommendation 2.4: “Provide a range of year-round and multi-generational programs and activities that meet the needs of the Downtown population.”
- Aspiration: “To enhance the day-to-day experience of life Downtown by allowing easy and intuitive movement to and through the city and by offering opportunities to explore every corner.”
- Recommendation 3.1: “Coordinate with Denver Moves plans to improve pedestrian, transit and bicycle connections to and through Downtown Denver from surrounding neighborhoods, transit stations and regional trails.”
- Recommendation 3.2: “Create distinct gateways and wayfinding to encourage navigation of Downtown Denver through parks and public spaces.”
- Policies, Projects & Programs 3.2.3: “Provide directional signage and wayfinding at ‘decision points,’ such as transit stations, entries to regional trails, special-use parks and local landmarks.”
- Policies, Projects & Programs 3.4.4: “Work with technology partners to pioneer innovative uses of the public realm, such as smart benches, interactive wayfinding and responsive public art.”
- Aspiration: “The public realm will be an active participant in the cultural life of the city by acting as a stage for expression and by exhibiting the full range of Colorado culture in a condensed urban form.”
- Recommendation 4.2: “Catalyze and support the integration of art and culture into the Outdoor Downtown.”

The Project's private outdoor space that is accessible by the public will further these goals by providing quality outdoor activities and a sense of place that unites, acknowledges, and respects the diversity of ages, backgrounds, incomes, and interests in the City. The Signage will also integrate art and culture into the outdoor City environment through the display of visual art from local and non-local artists, cinema, and photography on the screen that will be accessible to all.

While the PUD Amendment would further many more aspirations, recommendations, and programs in The Outdoor Downtown, the above list demonstrates the extent to which the PUD Amendment is consistent with The Outdoor Downtown.

Therefore, the PUD Amendment complies with the City's existing plans. For the foregoing reasons, the PUD Amendment satisfies this criterion for approval.

## **CONCLUSION**

We understand the Planning Board's focus on ensuring that this PUD Amendment is thoughtfully implemented to ensure that it fulfills the City's vision and enhances the community, rather than detracting from it. The unique features of this Property and the Project as designed and executed make it an ideal proving ground for pioneering digital technology. On the one hand, the Property is surrounded by development on all sides, requiring thoughtful and sensitive integration with the existing fabric of downtown. On the other hand, the design of the central plaza allows the Signage to be visible only by those who are affirmatively seeking to interact with it, and has little to no impact on or visibility to anyone else. As a result, this Project and the proposed PUD Amendment are unique in the City.

We ask for the Planning Board's favorable recommendation of the PUD Amendment to the Denver City Council.

Sincerely,  
**Brownstein Hyatt Farber Schreck, LLP**



Carolynne C. White, Esq.  
Attorney