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**TO:** Denver City Council South Platte River Committee  
**FROM:** Tony Lechuga, Senior City Planner  
**DATE:** September 5, 2024  
**RE:** Official Zoning Map Amendment Application #2022I-00249

### Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends that the South Platte River Committee move Application #2022I-00249 and related Ball Arena Development Agreement, River Mile Development Agreement, and Amended Arena Trust Agreement forward for consideration by the full City Council.

### Request for Rezoning

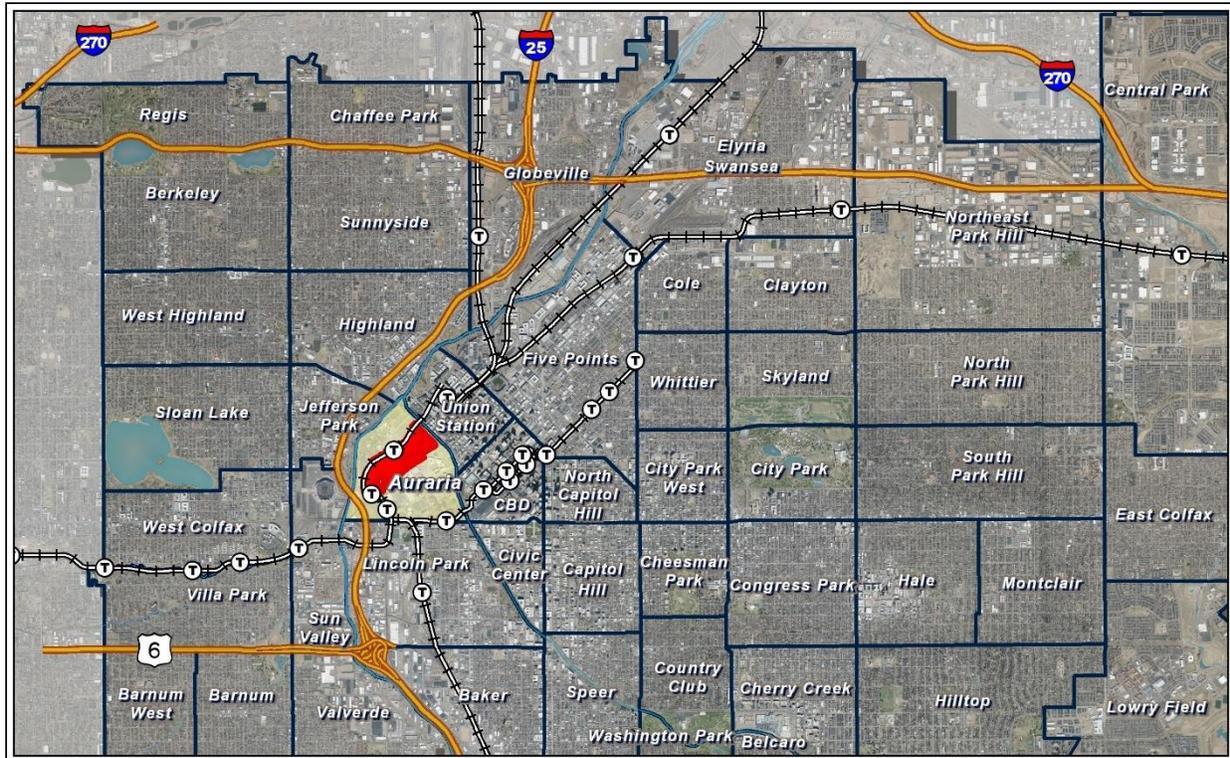
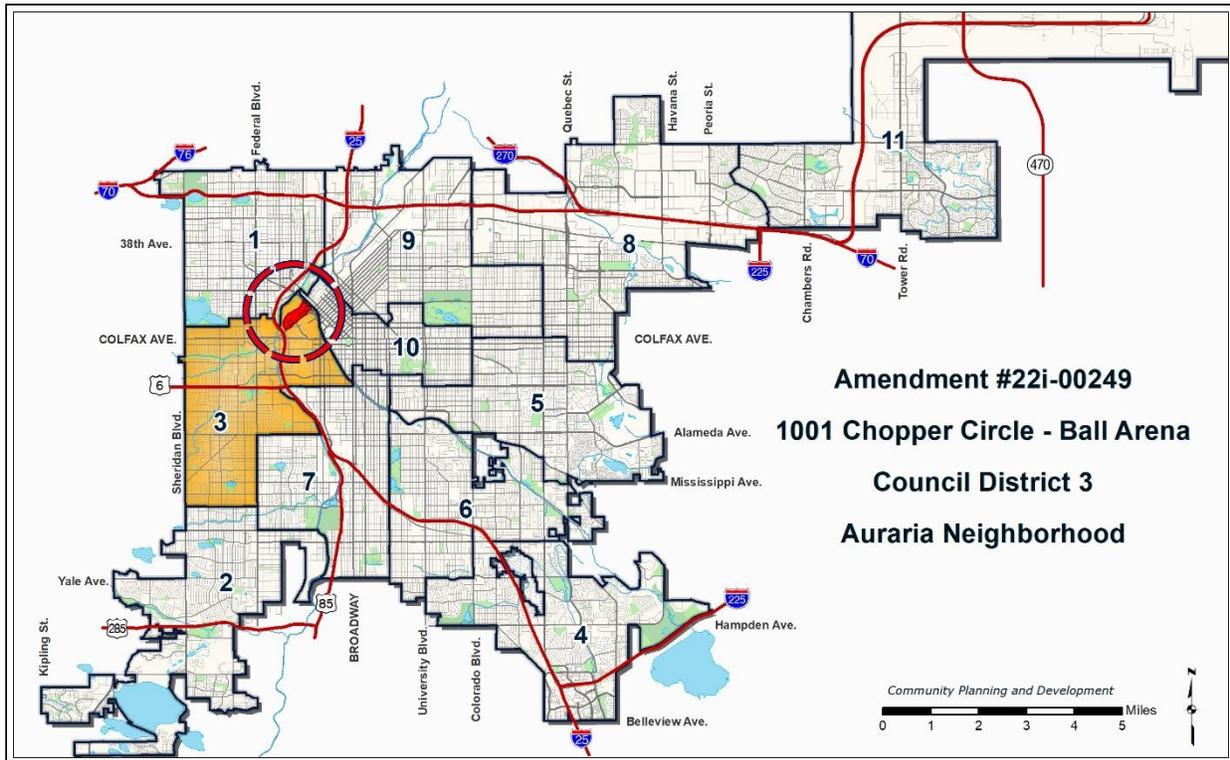
**Address:** 1000 Chopper Circle and associated properties  
**Neighborhood/Council District and CM:** Auraria / Council District 3, Councilwoman Torres  
**RNOs:** Central Platte Valley Auraria; Lower Downtown Neighborhood Association; Downtown Denver Business Improvement District; Riverfront Park Association; Inter-Neighborhood Cooperation (INC); and Strong Denver  
**Area of Property:** ~70 acres  
**Current Zoning:** C-MX-5; C-MX-8; and C-MU-30 WVRS\*, UO-1  
**Proposed Zoning:** D-CPV-T and D-CPV-C  
**Property Owner(s):** Kroenke Arena Company LLC  
**Owner Representative:** Matt Mahoney, Kroenke Sports and Entertainment

### Summary of Rezoning Request

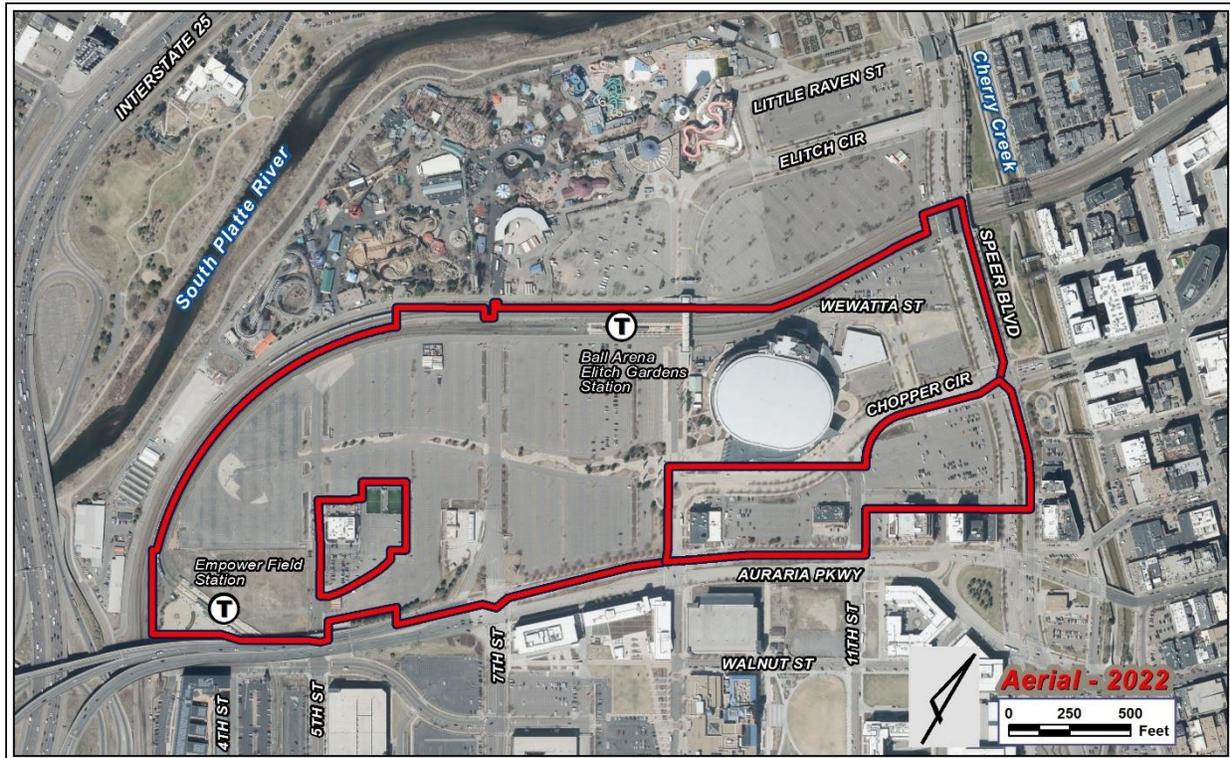
- The site is in the Auraria neighborhood to the west of Lower Downtown, generally bound by the Consolidated Main Line (CML) to the north and west, Auraria Parkway to the south, and Speer Boulevard to the east. The site is north of the Auraria Higher Education Center, south of Elitch Gardens and the future River Mile Development, and west of Lower Downtown and Union Station.
- The site contains Ball Arena and the arena's associated parking. The site also contains three buildings between 1-3 stories in height along Auraria Parkway, two office buildings and one mixed commercial retail building. The site also includes two RTD train stations, the Ball Arena/Elitch Gardens Station and the Empower Field at Mile High Station.
- The property owner is requesting a change in the zoning classification to align the properties zoning with recommendations from the City's adopted plans and a phased mixed-use redevelopment of the property.
- The requested D-CPV-T is the Downtown Neighborhood Context – Central Platte Valley-Auraria – Transition district, which creates a transition from higher intensity districts to surrounding established lower-scale neighborhoods while allowing a variety of uses in the General building form up to 5 stories. This zone district is intended to be mapped approximately along Auraria

Parkway between Speer Boulevard and 9<sup>th</sup> Street; and along Speer Boulevard between Auraria Parkway and approximately Chopper Circle/Wewatta Street.

- The requested D-CPV-C is the Downtown Neighborhood Context – Central Platte Valley-Auraria – Center district, which is intended for employment, entertainment, and other higher intensity uses. All three building forms in the D-CPV-C district allow for a base height of 5 stories or 70' unless affordability incentives are provided and then the building forms allow for differing incentive heights. The General building form with incentives permits buildings up to 12 stories. The Standard Tower building form with incentives permits an 8-story podium and no height limit on towers up to a floor area ratio (FAR) of 20.0 that meet specific dimensional spacing requirements. The Point Tower building form with incentives permits an 8-story podium with no limit on the height or FAR of towers that meet specific dimensional requirements. This zone district is intended to be mapped within approximately 2 to 3 blocks of transit stations, the Consolidated Main Line, Ball Arena, and Interstate 25 and Speer Boulevards.
- Further details of the requested zone district(s) can be found in the proposed zone district section of the staff report (below) and in Article 8 of the Denver Zoning Code (DZC).
- Concurrent with the rezoning, the applicant intends to execute a development agreement to address affordable housing, open space, transportation, economic commitments, and vesting. For more information see the Development Agreement section of the staff report.
- Concurrent with the rezoning, the applicant requests amending the River Mile Development Agreement to extend the vesting terms an additional 12 years until June 30, 2050, to align with a negotiated Arena Trust Agreement.
- Concurrent with the rezoning, the applicant requests approval of an Amended Arena Trust Agreement which commits to retaining the NHL and NBA teams at Ball Arena until June 30, 2050.



## Existing Context



The subject site is in the northeast portion of the Auraria neighborhood, which is adjacent to the Jefferson Park, Highland, and Union Station neighborhoods and contains Elitch Gardens, Ball Arena, and the Auraria Campus. The site abuts the Consolidated Main Line, Speer Boulevard, and Auraria Parkway. It is across the South Platte River from Fishback Park, the Downtown Aquarium, the Children’s Museum, and Crescent Park.

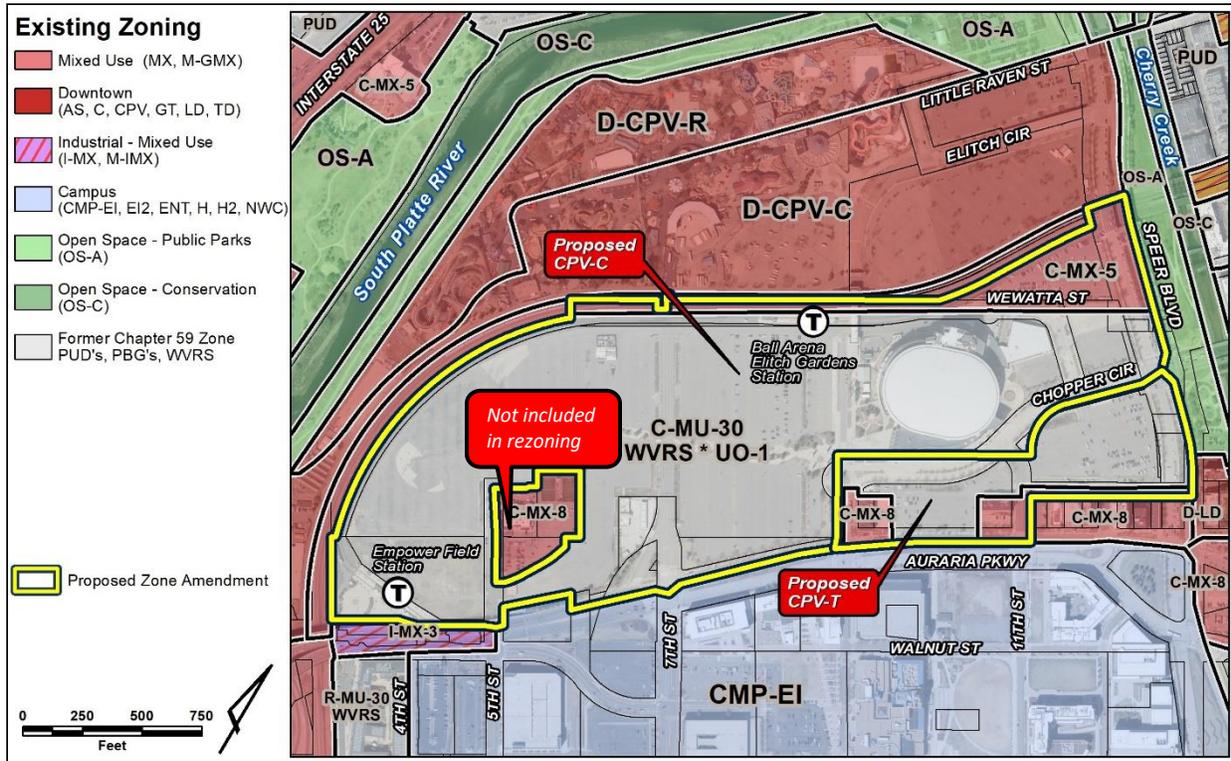
The subject site is currently largely characterized by a single entertainment use and associated surface parking. Surrounding neighborhoods and uses range from a similar character of entertainment and parking at Elitch Gardens to the northeast, to the Urban Center character with multi-unit residential and mixed-use commercial strips and commercial centers in the Jefferson Park neighborhood to the west, to the Downtown character with a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings to the north and northeast in the Union Station and Central Business District neighborhoods.

The subject site is adjacent to two light rail stations: the Ball Arena/Elitch Gardens Station and the Empower Field at Mile High Station, which are both served by the E, and W rail lines. The site is currently served by the 1, 15L, and 20 buses along Auraria Parkway with stops at 7<sup>th</sup> Street and 9<sup>th</sup> Streets.

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

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	C-MU-30, Waivers, Conditions, UO-1; C-MX-5; C-MX-8	Entertainment, parking, office, mixed-use	Ball Arena – approximately 12-story building with large setbacks Auraria Parkway – multiple 1- to 3-story commercial, and mixed-use buildings	Minimal internal streets or grid; largely irregular entertainment use with surface parking served by intermittent roads; remnants of a more formal grid in select locations.  Across Speer Boulevard is the original diagonal grid of Lower Downtown which consists of a regular pattern of blocks and alleys.
North and West	D-CPV-C	Entertainment, parking	Amusement park, 1- to 3-story buildings with large setbacks and irregular patterns	
South	CMP-EI	Commercial/retail, public/quasi-public, parking, office, mixed-use	Auraria Higher Education Center – consists of a variety of 1- to 6-story buildings, surface and garage parking, with large open space and irregular patterns	
East	D-L, UO-1	Mixed use, office, multi-unit residential, commercial/retail, parking, park/open space, public/quasi-public	Lower Downtown – the Lower Downtown Historic District consists of a diversity of buildings typically at a scale of 1- to 5-stories. To the northwest is the Historic Denver Union Station and higher-intensity development associated with the Union Station neighborhood. To the southeast of Lower Downtown is the higher-intensity development of the Central Business District.	

## 1. Existing Zoning



The current zoning on the site is C-MU-30 with waivers and conditions, C-MX-5 and C-MX-8. The C-MX-5 and C-MX-8, which stand for Urban Center-Mixed-Use up to 5- and 8-stories, make up the smaller portions of the area along the CML and fronting Auraria Parkway. The two zone districts allow for the Town House and General building forms. The Town House building form doesn't allow buildings taller than 5-stories or 70 feet, which results in uniform application of design standards across the two districts. In the General building form, the primary difference is the allowance in height between 5- and 8-stories. The C-MX zone districts allow for a diversity of commercial and residential uses with strong street activation. For additional details of the Urban Center zone districts, see DZC Section 7.2.

Most of the site is a Former Chapter 59 zone district, C-MU-30 with waivers and conditions, which is a Commercial Mixed-Use district. C-MU-30 provides for a wide range of commercial, office, retail, industrial, and residential uses with flexibility for long-term evolution of development. The waivers on the site removed the as-of-right list of uses and replaced that with a set of more limited uses including residential, civic, commercial, and industrial uses; it also waived the landscaping requirements, replacing them with those in the Pepsi Center master plan; it waived in a pre-determined minimum number of parking spaces; waived in the right to a set number of fireworks shows, automobile races, and construct an outdoor entertainment facility. The conditions on the site require to establishment of an advisory committee representing each RNO as a forum for discussing development on the site; requirements for concluding outdoor entertainment by an established hour; and established requirements for

affordable housing in the event housing should ever be built on-site. For additional details of the Commercial Mixed Use zone districts, see FC59 Section 59-301.

## **2. View Planes**

The Old City Hall Mountain View Plane, which originates from a point southwest of the intersection of 14<sup>th</sup> Street and Larimer Street, covers approximately fifteen acres of the site adjacent to the CML and Auraria Parkway. Where the View Plane intersects the site, the maximum allowed height is approximately 70 to 95 feet. Concurrent with the rezoning, Community Planning and Development is proposing an amendment to the Denver Revised Municipal Code (DRMC) to exempt the portion of the area rezoned to D-CPV-C from the view plane to allow development to participate in the enhanced affordability incentives of the City's affordable housing program.

A small portion of the site near the Empower Field at Mile High train station is also covered by the State Capitol View Plane which will limit heights on that portion to about 220 feet.

## **3. Parkway**

The western edge of the rezoning area fronts on Speer Boulevard, a Denver Parkway. The parkway standards require 10-foot setbacks along this section of Speer Boulevard. That setback and associated plantings are already in place and so will have no effect on development within the site.

## **4. Historic District or Structures**

Speer Boulevard is a designated Parkway Landmark District, the purview of which ends at the right-of-way and so will have no effect on development within the site.

There are a few buildings along Auraria Parkway which are not landmark designated structures but would be considered for landmark designation should the owner ever submit a demolition permit.

The Lower Downtown Historic District is located to the east of the site and includes area along Speer Boulevard, the Cherry Creek trail, and the area generally bounded by Wewatta Street, 20<sup>th</sup> Street, and the alleyway between Market Street and Larimer Street. While this district has no effect on development within the site, its proximity was the reasoning for creating the transition district in the Central Platte Valley zone district.

## **5. Urban Design Standards & Guidelines**

The Downtown Urban Design Standards and Guidelines would apply to the site should the rezoning be approved. The document sets forth intent statements, design standards, and design guidelines that provide the basis for review of proposed development on private properties and associated improvements in privately managed right-of-way. The guidelines also include neighborhood specific design which includes specific recommendations for the Central Platte Valley – Auraria district as a unique and significant opportunity for growth and change in Downtown Denver.

## 6. Large Development Review

In 2022, this application was reviewed by the Development Review Committee (DRC) to determine if the proposal would be subject to the Large Development Review (LDR) process outlined in Section 12.4.12 of the Denver Zoning Code (DZC) and require the creation of a Large Development Framework (LDF).

After review, it was determined that the project would be subject to LDR. Factors that determined the LDR process would be required included:

- Gross land area of the project
- Need for a coordinated master framework
- Need for an Infrastructure Master Plan (IMP)
- Rezoning

The process resulted in a signed LDF in the summer of 2023 which documents the initial proposal, community feedback, coordinated assessment of the development, and establishment of broad project requirements.

Concurrent with the rezoning application, the applicant and the City have been working through an IMP to determine necessary infrastructure, environmental, and open space requirements.

## 7. Development Agreement

The Ball Arena Agreement is intended to provide a framework for development of the area covered by the proposed map amendment to meet objectives of the *Downtown Area Plan Amendment* and provide predictability about development characteristics that would otherwise not be addressed.

Key elements of the Ball Arena Development Agreement include:

- **Open Space:** Provision of open space including a signature park and completion of a Denver Recreation Center
- **Transportation:** A transportation demand management strategy and completion of transportation improvements identified through a mobility study
- **Economic Development:** A required Neighborhood Compliance Plan that outlines requirements and goals for hiring, identification of a childcare facility location, and a small business incubator
- **Environmental:** Compliance with Executive Order 100, including required environmental cleanup and flood plain mitigation
- **Vesting:** Vesting of specific zoning entitlements contained in the D-CPV-T and D-CPV-C zone districts, including height and floor area ratio (FAR) standards until June 30, 2050

The development agreement also includes a High-Impact Development Compliance Plan intended to satisfy housing requirements linked to the D-CPV-R and D-CPV-C zone districts. The D-CPV zone districts set forth an 'incentive height' system that links to increased affordable housing requirements for development above a 'base height' of 5 stories.

The affordable housing plan includes:

- A requirement that 18% of all units are income restricted units (IRU) (rental and for-sale)
  - Rental must average at 70% AMI with a cap at 80% (of 100% in fully affordable structures)
  - A minimum of 50 Permanent Supportive Housing units at 30% AMI
  - For-sale must average at 90% AMI with a cap at 120%
- A requirement that 20% of IRUs in the Park and Transit Districts must be at least 2 bedrooms
- A requirement that 15% of IRUs in the Park and Transit Districts must be at least 3 bedrooms
- An allowance for two fully affordable structures, which, if built, must be among the first three building constructed in the Park and Transit Districts
  - Those two structures can only have an aggregate mill levy maximum of 20 mills
- An allowance for five fully market-rate structures
- An allowance for retention of up to \$10 million dollars (20%) of assessed linkage fees to be retained in an escrow fund to support construction of the IRUs in the Park and Transit Districts. The City will retain the remaining approximately \$39 million dollars (80%) of linkage fee to use throughout the City to support affordable housing.

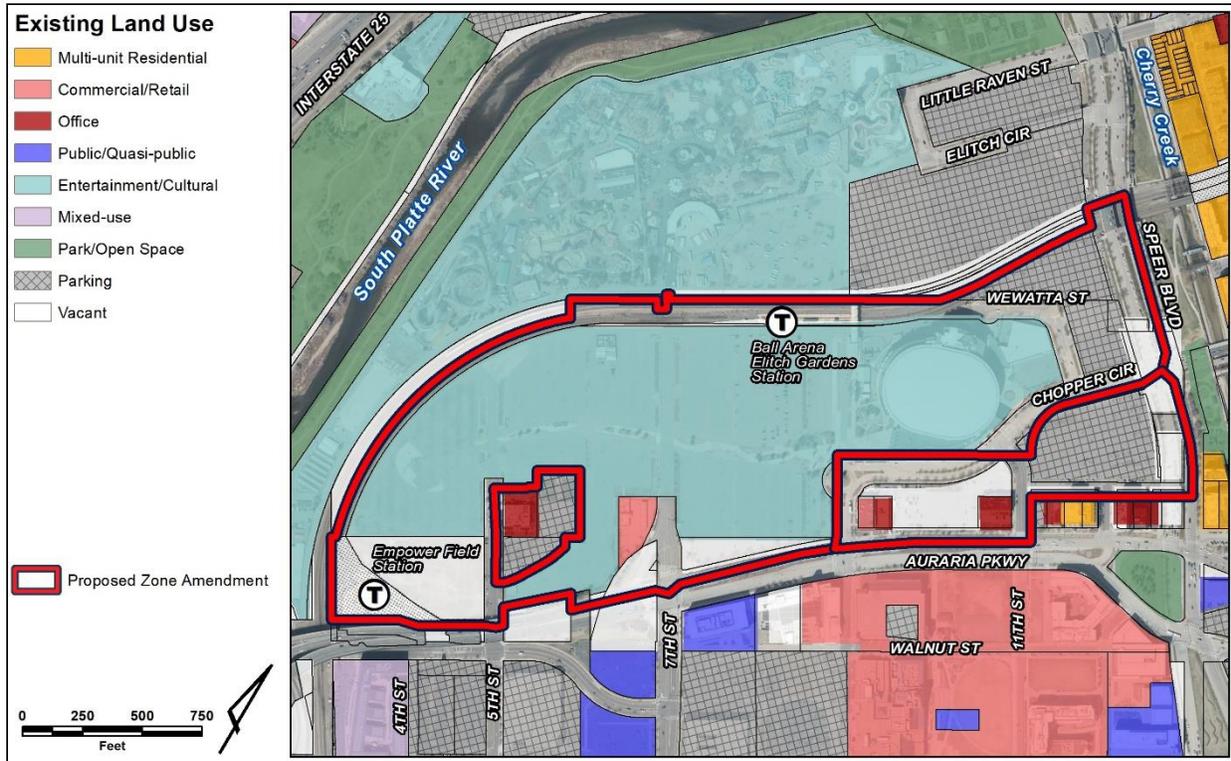
#### **8. River Mile Development Agreement Amendment**

The River Mile Development Agreement was approved by City Council in December of 2018. That agreement contained a vesting period which ended in 2038. As the Ball Arena applicant is an equity partner in River Mile and intends to develop the properties in as a single connected neighborhood, they have requested to amend the River Mile Development Agreement to align with the requested vesting period of the Ball Arena Development Agreement and the negotiated date of the Amended Arena Trust Agreement of June 30, 2050. CPD finds this agreement to be appropriate given the proposed terms to retain the NHL and NBA teams at this location which represents a significant financial commitment from the applicant and benefit to the City.

#### **9. Amended Arena Trust Agreement**

The Amended Arena Trust Agreement would extend the commitment for requiring the NHL and NBA teams to perform at Ball Arena until June 30, 2050. The current agreement commits the teams to Ball Arena until 2030 and within Denver, west of Interstate 225, until 2040. The amended agreement also authorizes KSE to build a new arena if they so choose at either the Ball Arena or River Mile property. CPD finds this agreement to be appropriate given the proposed terms to retain the NHL and NBA teams at this location which represents a significant financial commitment from the applicant and benefit to the City.

### 10. Existing Land Use Map



### 11. Existing Building Form and Scale (all photos from Google Maps)



Aerial view of the subject property, looking northeast.



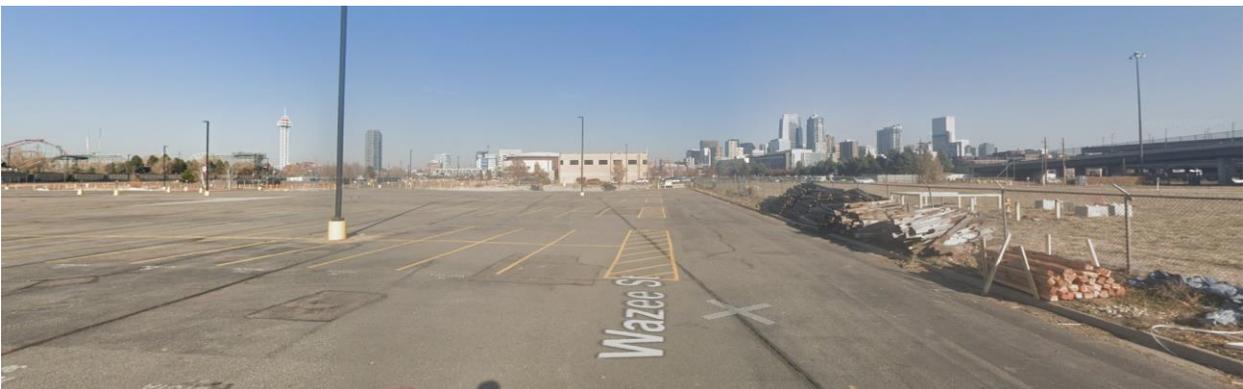
View of the subject property to be rezoned D-CPV-T from Chopper Circle, looking south.



View of the subject property to be rezoned D-CPV-T in the foreground from Auraria Parkway, looking north with Ball Arena in the background.



View of the property to be rezoned D-CPV-C, looking north from elevated Auraria Parkway.



View of the property from Wazee Street, west of 5<sup>th</sup> Street, looking northeast.



View of the property from the Ball Arena/Elitch Gardens train station, looking southeast.

### **Proposed Zoning**

The requested D-CPV-T is the Downtown Neighborhood Context – Central Platte Valley-Auraria – Transition district, which creates a transition from higher intensity districts to surrounding established lower-scale neighborhoods while allowing a variety of uses in the General building form up to 5 stories. This zone district is intended to be mapped approximately along Auraria Parkway between Speer Boulevard and 9<sup>th</sup> Street; and along Speer Boulevard between Auraria Parkway and approximately Chopper Circle/Wewatta Street.

The requested D-CPV-C is the Downtown Neighborhood Context – Central Platte Valley-Auraria – Center district, which is intended for employment, entertainment, and other higher intensity uses. The General building form permits buildings up to 5 stories or 12 stories with incentives. The Standard Tower building form accommodates a variety of building uses by meeting flexible upper story size limitations, applying enhanced design quality standards, and establishing a human scale relationship with the street. The Standard Tower building form permits an 8-story podium with a maximum 20.0 floor area ratio (FAR) and no maximum building height for towers that meet specific dimensional requirements with incentives. The Point Tower building form promotes tall, slender buildings that preserve access to sun, sky, and view by meeting rigorous upper story size limitations, applying enhanced design quality standards, and establishing a human scale relationship with the street. The Point Tower building form permits a podium of up to 8 stories, with no maximum building height or FAR for towers that meet specific dimensional requirements with incentives. This zone district is intended to be mapped within approximately 2 to 3 blocks of transit stations, the Consolidated Main Line, Ball Arena, and Interstate 25 and Speer Boulevards.

Both districts require a high degree of urbanism in building siting, street level transparency, and street level activation. For additional details of the requested zone districts, see DZC Section 8.9.

## **Summary of City Agency Referral Comments**

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

**Assessor:** Approved – No Response

**Asset Management:** Approved – No Comments

**Denver Public Schools:** Approved – No Response

**Department of Public Health and Environment:** Approve Rezoning Only – Will require additional information at Site Plan Review. EQD does not guarantee approval of any proposed development project at this Site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQD recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQD may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

**Denver Parks and Recreation:** Approved – Rezoning review is approved by DPR with condition that, before City Council vote, applicant demonstrates compliance with specific criteria (consistency with adopted plans) through finalization of the development agreement currently in-process.

**Department of Transportation and Infrastructure – R.O.W.- City Surveyor:** Approved – No Comments

**Development Services – Project Coordination:** Approved – No Response

**Development Services-- Fire Protection:** Approve Rezoning Only – Will require additional information at Site Plan Review

**Development Services – Transportation:** Approved – No Response

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

**Public Review Process**

	<b>Date</b>
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>03/29/24</b>
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	<b>07/02/24</b>
Planning Board public hearing:	<b>07/17/24</b>
South Platte River Committee of the City Council informational hearing:	<b>08/14/24</b>
CPD written notice of the South Platte River Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten (10) working days before the meeting:	<b>08/28/24</b>
South Platte River Committee of the City Council moved the bill forward:	<b>09/11/24</b>
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	<b>09/30/24</b> <b>(tentative)</b>
City Council Public Hearing:	<b>10/21/24</b> <b>(tentative)</b>

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this staff report, we have received one letter of support from the LoDo District Inc. RNO noting the connectivity, design guidelines, and transformative impact of the proposal.

- **General Public Comments**

As of the date of this staff report, we have received four letters of support. Letters of support from the Metro Denver Economic Development Corporation, the Denver

Metro Chamber of Commerce, the Denver Sports Commission, and VISIT Denver all note the potential for significant new affordable housing, transformative urban amenities, and significant economic impact for the entire city. We have also received 9 letters expressing general support, but most of which included a condition that their support is based on successful execution of the Community Benefits Agreement. This includes a letter from the Ball Arena Community Benefits Agreement Committee.

## **Criteria for Review / Staff Evaluation**

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

### **DZC Section 12.4.10.7**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

### **DZC Section 12.4.10.8**

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

## **1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- *Denver Comprehensive Plan 2040 (2019)*
- *Blueprint Denver (2019)*
- *Downtown Area Plan (2007)*
- *Downtown Area Plan Amendment (2018)*

### ***Denver Comprehensive Plan 2040***

The proposed rezoning is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

The proposed rezoning would allow for dense housing options near transit and downtown. The development agreement associated with the rezoning will also ensure a high number of affordable housing units, creation of a signature park, and completion of a Denver Recreation Center, all consistent with the following strategies in the Equitable, Affordable, and Inclusive vision element:

- Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).
- Goal 1, Strategy C – Improve equitable access to resources that improve quality of life, including cultural and natural amenities, health care, education, parks, recreation, nutritious food, and the arts (p. 28).

- Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Goal 2, Strategy D – Increase the development of senior-friendly and family-friendly housing, including units with multiple bedrooms in multifamily developments (p. 28).

The proposed map amendment would allow for compatible infill development near transit and downtown, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- Goal 1, Strategy C – Ensure neighborhoods are safe, accessible, and well-connected for all modes (p. 34).
- Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities (p. 34).
- Goal 2, Strategy C – Create people-oriented places that embrace community character with thoughtful transitions, aspirational design, and an engaging public realm p. 34).

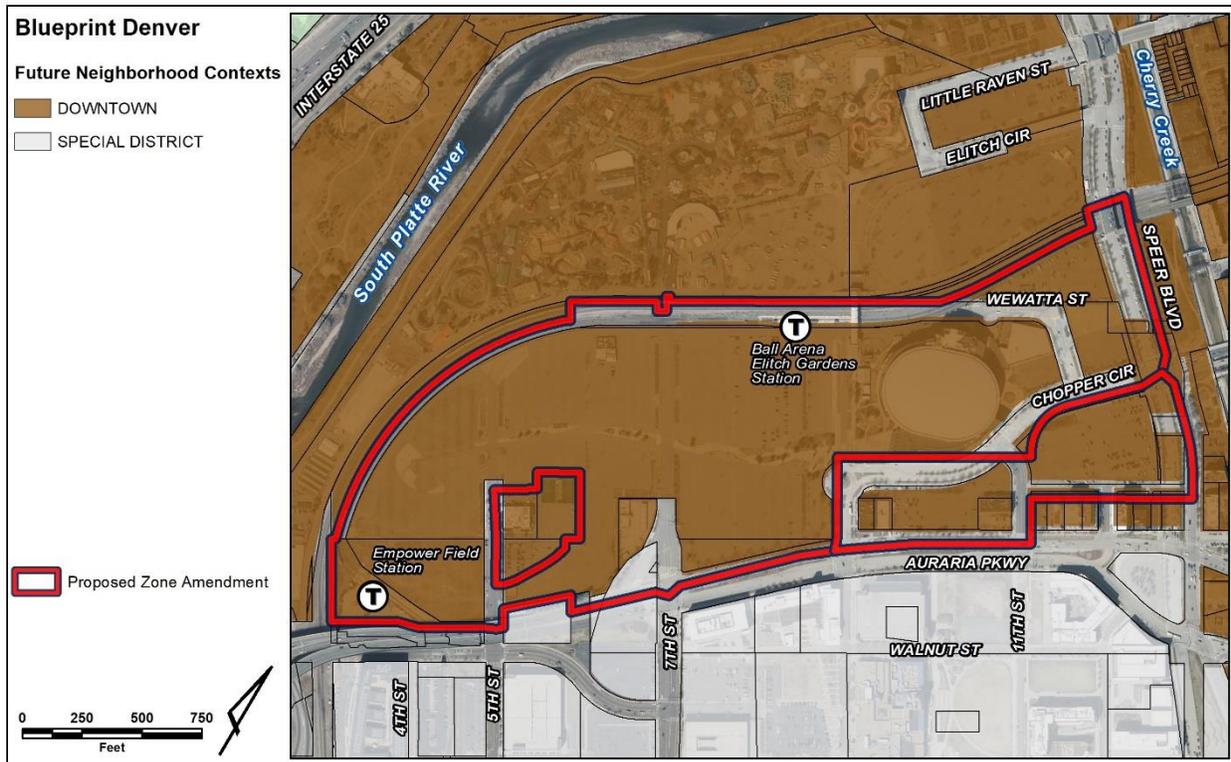
The proposed map amendment would allow for dense development near transit, Union Station, and downtown, and provide much-needed missing connections in the street network, consistent with the following strategies from the Strong and Authentic Neighborhoods vision element:

- Goal 8, Strategy A – Improve multimodal connections within and between mixed-use centers including downtown, Denver International Airport, and major urban centers (p. 42).
- Goal 8, Strategy B – Promote transit-oriented development and encourage high density development, including affordable housing, near transit to support ridership (p. 42).

## ***Blueprint Denver***

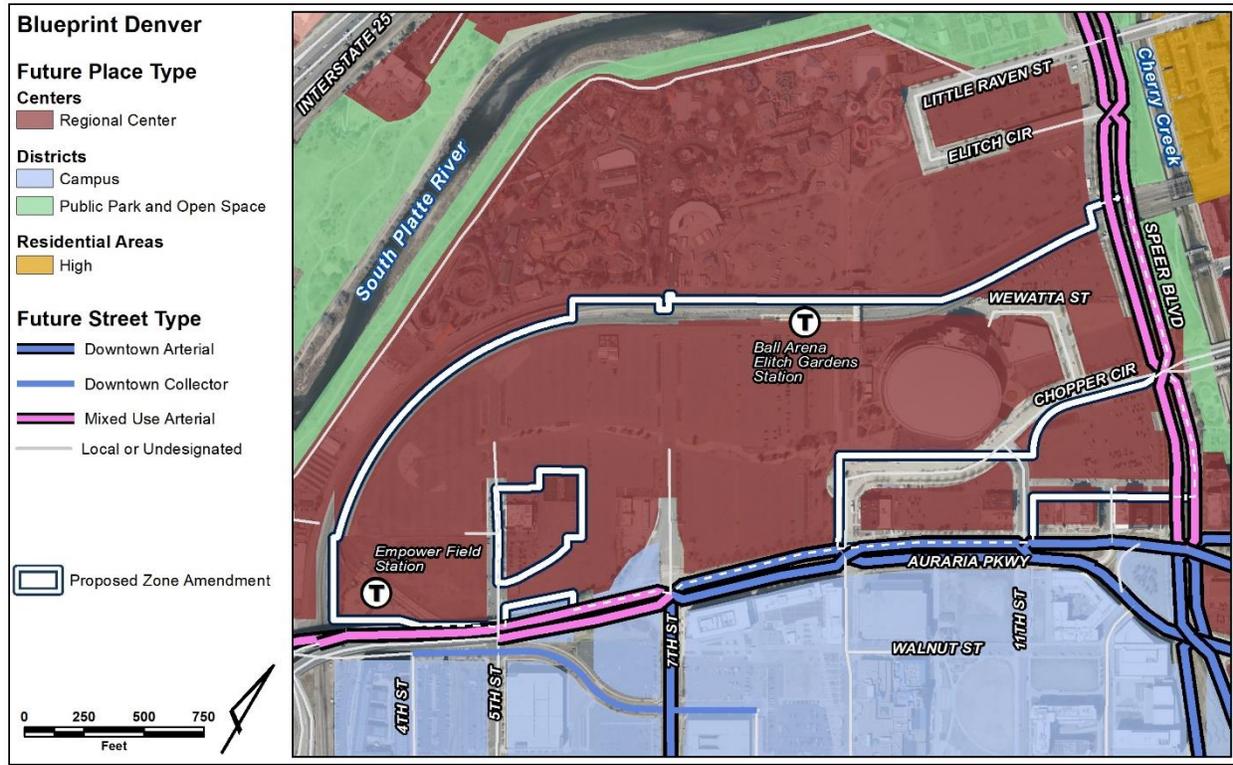
*Blueprint Denver* was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center place within the Downtown Neighborhood Context and provides guidance from the future growth strategy for the city.

## **Blueprint Denver Future Neighborhood Context**



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in elements like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Downtown neighborhood context. The neighborhood context map and description help guide appropriate zone districts (p. 66). The Downtown neighborhood context is described as “the densest and most active” (p. 265). This context “contains the highest intensity residential and includes the largest employment center in Denver” (p. 265). The proposed D-CPV zone districts are part of the Downtown context and “encourage building forms that fully realize the urban character and intensity envisioned for the Downtown context (DZC 8.9.2.1). Since the proposed districts allow a substantial mix of uses and allowable building forms that contribute to dense urban design and good street activation, the proposed rezoning to a Downtown context is appropriate and consistent with the plan.

### **Blueprint Denver Future Places**

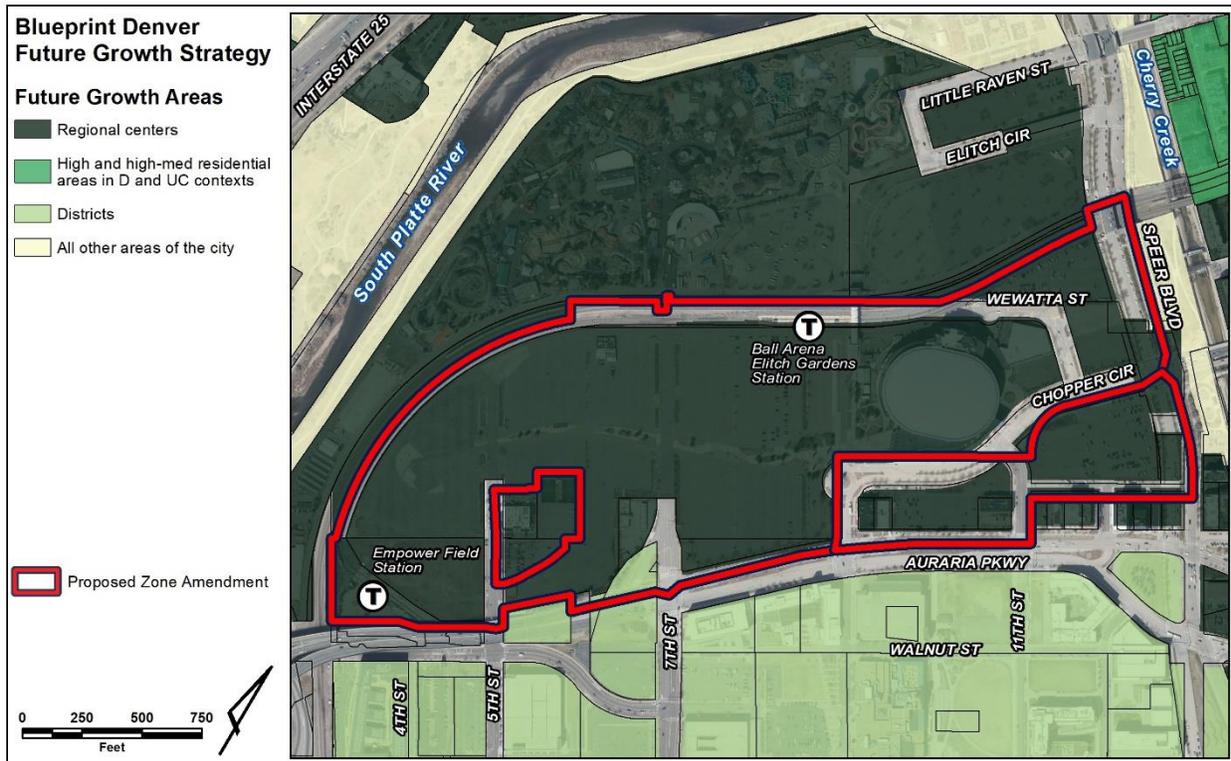


The neighborhood context of Downtown provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Regional Center. *Blueprint Denver* describes the aspirational characteristics of Regional Centers in the Downtown context as, “office, retail, eating and drinking establishments, commercial services, and multi-unit residential use” with the “widest customer draw of all places with a 24/7 live, work, and play environment attractive to locals and visitors” (p. 270). Regional Centers are further described as having a “high degree of urbanism paired with a strong pedestrian realm. Continuous building frontages and district streetscape elements that define the public realm. Tall building heights are common and transitions to adjacent places are minimal except when close to lower scale residential places” (p. 270). The proposed districts of D-CPV-T and D-CPV-C provide a wide range and mix of uses, a high degree of urbanism, and appropriate transitions to lower-scale development in the historic Lower Downtown.

*Blueprint Denver* also identifies street types to promote a system of classifying different streets and appropriate development. The existing adjacent streets, Auraria Parkway and Speer Boulevard are both identified as Downtown Arterial streets. Arterial streets are designed for the highest degree of through movement (p. 154). Given the nature of this site as largely parking it has made sense for these adjacent streets to remain arterials. However, given the intensity of development on site as well as the new proposed road network through the site that is under consideration in the

concurrent infrastructure master plan, with significant safety improvements made to both streets to ensure safe and equitable access in and around the site.

### **Blueprint Denver Growth Strategy**



*Blueprint Denver's* growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is part of a Regional Center. Regional Centers are anticipated to see around 30% of new housing growth and 50% of new employment growth by 2040" (p. 51). Focusing growth in centers and corridors helps to provide a variety of housing, jobs and entertainment options within a comfortable distance to all Denverites and is a key element of building complete neighborhoods throughout Denver" (p. 49). The proposed map amendment to D-CPV will focus dense mixed-use growth to a Regional Center where it has been determined to be most appropriate. Access to jobs, housing, and services can improve in the mixed-use zone districts, and this site has access to multiple transit lines, as well as adjacency to Union Station and established downtown.

### **Blueprint Denver Strategies**

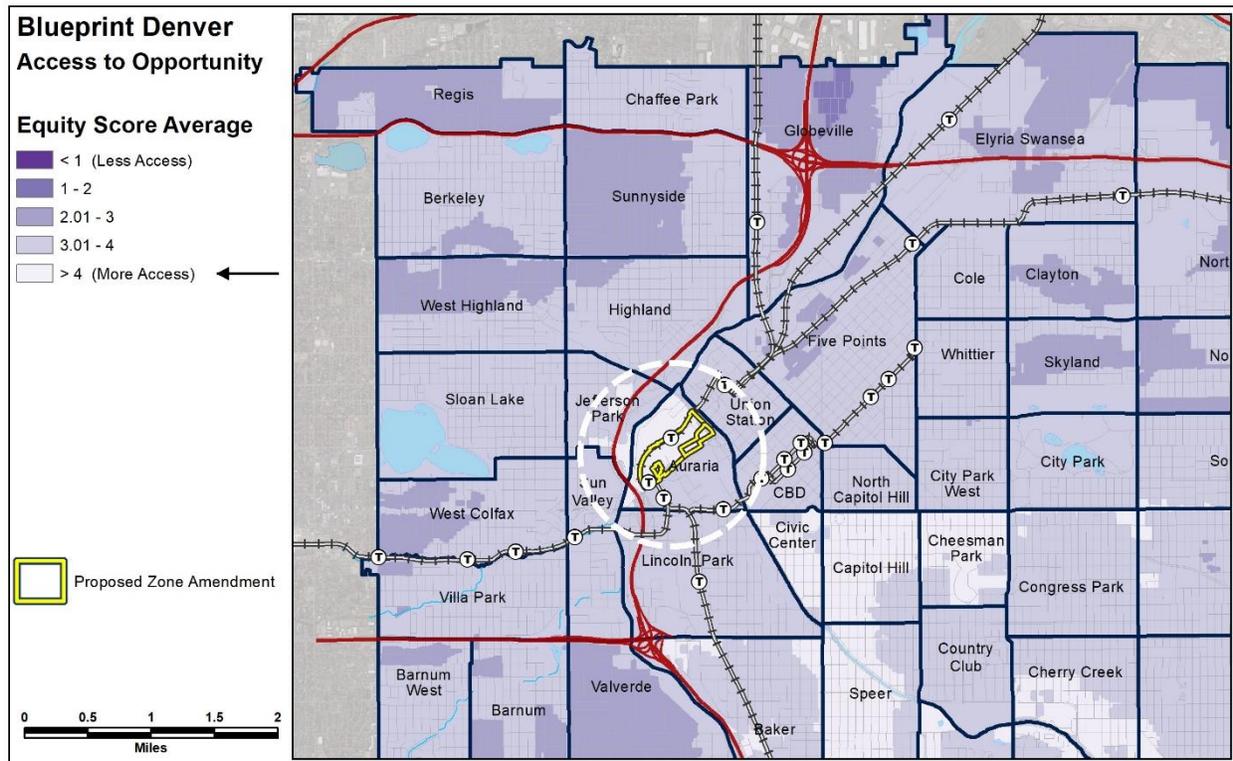
*Blueprint Denver* contains numerous strategies to capture new housing growth in transit-rich Regional Centers such as the subject site (pp. 72, 85, and 86). *Blueprint Denver* recommends capturing about 90 percent of new job growth Regional Centers and other high intensity residential districts downtown and in urban centers (pp. 90, 92, and 93). This is achieved through the implementation of our plan guidance to allow high-density residential, office, and commercial throughout the Ball Arena site. *Blueprint Denver* also calls for coordinated development on large

infill site to ensure it integrates into surrounding communities and provides sufficient community benefits, which is achieved through this consideration of this rezoning area in the LDR process and the associated IMP and development agreement (p. 78). *Blueprint Denver* contains numerous mobility goals achieved through this application and associated IMP by aligning the impacts of private development with transportation infrastructure to promote development that creates a walkable, transit-friendly community (pp. 108, 109, 111, 113, and 114). The application, the proposed zoning districts, and the associated IMP and development agreement also meet multiple *Blueprint Denver* goals related to quality-of-life infrastructure by outlining requirements related to green infrastructure and open space (pp. 118, 119, 120, 121, 122, and 124).

### **Blueprint Denver Equity Concepts**

*Blueprint Denver* contains three equity concepts to help guide change to benefit everyone. Each equity concept has associated measurements that helps inform implementation actions through large rezonings along with other implementation actions. Given the size of this rezoning, an equity analysis was completed to help align project outcomes with equity considerations. Due to the low current residential population in this area, the values associated with each score contain limited useful information. The applicant and staff nevertheless used our equity considerations to ensure that future development would lead to positive equity scores as the site is built out.

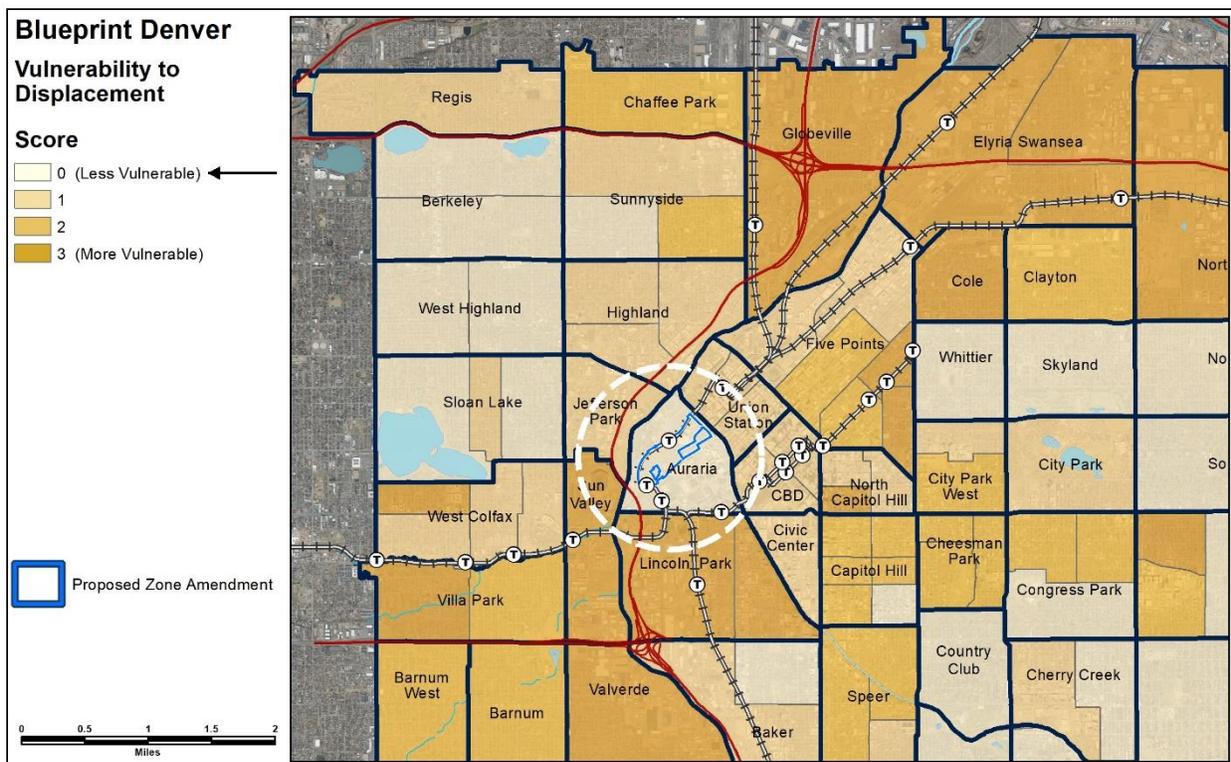
## **I. Access to Opportunity**



The subject properties scored very high on access to opportunity, the basis for this measurement being the equity index developed by Denver’s Department of Public Health and Environment. It

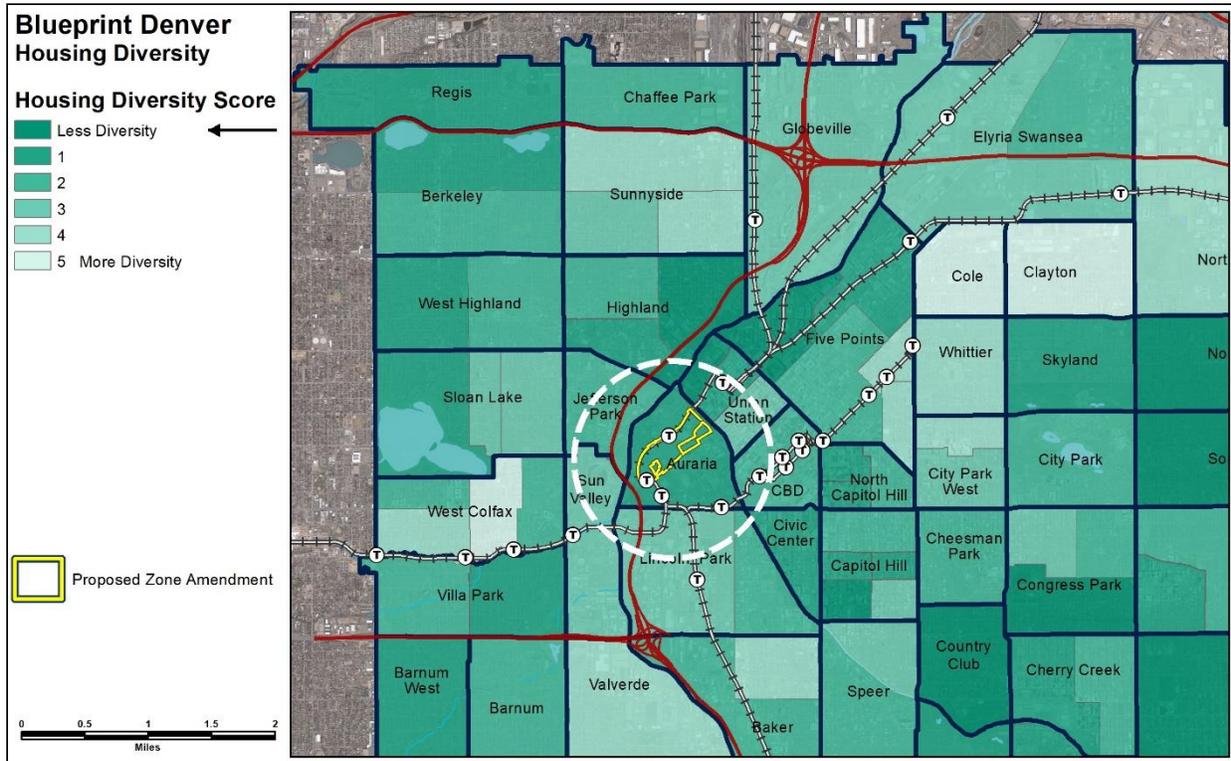
measures indicators such as access to park, full-service grocery stores, first trimester and health care, as well as childhood obesity, life expectancy, access to high-capacity transit, and access to centers and corridors where residents are most likely to access jobs, basic good and services, entertainment, and shopping. Given the high access to opportunity score this site is an ideal location for adding residential density and associated jobs, entertainment, and services. The proposed rezoning will support continued access to opportunity by continuing to allow a mix of uses. Further, the concurrent development agreement will ensure that as the population grows so to do the necessary amenities which maintain good access to opportunity, such as provision of affordable housing, new open space, and a Denver Recreation Center.

## II. Vulnerability to Involuntary Displacement



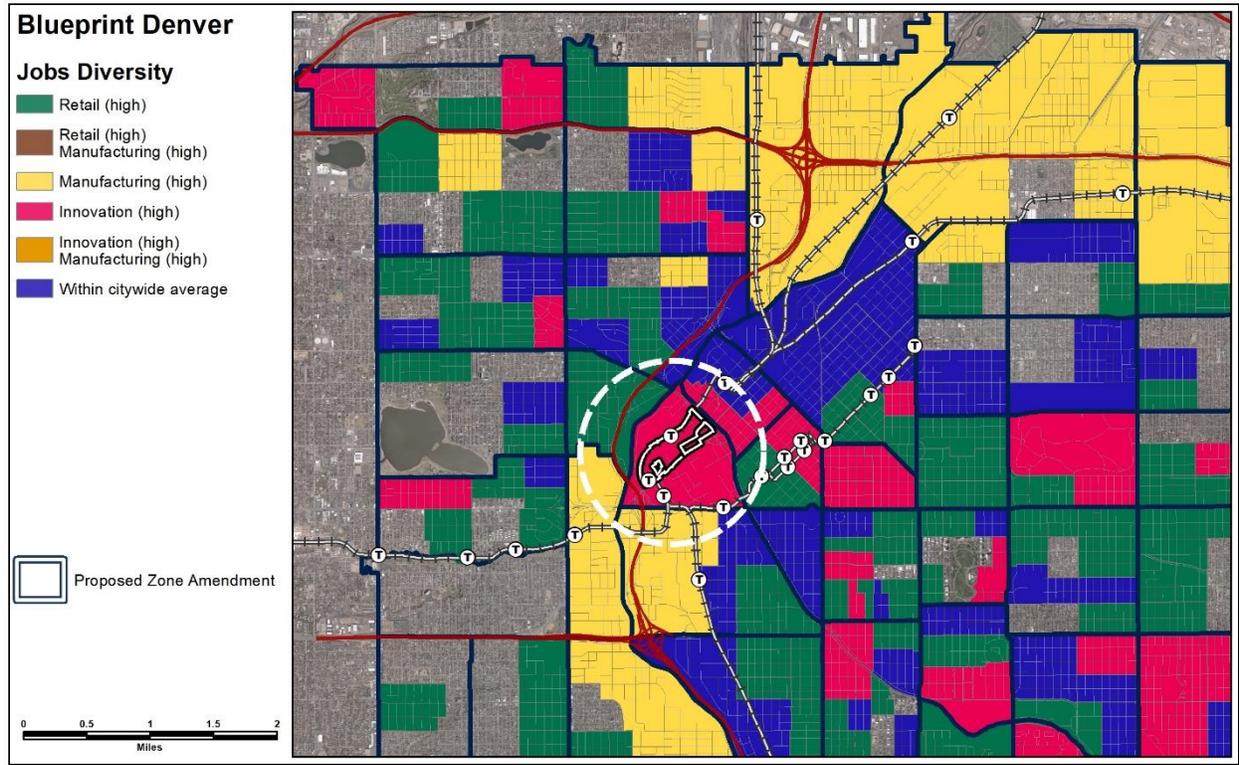
Vulnerability to involuntary displacement is measured by three data points: median household income, the percentage of renters, and the percent of the population with less than a college degree. The subject properties scored as not vulnerable in all three metrics. This is likely due to a very low number of individuals living within the census tract boundary. The proposed rezoning zoning will facilitate additional housing opportunities on the site. Further, the concurrent development agreement will ensure that the future population reflects a range of incomes with access to diversity of housing types.

### III. Housing Diversity



The subject property scored very low on housing diversity, a measure of five indicators including the percent of middle-density housing (housing with 2-19 units), home size diversity, ownership vs. rental properties, housing costs, and amount of income-restricted affordable units. This score reflects the low residential population and options within the census tract. The proposed rezoning will allow for additional housing opportunities in the area. Further, the concurrent development agreement will ensure a diversity of affordable housing types throughout the project area.

#### IV. Jobs Diversity



The jobs diversity metric looks at two key indicators: jobs density and jobs diversity. The subject properties have a low density of jobs yet of those jobs there is a higher percentage of innovation jobs compared to the city-as-a-whole. While it is natural for some areas of the city to contain a more prevalent job type, job diversity provides options for a population with varied education levels and skills. The proposed rezoning will allow for a broader diversity of jobs and the concurrent development agreement outlines certain expectations for uses and construction jobs.

### **Small Area Plan: *Downtown Area Plan (2007)***

The *Downtown Area Plan* provides specific recommendations around becoming a prosperous, walkable, diverse, distinctive, and green downtown. Specific strategies include:

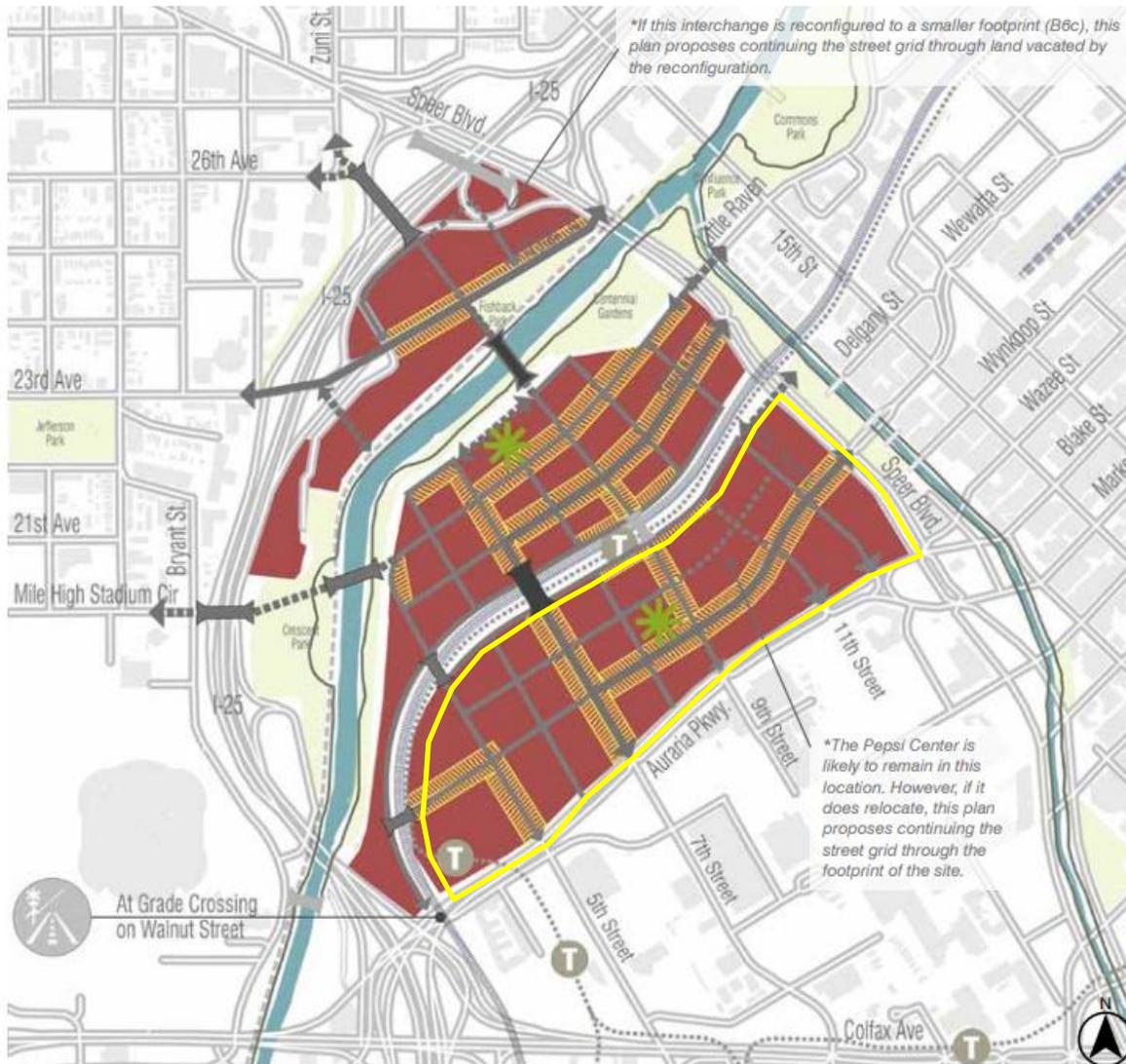
- “Require ground floor active uses throughout Downtown through changes to zoning and design guidelines” (B1b, p. 22).
- “Use distinctive ground floor retail, or other active uses, and the street environment to reinforce district identity” (D1b, p. 33).
- In reference to the Central Platte Valley-Auraria district: “Future opportunities to densify these areas are beginning to emerge as transit use increases and parking demand decreases” (pg. 52).

The proposed map amendment facilitates mixed-use development with limited parking and active ground floor design/uses, which is consistent with the goals of the *Downtown Area Plan*.

### **Small Area Plan: *Downtown Area Plan Amendment (2018)***

The *Downtown Area Plan Amendment* for Central Platte Valley-Auraria (the amendment) builds on the *Downtown Area Plan*, which continues to apply in this area. Within the area bounded by Speer Boulevard, Interstate 25, and Auraria Parkway, the Amendment supersedes the *Downtown Area Plan* where recommendations between the two plans are conflicting (p. 10). The Amendment also supersedes other previous plan direction within this boundary.

One stated goal is to “enable a deliberate mix of uses to create a prosperous neighborhood that is vibrant throughout the day and night,” through strategies such as “update[ing] zoning regulations to encourage an appropriate mix of uses” (p. 31). More specifically, Recommendation A5b details “a specific variety of uses that create an active, livable neighborhood,” including uses that make up a complete neighborhood, commercial uses and services, civic and community uses, entertainment and cultural uses, and public spaces (p. 32). The Amendment notes that active uses should be prioritized in strategic locations such as along specific corridors and along the riverfront (A5c, p. 33). Another aim is to “include a variety of market-rate and affordable housing to accommodate diverse households and incomes” (C5a, p. 60) and to “require additional affordable housing beyond what is required by the citywide linkage fee” and located on-site (C5b, p. 61). Finally, the goal to “promote new development that creates diverse places and activities through a variety of building densities and intensities within a mixture of building forms that reinforce a comfortable, human-scale pedestrian experience” is supported by a recommendation to “adopt new or updated zoning standards to require a variety of building intensities” (D4a, p. 65). Specifically, the plan recommends “calibrat[ing] allowed building height and intensity by context” with highest intensity near the light rail stations and along the Consolidated Main Line and 7<sup>th</sup> Street and the lowest intensity along the riverfront, Water Street, and existing buildings (D4c, p. 66). The amendment also recommends “leverage[ing] increases in allowed building intensity to promote community benefits” (including a recommendation to “adopt zoning tools that provide incentives for integration of mixed-income and affordable housing” - D4d, p. 66), and promoting high quality design through updated zoning and design standards and guidelines (D5a, p. 68).

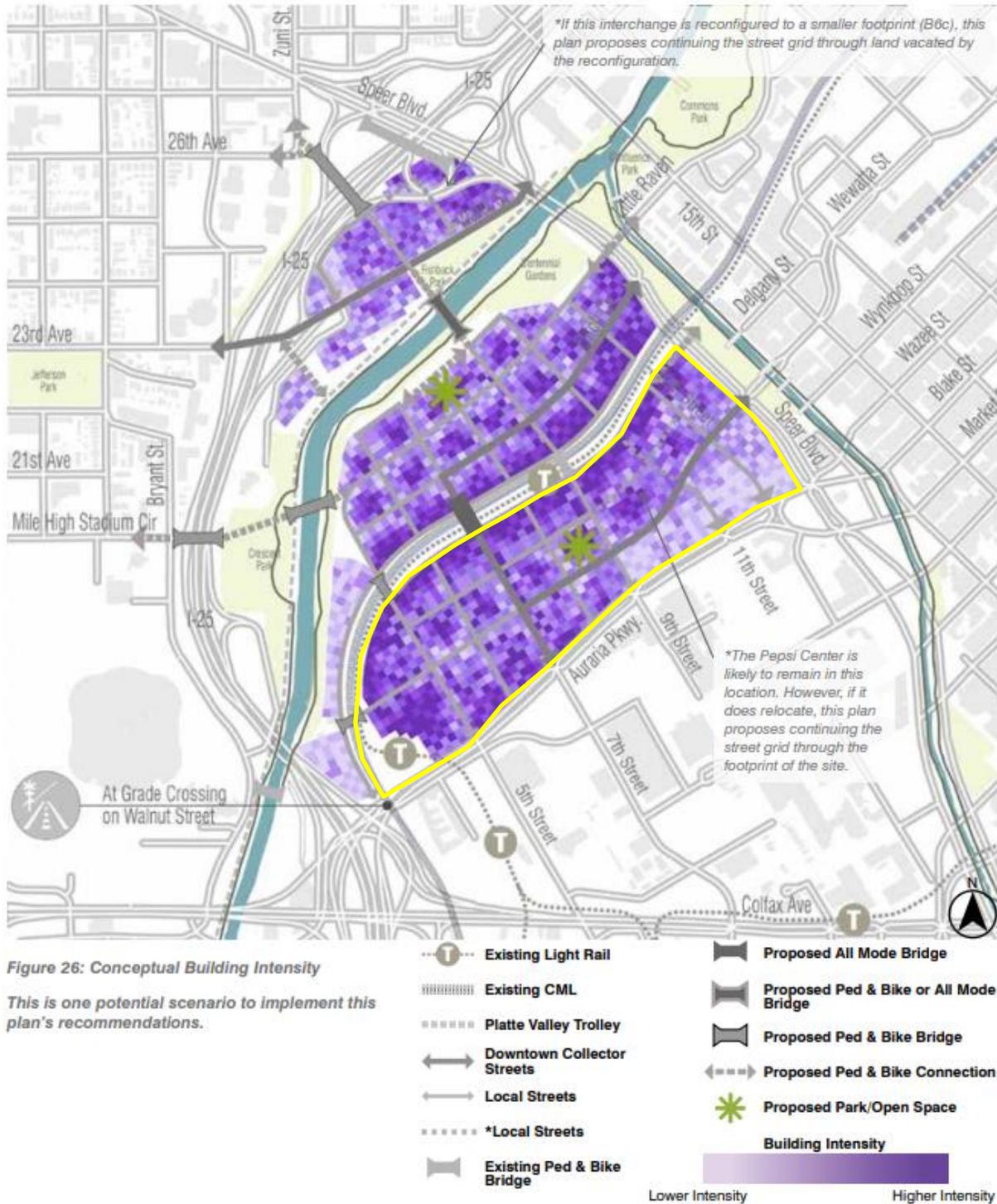


**Figure 14: Conceptual Land Use Map with Potential Active Corridors**

*This is one potential scenario to implement this Plan Amendment's recommendations. There are multiple active corridor configurations that would implement this plan, dependent on the configuration of mobility connections and the road hierarchy.*

- |  |                            |  |  |
|--|----------------------------|--|--|
|  | Existing Light Rail        |  | Proposed All Mode Bridge               |
|  | Existing CML               |  | Proposed Ped & Bike or All Mode Bridge |
|  | Platte Valley Trolley      |  | Proposed Ped & Bike Bridge             |
|  | Downtown Collector Streets |  | Proposed Ped & Bike Connection         |
|  | Local Streets              |  | Proposed Park/Open Space               |
|  | *Local Streets             |  | Downtown (Mixed-Use)                   |
|  | Existing Ped & Bike Bridge |  | Potential Active Corridor              |

The conceptual land use map shows the area as Downtown/Mixed-Use which aligns with the proposed zone districts. The map also shows potential active corridors.



The conceptual building intensity map shows higher intensity building throughout the core of the site, as well as along the CML, the western edge, and the western half of Auraria Parkway. The map shows lower intensity at the intersection of Speer Boulevard and Auraria Parkway. These recommendations align with the proposed boundaries of the D-CPV-C and D-CPV-T zone districts.

The proposed map amendment to rezone to the D-CPV-T and D-CPV-C zone districts is consistent with Downtown Area Plan Amendment goals, recommendations, and strategies by facilitating the desired mix of uses, including discouraging non-active uses along key streets. The proposed zone districts, which were created to implement the Downtown Area Plan Amendment guidance, provide a suite of context-sensitive building forms that promote the detailed design goals of the plan amendment. The proposed zone districts also establish an incentive height system that promotes plan amendment objectives for an equitable neighborhood. If the proposed rezoning is approved the Downtown Urban Design Standards and Guidelines will also apply to the site providing tools to establish good design as recommended in the plan. With the rezoning, the applicant intends to commit to meeting incentive height requirements by executing an affordable housing plan as outlined in the concurrent development agreement.

## **2. Uniformity of District Regulations and Restrictions**

The proposed rezoning to D-CPV-T and D-CPV-C will result in the uniform application of zone district building form, use and design regulations.

## **3. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety, and general welfare of the city primarily through implementation of the city's adopted land use plans. Additionally, the proposed map amendment would result in zone districts that enable higher density than the current zone district. More specifically, the proposed rezoning provides additional density near transit, downtown, the South Platte River, and new open space anticipated in the concurrent development agreement.

## **4. Justifying Circumstance**

The application identifies changed or changing conditions as the Justifying Circumstance under DZC Section 12.4.10.8.A.4, "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 a change may include: a. Changed or changing conditions in a particular area, or in the city generally; or b. A City adopted plan; or c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

Since the Denver Zoning Code was adopted in 2010 most of the subject property retained its Former Chapter 59 zoning. For the C-MX-5 and C-MX-8 districts proposed to be rezoned, the City adopted the *Downtown Area Plan Amendment (2018)* and *Blueprint Denver (2019)*, which provides updated direction for the subject property that is consistent with this rezoning application. Therefore, these are appropriate justifying circumstances for the proposed rezoning.

Additionally, there has been significant change in the surrounding neighborhoods since 2010; catalyzed by the redevelopment of Union Station, which reopened in 2014, there has been substantial high-density, mixed-use development and redevelopment along Wewatta Street,

Chestnut Place, the Consolidated Main Line, and Little Raven Street from Speer Boulevard past 20<sup>th</sup> Street and into the Five Points neighborhood. The lower Highland neighborhood has also seen substantial multi-unit residential and complementary commercial redevelopment in the past 10-15 years. This clear indication of development pressure in adjacent neighborhoods qualifies as a changed or changing condition, and the proposed rezoning is in the public interest to provide the kind of high-density, mixed-use development that is in high demand in adjacent neighborhoods.

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

The requested D-CPV-T and D-CPV-C zone districts are within the Downtown Neighborhood Context. The Downtown context consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. Entrances to office and residential buildings tend to be directly from the public sidewalk into a lobby. Retail stores and restaurants are typically accessed from the public sidewalk (DZC, Division 8.1).

While the current zone districts include some permitted uses consistent with the Downtown context, the overall allowed heights and lack of street level design standards are inconsistent with adopted plan objectives. The proposed map amendment to apply the D-CPV-T and D-CPV-C districts will introduce important standards related to street level build-to requirements, setbacks, transparency, active use, and non-residential active uses on key streets, and the provision of publicly accessible private open space. In addition, the requested zone districts include massing-related design standards to help shape and space buildings as they get taller to better maintain comfortable human-scale characteristics at the lower stories. The proposed zone districts are consistent with, and will more successfully achieve, the neighborhood context description.

The location of the proposed district boundaries and desired building forms and heights are consistent with the zone district purpose and intent statements.

## **Attachments**

1. Application
2. Public Comments