



TO: City Council
FROM: Edson Ibanez, Senior City Planner
DATE: March 16, 2022
RE: Official Zoning Map Amendment Application #2021i-00065

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2021i-0065.

Request for Rezoning

Address:	2000 Blake St.
Neighborhood/Council District:	Five Points/Council District 9 – Councilmember CdeBaca
RNOs:	Ballpark Collective; Center City Denver Residents Organization; District 9 Neighborhood Coalition, Inc.; Downtown Denver Business Improvement District; Inter-Neighborhood Cooperation (INC); LoDo District, Inc.; Lower Downtown Neighborhood Association; Neighborhood Coalitions of Denver, Inc.; Rio Norte; UCAN; United Neighbors of Northeast Denver
Area of Property:	12,569 square feet or 0.29 acres
Current Zoning:	PUD 329; B-8 with waivers, UO-1, UO-2
Proposed Zoning:	C-MX-8
Property Owner(s):	FB 2000 Blake Street LLC
Owner Representative:	Mike Harrington

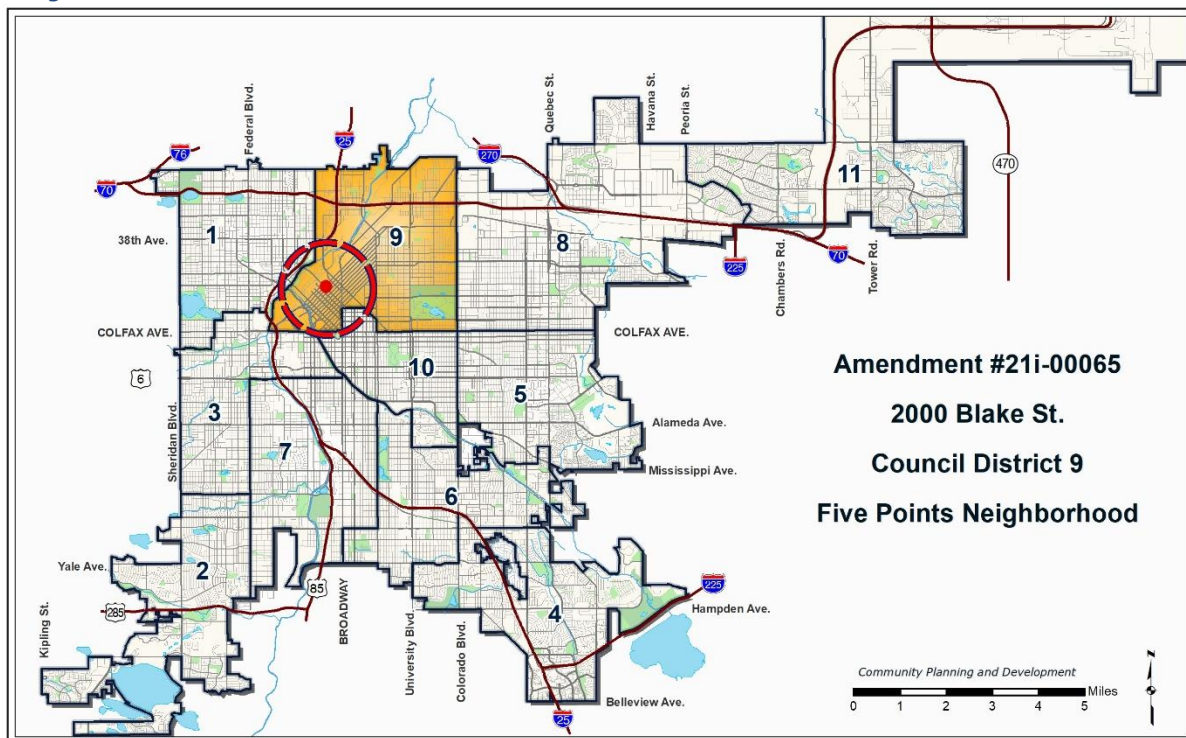
Summary of Rezoning Request

- The subject property is located in the Five Points neighborhood, at the northeast corner of Blake Street and 20th Street, directly across Blake Street from Coors Field.
- The subject site consists of two parcels, both of which are currently in use for surface parking. The applicant is seeking a rezoning to enable redevelopment of the site with commercial and residential uses.
- The applicant is working with the Denver Department of Housing Stability on a voluntary commitment to reserve 12.5% of units constructed on the site for households earning up to 80% of Area Median Income.
- The current zoning of the southernmost parcel is B-8 with waivers, UO-1, UO-2. B-8 is a Former Chapter 59 zone district intended for “activity centers” that allows high-intensity commercial and residential uses. The UO-1 (use overlay) district allows adult uses, while the UO-2 overlay allows billboard signs. The waiver affecting this property precludes adult uses which would otherwise be allowed by the UO-1 overlay. There are no billboard signs on the site.
- The current zoning of the northernmost parcel is PUD 329, a Planned Unit District adopted in 1993. PUD 329 allows construction of “mixed-use commercial/residential development” with

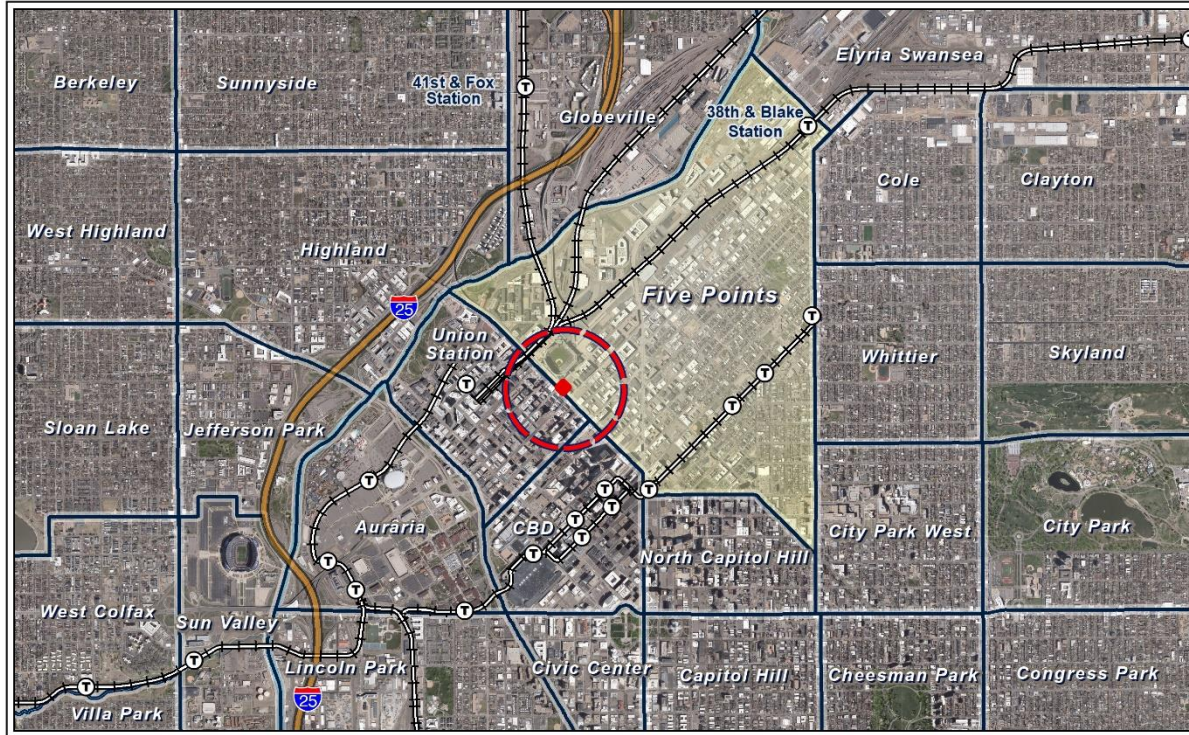
“active uses at street level,” as well as an electrical substation. This parcel is one of several contained within PUD 329.

- A 2019 Text Amendment to the Denver Zoning Code allows an applicant to pursue a rezoning of a single parcel in a PUD without consent of other property owners in the same PUD.
- The requested C-MX-8 district stands for Urban Center Neighborhood Context – Mixed Use – 8 stories maximum height. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge, through the use of shallow front setback ranges and high build-to requirements.
- Further details of the proposed zone district can be found in Article 7 of the Denver Zoning Code (DZC).

City Location – District 9



Neighborhood Location – Five Points



1. Existing Context



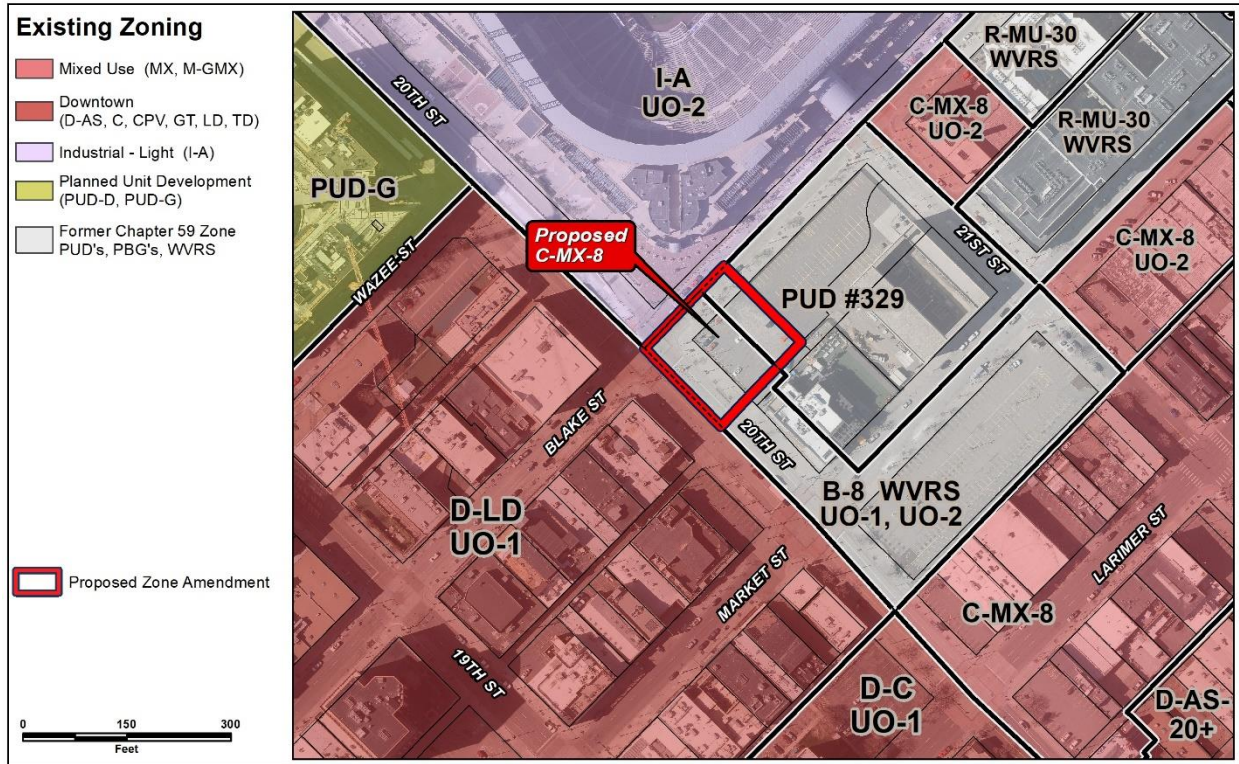
The subject property is located in the Five Points neighborhood, at the northeast corner of 20th and Blake Streets and across Blake Street from Coors Field. The area is characterized by a rectilinear pattern of blocks in the diagonal Downtown grid. Surrounding uses include the baseball stadium, surface parking, an electrical substation, multi-unit residential, retail, restaurant, hotel and office uses. Multiple RTD bus routes serve Blake, 20th and surrounding streets, with connections to regional rail and bus transit via Union Station a few blocks to the southwest.

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	B-8 with waivers, UO-1, UO-2; PUD 329	Surface Parking	No buildings on site	Rectilinear block pattern follows the diagonal Downtown grid. Alleys run north-south and are present on most blocks. Block sizes and shapes are consistent and rectangular.
North	PUD 329	Surface Parking	No buildings on site	
South	D-LD (Downtown, Lower Downtown district)	Mixed Use	Variety of new and historic mixed-use structures, ranging from 1 to 7 stories	

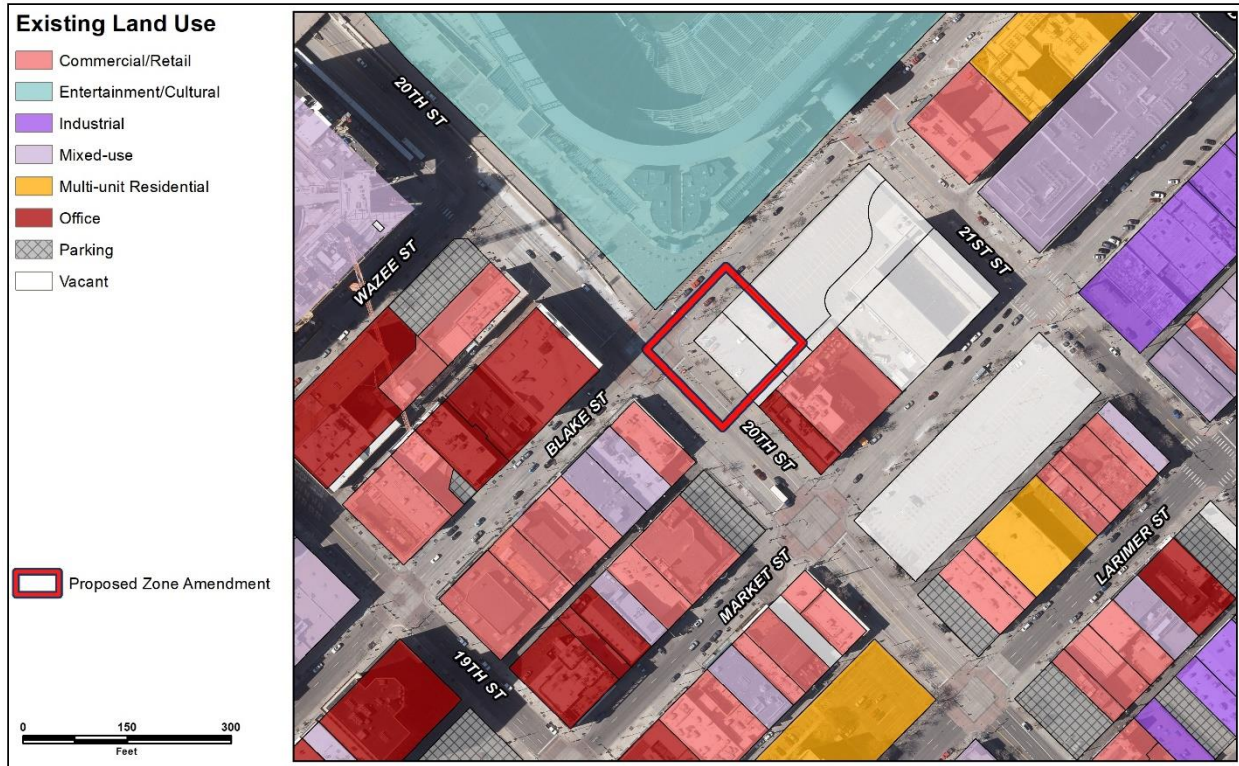
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
West	I-A, UO-2	Entertainment/Cultural use (baseball stadium)	Approx. 5-story sports stadium	
East	B-8 with waivers, UO-1, UO-2; PUD 329	Office, commercial/retail, vacant	Restaurant, office and electrical substation structures, ranging from 1 to 4 stories	

2. Existing Zoning



The current zoning of the northernmost parcel is PUD 329, a Planned Unit District adopted in 1993. PUD 329 allows construction of “mixed-use commercial/residential development” with “active uses at street level,” as well as an electrical substation. This parcel is one of several contained within PUD 329. The current zoning of the southernmost parcel is B-8 with waivers, UO-1, UO-2. B-8 is a former Ch. 59 zone district intended for “activity centers” that allows high-intensity commercial and residential uses. The UO-1 (use overlay) district allows adult uses, while the UO-2 overlay allows “outdoor general advertising devices,” or billboard signs. The waiver affecting this property precludes adult uses which would otherwise be allowed by the UO-1 overlay. There are no billboard signs on the site, and the applicant does not propose to retain either overlay.

3. Existing Land Use Map



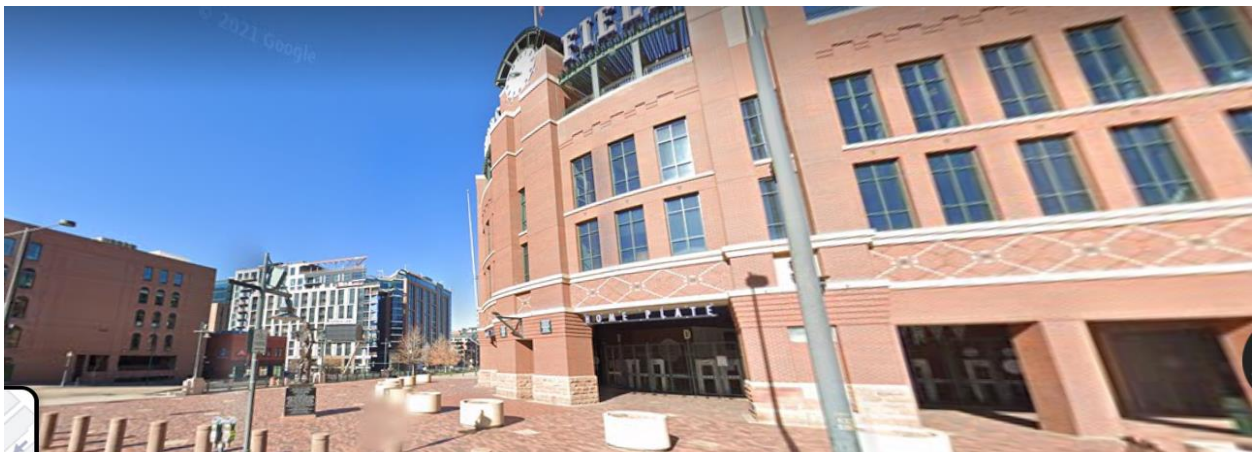
4. Existing Building Form and Scale



Aerial view of subject property, looking north. (Source: Google Maps)



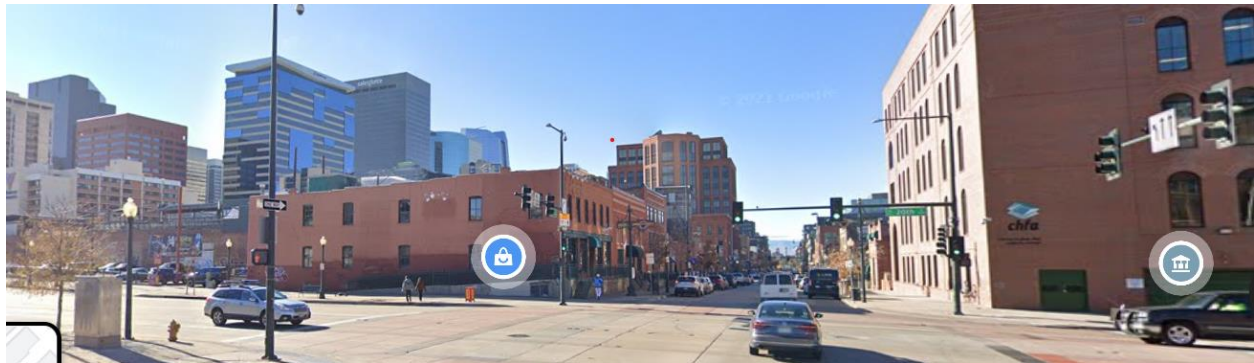
View of the subject property looking east from the intersection of Blake and 20th Streets (Google Maps)



View from the subject property, looking west toward Coors Field (Google Maps)



View of existing development to the east of the subject site, looking west from Market St. (Google Maps)



View to the south of the subject site, looking southward down Blake Street (Google Maps)



View of surface parking and other nearby development north and east of the subject site (Google Maps)

Proposed Zoning

The requested C-MX-8 zone district has a maximum height of 8 stories or 110 feet with allowable encroachments. A variety of mixed residential and commercial uses are allowed. The primary building forms allowed in the existing zone district and the proposed zone district are summarized below. For additional details regarding building form standards in the C-MX-8 zone district, see DZC Section 7.3.3.4.

Design Standards	B-8 UO-1, UO-2 with Waivers/PUD 329 (Existing)	C-MX-8 (Proposed)
Primary Building Forms Allowed	N/A	Town House; General; Shopfront
Height in Stories / Feet (max)	<ul style="list-style-type: none"> B-8 Parcel: FAR 4, no maximum PUD Parcel: FAR 2.5, max 5 stories 	8 stories/110 feet
Primary Street Build-To Percentage (min)	N/A	70% to 75%*
Primary Street Build-To Ranges (min/max)	N/A	0' to 15'*
Primary Street Setbacks (min)	N/A	0' to 10'*

Billboards	Allowed by UO-2 overlay	Not allowed
Adult Uses	Not allowed (precluded by waiver/PUD)	Not allowed

*Standard varies between building forms

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:

Asset Management: Approved – No comments

Assessor: Approved – No response

Denver Public Schools: Approved – No response

Public Works – Wastewater: Approved – See comments below:

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

Public Works – City Surveyor: Approved – No comments

Public Works – Transportation: Approved – No response

Denver Parks and Recreation: Approved – No response

Department of Public Health and Environment: Approved – See comments below:

DDPHE does not have environmental information for this specific property. The applicant/developer should be aware that soil petroleum contamination may be encountered in this area. If any property is dedicated to the City and County of Denver with this development, a Phase 1 Environmental Site Assessment is required.

Development Services – Project Coordination: Approved – Approve Rezoning Only - Will require additional information at Site Plan Review.

Development Services – Fire Prevention: Approved – No response

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	7/7/21
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:	11/1/21
Planning Board public hearing (unanimously recommended approval):	11/17/21
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting	11/23/2021
Land Use, Transportation and Infrastructure Committee of the City Council:	12/7/21
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:	12/27/2021
City Council Public Hearing:	1/18/2022 Postponed to 3/21/22

- **Public Outreach**
 - As detailed in the application narrative for this proposed rezoning, the applicants met with multiple neighbors, RNOs and council members in advance of submittal.
- **Written Input received**
 - **Registered Neighborhood Organizations (RNOs)**
 - To date, staff has received 3 written comments from the LoDo District, Inc., Lower Downtown Neighborhood Association, and the Ballpark Collective, supporting the rezoning as it will allow for redevelopment of an existing parking lot, creating a sense of arrival to Coors Field and better activating the pedestrian realm.
 - **Other Public Comment**
 - To date, staff has received two letters indicating concern. The letters are attached to this staff report. The letters address concerns over design and outreach and highlights the design standards McGregor Square and Rockies Plaza underwent. Staff notes that PUDs and other custom zoning approaches are applied when an applicant is requesting additional flexibility beyond the base zoning in return for a public benefit. For example, the McGregor Square PUD allowed additional flexibility in return for preservation and activation of a public walkway.

Criteria for Review / Staff Evaluation

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

DZC Section 12.4.10.7

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

DZC Section 12.4.10.8

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

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

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

Denver Comprehensive Plan 2040

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

The proposed map amendment would allow for compatible infill development in an established neighborhood with accessible parks and recreation facilities, services and bus and light rail transit, **consistent** with the following strategies from the Environmentally Resilient vision element:

- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p.54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54)
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The proposed rezoning would allow for additional housing options near transit within an established neighborhood, **consistent** with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive Goal 1, Strategy A – Increase development of housing units close to transit and mixed-use developments (p. 28).

- Equitable, Affordable and Inclusive Goal 2, Strategy A – Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).
- Equitable, Affordable and Inclusive – Goal 3, Strategy B: Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit (pg. 28).

As Denver continues to grow and becomes more dense, it is imperative that we shift how we plan around our mobility system. Therefore, a proposed rezoning allowing for a mix of uses near high-capacity transit is **consistent** with strategies in the Connected, Safe and Accessible Places vision element:

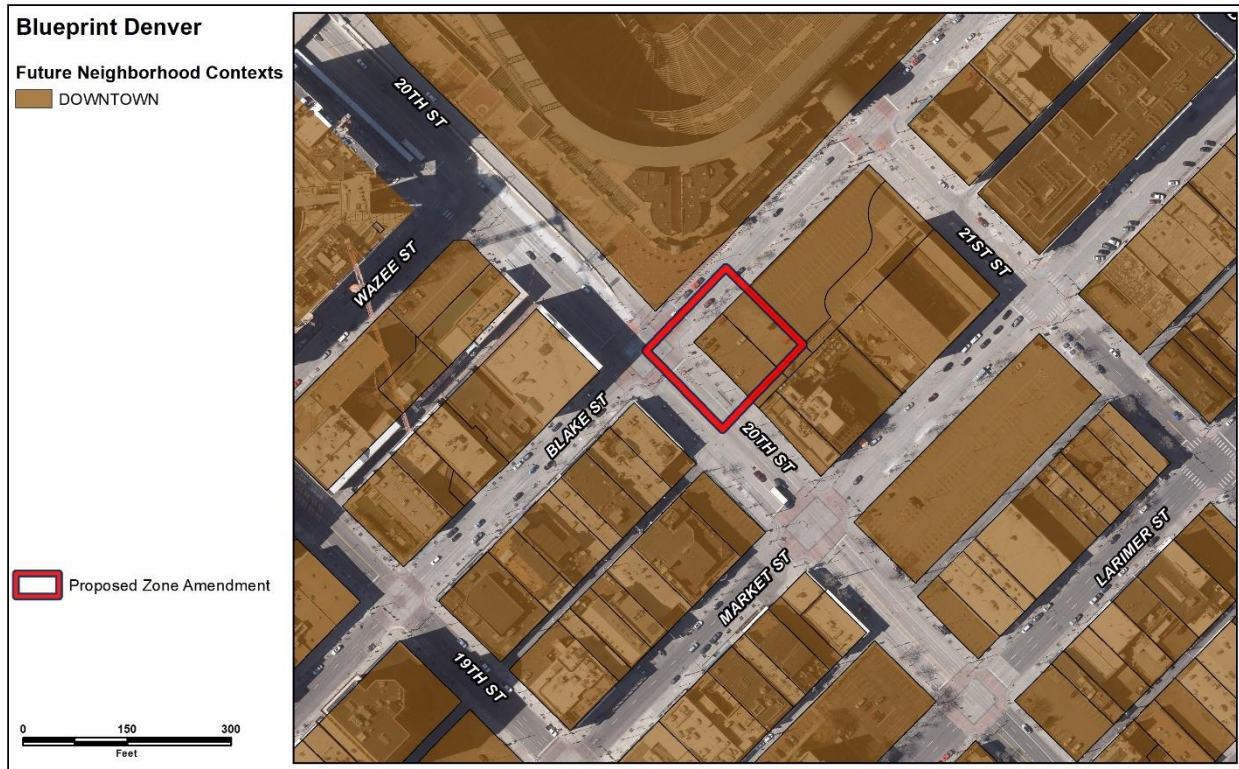
- Connected, Safe and Accessible Places Goal 8 – Strengthen multimodal connections in mixed-use centers and focus growth near transit (p. 42).
- Connected, Safe and Accessible Places Goal 8, Strategy B – Promote transit-oriented development and encourage higher density development, including affordable housing, near transit to support ridership (p. 42).

For these reasons, the proposed rezoning is **consistent** with Comprehensive Plan 2040.

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 High Residential 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 land use and built form and mobility options at a higher scale, between neighborhoods. The requested rezoning is shown on the context map as Downtown. This neighborhood context calls for the highest intensity of mixed uses in the city, including multi-unit residential, commercial, office, civic and institutional. Block patterns are generally regular with perpendicular and diagonal streets. Large mixed-use buildings are typically placed close to the street (p. 137). The proposed C-MX-8 zone district is part of the Urban Center context and is “intended to promote safe, active, and pedestrian-scaled diverse areas using building forms that clearly activate the public street edge” and “the Mixed-Use districts are focused on creating mixed, diverse neighborhoods”. Zone Districts in the Zoning Code’s Downtown Neighborhood Context have generally been applied to location-specific areas of Downtown, such as the Theater District and Arapahoe Square. Urban Center zone districts, including C-MX-8, are prevalent in areas in the Downtown context, including those north of 20th Street and west of Lawrence Street, and are appropriate in this neighborhood context. Additionally, Blueprint Denver states: “The mapping of neighborhood context is at the citywide scale, so the boundaries of the contexts may be interpreted with limited flexibility if the request furthers the goals of Blueprint Denver and is consistent with the overall intent of the neighborhood contexts map” (p. 66). Since the proposed district allows a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to C-MX-8 is appropriate and consistent with the plan.

Blueprint Denver Future Places

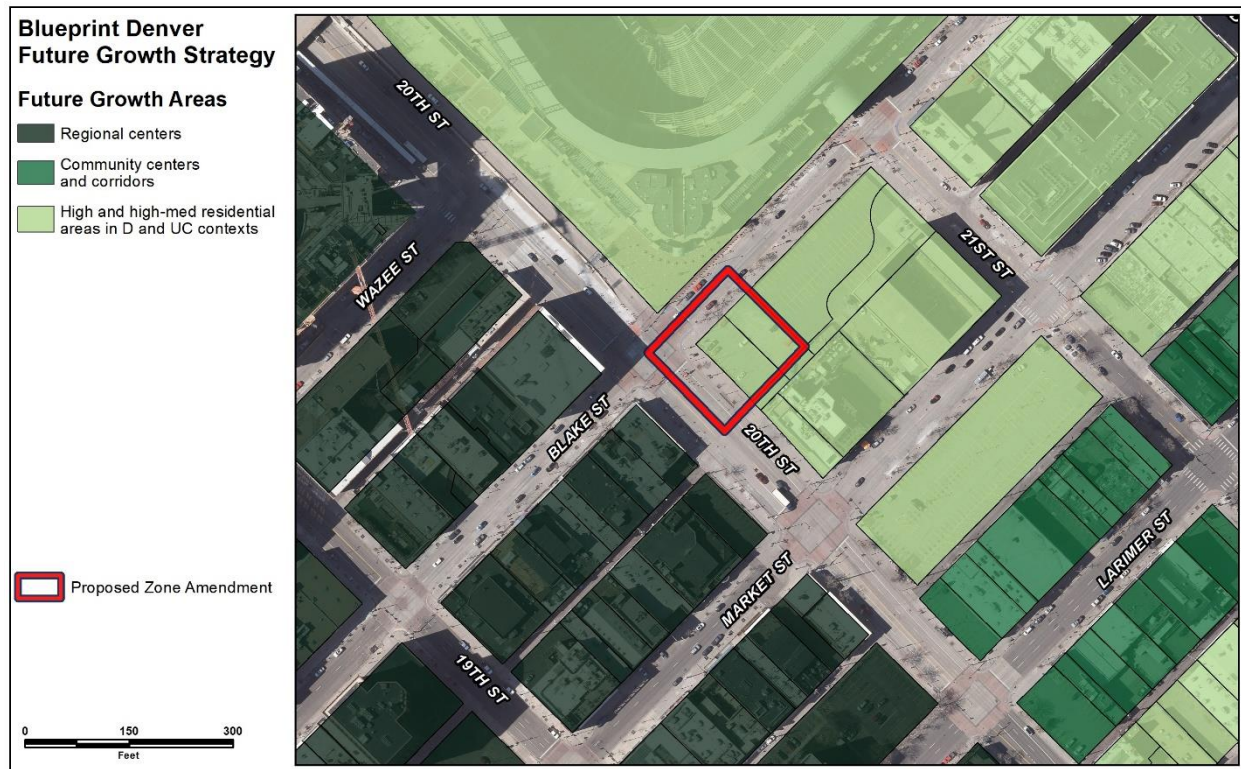


The Future Places Map shows the subject property as part of a High Residential area. *Blueprint Denver* describes the aspirational characteristics of High Residential areas as having the highest intensity residential uses, along with a mix of “many commercial, retail and other complementary uses” (p. 149). A variety of building types may be found in these areas, depending on context. Taller mixed-use buildings are common. Fully residential multi-unit and commercial buildings may be mixed throughout. The proposed C-MX-8 zone district provides for a mix of uses and introduces building form standards such as transparency and build-to that seek to activate the street more effectively than the existing zoning. The future proposed height of up to 8 stories is appropriate for this location and consistent with the future places map.

Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies both Blake Street and 20th Street as Downtown Arterials. Both streets provide multi-modal access to the greater Downtown area and regional connections from nearby Union Station. Downtown Arterials are “surrounded by the most intensive land uses,” with “narrow setbacks and strong engagement of the street.” (p. 159). The building form standards for the C-MX-8 zone district make it an appropriate district for these future street types.

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 High Residential place within the High-Medium Residential Future Growth Area. Throughout the city, the High-Medium Residential Future Growth Area is anticipated to see 5% of new job growth and 15% of new housing growth by 2040 (p. 51). The proposed map amendment to C-MX-8 will allow for new housing and job growth in this area, consistent with the growth strategy map.

Other Blueprint Denver Policies

Land Use and Built Form General Policy 3, Strategy A, recommends rezoning properties “from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code.” This proposed rezoning is consistent with this policy, as it would rezone a property out of the Former Chapter 59 code and into the Denver Zoning Code.

Small Area Plan: Northeast Downtown Neighborhoods Plan (2011)

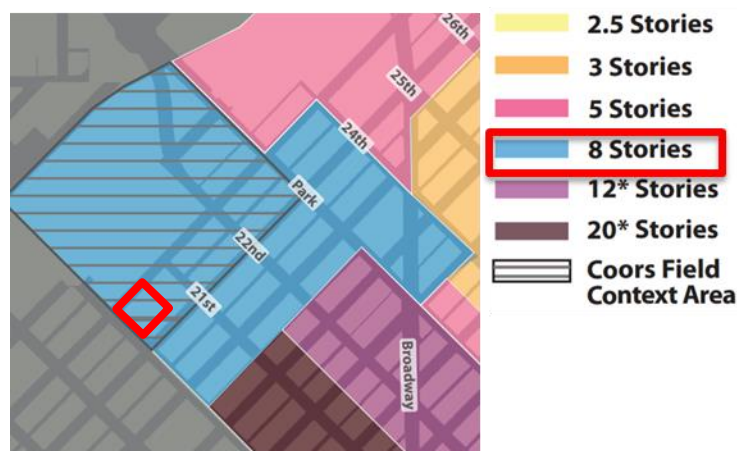
The *Northeast Downtown Area Plan* was adopted in 2011 and applies to the subject property. The plan designates a future land use of “Mixed Use” and establishes a maximum structure height of 8 stories for the general area (p. 19). The plan further refines height guidance at this location by identifying it as part of the Coors Field Context Area, where: “Within this area it is recommended that building heights not be allowed to exceed the height of the Coors Field stands.” In their application narrative, the applicant describes the proposed 8-story zone district as consistent with this this plan policy. Structures in the C-

MX-8 zone district may be up to 110 feet tall. GIS records for Coors Field indicate that the stands are approximately 130 feet about ground level.

The *Northeast Downtown Neighborhoods Plan* offers several strategies and recommendations for development in this area, including:

- Minimize the visual impacts of parking by structuring it within the development, or by locating surface lots to the rear or side of building with access to/from the alley;
- Give prominence to the pedestrian realm as a defining element of neighborhood character;
- Special attention should be given to the public realm along Blake Street (pgs. 67-68)

The C-MX-8 zone district's building form standards will help achieve these goals by prohibiting parking between buildings and primary streets, and build-to and transparency standards will support a vibrant pedestrian realm. Mixed use zoning with a maximum height of 8 stories is consistent with this plan's recommendations.



Land use and Building Heights map from *Northeast Downtown Neighborhoods Plan*

Small Area Plan: Downtown Area Plan (2007)

The *Downtown Area Plan*, adopted in 2007, highlights the “round-the-clock” entertainment-focused redevelopment potential of the Ballpark sub-area of Five Points near Coors Field, and recommends several strategies to help achieve it, including “distinctive ground floor retail [and] other active uses” along the street edge and pedestrian improvements to nearby streets like 21st (p. 54) The proposed C-MX-8 zone district enables street-level active uses and a vibrant pedestrian realm, and is consistent with these plan recommendations.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-8 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City through implementation of the city’s adopted land use plan and fostering the creation of a walkable, mixed-use area. The C-MX-8 zone district would improve the pedestrian experience and allow more compatible uses consistent with plan recommendations for this location near Coors Field. It would establish modern building form requirements for redevelopment of a property currently used for surface parking, furthering city goals for creating vibrant, walkable mixed-use districts.

4. Justifying Circumstance

The application identifies several 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: b. A City adopted plan.” PUD 329 (northern parcel) was adopted in 1993 and since that time the City has adopted the *Comprehensive Plan 2040*, *Blueprint Denver*, *Northeast Downtown Neighborhoods Plan*, and the *Downtown Area Plan*, all of which the proposed rezoning is consistent with as outline above. The applicant additionally cited subsection c. “That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.” Both parcels on the subject site are currently still under the Former Chapter 59 zoning. The proposed rezoning will bring the site into the Denver Zoning Code, aligning zoning with adjacent properties currently zoned C-MX-8.

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

The requested zone district is within the Urban Center Neighborhood Context which generally consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. (DZC 9.1.1). As discussed above, and given the surrounding context, application of a zone district from the Urban Center Context is appropriate for this site.

Within the Urban Center context, Mixed-Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm (DZC 7.2.3.1). The purpose of the Mixed-Use Zone Districts is appropriate for a site in an area envisioned for vibrant, mixed-use development.

The C-MX-8 district applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired. The requested rezoning is consistent with the neighborhood context description, zone district purpose and intent, as the requested zoning is intended to provide for mixed-use development at a maximum height of 8 stories.

Attachments

1. Application with revised engagement summary
2. RNO Comments
3. Comment of Concern