



TO: Denver City Council
FROM: Tony Lechuga, Senior City Planner (CPD)
DATE: September 5, 2024
RE: Denver Revised Municipal Code Amendment to revise Chapter 10, Article IV
'Restrictions on Structures within Areas Necessary to Preserve Mountain Views'

Staff Recommendation

CPD staff recommend that City Council **approve** the Denver Revised Municipal Code (DRMC) amendment to revise Chapter 10, Article IV 'Restrictions on Structures within Areas Necessary to Preserve Mountain Views', to exempt land within any Downtown Central Platte Valley – Auraria Center (D-CPV-C) zone district from the requirements of the Old City Hall View Plane.

Summary and Purpose

CPD is sponsoring an amendment to the DRMC to revise Chapter 10, Article IV to exempt land within any D-CPV-C zone district from the height restrictions of the Old City Hall View Plane (the view plane).

The view plane has its origin point at the intersection of 14th and Larimer Streets with the intention of preserving views of the mountains to the west. The restrictions of the view plane terminate at Federal Boulevard to the west. An exception to the view plane was approved in 1999 to allow for the construction of the new Mile High Stadium to exceed the allowed heights of the view plane.

The *Downtown Area Plan Amendment* (DAPA) adopted in 2018 contained specific language concerning the view plane, with Recommendation and Strategy D5g stating, "analyze the effectiveness of the Old City Hall Mountain View Plane once Design Standards and Guidelines have been created and consider removing the view plane if the new tools effectively enhance key views and render the view plane obsolete" (p. 72).

CPD met one part of the DAPA guidance by creating the *Downtown Design Standards and Guidelines* (DSGs) in 2019 which apply to the area of the *Downtown Area Plan Amendment*. The DSGs include multiple tools for protecting key views including requiring a site design and massing analysis to show how a proposed project may influence views (p. 16), guidelines that promote Tower locations and orientations that preserve access to sunlight and frame views (p. 32), and guidelines that state building massing and upper stories should incorporate opportunities to frame views from the Public Realm to important natural and neighborhood features (p. 50). CPD considers the DSGs as a more responsive tool for enhancing key views because it allows staff and the Downtown Design Advisory Board broader discretion in determining important views than the view plane. It allows for the preservation of views in any direction from various locations deemed important.

CPD also met the second part of the DAPA guidance by analyzing the effectiveness of the view plane. From the origin point of the view plane the mountain views to be preserved are no longer visible. The view of the mountains is blocked by construction the Auraria Higher Education Campus (the campus) that has taken place over the past 10-15 years. The campus is a state-run enterprise and as such is not

required to follow our zoning restrictions. The campus has exercised that right by locating taller buildings at the corner of Speer Boulevard and Auraria Parkway than would have been allowed by the restrictions of the view plane. Therefore, CPD determined that the view plane is effectively obsolete.

Having met the two pieces of guidance from the DAPA, CPD considered options for removing the view plane. CPD determined that only the areas where DAPA guidance suggests application of the D-CPV-C zone district were appropriate for removal from the restrictions of the view plane. This recommendation is based on two factors. The first is that only the D-CPV zone district has the recommended DSGs that can replace the view plane as an effective tool for enhancing key views. The rest of the view plane area does not have similar DSGs which could achieve the goals outlined in the DAPA recommendation. The second factor is that the D-CPV-C zone district limits buildings to 5 stories or 70 feet in height unless providing the enhanced affordability options of the City’s Expanding Housing Affordability (EHA) ordinance. By removing the view plane restrictions for that zone district we would be allowing new development to opt into the incentive heights as outlined in EHA, or as outlined in negotiated housing agreements.

Public Process

Below is a summary of the public process for the DRMC amendment.

May 22, 2024	Presentation of proposed amendment to LoDo District, Inc.
June 12, 2024	Emails sent offering to present the proposed amendment to Downtown Denver BID, Jefferson Park United Neighbors, and Sun Valley Community Coalition
June 24, 2024	Presentation of proposed amendment to Lower Downtown Neighborhood Association
July 11, 2024	Presentation of proposed amendment to the Lower Downtown Design Review Commission
July 17, 2024	Presentation of proposed amendment to Denver Planning Board
August 1, 2024	Presentation of proposed amendment to Historic Denver
August 14, 2024	Presentation of proposed amendment to the City Council South Platte River Committee
September 11, 2024	Presentation of proposed amendment to the City Council South Platte River Committee
October 21, 2024 (tentative)	Vote of the full City Council on proposed amendment

Attachments

1. Amendment to DRMC Chapter 10 Article IV ‘Restrictions on Structures within Areas Necessary to Preserve Mountain Views’, to exempt land within any Downtown Central Platte Valley – Auraria Center zone district from the requirements of the Old City Hall View Plane