



TO: Denver City Council South Platte River Committee
FROM: Tony Lechuga, Senior City Planner
DATE: October 3, 2024
RE: Official Zoning Map Amendment Application #2024I-00019

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2024I-00019.

Request for Rezoning

Address: 500, 501, 551 Wazee Street
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: ~2.5 acres
Current Zoning: C-MX-8
Proposed Zoning: D-CPV-C
Property Owner(s): Landric/Wazee 555 LLC and Fifth Street Center I LLC
Owner Representative: Landon Scott

Summary of Rezoning Request

- The site is in the Auraria neighborhood to the west of Lower Downtown, surrounded by the parking lot of Ball Arena, 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 a two-story office building, two small soccer fields, and surface parking lots.
- The site is less than a quarter mile from the Empower Field at Mile High Station RTD train 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.
- 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 buildings 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

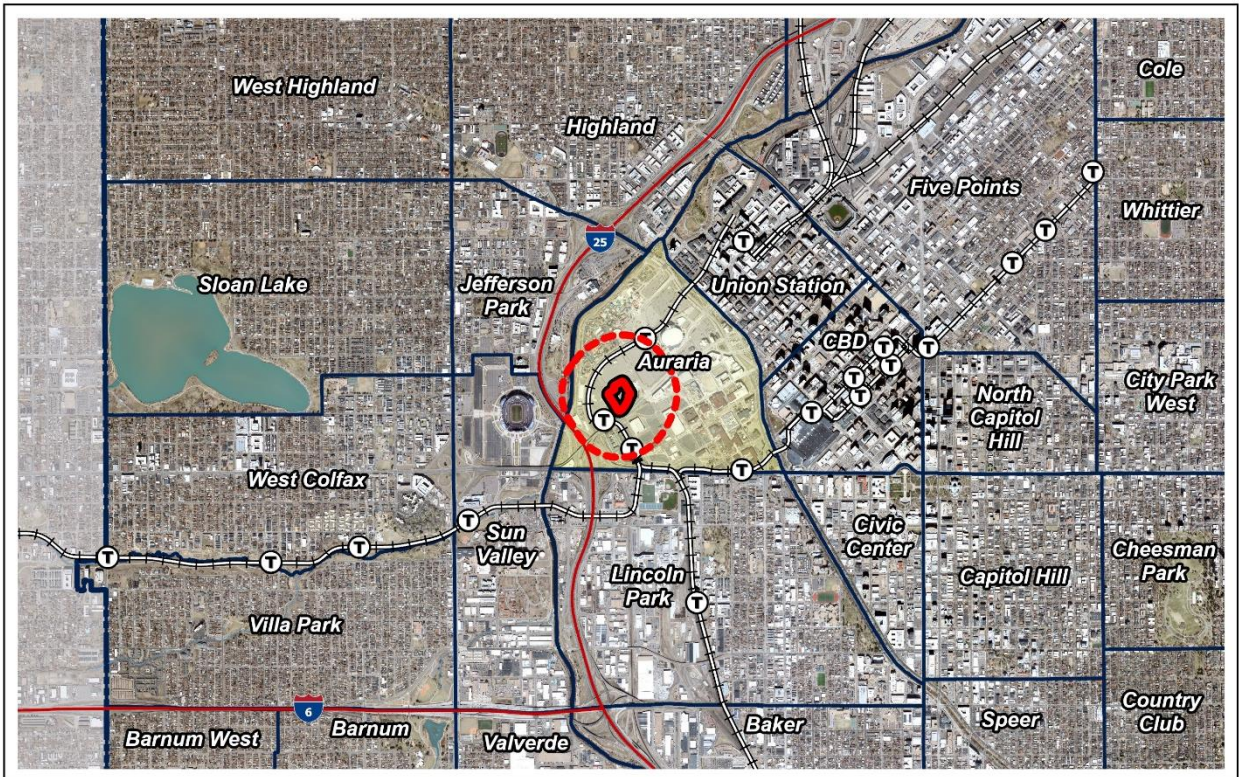
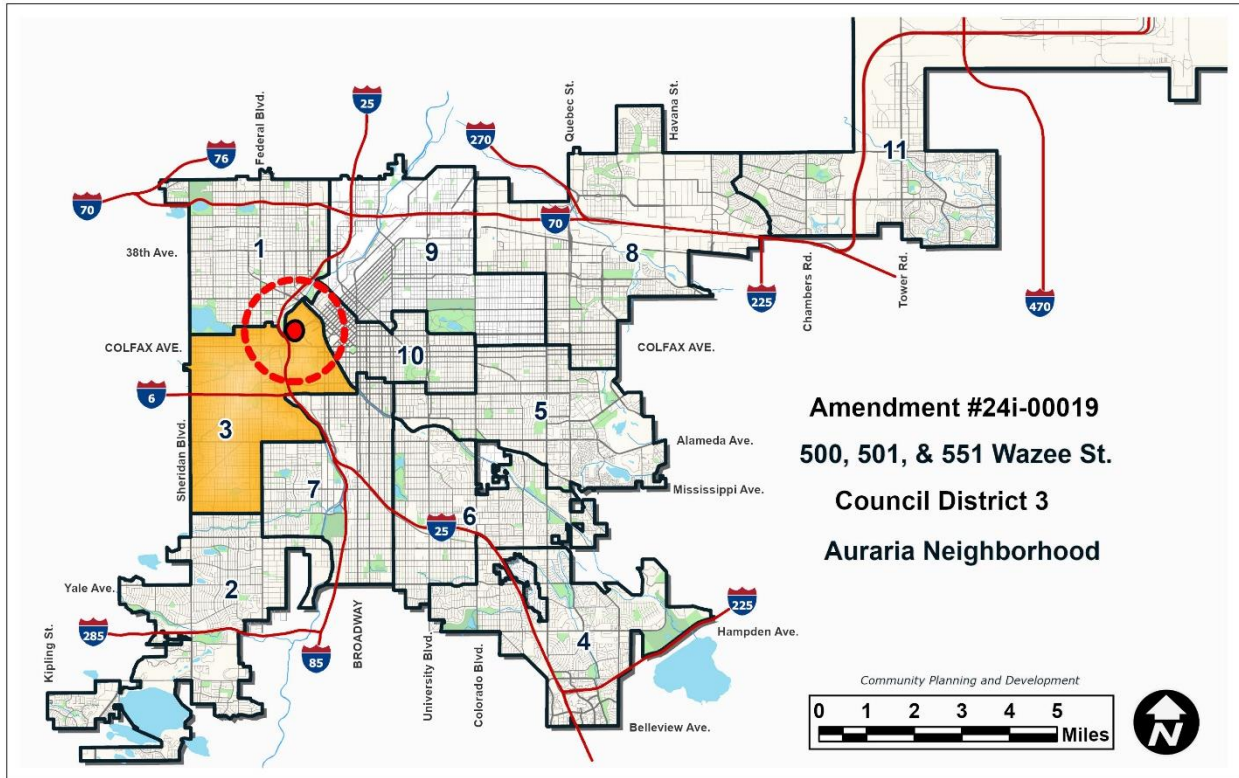
Rezoning Application #2024I-00019

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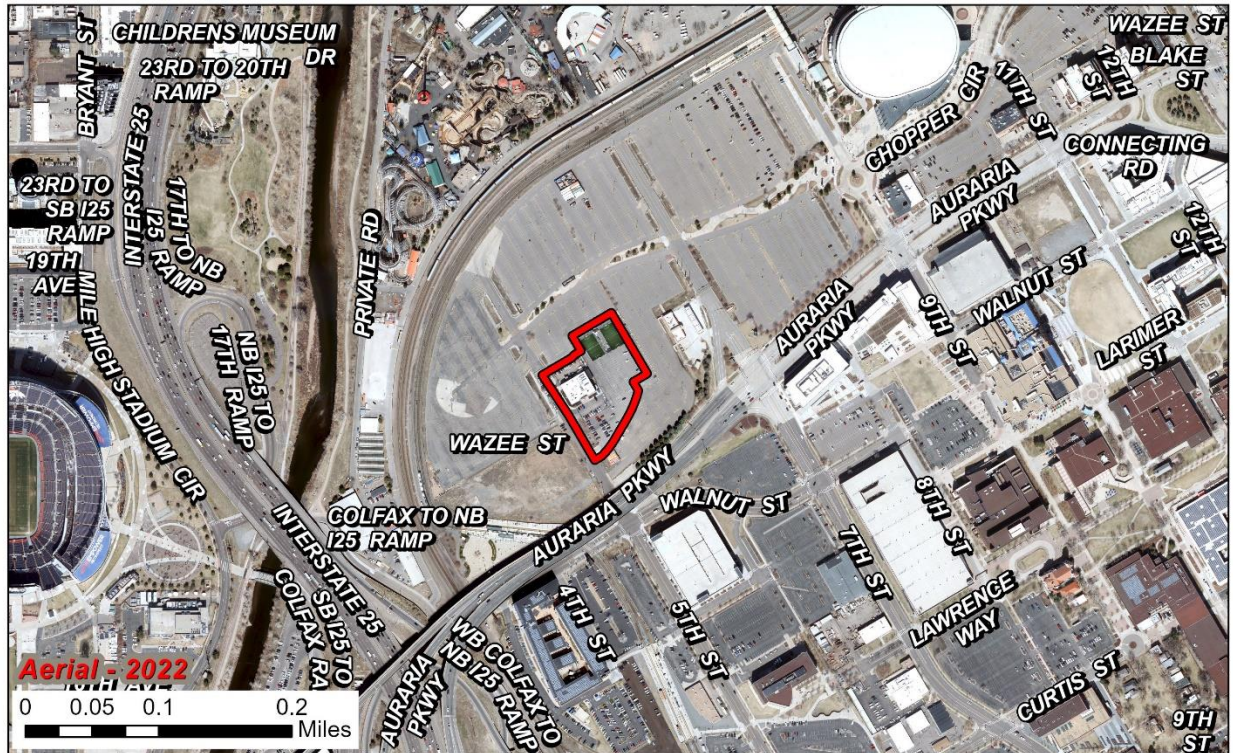
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limit on the height or FAR of towers that meet specific dimensional requirements. This zone district is intended to be mapped within approximately 2 to 3 blocks of transit stations, the Consolidated Main Line, Ball Arena, and Interstate 25 and Speer 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).



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 is surrounded by the parking lots associated with Ball Arena bounded by the Consolidated Main Line, Speer Boulevard, and Auraria Parkway. It is across the South Platte River from the Children's Museum and Crescent Park.

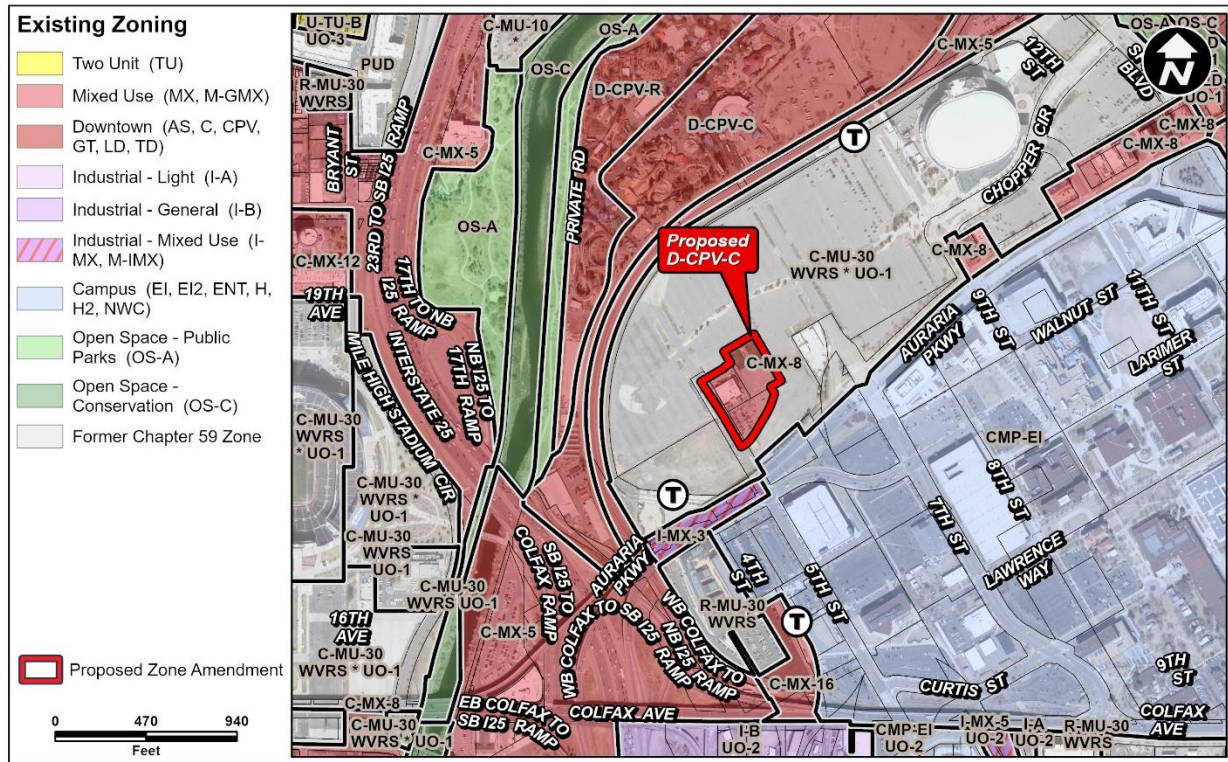
The subject site is currently largely characterized by a single two-story office, two small soccer fields, and surface parking. Surrounding neighborhoods and uses range from entertainment and parking at Ball Arena, Elitch Gardens to the northeast, the Urban Center character with multi-unit residential and mixed-use commercial strips and commercial centers in the Jefferson Park neighborhood to the west, 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 7th Street and 9th 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-MX-8	Office, parking	2 story brick office building, two small soccer fields, and surface parking	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.
Immediately surrounding	C-MU-30, Waivers, Conditions, UO-1	Entertainment, parking	Ball Arena and existing surface parking	
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	

1. Existing Zoning



The current zoning on the site is C-MX-8 which stand for Urban Center-Mixed-Use 8-stories. The zone district allows for the Town House, General, and Shopfront building forms. The Town House building form allows buildings up to 5-stories or 70 feet. The General and Shopfront building forms allow building heights of 8-stories or 110 feet, with additional height allowed with incentives. Because of the property’s proximity to transit the Drive-thru building forms are not allowed. 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.

The are surrounding the subject property is subject to a separate concurrent rezoning proposing to change the zoning to D-CPV-C.

2. View Plane

The Old City Hall Mountain View Plane, which originates from a point southwest of the intersection of 14th Street and Larimer Street, covers the site and limits heights to about 80 feet. Community Planning and Development is currently proposing an amendment to the Denver Revised Municipal Code (DRMC) to exempt the D-CPV-C zone district from the view plane to allow development to participate in the enhanced affordability incentives of the City’s affordable housing program.

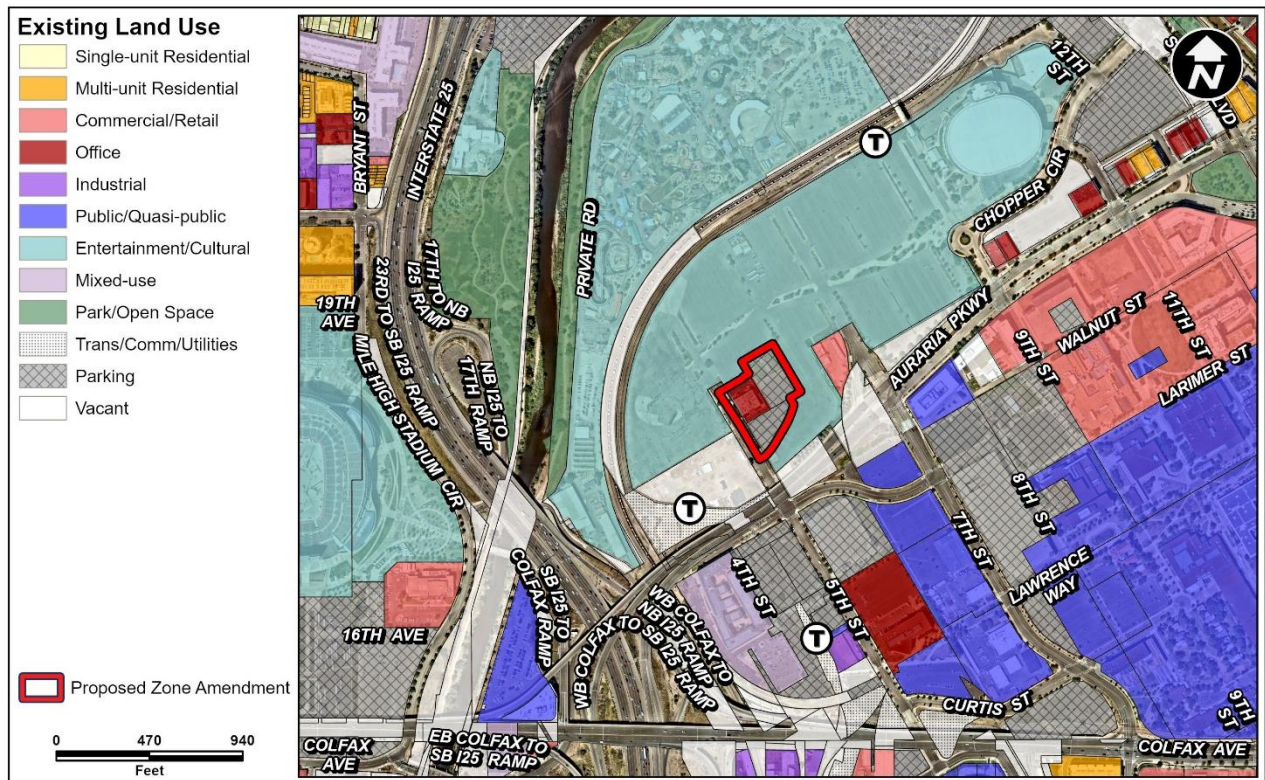
3. Urban Design Standards & Guidelines

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.

4. Large Development Review

While the larger property surrounding this site has been subject to the Large Development Review process, this property owner opted out of including their property in that proposal and is pursuing this rezoning independent of the concurrent proposed rezoning of the larger surrounding property. However, this property is implicated in the Infrastructure Master Plan associated with the surrounding property as the future Wynkoop Street will pass through part of this property.

5. Existing Land Use Map



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



Aerial view of the subject property, looking northeast.



View of the subject property from 5th Street, looking northeast.



View of Ball Arena and the surrounding parking from the Ball Arena/Elitch Gardens train station, looking southeast.

Proposed Zoning

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.

The district requires a high degree of urbanism in building siting, street level transparency, and street level activation. For additional details of the requested zone district, 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:

Community Planning and Development: Approved – No Comments

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. The Denver Department of Public Health and Environment, Environmental Quality Division (EQD) performed a limited search for environmental information regarding environmental conditions at the Site. This review was not intended to conform to the ASTM standard practice for environmental site assessments, nor was it designed to identify all potential environmental conditions. The EQD provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided. This review was not intended to assess environmental conditions for any property interest dedication or grant. Nor does this review constitute an approval or action by the EQD concerning any property dedication or grant associated with the project.

EQD is aware that the Property was included in the Voluntary Cleanup and Redevelopment Program (VCUP), with the Colorado Department of Public Health and Environment (CDPHE) and a No Action

Determination Letter was issued by CDPHE on March 4, 2019, for the property when used for the purpose of Residential Use.

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 – No Comments

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

Development Services – Project Coordination: Approved – No Response

Development Services - Fire Protection: Approved – No Response

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study will be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

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:	04/11/24
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:	08/20/24
Planning Board public hearing:	09/04/24
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:	09/25/24
South Platte River Committee of the City Council:	10/09/24
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:	11/04/24 (tentative)
City Council Public Hearing:	11/25/24 (tentative)

- **Public Outreach and Input**

- **Registered Neighborhood Organizations (RNOs)**

As of the date of this staff report, we have received one letter of support from LoDo District, Inc. noting this as an appropriate rezoning within the larger development proposed for the area.

- **General Public Comments**

As of the date of this staff report, we have received one letter of support from the Auraria Higher Education Center noting the importance of this area in the future development of the downtown area.

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, 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).

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).

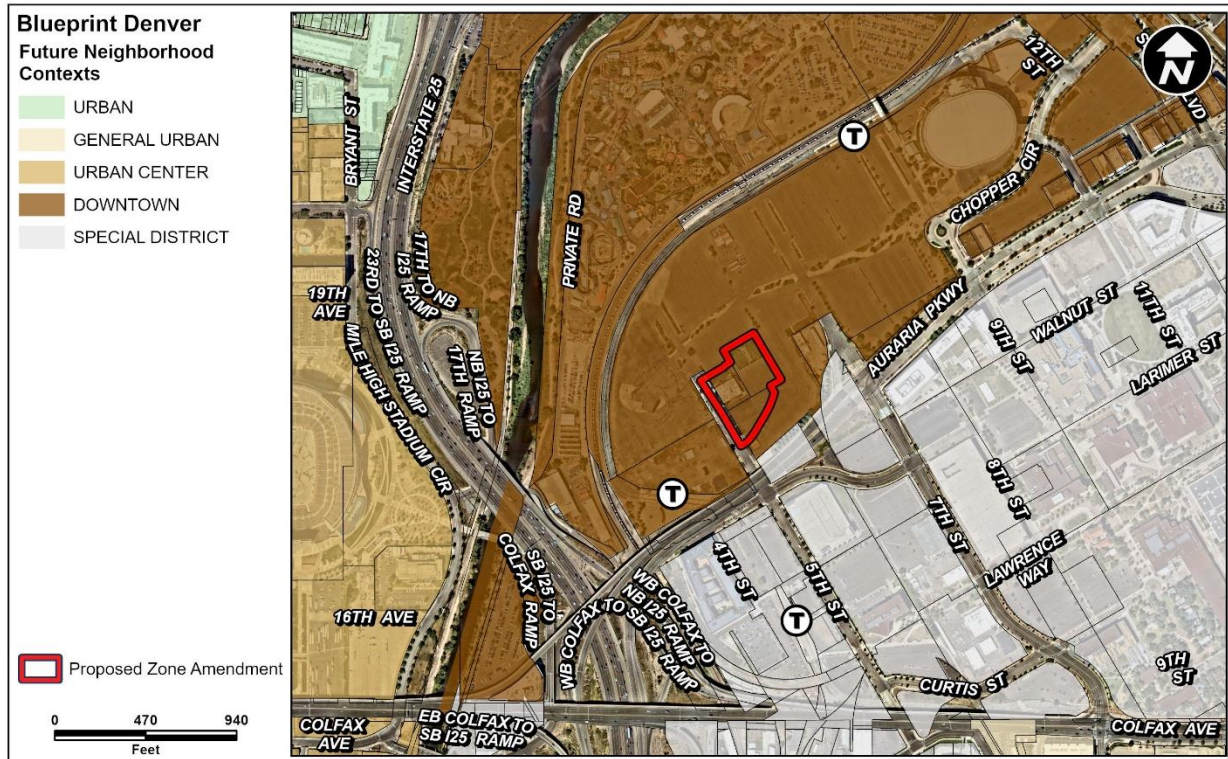
The proposed map amendment would allow for dense development near transit and downtown, and provide much-needed missing connections in the street network, consistent with the following strategies from the Connected, Safe, and Accessible Places vision element:

- 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

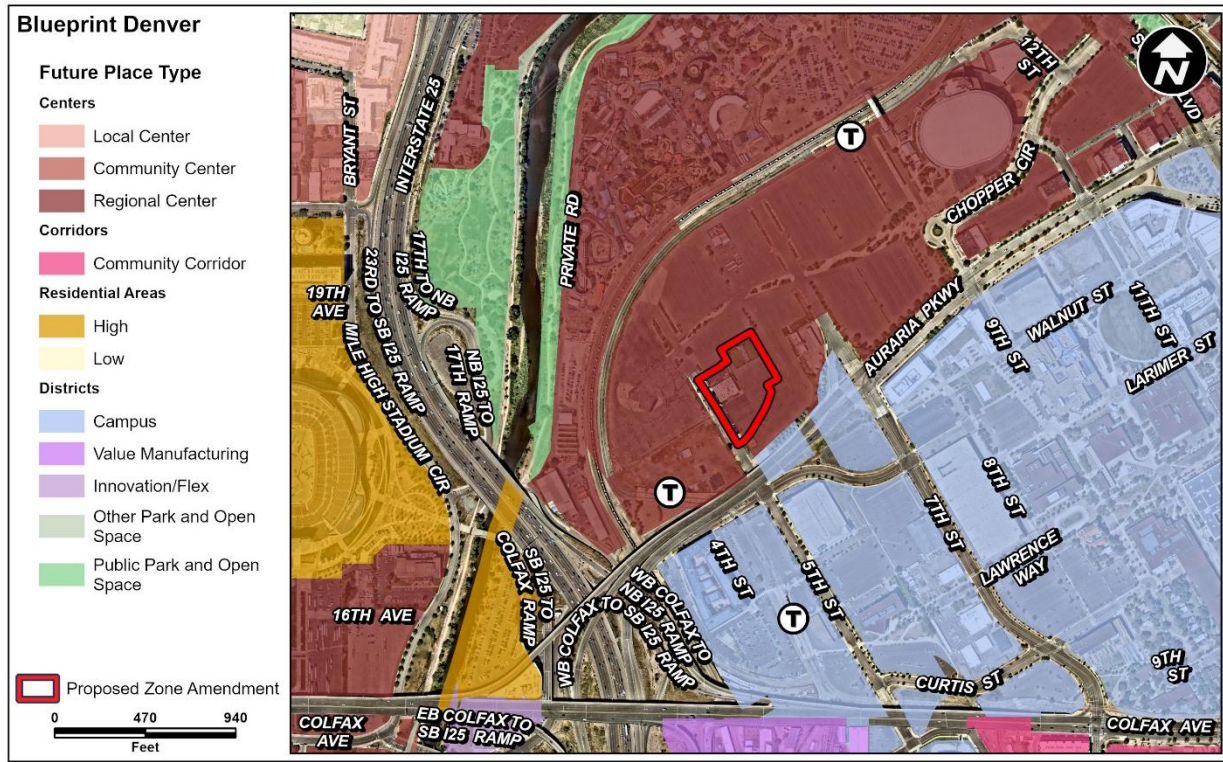
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city’s land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of a Regional Center place within the Downtown Neighborhood Context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

Blueprint Denver Future Neighborhood Context



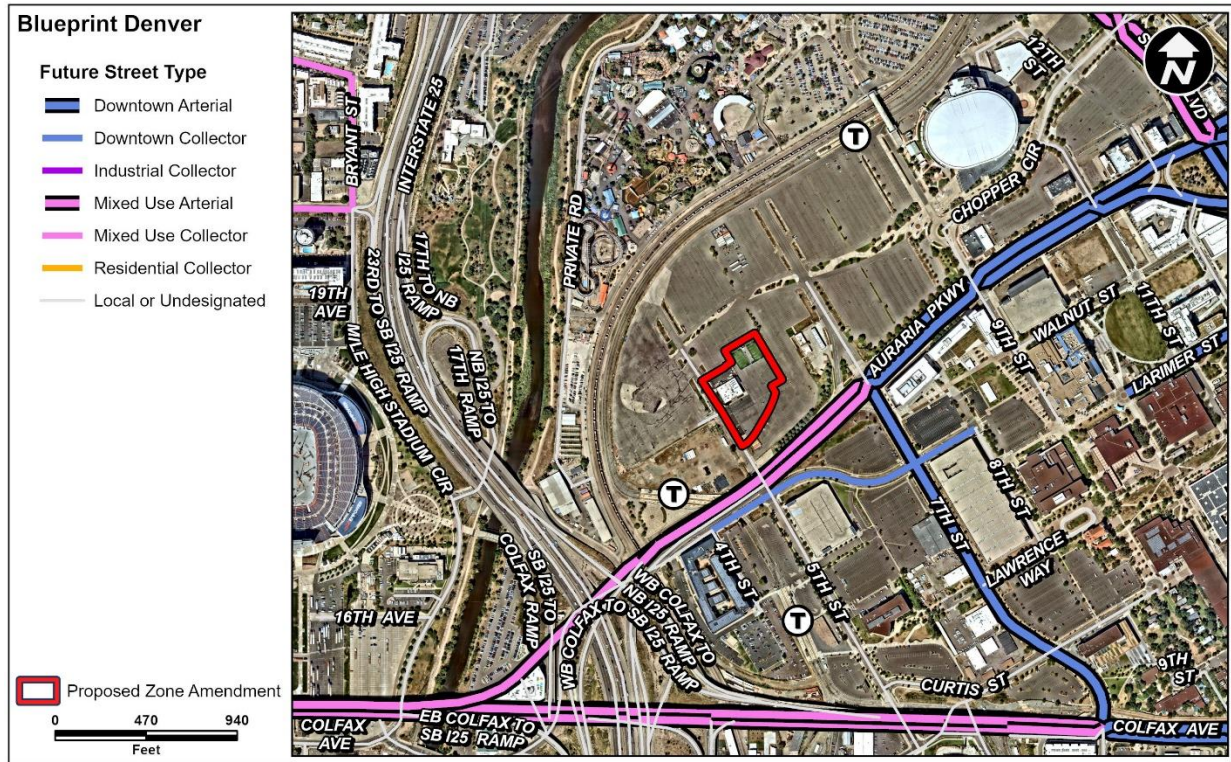
In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in elements like land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is shown on the context map as Downtown neighborhood context. The neighborhood context 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-C zone district is part of the Downtown context and “encourage(s) building forms that fully realize the urban character and intensity envisioned for the Downtown context” (DZC 8.9.2.1). Since the proposed district allows 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



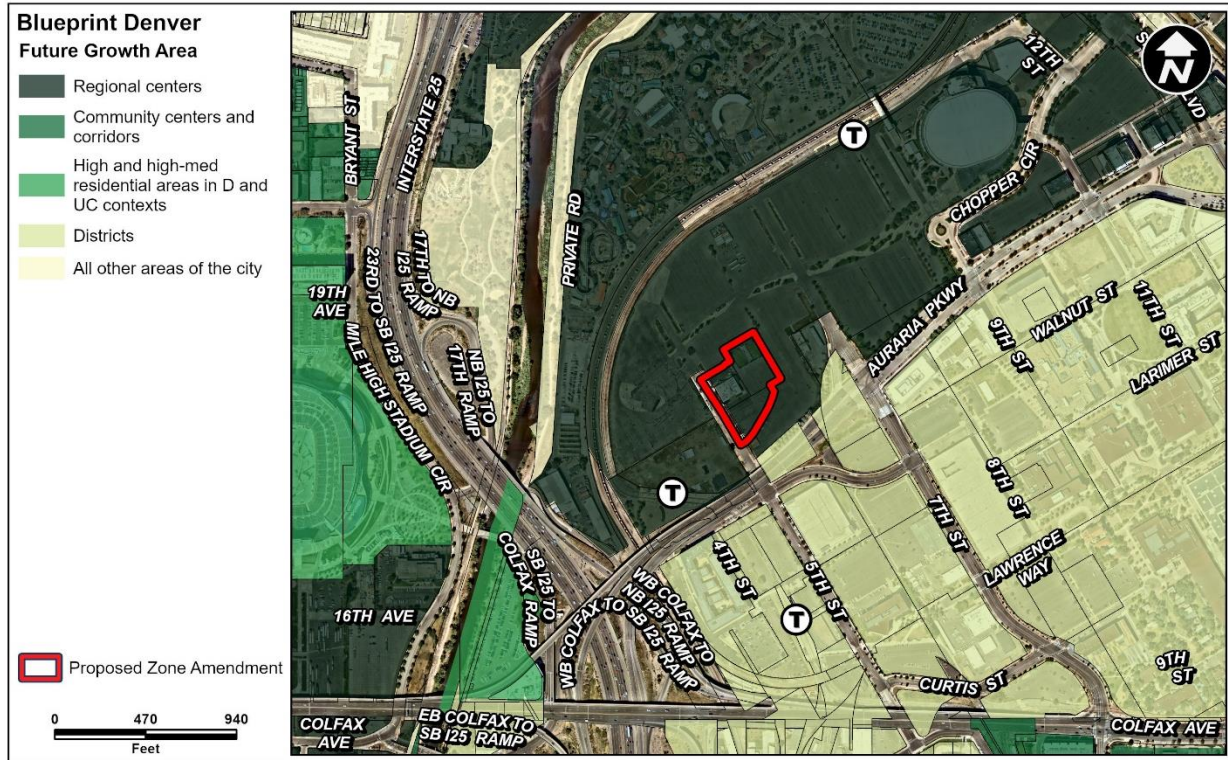
The neighborhood context of Downtown provides nuance to the aspirations of the individual places shown on the map. The Future Places Map shows the subject property as part of a Regional Center. *Blueprint Denver* describes the aspirational characteristics of Regional Centers in the Downtown context as, “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 D-CPV-C district provides 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 Streets



Blueprint Denver also identifies street types to promote a system of classifying different streets and appropriate development. The existing adjacent street, Auraria Parkway, is identified as a Downtown Arterial street. 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-C 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 at this site.

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:

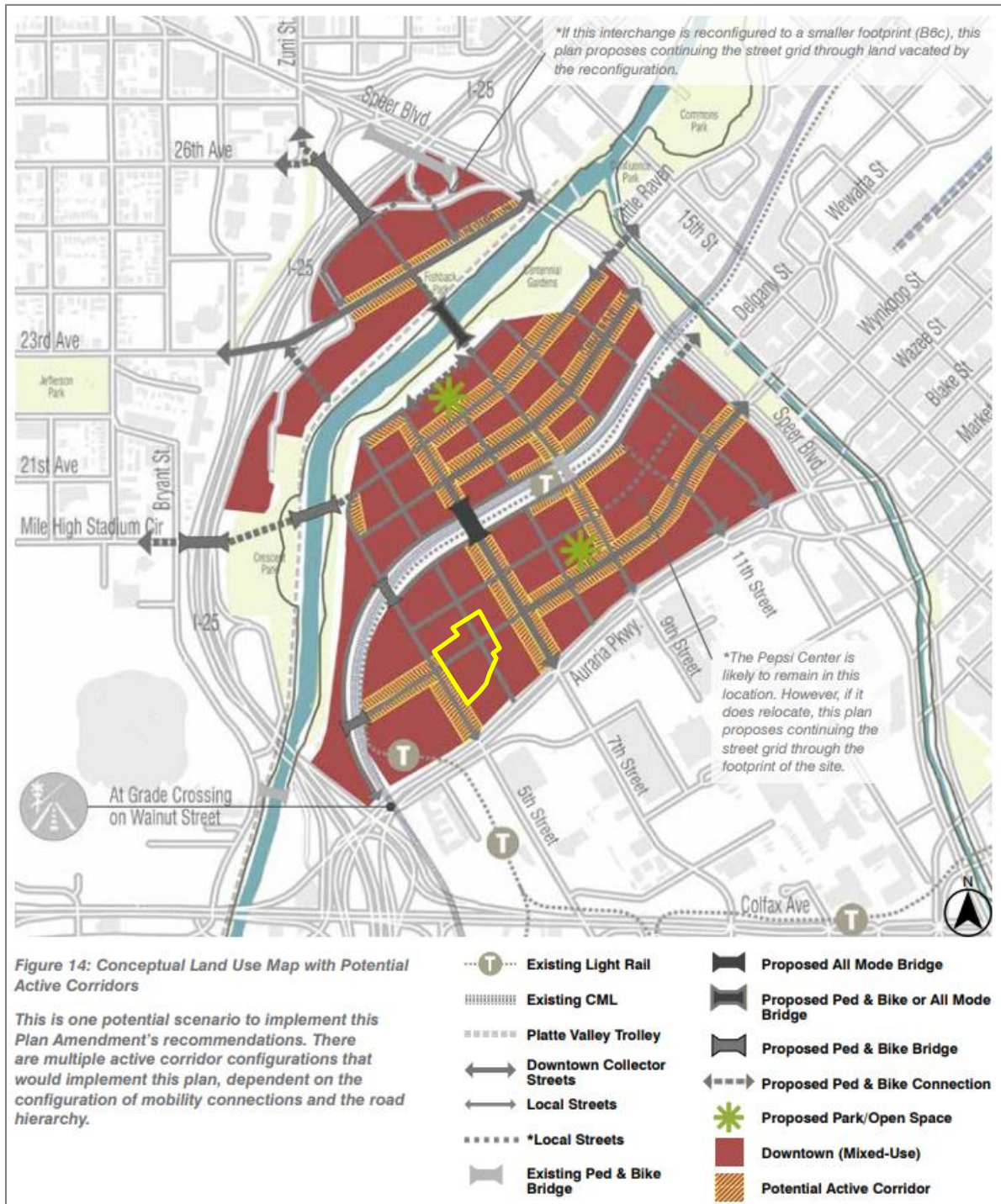
- “Require ground floor active uses throughout Downtown through changes to zoning and design guidelines” (B1b, p. 22).
- “Use distinctive ground floor retail, or other active uses, and the street environment to reinforce district identity” (D1b, p. 33).
- In reference to the Central Platte Valley-Auraria 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*.

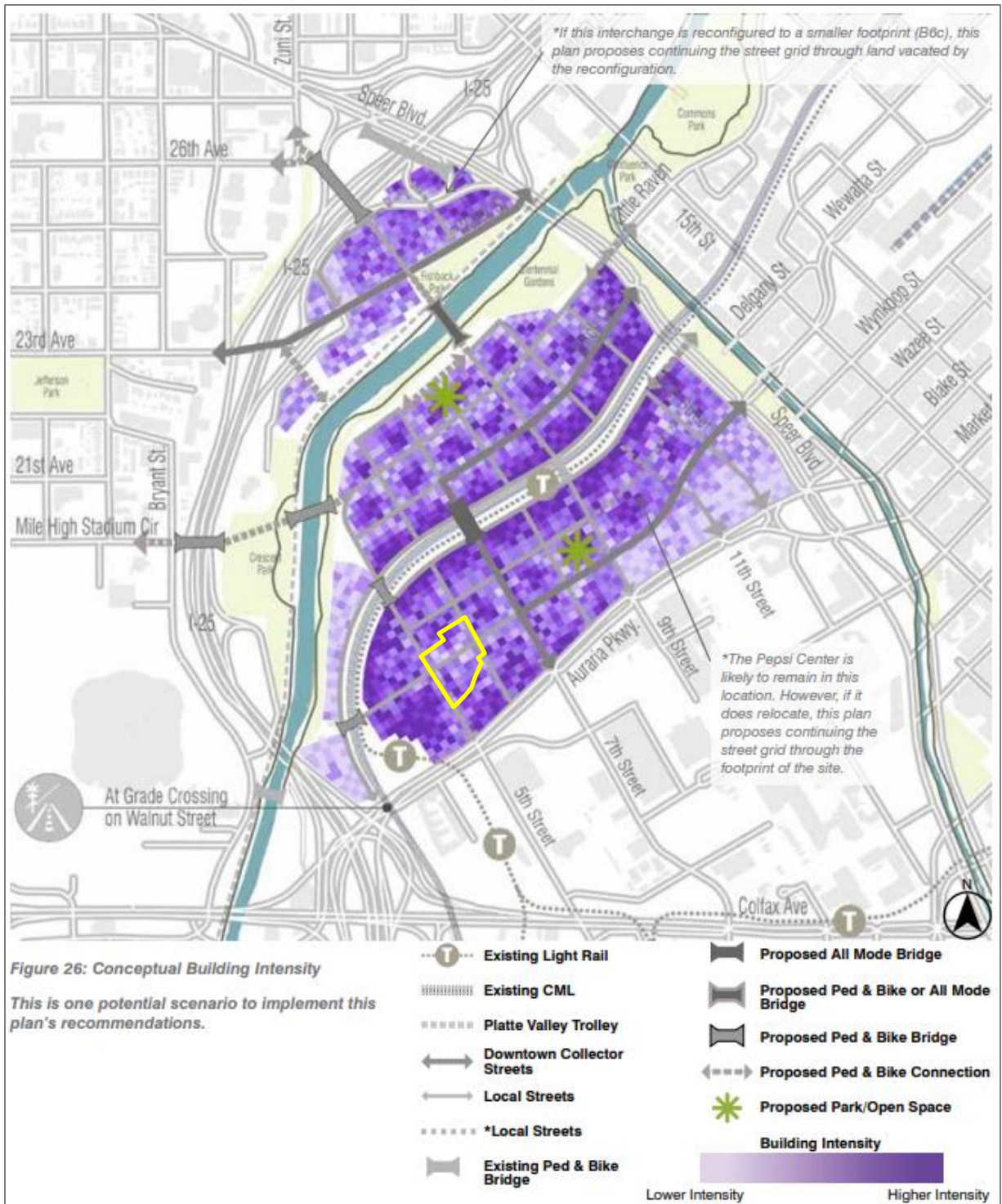
Small Area Plan: *Downtown Area Plan Amendment (2018)*

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 7th 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).



The conceptual land use map shows the area as Downtown (Mixed-Use) which aligns with the proposed zone district. 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. This recommendation aligns with the proposed D-CPV-C zone district.

The proposed map amendment to rezone to D-CPV-C zone district 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 district, which was created to implement the *Downtown Area Plan Amendment* guidance, provides a suite of context-sensitive building forms that promote the detailed design goals of the plan amendment. The proposed zone district also establishes 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.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to 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 a zone district that enables higher density than the current zone district, providing more access to nearby jobs and amenities. More specifically, the proposed rezoning provides additional density near transit, downtown, and the South Platte River.

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 the property has been zoned C-MX-8 while the City adopted the *Downtown Area Plan Amendment (2018)* and *Blueprint Denver (2019)* provide 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 20th 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. The approved rezoning of the River Mile site and the proposed rezoning of the area around Ball Arena also signal significant anticipated change throughout this area. 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-C zone district is 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 district includes 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 the D-CPV-C district 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 district includes 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 district is consistent with, and will more successfully achieve, the neighborhood context description.

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

Attachments

1. Application
2. Public Comments
3. Community Engagement Outline