Community Planning and Development
Planning Services

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TO: Denver City Council South Platte River Committee
FROM: Tony Lechuga, Senior City Planner
DATE: November 7, 2024
RE: Official Zoning Map Amendment Application #2024I-00069

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2024I-00069.

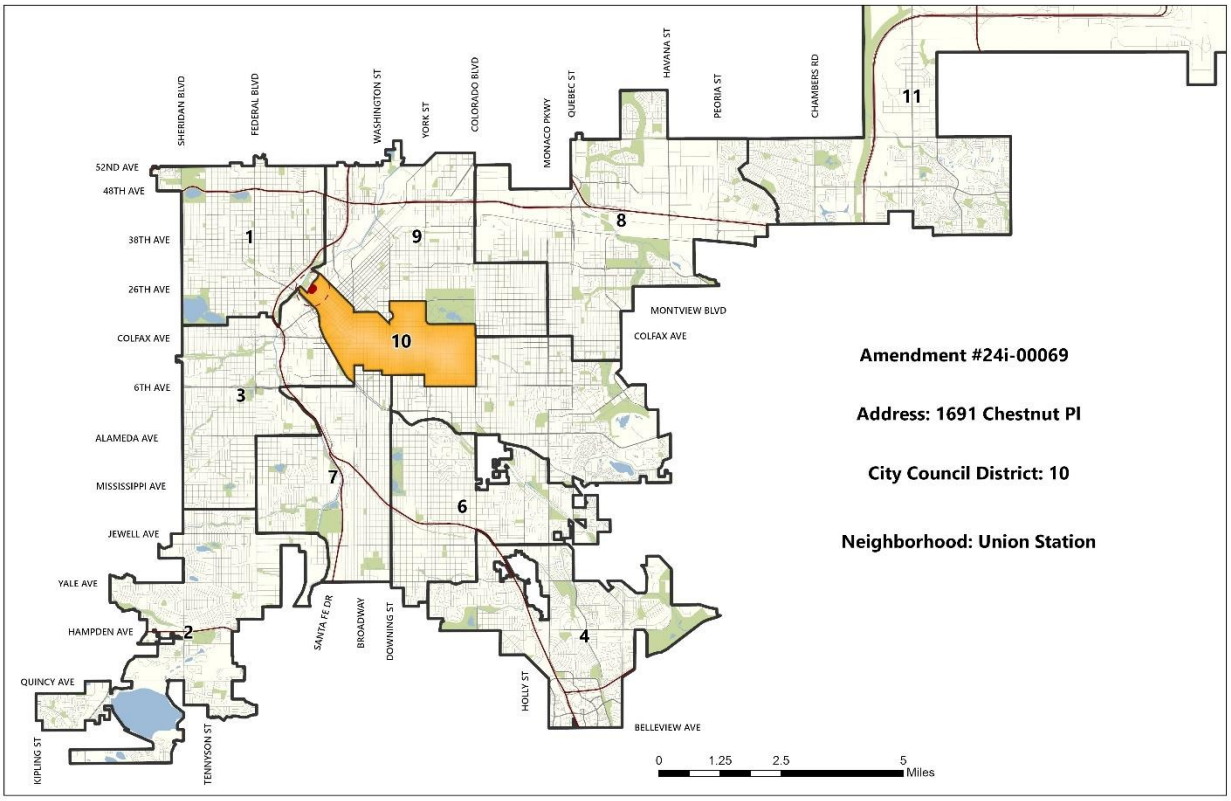
Request for Rezoning

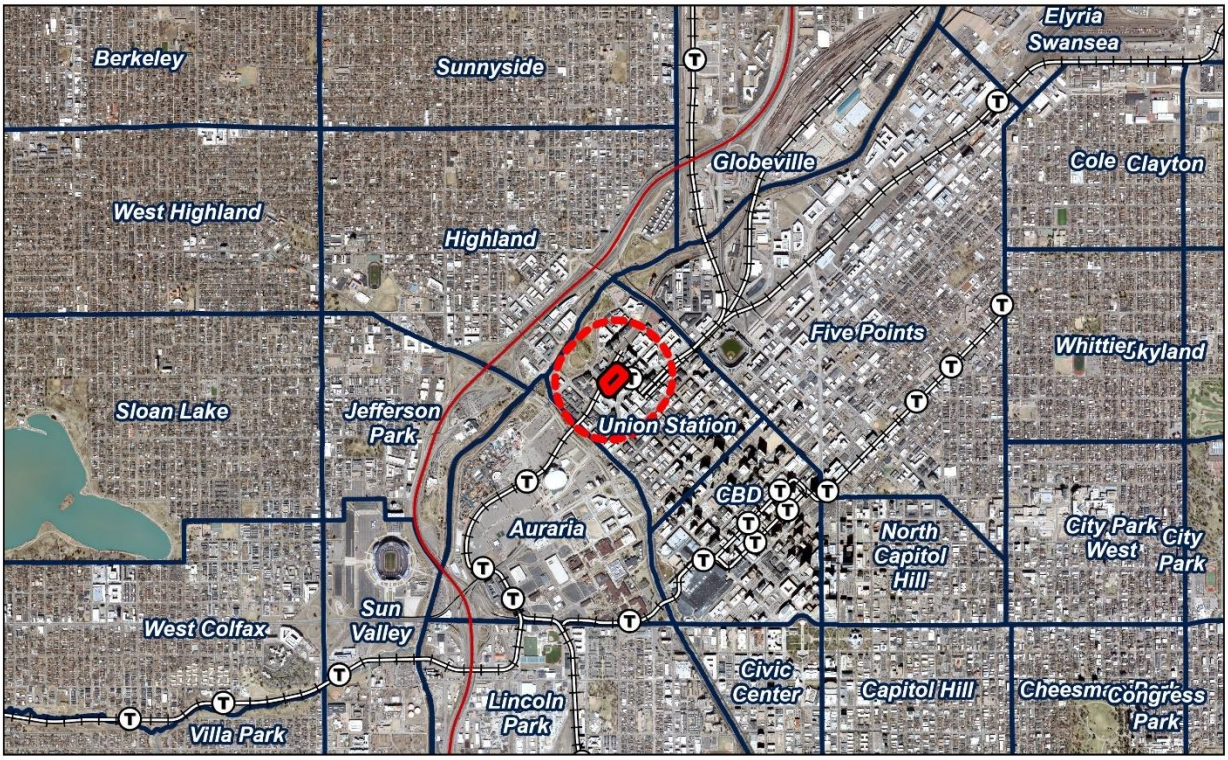
Address:	1691 Chestnut Place
Neighborhood/Council District and CM:	Union Station / Council District 10, CM Hinds
RNOs:	Lower Downtown Neighborhood Association, LoDo District, Inc., Riverfront Park Association, Inter-Neighborhood Cooperation (INC), Strong Denver
Area of Property:	40,802 square feet
Current Zoning:	PUD 531
Proposed Zoning:	C-MX-20
Property Owner(s):	Chestnut Denver, Inc
Owner Representative:	Jarred Briltz

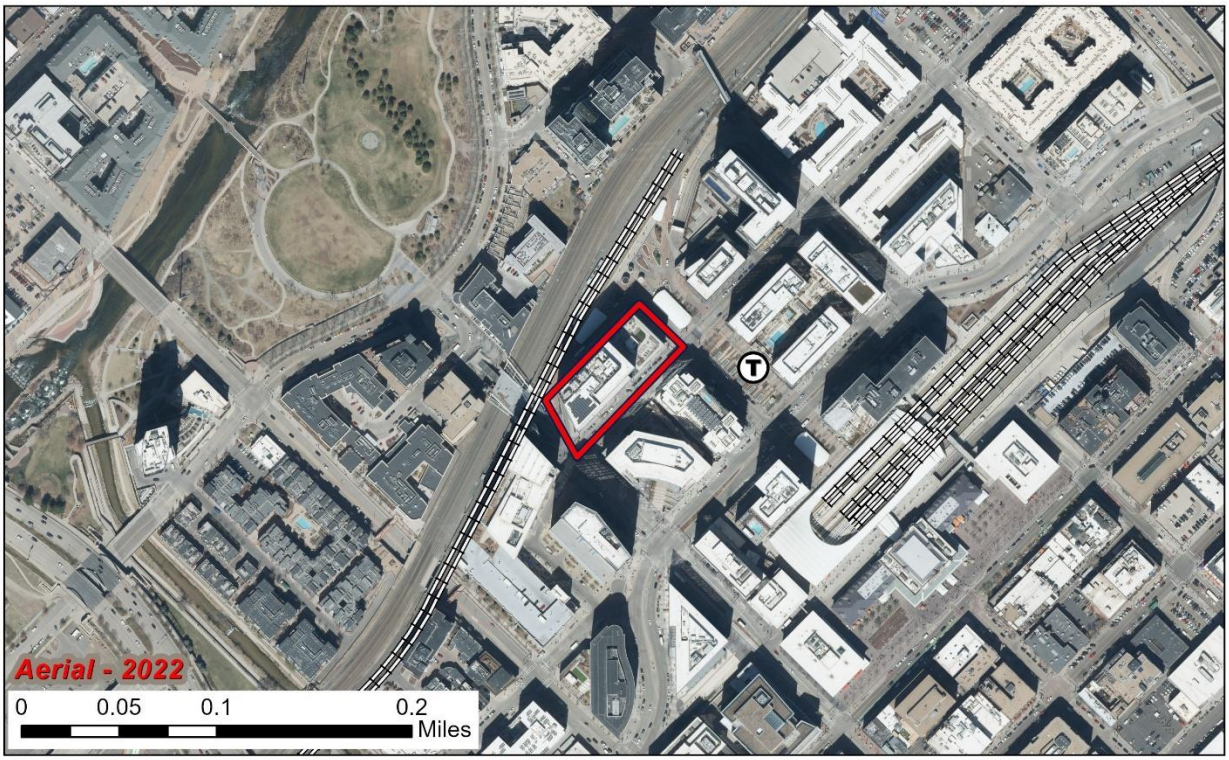
Summary of Rezoning Request

- The subject property is in the Union Station statistical neighborhood on the northwest side of Chestnut Place between 16th and 17th Streets.
- The property, owned by Chestnut Denver, Inc, is currently occupied by an office building comprised of an 11-story portion on the 17th Street side and a 19-story portion on the 16th Street side.
- The property is currently zoned PUD 531 which is a Former Chapter 59 PUD adopted in 2002 and written to inform development in the Commons area of the Union Station neighborhood generally bound by Union Station, Speer Boulevard, Commons Park, and 20th Street. Since the adoption of the PUD, every parcel within the boundary has been developed.
- The property owner is requesting the rezoning to allow for a broader range of commercial uses than are allowed in PUD 531.
- The proposed C-MX-20 (Urban **C**enter, **Mix**ed-use, **20** story) zone district allows a wide range of residential and commercial uses in the Town House, General, and Shopfront building forms. Further details of the requested zone district can be found in the proposed zone district section of the staff report (below) and in Article 7 of the Denver Zoning Code (DZC).

Existing Context







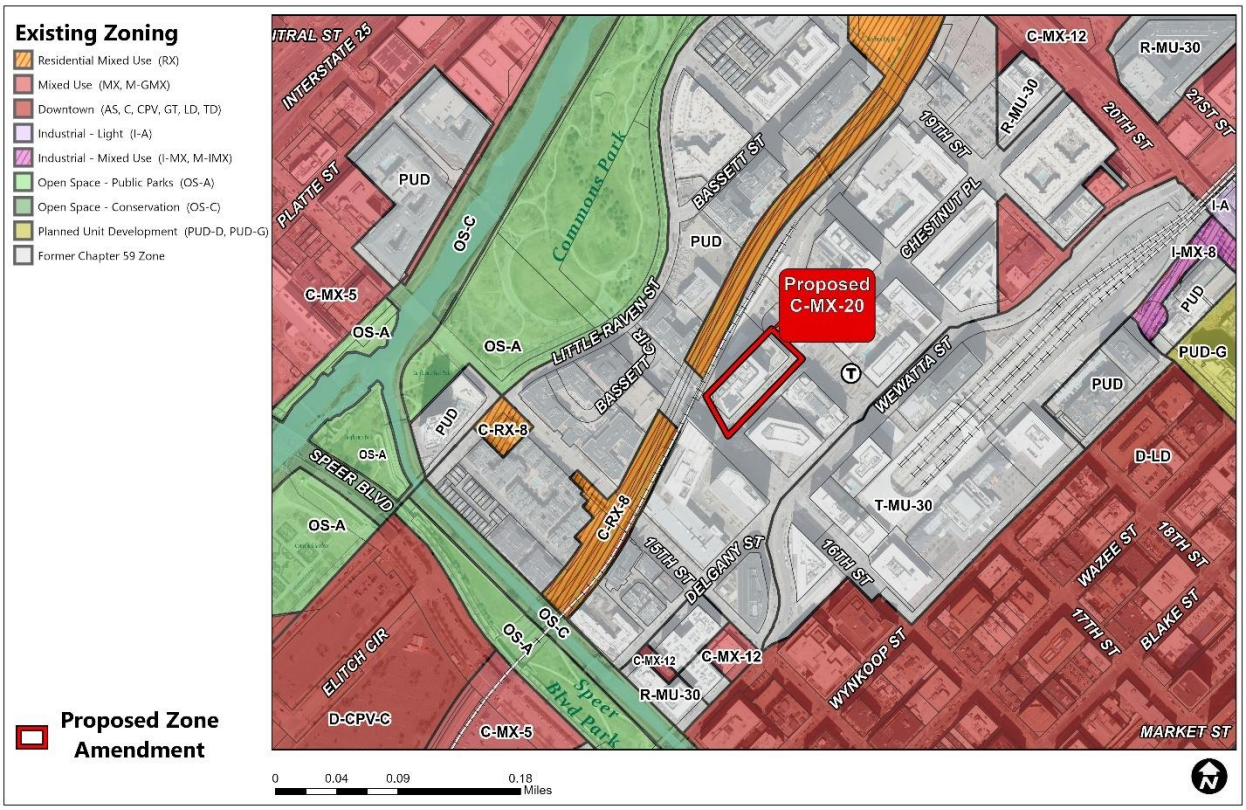
The subject property is located within the Union Station neighborhood and occupies the entire block bounded by Chestnut Place, 16th Street, 17th Street, and the RTD bus and train station adjacent the Consolidated Main Line (CML). The surrounding area includes a mix of uses including office, commercial/retail, mixed-use, multi-unit residential, and Union Station. At the intersection of 16th Street and Chestnut Place is the Millenium Bridge which leads to Commons Park along the South Platte River.

The subject property is within the Union Station General Development Plan (GDP). The GDP is a framework plan and does not specifically allocate building height, mix of uses, density of the development, or make changes to the zoning, and therefore any change to those items that is consistent with the existing zoning would not require an amendment to the GDP. The GDP calls for establishing the area as a multi-modal transportation hub and gateway to downtown Denver, providing a mixed-use higher density development, and creating a vibrant, cohesive network of public spaces. Those intentions can be achieved through the application of the proposed C-MX-20 zone district. The subject property is in the Secondary GDP Area with an anticipated land use concept of commercial uses with ground floor retail uses. The proposed C-MX-20 aligns with both the intent statements and the anticipated land uses of the GDP.

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	PUD 531	Office	1 commercial building with ground-floor retail. The portion of the building along 17th Street is 11 stories. The portion of the building along 16th Street is 19 stories.	Generally regular grid of streets with the angle of the original Denver grid. The street grid connectivity is interrupted by rail lines to the northwest and Union Station to the southeast. 16th Street and 20th Street provide access into Lower Downtown to the southeast. The Millenium Bridge at 16th Street and the Union Gateway Bridge at 18th Street provide access across the train track to the northwest, to Commons Park, and the South Platte River.
North	PUD 531	Transportation/ Communications/ Utilities	RTD Free Mall Ride Station, RTD train station for the W and E lines.	
South	PUD 531	Office and Mixed-use	17th Street – 13-story building with ground-floor retail and residential above. 16th Street – 10-story building with ground-floor retail and office above.	
East	PUD 531	Mixed-use	Immediately east is an entrance/exit to the underground bus terminal at Union Station. Beyond that is a public plaza. Beyond that, is a 12-story building with ground-floor commercial and residential above.	
West	PUD 531	Office	14-story office building with a 6-story parking garage along 15th Street	

1. Existing Zoning



The existing zoning on the property is PUD 531. The PUD was originally approved in 1999 and then amended in 2002 to remove Union Station. The PUD acknowledges that it differs from the 1991 *Central Platte Valley Comprehensive Plan Amendment* in several ways as a result of "changes in public goals which have occurred since the Plan Amendment was prepared" (p. 6). Those differences include eliminating a "reservoir of parking for downtown", eliminating proposed vehicular viaducts over the CML, creating a view corridor along 17th Street, allowing building heights in excess of those recommended by the plan, eliminating a proposed elevated Commons Plaza built over a parking structure, reimagining the location of Commons Park, reimagining fire access alongside Denver Fire Department, increasing the required open space, and increasing the allowable percentage of housing.

The PUD is highly prescriptive including placing limits on the maximum gross floor area for residential, hotel, retail, and office uses. The PUD establishes a minimum of 2,000 residential units and includes a concurrent affordable housing agreement with multiple options for implementation. The PUD is made up of six sub-areas with the stated intention of creating a mixed-use neighborhood, a major transit corridor, and open space in key locations. The subject property is split between subareas 1B and 3. Subarea 1B is a mixed-use area intended to consolidate major office and retail activity near mass transit facilities, with primary orientation towards 16th Street. Subarea 3 is also a mixed-use area intended to promote residential, hotel, retail, and office uses near mass transit facilities with buildings oriented towards 17th Street. The

PUD established a 160-foot right-of-way (ROW) along 17th Street to accommodate the underground transit facilities, and to establish a view corridor that limits heights in the ROW to preserve views of Union Station. Subareas 1B and 3 in PUD 531 allow for 100% lot coverage, establish open space requirements for residential structures, and allow for various build-to options with the intention of locating buildings close to the street to "concentrate and reinforce pedestrian activity, and create a send of the street as a place" (p. 17). For the subject property, in both subareas, the required build-to is Type 1 in which the first 80 vertical feet shall meet the build-to requirement of locating a portion of the building façade on the designated property line for at least 33 percent of the property frontage and an additional portion of the building façade shall be within 8 feet of the property line for at least 33 percent of the property frontage. Maximum building heights are generally up to 140 feet; however, three buildings in each subarea are allowed up to 250 feet in height. Further design standards are outlined in *The Commons Urban Design Standards and Guidelines*.

PUD 531 includes a list of permitted uses within each subarea. These lists are less permissive than the permitted uses in Urban Center Mixed-Use districts of the DZC. The property owner is proposing the rezoning to allow for an expanded list of permitted uses. They specifically have been trying to locate a veterinary clinic on-site which is not permitted in the PUD but would be permitted in the C-MX district.

The proposed rezoning will not negatively impact the rest of the PUD as the various obligations of the PUD have been met and the envisioned forms, uses, and standards, are consistent with the PUD subarea. Section 59.3.b of the Denver Revised Municipal Code allows for portions of Former Chapter 59 PUDs to be rezoned into the Denver Zoning Code.

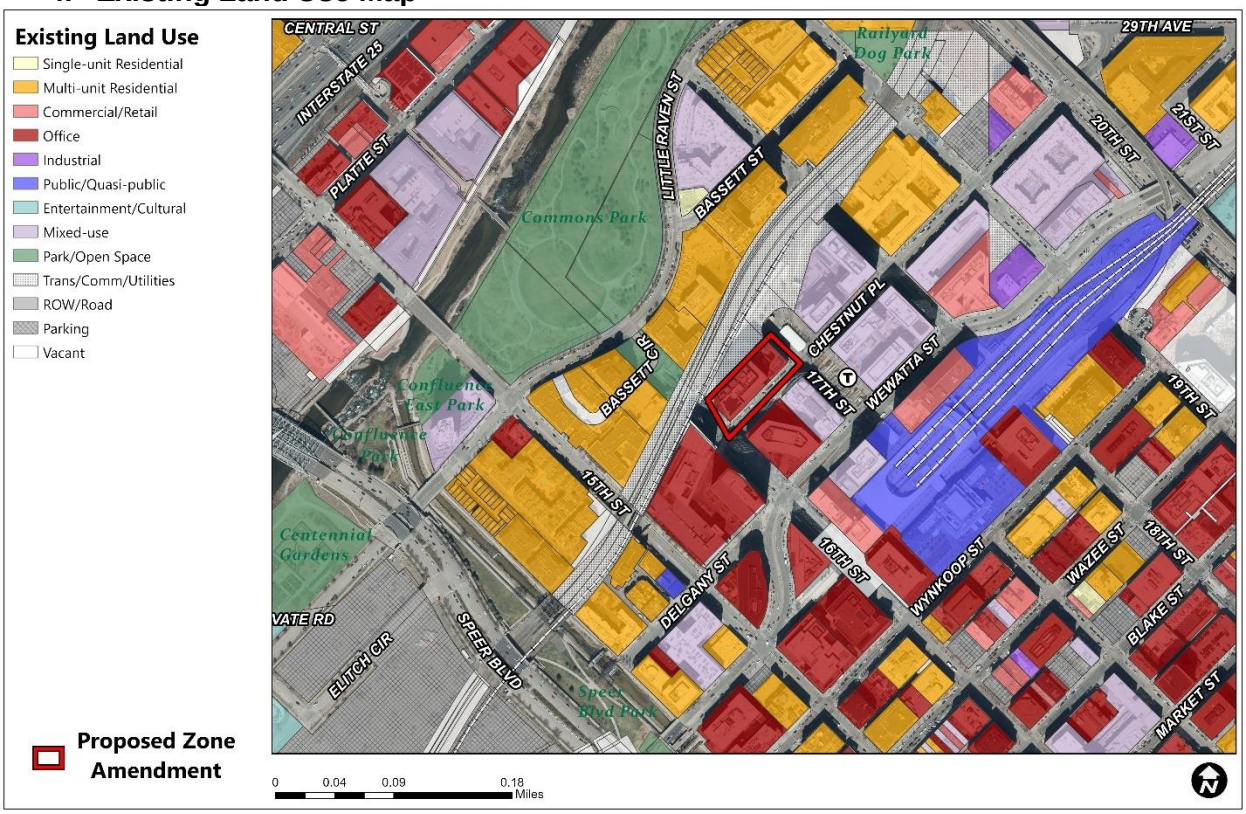
2. Urban Design Standards & Guidelines

The Commons Urban Design Standards and Guidelines (DSGs) apply to the subject property. The DSGs were adopted in 1997 and amended in 2011. They mirror the PUD by dividing the area into subareas, of which the subject property is part of Subareas 1B and 3. The DSGs includes standards for landscape design, vehicular circulation and access, location of blocks and zone lots, pedestrian active-use requirements, setback and build-to requirements, bulk-reduction, criteria for buildings over 140 feet in height, criteria for commercial buildings, and criteria for residential and mixed-use buildings.

3. Affordable Housing Agreement

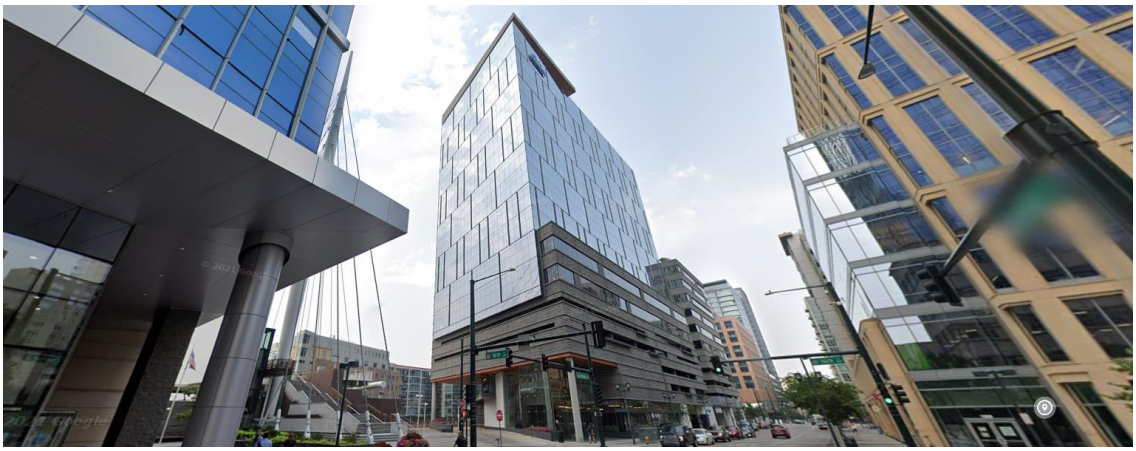
PUD 531 had a negotiated affordable housing agreement that established multiple options for implementation. Every parcel of PUD 531 has been developed and the totality of the development has resulted in satisfying the totality of the affordable housing agreement. Should this proposed rezoning be approved and the current building demolished, any new development would have to independently satisfy the requirements of the Expanding Housing Affordability ordinance.

4. Existing Land Use Map

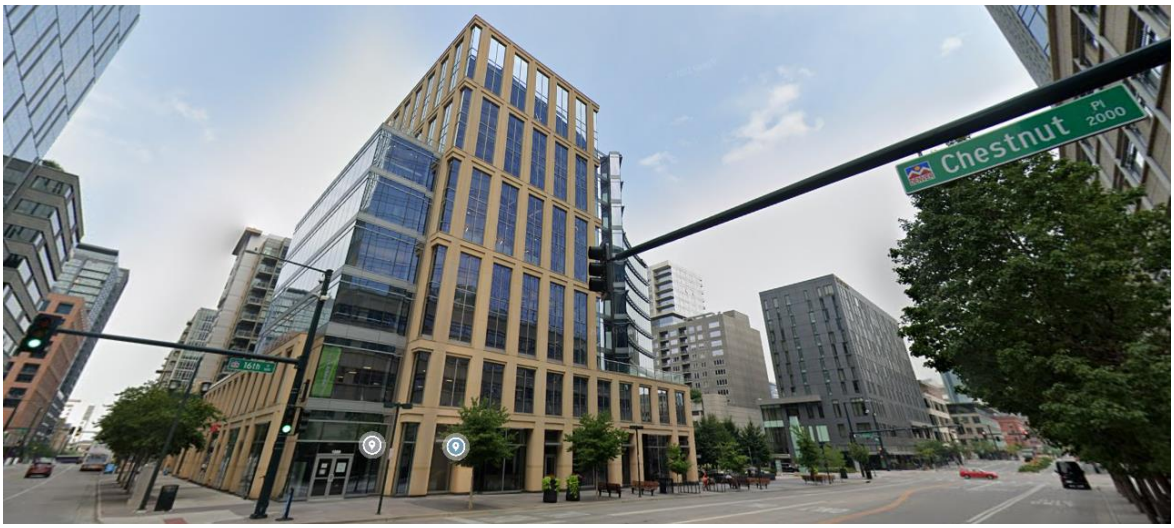


5. Existing Building Form and Scale (source: Google Maps)

The subject property with the 11-story portion in the foreground, from Chestnut Place looking west.



The subject property with the 19-story portion in the foreground, from Chestnut Place looking east.



The property to the south across Chestnut Place at the intersection with 16th Street, facing east.

The property to the south across Chestnut Place at the intersection of 17th Street, facing west.

The entrance/exit to the underground Union Station bus terminal and the property beyond to the east of the subject property, looking northeast from the intersection of Chestnut Place and 17th Street.

The property to the west across 16th Street, facing west.

Proposed Zoning

The applicant is proposing C-MX-20 for the site. The requested C-MX-20 zone district allows a wide range of residential, commercial, and institutional uses in the Town House, General, and Shopfront building forms. The minimum primary street setback is 0', except for the town house building form which has a 10' minimum primary street setback. Build-to requirements range from 50% to 75% depending on building form. Maximum building heights in the Town House form are 5 stories or 70 feet. Maximum heights in the General and Shopfront building forms are 20 stories or 250 feet. For additional details of the requested zone district, see DZC Sections 7.2.2, 7.3 and 7.4.

The primary building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	PUD 531 (Existing)	C-MX-20 (Proposed)
Primary Building Forms Allowed	N/A	Town House; General; Shopfront
Stories/Heights (max)	140 feet (3 buildings per subarea up to 250 feet)	Townhouse - 5/70 feet General and Shopfront – 20/250 feet**
Primary Build-To Percentages (min)	33-66%	50-75%*
Primary Build-To Ranges	0'-8'	0' to 15'*
Minimum Zone Lot Size/Width	N/A	N/A
Primary Setbacks (min)	N/A	0' to 10'*

*Standard varies between building forms
**30 stories of 350 feet with incentives

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: Approved – No 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: Approve Rezoning Only – Will require additional information at Site Plan Review

Development Services – Transportation: Approved – No Response

Development Services- Wastewater: Approved – No Response

Public Review Process

CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	**07/12/24**
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:	**10/01/24**
Planning Board public hearing:	**10/16/24**
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:	**10/30/24**
South Platte River Committee of the City Council:	**11/13/24**
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:	**12/9/24** (tentative)
City Council Public Hearing:	**12/30/24** (tentative)

- **Registered Neighborhood Organizations (RNOs)**
  As of the date of this staff report, one letter of support was received from the Lower Downtown Neighborhood Association (LoDoNa) noting the increased flexibility for ground floor uses.

- **General Public Comments**
  As of the date of this staff report, one general comment letter was received from the Riverfront Park HOA noting support for the zone district but a desire for the parking podium to be wrapped should the building convert to residential.

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)
- *Central Platte Valley Comprehensive Plan* (1991)

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 development consistent with the established neighborhood and a broader range of allowed uses, consistent with the following strategies from the Strong and Authentic vision element:

- Goal 1, Strategy B – Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34)
- Goal 4, Strategy A – Grow and support neighborhood-serving businesses (p. 35).

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 things 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). "This context is the densest and most active. It contains the highest intensity residential and includes the largest employment center in Denver" (p. 265). While the requested rezoning is shown on the context map as Downtown, the Downtown zone districts are uniquely written for specific geographies and the DZC does not have a Downtown district for the Commons area of downtown. *Blueprint Denver* provides additional applicable guidance on how to apply plan direction on neighborhood context to rezonings stating, "The mapping of neighborhood context is at the citywide scale, so the boundaries of the context 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 context map" (p. 66). The context map is aspirational in nature intended to provide a high- level of

understanding as to the differences in land use and built form, mobility options and quality-of-life infrastructure between different neighborhoods (p. 139). For this application, the Urban Center context helps realize the goal of "ensuring all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities" (p. 22) by applying a zone district that largely mirror the existing context and allowing a broader range of uses than what would be allowed under the PUD.

***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 these areas as having the "widest customer draw of all places with a 24/7 live, work and play environment attractive to locals and visitors. Large-scale mixed-use buildings are common. Structures should respond in form and mass to the streets and public spaces around them. High degree of urbanism paired with a strong pedestrian realm. Continuous building frontages and distinct 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 rezoning to C-MX-20 is appropriate and consistent with the Regional Center plan direction and will foster a good balance of distinct streetscape elements, a strong pedestrian realm, and a broad range of uses.

***Blueprint Denver* Street Types**

Blueprint Denver classifies 16th Street, 17th Street, and Chestnut Place as Local Streets, which "can vary in their land uses and are found in all neighborhood contexts" and "provide the lowest degree of through travel but the highest degree of property access" (p. 161). The site is located on local streets but is in an area served by nearby arterial streets such as Speer Boulevard, 15th Street, and 20th Street. The proposed C-MX-20 zone district would allow a mix of residential and commercial uses at an intensity and orientation consistent with this street type classifications.

***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 C-MX-20 will focus 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. Allowing a broader range of uses can improve access to a wider range of jobs.

***Blueprint Denver* Strategies**

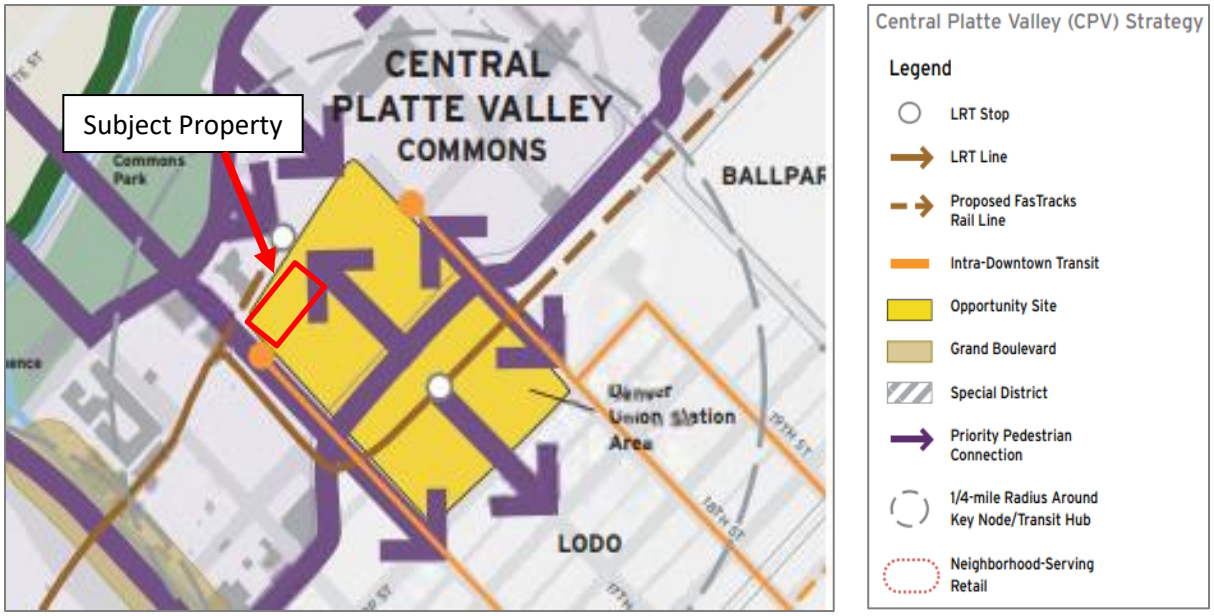
Blueprint Denver provides multiple strategies that support this proposed rezoning including:

- Land Use & Built Form General, Policy 3, Strategy A – Rezone 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 (p. 73).
- Land Use & Built Form General, Policy 3, Strategy B – Limit the use of customized zoning tools – such as Planned Unit Developments (PUDs) and waivers/conditions – to unique and extraordinary circumstances. The zoning code offers a wide variety of zone districts that cover the diverse contexts and places of Denver. Custom zoning tools are most effective when a standard zone district does not exist to implement the adopted plans for an area (p. 73).

The proposed rezoning would remove an established property from the Former Chapter 59 zoning code and would further limit the use of PUD zoning where it is not necessary.

Downtown Area Plan (2007)

The *Downtown Area Plan*, adopted in 2007, identifies several strategies and objectives to serve as a "tool to help community leaders, decision makers, and citizens build upon Downtown's assets and guide future development" (page 1). The long-term vision seeks to "achieve a vibrant, economically healthy, growing and vital downtown through a sustained effort in each of these elements: Prosperous, Walkable, Diverse, Distinctive and Green" (page 12). As specified within the *Downtown Area Plan*, the subject site is located within the Central Platte Valley – Commons district. That district is generally bound by Union Station to the southeast, Speer Boulevard to the southwest, the South Platte River to the northwest, and 20th Street to the northeast.



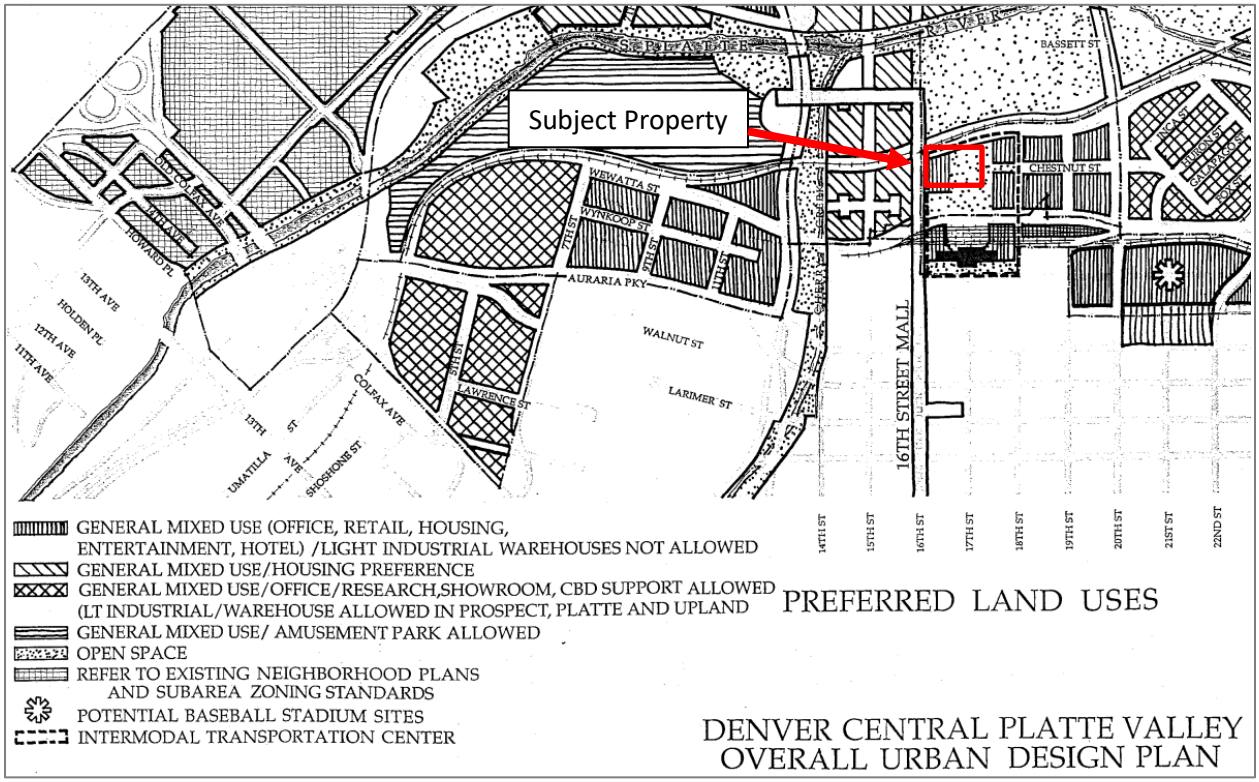
The proposed rezoning is supported by multiple goals from the *Downtown Area Plan* that call for policies and programs to continue Denver's economic dominance and adapt to economic realities of a global economy including:

- Policy A3d – Encourage neighborhood serving retail in every district (p. 19).
- Policy B1b – Require ground floor active uses throughout Downtown through changes to zoning and design guidelines (p. 22).
- Policy C1B – Create regulatory incentives that encourage a more diverse array of housing options (p.28).
- Policy D1b – Use distinctive ground floor retail, other active uses, and the street environment to reinforce district identity (p. 33).

The proposed C-MX-20 zone district would allow for a broader range of retail uses on site while continuing to require ground floor active uses. Should the property be redeveloped in the future, the application of a DZC district would require the property to comply with regulatory incentives of Enhanced Housing Affordability (EHA) to provide a more diverse array of housing prices.

Central Platte Valley Comprehensive Plan (1991)

The Central Platte Valley (CPV) Comprehensive Plan Amendment was adopted in 1991 and guides redevelopment of the Valley into a neighborhood with a mix of uses; open space and pedestrian network; strong connections to Downtown; and a unique character that complements Downtown. It further provides policy direction to guide the transformation of Union Station. As mentioned earlier in this staff report, PUD 531, which as implemented through the construction of the Commons area, made intentional decisions to develop differing requirements than those recommended in the *Central Platte Valley Comprehensive Plan*. As can be seen in the image below, the plan called for the property frontage along 16th Street to be General Mixed-Use, but for other half of the property fronting 17th Street to be part of a large Open Space.



While the land use vision from the plan evolved as it was implemented through the creation of PUD 531, the proposed C-MX-20 zone district would help to implement Goal 1.4 of the plan which states, "encourage a mix of commercial development which will create new jobs, generate direct and indirect tax revenue, and provide new amenities" (p.5). The proposed rezoning would provide more opportunities for creating new jobs, tax revenue, and amenities by allowing similar building forms as the PUD with a broader range of allowed uses.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-20 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 continue to support a walkable, mixed-use area, potential additional affordable housing opportunities, publicly accessible open space, and connections to recreational amenities like the South Platte River.

4. Justifying Circumstance

Justifying Circumstance under DZC Section 12.4.10.8.A.4 state, "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: Changed or changing conditions in a particular area, or in the city generally; or A City adopted plan; or That the city adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning."

The site has retained Former Chapter 59 zoning, so rezoning into the DZC is justified. Furthermore, PUD 531 was created in anticipation of the large-scale development of the Commons area. Since the date of adoption of the PUD, the City has adopted new city-wide plans and the Denver Zoning Code. The are of PUD 531 has also been entirely built-out resulting in substantial change in the area since the adoption of the PUD.

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

The requested C-MX-20 zone district is within the Urban Center Neighborhood Context. The neighborhood context generally consists of multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). As described above, the *Blueprint Denver* future neighborhood context description is Downtown, but the absence of an appropriate Downtown zone district results in the applicant requesting an appropriate Urban Center district. The neighborhood has developed in a manner consistent with the Urban Center neighborhood context description, and this rezoning would be consistent with that development.

The general purpose of the Urban Center Mixed Use zone districts is described in DZC 7.2.2.1 as "to promote safe, active, and pedestrian-scaled, diverse areas" and "creating mixed, diverse neighborhoods." The proposed rezoning would allow for mixed-use development in pedestrian-friendly building forms in a diverse neighborhood, consistent with the zone district purpose.

According to the zone district intent stated in DZC Section 7.2.2.2, the C-MX-20 district applies "to areas or intersections primarily served by major arterial streets where a building scale of 20 stories is desired" The site is located on local streets but is in an area served by nearby arterial streets such as Speer Boulevard, 15th Street, and 20th Street. Thus, the street classifications and desired building heights in this area are consistent with the zone district purpose and intent statements.

Attachments

1. Application
2. Public Comments