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TO: Denver Planning Board
FROM: Brandon Shaver, Senior City Planner
DATE: August 11, 2021
RE: Official Zoning Map Amendment Application #2020I-00008
1901 Wazee St, 1600 20th St & 1601 19th St
Rezoning from PUD-G 19 to PUD-G 26

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00008.

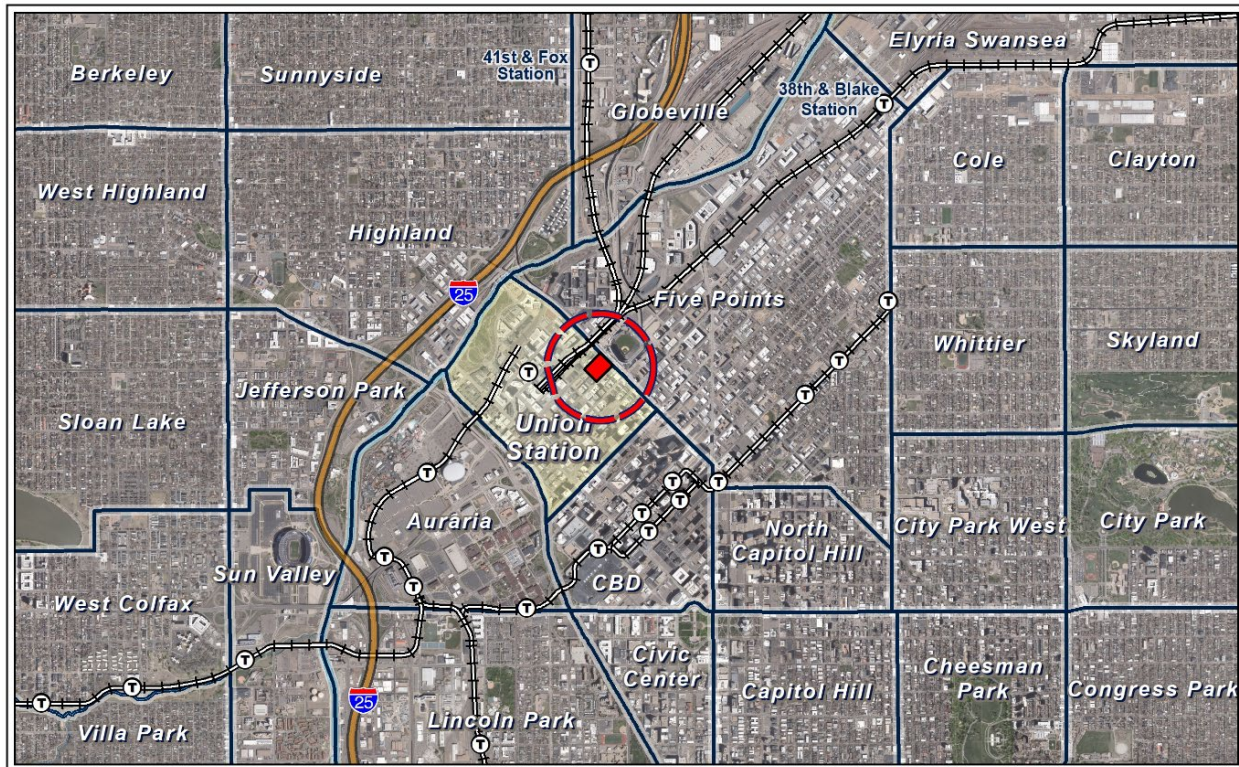
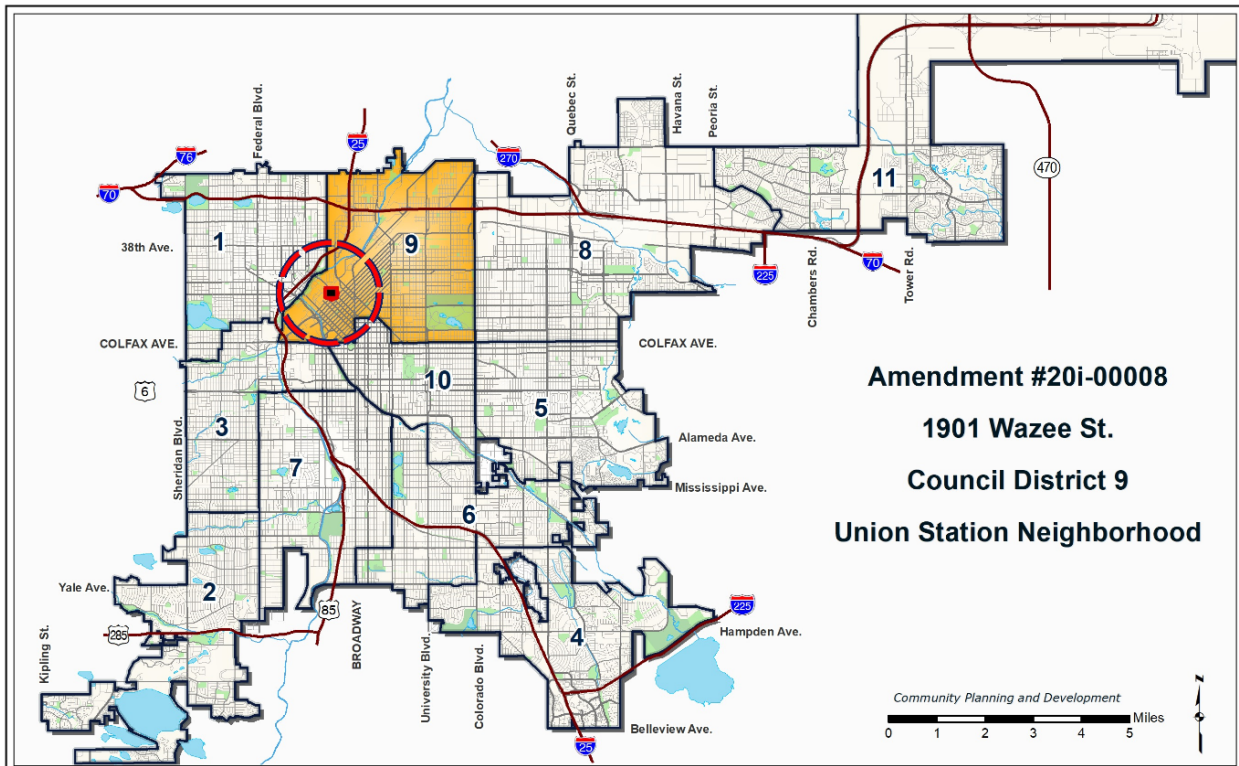
Request for Rezoning

Address: 1901 Wazee St, 1600 20th St & 1601 19th St
Neighborhood/Council District: Union Station / Council District 9
RNOs: Inter-Neighborhood Cooperation (INC), Center City Denver Residents Organization, Downtown Denver Business Improvement District, Lower Downtown Neighborhood Association, Neighborhood Coalitions of Denver, Inc., Ballpark Collective, Rio Norte, UCAN, United Neighbors of Northeast Denver, District 9 Neighborhood Coalition, Inc.
Area of Property: 131,694 square feet or 3.023 acres
Current Zoning: PUD-G 19
Proposed Zoning: PUD-G 26
Property Owner(s): West Lot LLC
Owner Representative: Hal Roth

Summary of Rezoning Request

- The subject property is in the Union Station statistical neighborhood at the northwest corner of 19th and Blake streets.
- The property, owned by West Lot LLC, is currently occupied by three mixed-use buildings ranging from 11 to 13 stories in height surrounding a central plaza known as McGregor Square.
- The applicant is requesting a Planned Unit Development (PUD) based on the D-AS-12+ zone district, with variations that address the site's location within the Downtown neighborhood context; it's adjacency to Lower Downtown and Coors Field; it's unique site configuration and the applicants' desire for flexibility in signage, including limited allowance for off-site advertising.
- The Comprehensive Sign Plan (CSP) under development will provide greater detail and regulations on new signage types and will come before the Planning Board shortly after adoption of the PUD by City Council.
- Aside from the flexibility in signage, all other regulations in PUD-G 26 would remain the same as the current PUD-G 19 which was adopted in 2018.

Existing Context



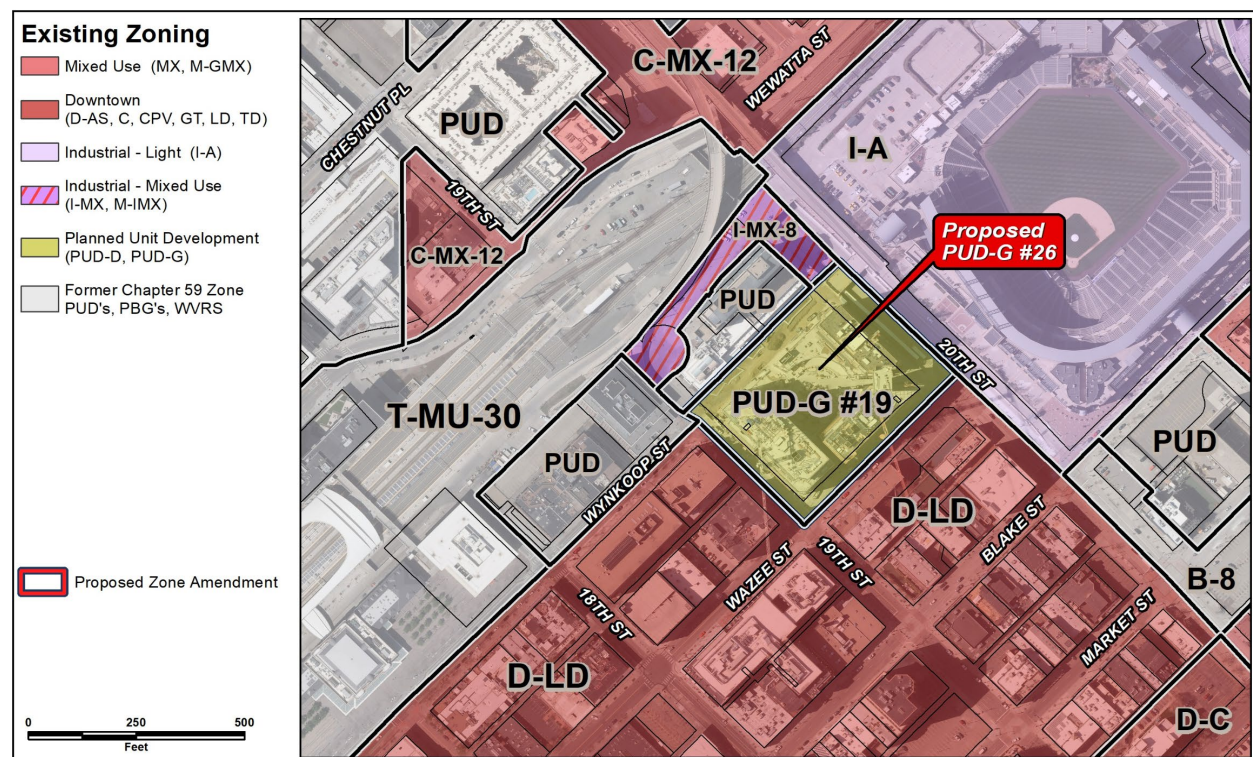


The subject property is located within the Union Station neighborhood and occupies the entire eastern half of the block bounded by 19th Street, Wazee Street, 20th Street and RTD commuter rail lines. The surrounding area includes a mix of uses, including Coors Field, multi-unit residential, office, retail, hotel, parking and transportation uses. The RTD Free MetroRide, with connections to Civic Center Station, also operates to the south and east of the site along 18th and 19th streets.

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

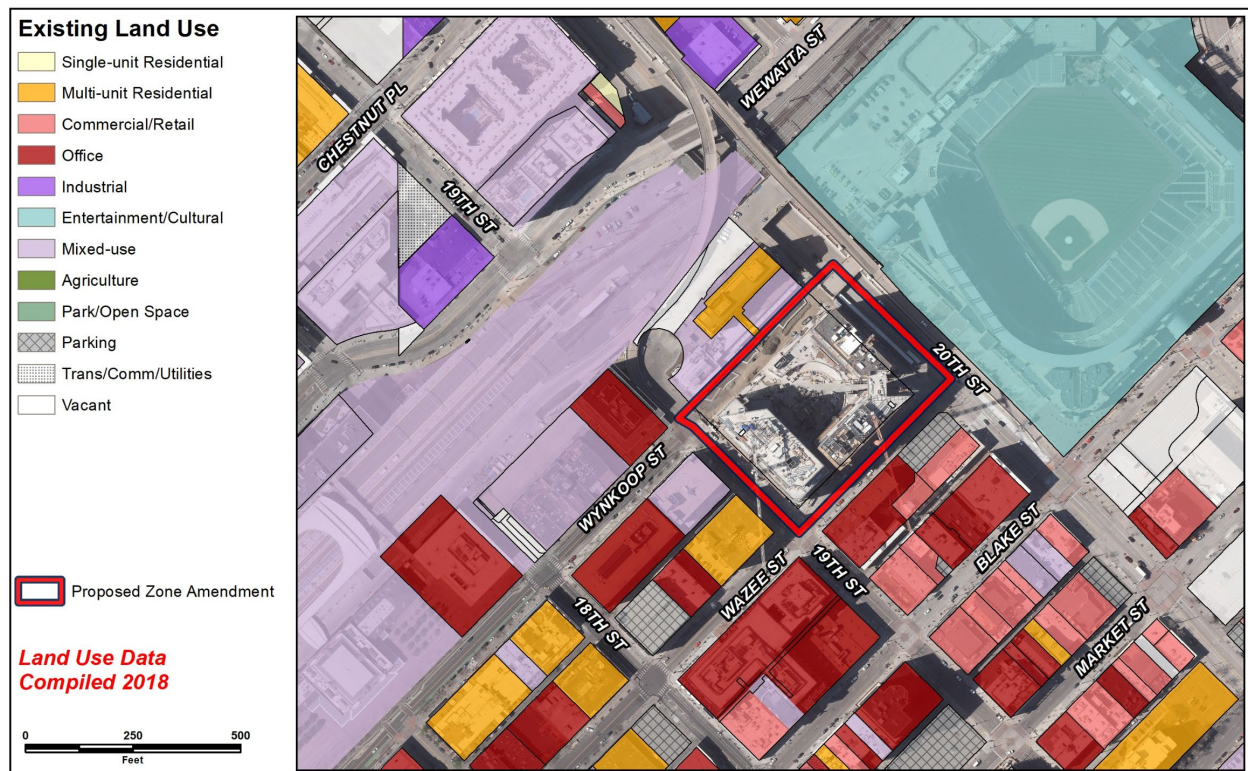
	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD-G 19	Multi-unit residential, Mixed-use & Office (shown as vacant in 2018 land use map)	Three 11-13 story buildings with frontage along the public streets and Wynkoop Promenade oriented around a circular central plaza	The surrounding neighborhood generally consists of a regular pattern of rectangular block shapes in an orthogonal grid with alley access. The street grid connectivity is interrupted by rail lines, the lack of a through connection on Wynkoop Street between 19 th and 20 th streets and Coors Field.
Northeast	I-A, UO-2	Baseball Stadium	The baseball stadium and associated parking. The stadium reaches a height of approximately 130-145'	
Southeast	D-LD, UO-1	Commercial/retail, Office and Parking	3-story brick building and surface parking	
Southwest	D-LD, UO-1; PUD 414	Multi-unit residential & Mixed-use	6-9 story buildings with large footprints	
Northwest	PUD 367	Multi-unit residential & Mixed-use	2-story building on the eastern portion of the property and a 7-story building at the northwestern portion of the property	

1. Existing Zoning



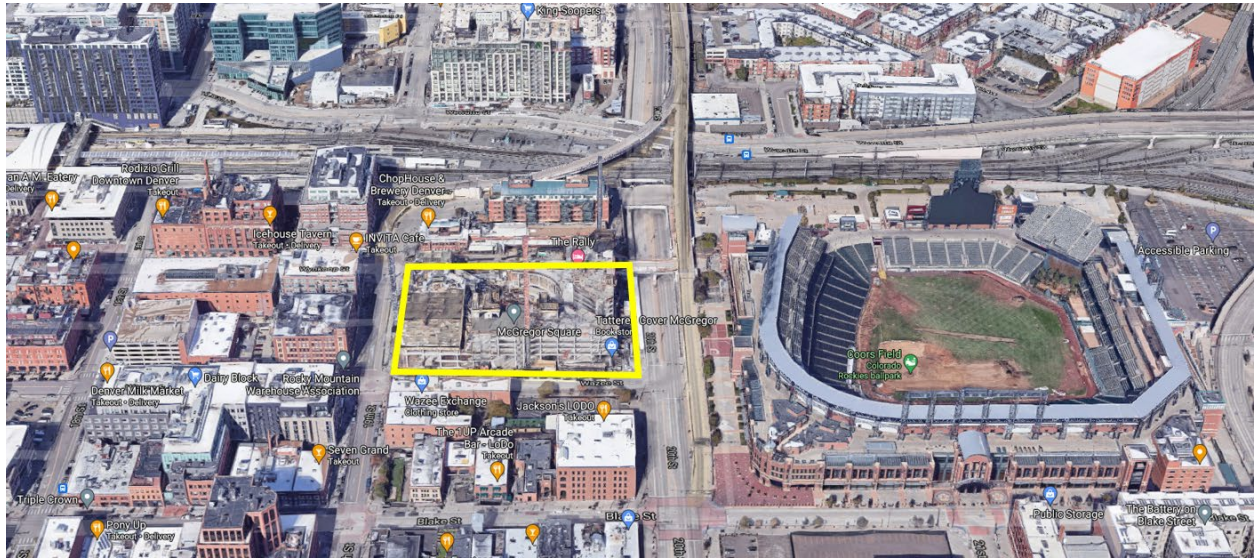
The existing zoning on the subject property, approved in 2018, is PUD-G 19. This custom zone district is very prescriptive and tailored to the McGregor Square development. Given the site's unique conditions, the PUD uses D-AS-12+ as the base district, with tailoring and incorporation of C-MX-12 regulations as appropriate. Key elements of the PUD include revised primary building form standards, alternatives and exceptions, establishment of primary and side street zone lot lines, provision of Wynkoop Promenade, provision of 20% private open space, design standards and guidelines and maximum vehicle parking. A complete list of requirements can be found in PUD-G 19 attached to this staff report.

2. Existing Land Use Map



Note: The subject site is shown as having a vacant land use as this data was last compiled in 2018, before development of the surface parking lot began.

3. Existing Building Form and Scale



Site - Aerial view, looking northwest (Source: Google Maps)



Site - from Wazee Street (Source: Google Maps)



Site – from 19th Street (Source: Google Maps)



Site – from 20th Street (Source: Google Maps)



Northwest – from Wynkoop Promenade (Source: Google Maps)



Southeast – from Wazee Street (Source: Google Maps)



Southwest – from Wynkoop Street (Source: Google Maps)



Northeast – from Wazee Street (Source: Google Maps)

Summary of PUD Request

The applicant requests to rezone to PUD-G 26 per Denver Zoning Code Section 9.6.1. The purpose of a PUD district is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and submitting procedural protections for the more prescriptive requirements in the Code. The PUD district is intended to respond to unique

and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers and conditions can be avoided.

The intent of the proposed PUD is to continue the allowances set forth in the current PUD and contribute to the vibrancy of Downtown and the surrounding neighborhoods while respecting the adjacency to the Lower Downtown Historic District through the inclusion of additional sign types, including the display of Public Art, Screen Share and limited off-site advertising. Key elements of PUD-G 26 include:

- *Additional sign types and locations*
The PUD allows for two additional sign types including a Content Plaza Canopy Screen (in the central plaza area) and Dynamic Banner Ground signs (along the Wynkoop Promenade).
- *Restrictions on sign content and sizes*
The PUD does not allow signs that flash, blink, fluctuate or contain off-site advertising on face blocks abutting the Lower Downtown Historic District. Dynamic Banner Ground signs along Wynkoop Promenade are limited to an individual sign area of 33 square feet and 13.75 square feet of motion graphics within 50 feet of the historic district boundary.
- *Inclusion of Public Art and Screen Share*
The PUD requires minimum percentages of Public Art and Screen Share to be displayed during hours of operation for the additional sign types. The Content Plaza Screen shall display Public Art and Screen Share at minimum of 15% and Dynamic Banner Ground signs at a minimum of 30%. On Game Days and Event Days, Public Art and Screen Share shall be displayed at a minimum of 15% on both the Content Plaza Screen and the Dynamic Banner Ground signs.
- *Enhanced Comprehensive Sign Plan requirements*
The CSP shall include a description and defining characteristics of Public Art and Screen Share and a reporting mechanism to demonstrate compliance with the requirements of PUD-G 26 in addition to the general requirements found in DZC Section 10.10.3.3.

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 response

Denver Public Schools: Approved – No response

Department of Public Health and Environment: Approved – No response

Denver Parks and Recreation: Approved – No response

Public Works – R.O.W. - City Surveyor: Approved – See comments below

Use the description included with my comments.

Made a minor modification to the description to match the description from the SDP.

I modified the format so it is more legible.

Development Services - Transportation: Approved – No response

Development Services – 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.

Development Services – Project Coordination: Approved – No response

Development Services – Fire Prevention: Approved – No comments

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:	3/5/21
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:	7/6/21
Planning Board Public Hearing:	7/21/21
Planning Board Public Hearing (continued):	8/18/21
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:	8/9/21
Land Use, Transportation and Infrastructure Committee of the City Council meeting (tentative):	8/24/21
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 (tentative):	9/20/21
City Council Public Hearing (tentative):	10/11/21

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
As of the date of this report, staff has not received written comment from an RNO pertaining to this application.
- **Other Public Comment**
As of the date of this report, staff has received one written public comment pertaining to this application.
 - One letter in support of the temporary use permit was submitted by the One Wynkoop Plaza Condominium Homeowners Association. The letter is attached to this staff report.

Planning Board Public Hearing

At the July 21st public hearing, Planning board voted to continue the public hearing on a date certain (8/18/21) to provide time for the applicants to respond to questions and concerns raised during that hearing. Following this decision, the applicant updated the application narrative, revised the PUD language with CPD staff review and drafted a letter to the Planning Board to respond to concerns raised. The following bullet points highlight key issues raised by the Planning Board, with a summary of the applicants' responses and/or changes to the PUD draft.

- *PUD should include more details and set expectations for forthcoming Comprehensive Sign Plan (CSP)*
 - Added clarity on requirements for CSP – Section 6.3.3.C.1.a.i “The comprehensive sign plan shall outline the content requirements (percentages, process and standards for Public Art and Screen Share) to ensure that off-site advertising is appropriately managed, particularly on signs that are visible from public right-of-way.”
 - Added clarity on addition CSP submittal requirements – Section 6.3.3.C.11.a.iii “Minimum percentage of time during which the sign will display artistic content and shall include additional information about the process and standards for allocating Public Art and Screen Share.”
 - Added screen share definition – Section 6.6.4 “Signs, which may include illumination, flashing animation or similar technology, used to promote local businesses, local events and local community organizations. Details regarding the management of the Screen Share program shall be provided in the comprehensive sign plan.”
- *PUD should be more specific about how much time is given to programming, art and promotion of events versus off-site advertising*
 - Increased public art and screen share minimums – Section 6.3.3.C.13.a “Content Plaza Canopy Screen signs allowed by this Section 6.3.3 shall be utilized to display Public Art and Screen Share at a minimum of 15% during the hours of operation on a weekly basis.”

- Increased public art and screen share minimums – Section 6.3.3.C.13.b “Dynamic Banner Ground signs allowed by this Section 6.3.3 shall be utilized to display Public Art and Screen Share at a minimum of 30% during the hours of operation on a weekly basis and will display Public Art and Screen Share at a minimum of 15% on Game Days and Event Days.”
- *Off-site advertising may be more appropriate for internal facing signs than signs visible from rights-of-way*
 - Removed off-site advertising allowance on Tower Bridge Projection at 20th and Wazee streets. All references and figures related to the Tower Bridge Projection sign have been removed from the PUD.
- *Applicant’s narrative should more clearly outline plan support for flashing, illuminated and animated signs and off-site advertising*
 - Updated narrative provided by applicant (in Planning Board follow-up letter) to better address plan consistency.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7, 12.4.10.8 and 12.4.10.9 as follows:

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare
4. Justifying Circumstances
5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
6. Additional Review Criteria for Rezoning to PUD District
 - a. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
 - b. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
 - c. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
 - d. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
 - e. The PUD District and the PUD District Plan establish permitted building forms that are compatible with the adjacent building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver* (2019)
- *Downtown Area Plan* (2007)
- *Central Platte Valley Comprehensive Plan Amendment* (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 rezoning would allow for improved access to amenities within an established neighborhood by allowing a broader range of dynamic sign types infused with public art, consistent with the following strategy in the Equitable, Affordable and Inclusive vision element:

- Equitable, Affordable and Inclusive 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).

The proposed rezoning would enable enhanced place-making opportunities at an intensity consistent with the desire for urban, walkable, mixed-use neighborhoods around transit and cultural amenities, and is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy D – *Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities* (p. 34).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).
- Strong and Authentic Neighborhoods Goal 4, Strategy A – *Grow and support neighborhood-serving businesses* (p. 35).

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

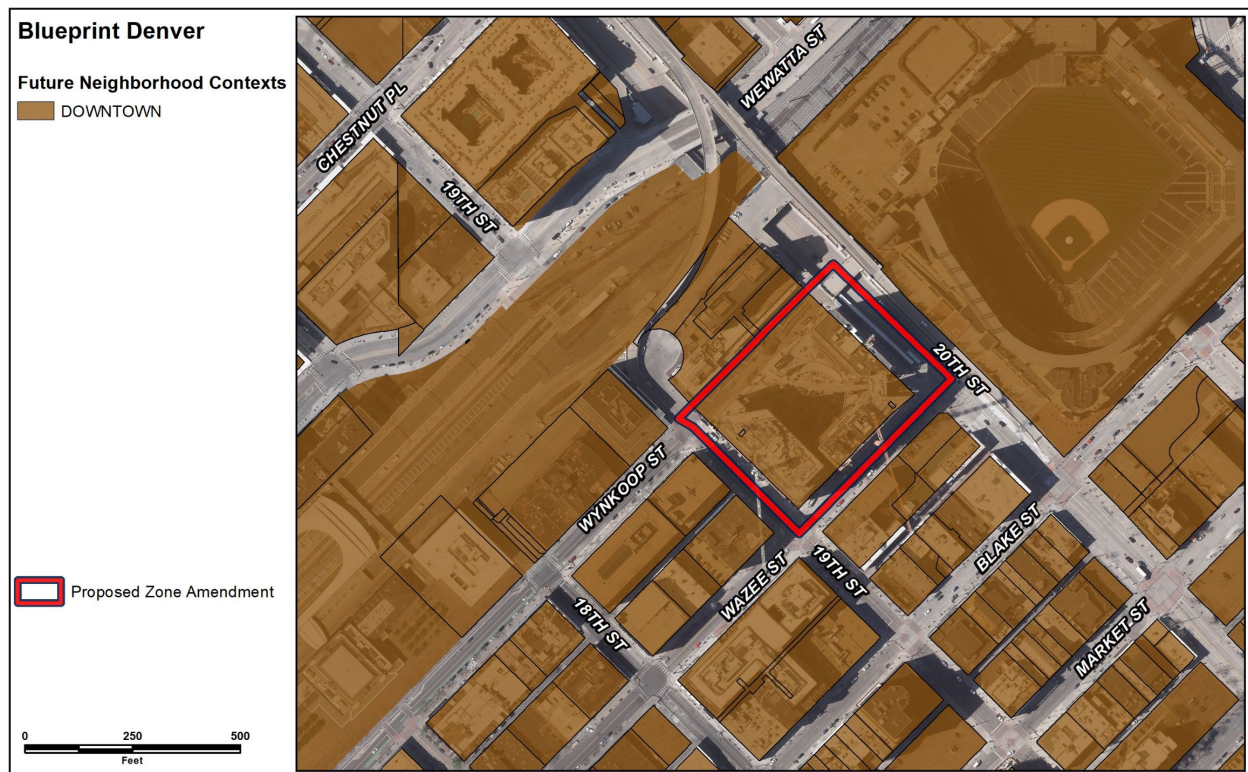
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).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

The requested map amendment will capitalize on the McGregor Square mixed-use development, an infill location where infrastructure is already in place. The requested PUD zone district will increase the vibrancy of Downtown and enhance the user experience around Coors Field, allowing residents and visitors to live, work and play in the area, therefore the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

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 Area within the Downtown Neighborhood Context and provides guidance from the future growth strategy for the city.

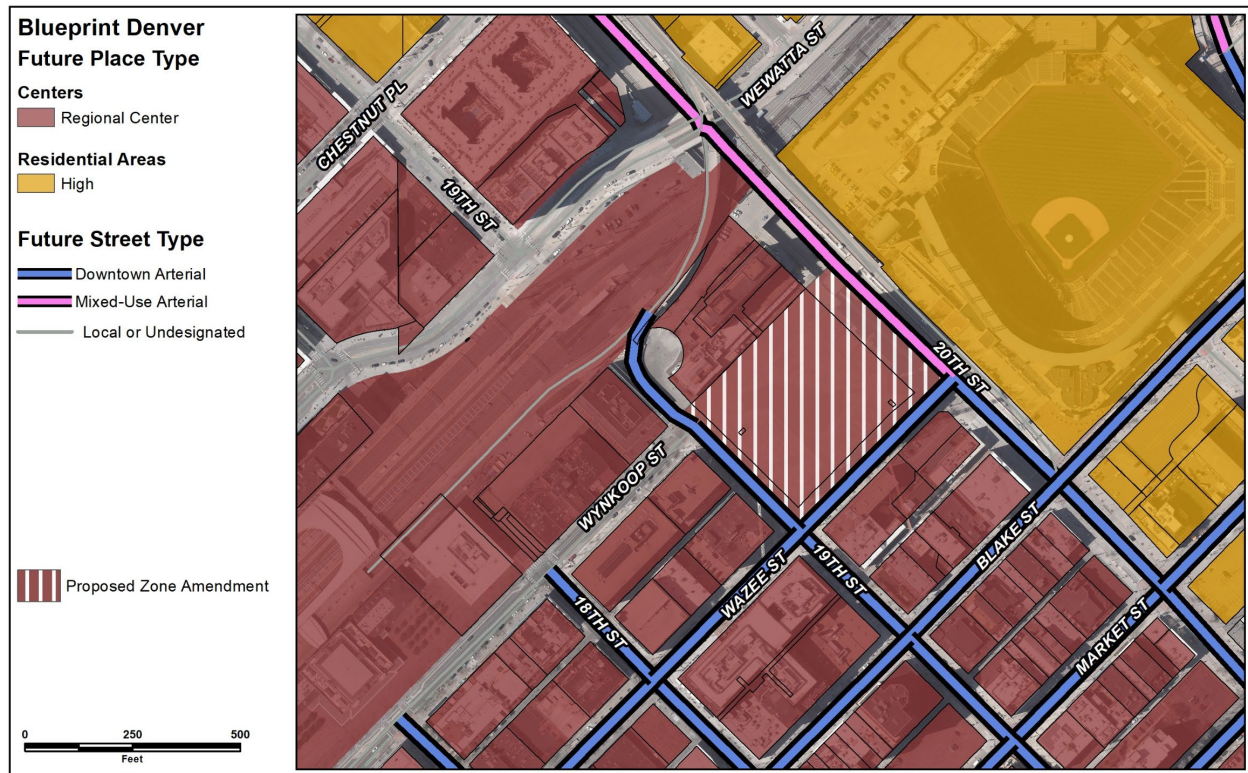
Blueprint Denver Future Neighborhood Context



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 subject property is within the Downtown Neighborhood Context. "This context is the densest and most active. It contains the highest intensity residential and includes the largest employment center in Denver" (p. 265). The proposed PUD is based on the D-AS-12+ zone district which is part of the Downtown context and "gives prominence to the pedestrian realm as a defining element of neighborhood character" (DZC 8.8.1).

As the subject property is adjacent to downtown Denver with good access to transit, the requested zone district is appropriate and consistent with the intent of the neighborhood contexts map in the plan.

Blueprint Denver Future Places



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).

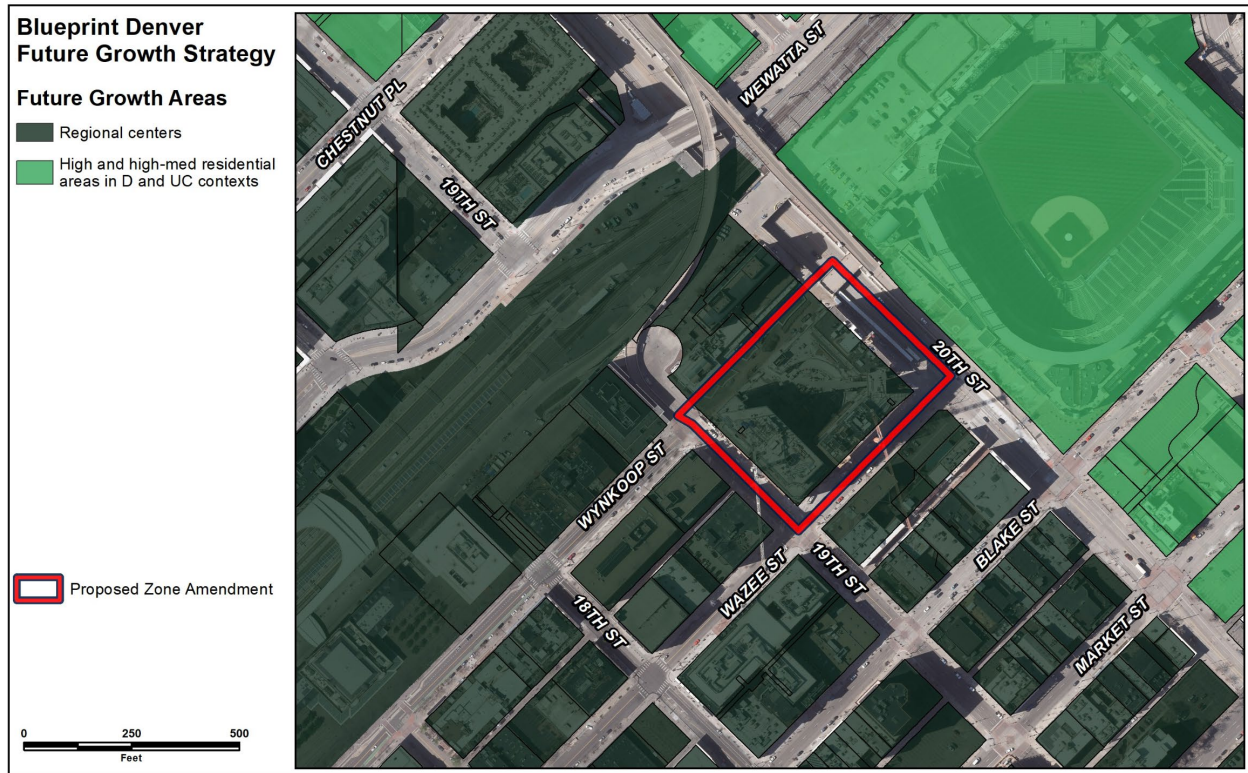
The proposed rezoning to PUD-G 26 is appropriate and consistent with the “Regional Center” plan direction and will foster a better balance of distinct streetscape elements that compliment a strong pedestrian realm than the current zoning allows.

Street Types

Blueprint Denver 2019 classifies both 19th and Wazee streets as Downtown Arterials and 20th Street as a Mixed-Use Arterial. These streets are “surrounded by the most intense land uses including hotels, street level retail and office, residential and mixed-use towers with a high focus on pedestrian and bike connectivity” (p. 158). Arterial streets are designed for the highest degree of through movement. The

proposed PUD zone district allows a broad range of residential and commercial land uses with a shallow front setback and allows the intense land uses anticipated for this street type. Therefore, the district is consistent with the downtown and mixed-use arterial street types at this location.

Growth Strategy



Blueprint Denver designates the subject property as part of a regional center. These areas are anticipated to see 30% of new housing growth and 50% of new employment growth by 2040 (p. 50 - 51). Focusing growth in these areas 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 PUD-G 26 will allow for continued employment and residential growth in a Regional Center where it has been determined to be most appropriate. Therefore, the proposed rezoning is consistent with the Blueprint Denver growth strategy.

Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 3, Strategy D – *Update the zoning code sign regulations to recognize changing technologies and best practices* (p. 73).

The proposed map amendment is consistent with this strategy as it would allow for the introduction of new sign types and locations infused with public art, while also mitigating potential adverse impacts on surrounding properties and the Lower Downtown Historic District.

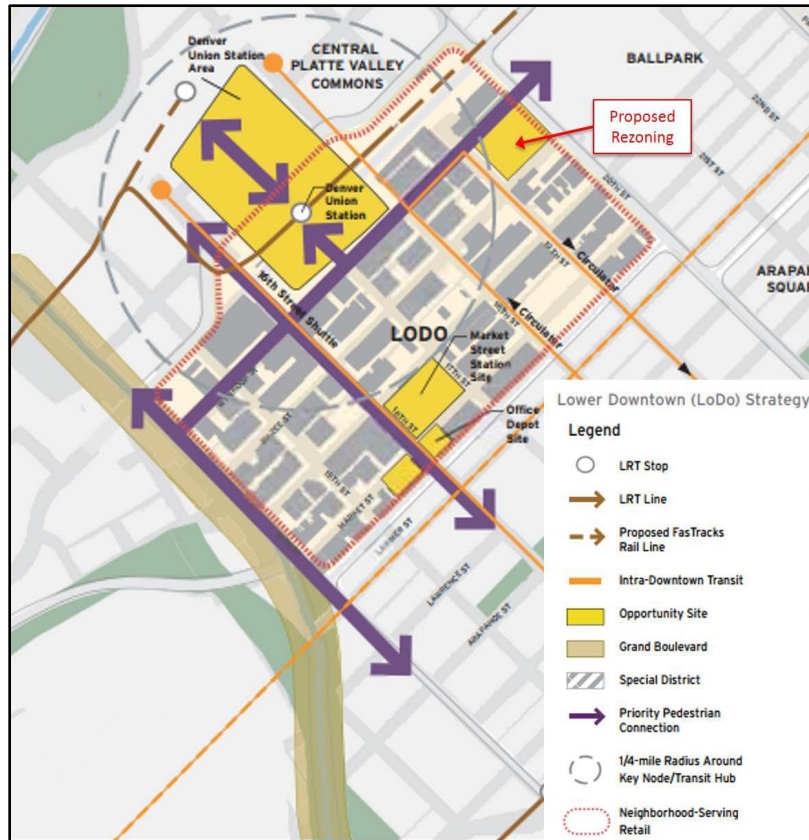
Custom Zoning

Blueprint Denver provides the following direction on how to limit the use of custom zoning including PUDs: “Limit the use of site-specific, 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). More detail on the challenges of custom zoning is provided on page 73 of the plan. Due to the specific challenges of the property, with the multi-building development oriented toward a central plaza, access to Coors Field via the Wynkoop Promenade, desire for enhanced signage less visible from public rights-of-way and adjacency to the Lower Downtown Historic District, there is no standard zone district that can address this site’s unique and extraordinary circumstances. Therefore, the use of a PUD is consistent with the recommendations of Blueprint Denver.

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 Lower Downtown district. Lower Downtown is generally defined in the Downtown Area Plan as the area encompassing west of the alley between Larimer Street and Market Street, east of the RTD commuter rail line, south of 20th Street, and north of 14th Street (as shown on the map below). The boundary roughly aligns with the Lower Downtown Historic District, while also capturing the subject site, Union Station, and sites on the west side of Wynkoop between 18th and 20th Streets. The description of the district largely focuses on the character of the historic district as a mixed-use hub of housing, retail, office and entertainment that predominantly consists of two-to-six story buildings with ground floor commercial uses and office or residential above. The subject site is identified as an opportunity site, and a priority pedestrian connection is shown extending through the site generally following the alignment of Wynkoop Street. The plan states that these high-quality pedestrian connections are essential to linking the Downtown core to the rest of the study area (p. 10).



The Downtown Area Plan also generally recommends prioritizing pedestrians, strengthening connections to surrounding neighborhoods, encouraging neighborhood-serving retail and active ground floor uses, and expanded housing opportunities. The plan also recommends using features such as transit stations, changes in grid, terminating vistas, grand boulevards, character of existing buildings, and relationship to adjacent districts and neighborhoods to influence zone district form requirements including the intensity of development, height of buildings, ground floor activity, and mix of uses (p. 33). The plan's open space strategy includes a goal of enhancing the public realm to provide venues for outdoor activity and Wynkoop Promenade is shown as a green connection through the subject site (p. 37).

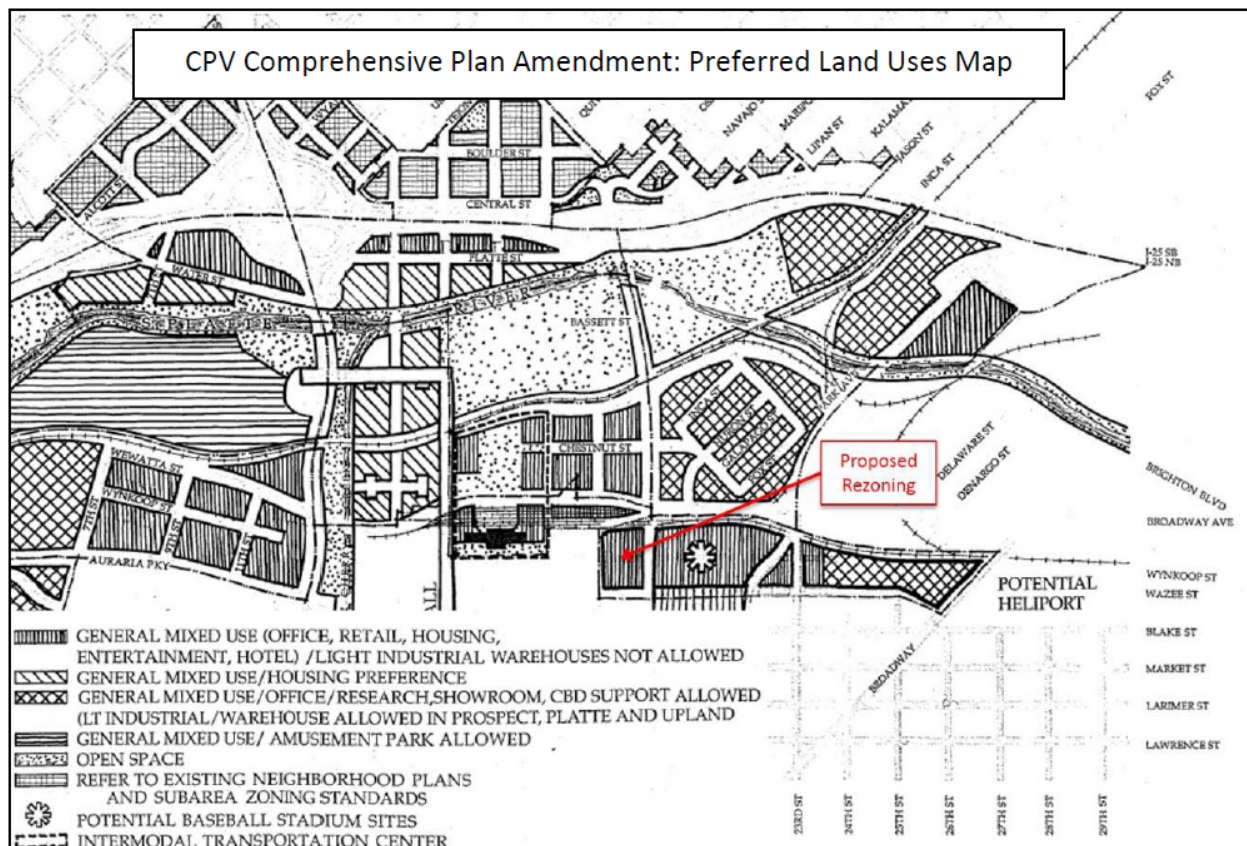
The proposed rezoning is consistent with the Downtown Area Plan as it will encourage more activity with a mix of uses and preservation and upgrades to a key pedestrian connection. It will also result in building form and design that is pedestrian-friendly and transitions appropriately from Lower Downtown, and open space that is designed to support public use and activity. Finally, this rezoning is consistent with the intent of developing opportunity sites identified in the Plan to help create a more dynamic, connected and walkable Downtown Denver.

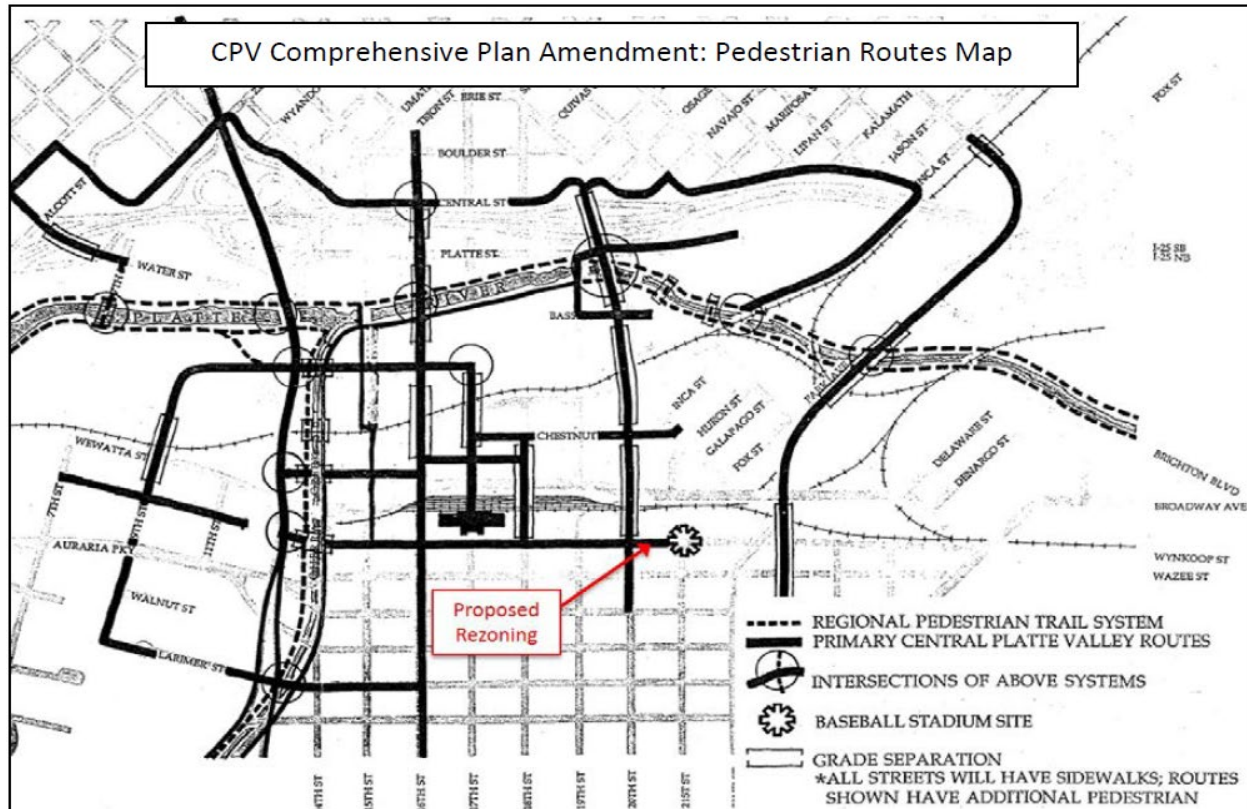
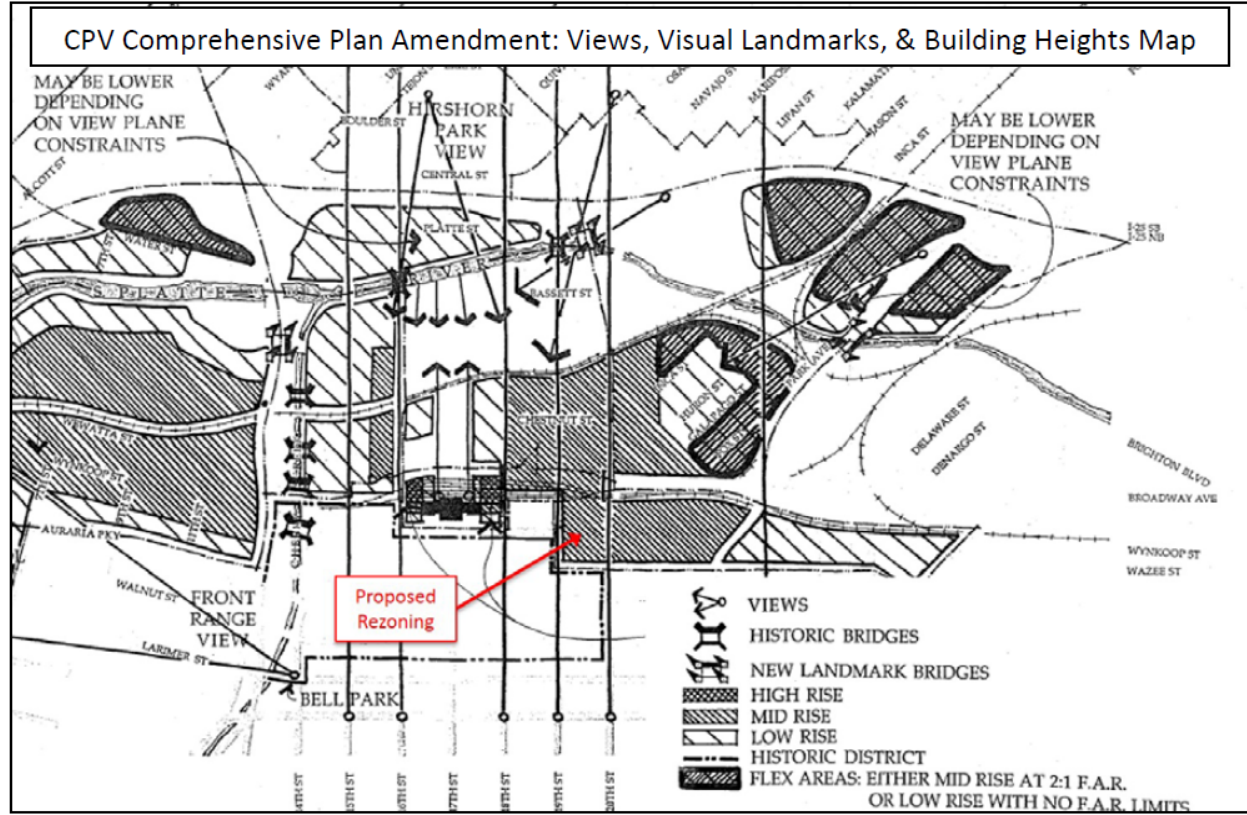
Central Platte Valley Comprehensive Plan Amendment (1991)

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.

The subject site is identified in the preferred land uses plan as General Mixed Use, which includes office, retail, housing, entertainment, and hotel while specifically stating that light industrial uses are not allowed. Further, the plan recommends “mid-rise” building heights as appropriate for the area in which the subject site is located. Mid-rise heights are not defined in the plan; instead the plan references an appendix where height values assumed by the Steering Committee during the plan process are provided. The appendix states that the Steering Committee assumed a height of about 140 feet for mid-rise areas. Further, the plan identifies a primary pedestrian route across the site at the location of Wynkoop Promenade.





The plan also provides guidance for sub-areas. The subject site is within the Upland Sub-Area between Wewatta and Wazee Streets, Union Station, and Broadway. Guidelines for this sub-area include:

- The UP Head-house, the scale and character of Lower Downtown, and other historic buildings adjacent to this sub-area set a precedent for the scale and quality of future development.
- Pedestrian and bicycle access to Lower Downtown should be provided by extension of Wynkoop at or near grade over depressed 20th Street.
- A small public open space should be identified and dedicated at a location convenient for most future occupants.
- Property between 19th and 20th Street should be developed for uses which complement and strengthen the prevailing Lower Downtown mix of office, retail, housing and galleries.
- If a baseball stadium is sited in this area, a set of additional guidelines should be followed. These guidelines should include pedestrian access between Lower Downtown and the stadium should be provided along Wynkoop, Wazee, and Blake Streets.

The proposed rezoning is consistent with the Central Platte Valley Comprehensive Plan Amendment for the following reasons:

- The uses allowed by the PUD district implement the land uses recommended in the plan;
- The PUD will facilitate compatible building form and design as recommended in the plan;
- The PUD provides a height transition from 110' to 165', which is generally consistent with the mid-rise height envisioned in the plan;
- The PUD requires the pedestrian connection recommended in the plan; and
- The 20% open space requirement in the PUD, coupled with the design standards and guidelines, will ensure quality open space.
- The expanded signage allowances create an enhanced pedestrian realm along Wynkoop Promenade, increase activity in the central plaza and do not detract from the character of the Lower Downtown Historic District.

2. Uniformity of District Regulations and Restrictions

The proposed map amendment will result in the uniform application of zone district building form, use and design regulations across the site. The PUD is based on the D-AS-12+ zone district, with customization to address the unique location and features of the site.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city's adopted land use plan. Additionally, it furthers public health, safety and general welfare by establishing site design requirements that enhance walkability and increase place-making opportunities while minimizing adverse impacts to the surrounding neighborhoods.

4. Justifying Circumstance

The application is justified by 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." The Union Station neighborhood and the Downtown area has evolved significantly since the

current PUD was adopted. Since that time, several mixed-use developments, including Dairy Block and Market Station have been built and integrate a large public art component. Additionally, the City has adopted plans that call for a larger concentration of residents and visitors in the downtown area with a heightened focus on high-quality pedestrian experiences. Examples include 5280 Trail Plan, Game Plan, Blueprint Denver and Comprehensive Plan 2040. The proposed flexibility in signage are in keeping with the adopted policy guidance for the area and are appropriate justifying circumstances.

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

The requested zone district is PUD-G 26, which is based on the D-AS-12+ zone district. The requested zone district is in the Downtown Neighborhood Context, which is primarily characterized by a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. The context consists of a regular pattern of block shapes, and buildings typically have shallow front setbacks or build-to lines and vary in height depending on the district. Streets are multi-modal and priority is given to pedestrians.

PUD-G 26 is consistent with the Downtown Neighborhood context because it uses the D-AS-12+ zone district as a base, providing for a pedestrian-activated building form, upper story setbacks, and minimizing the visual impacts of parking areas. The tailoring in the PUD ensures that development will be consistent with the neighborhood context and appropriately transition from the adjacent D-LD district. For analysis on consistency of this rezoning with the PUD zone district purpose and intent statements, see below.

6. Additional Review Criteria for Rezoning to a PUD District (12.4.10.9)

a. *The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code*

- Denver Zoning Code Section 9.6.1.1 states that the general purpose of a PUD District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections. A PUD is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

PUD-G 26 is consistent with the intent and purpose of PUD districts because the subject site has special locational and physical characteristics. The subject site is at the northwest edge of Downtown and serves as a transition point between Lower Downtown and Coors Field. The site is within the Downtown context in Blueprint Denver and within the boundary of the Downtown Area Plan. However, there is not an appropriate Downtown zone district to apply to this site. DZC Section 12.4.10.3 prohibits rezoning to a Downtown zone district when the site is not adjacent to the same zone district. The site is adjacent to the D-LD zone district to the south and east, but it is not within the Lower Downtown Historic District and, therefore, this is not an appropriate zone district for the site. Based on this context and the DZC requirements, C-MX-12 would be the closest fit in terms of an appropriate zone district for the site.

However, the C-MX-12 zone district would not address some of the unique conditions of the site, including:

- The lack of a public right-of-way through the site as an extension of Wynkoop Street
- The site's location within Downtown and the regulations in place in other downtown districts, such as those for parking, uses, and design standards and guidelines.
- The site's immediate context of the Lower Downtown Historic District and Coors Field
- The lack of an alley and the significant grade change along 20th Street that limits service and parking access to the site

To address the unique circumstances, the proposed PUD district uses the D-AS-12+ zone district as a base zone district while also using some C-MX-12 regulations (e.g., side street provisions). Thereby, the PUD utilizes DZC's most modern Downtown regulations (created since the update of the Denver Zoning Code in 2010) together with Urban Center regulations as appropriate to address the site's unique features.

- DZC Section 9.6.1.1.C states that a PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development's economic feasibility.

PUD-G 19 is consistent with the Downtown neighborhood context and character as noted above. The PUD is intended as a mechanism to ensure that development is consistent with adopted plans, not as a vehicle to enhance a proposed development's economic feasibility.

- According to DZC Section 9.6.1.1.D., in return for the flexibility in site design a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

The PUD District provides significant public benefit not achievable through application of a standard zone district, including:

- Provision of Wynkoop Promenade, which is prioritized as a pedestrian connection in both the Downtown Area Plan and the Central Platte Valley Comprehensive Plan Amendment but is not a public right-of-way. The PUD requires a minimum 15-foot pedestrian walkway and treats Wynkoop as a primary street in terms of build-to, transparency, and street level active uses.
- A height transition from 19th Street adjacent to Lower Downtown towards 20th Street and Coors Field. This is consistent with the Central Platte Valley Comprehensive Plan Amendment recommendation that new buildings should complement and strengthen Lower Downtown and the historic building context.
- Pedestrian-friendly design and building forms compatible with Downtown generally and Lower Downtown specifically, achieved through building form standards and administrative design guidelines and standards. This is also consistent with the Central Platte Valley Comprehensive Plan Amendment

recommendation that new buildings should complement and strengthen Lower Downtown and the historic building context. Further, it supports the pedestrian activation recommendations of the Downtown Area Plan and Blueprint guidance regarding the use of supplemental design standards and guidelines in Downtown.

- The provision of 20% private open space, subject to administrative design standards and guidelines that will ensure the spaces are pedestrian-friendly, activated and support year-round use. This is consistent with the Downtown Area Plan recommendation to enhance the public realm to provide venues for more outdoor activity.
- Maximum vehicle parking requirements, consistent with adopted plan guidance to promote transit-supportive development, encourage alternative travel modes, and discourage vehicle trips.
- Limitations on the percentage of time off-site advertising can occur on additional sign types as well as further restrictions on signs abutting the Lower Downtown Historic District.

b. *The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6*

The PUD District complies with all standards and criteria stated in Division 9.6.

c. *The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions*

The PUD District is necessary because there is no standard zone district available that applies Downtown-appropriate standards to this unique location or addresses the site's unique configuration regarding Wynkoop Promenade, 20th Street and the requested flexibility in signage. An unreasonable number of variances or waivers and conditions would be required to achieve the tailored approach in the PUD.

d. *The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property*

The PUD District establishes permitted uses in accordance with the D-AS-12+ zone district, with no use-related changes proposed. The D-AS-12+ zone district allows a mix of office, residential, and retail uses, consistent with the Downtown context.

e. *The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design.)*

The PUD provides tailored building form standards, largely based on the D-AS-12+ General with Height Incentive Building Form and C-MX-12 General Building Form, with tailoring to vary the heights from 19th Street to 20th Street and apply standards to the west zone lot line (the Wynkoop Promenade). Further, the PUD incorporates administrative design standards and guidelines, based on the Arapahoe Square Design Standards and Guidelines for buildings and site design and tailored to address the subject site's adjacency to Lower Downtown, Wynkoop Promenade, and the open space requirement. The PUD therefore

establishes permitted building forms that are compatible with adjacent existing building forms through appropriate transitions and design standards and guidelines.

Attachments

1. Rezoning application
2. Planning Board follow-up letter
3. PUD-G 19
4. PUD-G 26 (7/21/21 Draft)
5. PUD-G 26 (8/10/21 Mark-Up)
6. PUD-G 26 (8/10/21 Amended Draft)
7. Public comments