

# MEETING SUMMARY

## GOLDEN TRIANGLE REGULATORY IMPLEMENTATION

Date: April 2, 2021  
Meeting Info: March 18, 2021, 4:00-5:30 pm, virtual meeting  
Subject: Advisory Committee Meeting #14

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### Attendance

- **Advisory Committee**
  - Present: CM Chris Hinds, Kristy Bassuener, Chris Carvell, Pete Dikeou, Charlie Hunt, Scott Johnson, Anne Lindsey, Chris Parezo, Adam Perkins, Cherry Rohe, Jeff Samet, Brent Snyder, Byron Zick, Liz Zukowski (District 10)
- a) **City Staff**
  - CPD –Sarah Showalter (Planning Services Director), Kristofer Johnson, Krystal Marquez, Fran Penafiel, Bridget Rassbach

### Meeting Summary

#### 1. Councilman Hinds welcoming remarks

- Thanked to everyone for participating and sharing their very valuable time and feedback. While not everyone will be able to come out of the process with everything they want, most people will be able to get some things that they want.

#### 2. Recent Input and Media

- On March 4 there was a call to action by Neighbors for Greater Capitol Hill. They presented concerns about the heights and how they would impact the Cheesman Park Mountain view plane. CPD responded to Councilmembers and posted view plane frequent asked questions on project website a few days later to clarify analysis.
- As of today, there are about 100 responses to the online survey about the proposed strategy. The responses show an even distribution on supporting goals of Neighborhood Plan, they show support for public parking and lower streetwalls on narrow streets, and it shows less agreement on if zoning will lead to eclectic, inclusive and engaging Golden triangle. Of the written comments, approximately 40-50 out of 70 voiced concerns about height. Most of the comments about height were submitted after the email about view plane concerns went out.
- On March 8 the BusinessDen/Denver Post wrote a piece that also talks about Golden Triangle and the strategies on the rezoning, and then they had a follow up piece about the Cheesman Park residents' concerns with taller buildings that could potentially block views.

**CM Hinds:** Looks like in Cheesman Park they are looking at older images on how the heights would impact the neighborhood. Will make sure they receive the latest images to ensure the information they are looking at is accurate.

#### 3. Main Themes from Committee Responses to Email Request from CM Hinds

- a) Public Parking:
  - Desire to support more access for public parking in future projects
  - Better to address parking via DSG rather than zoning
  - Potential Standard: Parking spaces provided in excess of xx spaces shall be available to the public at least during regular business hours

- OR a potential Guideline: Projects on lots greater than 150 feet wide that exceed 5 stories should include a minimum of 10% of parking available to the public at least during regular business hours.

**Kristy:** We have concerns about what will happen once all the surface parking lots get developed, and all those cars need to be parked somewhere not to create too much pressure on street parking and could impact businesses and the city in general.

**Pete:** Is it possible to create a FAR bonus for developments providing public parking? Otherwise it would be really hard for developers if parking counts against their FAR and they are required to provide public parking

**Kristy:** Would it be possible through the zoning process to encourage access to public parking or flexible parking spaces during certain times a day

**Chris C:** it will be important to be able to park the tourists and visitors that go to the museums and business in GT.

**Scott:** What are the existing limitations on public parking?

**KJ:** Currently you can't establish a surface parking lot as a primary use and the minimum required parking standards mean most parking must be reserved. In the proposed zoning, there are no limitations since there are no minimum requirements (new surface parking lots are still not allowed)

**Scott:** Adding a potential requirement of public parking will be hard on developers.

**Sarah S:** To be clear, there is no requirement for developers to provide parking of any kind

**KJ:** It is very difficult for the City to require or monitor the use of public or shared parking. We have eliminated the barriers to do it, but we can't administer and inspect it over time.

**OUTCOME:** *do not include a zoning or design standard, but consider a design guideline (more of a recommendation and uses the term "should" not "shall")*

b) Flexibility on wrapped parking for lots with less depth (125 ft)

- Architectural screening is currently only an alternative on standard lots 75-150 feet wide
- Should this also be available to wide lots on lots with less depth (which makes structured parking less efficient?)
- Should it be fully enclosed?

**Byron:** As long as the standards and guidelines are strong enough to prevent bright lighting and minimize the impacts in the public realm, and it is integrated to the architecture of the building, then it makes sense to allow for alternatives, to make projects feasible on lots with less depth.

**Pete:** Agreed, because of the way a parking garage works, if the lot is only 125 ft deep it really impacts the usability and efficiency of the garage if there is a requirement to wrap the parking

**Anne:** Concerns relate to people that live for example in a second floor, and they have to deal with headlights of cars, and illumination of garages.

**OUTCOME:** *allow an alternative for lots greater than 150 feet wide if they have less lot depth*

c) Make sure the zoning reflects the individuality of GT in the zoning

- There are several examples in the proposed zoning that are unique to this zone district and not used anywhere else:
  - Scalable standards based on lot size
  - Hybrid of FAR and form-based zoning
  - Public Art as alternative
  - Open Space and Nonresidential Active Use alternatives
  - Point Tower with 12,500 sf floorplate
- Other examples in the proposed zoning that are only used in one or two other locations:
  - Incentive zoning (only two other places)

- Landmark incentives and TDR (only two other places and one is a historic district)
- Design review by a City-sanctioned Board (only two other places and LPC)

**Pete:** Should it be a concern that developers will probably not use the Public Art alternative because the open Space and Nonresidential Active Use alternative is more attractive. Should they include some incentive to make them more attractive

**KJ:** Staff believes that zoning standards are a more effective way of getting to these alternatives, than including incentives, given that in the past the only incentive used was the one for market rate housing

**Adam:** Is the enlarged floorplate size for the Point Tower happening across the whole City or just GT?

**KJ:** Only GT in part due to the lower height limit than is allowed in other locations. Additional outreach in other areas where the Point Tower is allowed would need to occur if we were to change it.

- d) Future citywide affordable housing changes and what happens if state or local rules change
- Public process is underway to evaluate a range of different tools, including those that could be allowed if state legislation changes
  - Change at the state would not immediately affect GT or Denver
  - A comprehensive citywide system would replace the current proposed strategy
  - Cannot predict exactly what tools will be available or future application of those tools
  - Current City Policies Related to Land Use and Zoning
    - Encourage density to support desired outcomes, especially in Downtown and transit-rich areas
    - Create affordable housing in areas of opportunity to add new units that are integrated into the neighborhood
    - City Council's legislative authority over zoning changes is based on three criteria, most importantly that changes must be consistent with adopted plans (ie, unlikely that reductions to current proposed maximum density would be coupled with increased affordable housing requirements)

**Brent:** We have concerns about the zoning update's feasibility. What will work in the interim? Is it financially feasible to do what is proposed right now?

**KJ:** Yes, we have done the testing and had conversations with other developers, and the outcomes indicate it is feasible. Status quo is likely not going to be as feasible, but modest adjustments can generate equal or greater outcomes.

**Pete:** What will happen when the citywide changes come. Does it mean that in a year or when it happens, the current affordable housing will go away, and the current option of having a 15 FAR will go down from 8, is the current affordable housing incentive going away?

**KJ:** We still don't know if it will be an incentive system, inclusionary system or a hybrid of the two. If it is strictly an inclusionary system, then the base FAR doesn't matter anymore and means every project needs to provide a certain percent of units regardless of how big it is. If state laws change, and it allows an inclusionary system, and if Denver decides that is the approach they want to use, then the policies we have in place for GT will change.

**Sarah S:** The point of having a citywide affordable housing approach is to provide predictability and move away from individual custom systems that apply only to specific areas.

**Pete:** There are still concerns on what the consequences for the development community will be with the changes of base FAR.

**Brent:** This is the most important topic for us, and the whole advisory committee has concerns over the affordable housing changes and how it will affect Golden Triangle.

**Anne:** Not everyone, you don't speak for me Brent.

**Sarah S:** We understand that this is an important topic, but we would like to continue this conversation offline with the development group to be respectful of everyone's time and allow other members of the Committee to speak.

**Pete:** We understand that we need to be able to move forward, but we need some assurance that we won't get downzoned in a year. And I hear you saying that you can't give us that assurance, and that is an issue.

**CM Hinds:** Every case that comes in front of City Council is difficult and is controversial about zoning, affordable housing and everything. People are concerned about how this vote affects the future. Often, we hear "what if this or that happens in the future" and we can't predict the future. But to be clear, if we don't have policies in place for affordable housing today in this project, it will just not be approved by City Council. We have a great plan where we all agree to 90-95% of it, but this is the only outstanding item that we are not in agreement.

**Pete:** Yes, but this is the issue that we keep bringing up, and if you only let us keep the 10 base FAR, we could all agree with all the other points. And what we are hearing is that there is a chance that in a year we get downzoned to 8 base FAR. We are just asking for clarity.

**KJ:** That is not what has been said. We have said we don't know what options the City will have to incorporate into a citywide system so we cannot make any guarantees.

**Brent:** We are concerned that this is our last meeting, and there are still issues that are still not getting resolved. Nothing has happened in the last 60 days and the issues are still not resolved. We request a delay and want another meeting.

**CM Hinds:** I disagree that nothing has been done, and I disagree that the issues have not been discussed. We have met with you during that time period and this group has also met without me or CPD staff in attendance. The issues have not been resolved in the way you wanted them to be resolved. If you like, I am willing to meet with you again as soon as next week or the following.

e) The role of design review by Downtown DAB

- The Downtown Design Standards and Guidelines
  - Combining three separate DSG documents into a single, expandable format
  - More user-friendly and efficient for staff, Board, and customers
  - All areas utilize the same guidelines, templates, and process
  - Neighborhood Design chapter allows for customization to address distinct characteristics found in each area
- The Downtown Design Advisory Board
  - Adding two additional resident member positions to create a 9-member board
  - 3-year terms for members so new openings are available
  - Overlap in the different positions is common
  - GTCD urban design committee can still function, and public comments are welcome at Downtown DAB meetings

**Anne:** I think it would make sense to have these two members nominated by the Golden Triangle Urban Design Committee. Also, it would be great that one is from Arapahoe Square and one is from Golden Triangle to provide the local knowledge.

**Kristy:** What does the application process look like for the new positions?

**KJ:** It is essentially like a job application. This is a mayor-appointed board, but CPD manages the process and interviews potential candidates. We would expect and desire one of the new positions to be filled by someone on the GT urban design committee to act as that voice and conduit for neighborhood input. The Downtown DAB meetings are also open to the public and there is a public comment period on applications.

f) Increased height (note, no discussion due to time)

g) Additional incentives including public art and 5280 Trail (note, no discussion due to time)

#### 4. Next Steps

The draft of the proposed zoning will be posted for advisory committee and public comment by end of March or early April.

**Adam:** Do we get a chance to comment on the draft before it goes out to the general public? What is the timeline?

**KJ:** We will incorporate changes based on today's discussion and you will be able to review it when it is open for the public. Previews of public drafts are problematic and can cause confusion if they are distributed outside the Committee prior to the general public having access. We plan to have the full public review draft ready by the end of the month or first of April.

**Pete:** It would be great if we can review the draft before it goes out, to be able to give it's blessing before it is reviewed by the public.

**KJ:** The role of this Committee has been to advise throughout the process, but not necessarily to receive your blessing or approval. While we understand your interest and appreciate all the input we have received from the committee, it is very important to provide the draft publicly so everyone has access and can offer feedback.

**CM Hinds:** Thanked everyone for participating in this process and explained how not everyone will be able to get everything they want, but most people will be able to get many things they desire. Developers, neighbors and Councilmembers, all want to get different things out of this process, but everyone will need to compromise to be able to get to an agreement. It is impossible to know what will happen when the plan is presented to Council as a whole, and how every council member will vote, but we are confident with what we are presenting is a solid plan. If there are still questions or concerns, we could have smaller meetings where we can talk about these topics.