Meeting Summary – Final Meeting – Phase 1

Meeting Objectives:
- Establish Background Information, Guiding Documents and Adopted Plans
- Complete Process Design

Task Force Members in Attendance: Albus Brooks-District 8, John Desmond, Dick Farley, Patrick Guinness, Amy Harmon, Joe Lear, Jynx Messacar, Joel Noble, Chris Smith, Brent Snyder, Craig Supplee, Tracy Winchester, Bill Windsor, and Howard Witkin; Not Present: Brad Boyle, Judy Montero-District 9, Judy Schneider

Facilitator: Mike Hughes

CPD Staff: Courtland Hyser, Sarah Showalter, Caryn Champine, Analiese Hock, Samantha Suter, Andy Rutz

Observers: Amanda Sandoval – Judy Montero Council Aid, Kim Easton, CEO of Urban Peak (organization serving youth experiencing homelessness)

I. Background – Existing Zoning

Background
- 1996: B-8-A zoning created for Arapahoe Square
- 1998: Arapahoe Square/B-8-A Design Standards and Guidelines adopted
- 2010: Adoption of new Denver Zoning Code
  - Zoning for Arapahoe Square (B-8-A) transferred to DZC but was not updated
  - Now called D-AS (Downtown- Arapahoe Square)
- 2011: Northeast Downtown Neighborhoods Plan adopted

Summary of D-AS Zoning
- Utilizes floor area Ratio (FAR) to control the amount of allowable development of the zone lot
- Base of FAR 4:1. (Example)
  - Parcel = 10,000 SF
  - 10,000 SF x 4 = 40,000 SF total allowed
  - Graphics depicting concept

FAR Premiums Currently Available
- Housing
- Residential Support Uses (schools, food sales)
- Arts, Entertainment, Cultural
- Historic Rehab
- Public Art
- Affordable Housing (defined in DRMC, Chapter 27, Article IV)
Max FAR for any project may not exceed 6:1
  - Exception: FAR max of 7:1 if the entire building is subject to design review under the Design Standards and Guidelines (DSG)
  - Max height of 200 feet in most areas
    - For many lots, FAR limits do not allow building to reach 200 feet
  - Remaining areas have max height of 80 feet
    - Ballpark Edge
    - Curtis Park Edge

**Build-to Requirement**
  - Building must be within 0'-10' of property line for 65% of frontage along all streets
  - Example graphics of build-to

**Summary of Uses**
  - Permitted Uses
    - Wide mix of land uses currently allowed: office, retail, residential
    - Surface parking lots allowed
    - Parking garages allowed with limitations
      - Zoning (8.7.1.4) contains minimum design requirements – accommodate pedestrian active uses at ground floor; provide “variety and human scale”
      - See pages 8.9-3 – 8.9-12 for full list of permitted, permitted with limitations, and not permitted
  - Off-Street Parking Requirements
    - Recalibrated for D-AS in 2010 when new code was adopted based on national and local research, including actual utilization in Denver by land use. This recalibration is one of the only substantive differences between B-8-A and D-AS.
    - Ratios are minimums, and many developments tend to provide more than the minimum required.

**II. Staff Perspective – Does the existing zoning implement the plan? Can you improve on the existing zoning?**

Limited development capacity +
Lack of standards to promote a pedestrian scale and activity +
Inadequate height transitions =
Need for updated Zoning that implements the Plan Vision

**A. Development capacity**
  - Plan Goal: ensure the zoning attracts the density and activity envisioned for Arapahoe Square
  - The plan envisions far more development capacity than what the zoning currently allows.
  - Review of Figure Ground from 2006, 2010 and current day. There are a few small projects, and two large projects on Lawrence Street, that have been built in the Arapahoe Square area since 2006. This demonstrates progress compared to the years before, but ideally we would like to see even more activity in the Arapahoe Square area.
- Graphics depicting development on a 125’ x 200’ lot in AS
- Graphics illustrating that the D-AS zoning and the Arapahoe Square DSG require that your building be placed within 0-10’ of the property line for at least 65% of the lot frontage on all streets. The 0-10’ build-to area is shown in orange, and the 65% frontage on each side of the lot is labeled.
- Graphics depicting a building envelope of 100% lot coverage which shows how much development you could get with the base FAR in the D-AS zoning of 4:1 assuming 100% lot coverage. Since the lot is 25,000 SF, that would be 100,000 SF of total development - - 4 stories at 100% lot coverage.
  - Under this scenario, the development does not reach the 80 foot maximum height limit that applies to the D-AS areas overlapping with Ballpark and Curtis Park historic districts.
- The models assume 16’ floor-to-floor height for the ground floor, which is a typical height for retail/restaurant. All of the levels above that are 12’ high from floor to floor, which is the height often used for residential development. Office typically has even higher floor-to-floor heights, like 13-14’, but staff chose 12’ since residential development is more common in Arapahoe Square.
- These models illustrate that with 100% lot coverage it is challenging to reach the 200’ height maximum that applies to the rest of the D-AS zoning.

The discussion at the end of the staff presentation included the following:

- Because parking does not count toward FAR and assuming that a developer would build above ground parking in a parking garage, buildings using the existing zoning could approach the maximum height limits of 80’ and 200’; which would mean that the existing zoning and the plan guidance are not too dissimilar
- We need to include discussions of parking when we consider the building forms
- We can also look into the parking and the different parking ratios – which may, in turn, impact the development potential
- We also need to think about different approaches to the construction of new buildings and what the forms will be – concrete post tension vs. steel frame
- We also need to acquaint ourselves with the many existing tools in the code that allow for a more creative approach for parking – there are many different options for how required parking can be provided, including shared parking and off-site parking
- We want to see graphics and examples that include the details of parking and other elements that the landowner will have to consider
- If, with the existing zoning the developer builds at a 4:1 FAR, it’s unlikely that the building would be able to reach the maximum height of 200’
- Even with an FAR of 7:1 and above-ground parking, to reach a height of 200’, only a portion of the lot would be developed (not possible to reach 200’ with 100% lot coverage)
- If we are trying to simplify the point being made, you can get to 200 feet or 16 stories, but that’s only on 45 percent of the lot. The idea for zoning in the plan is that you could get 20 or 12 stories on 100% of your lot
- This is one of the only parts of Denver that has an FAR bonus for providing affordable housing; once we get into a form-based code, we have to think differently about the things we want to incentivize; Inclusionary housing is an important topic to address in Phase 2 of this process
• The adopted plan suggests an increase in development capacity; it calls for a very dense and vibrant urban neighborhood that is integrated into downtown in the 12 and 20 story area with an appropriate step-down to the adjacent residential neighborhoods; Looking at all of NE Downtown, this is the area in which development and density is called for since it borders the core of Downtown.

• If we want an evolving and eclectic district, how do we get there a form-based approach to zoning?
• This is an eclectic and unique area and we do not want the zoning or DSG to become overly prescriptive
• It seems like form-based zoning focuses on quantity and ways to get the highest density possible. That can attract more large-scale developers and perhaps risk too much uniformity
• We have to be sure that the zoning will work regardless of the economics, construction method, market, etc. and be able to work effectively with a wide range of choices over time
• And you can always develop below the maximum entitlement – zoning is about setting a maximum building envelope and then there are lots of options for what can happen within that envelope.

• Is the point tower more expensive, are we creating a more expensive product? Are we going to lose the general building form?
• The point tower is just one option, not a requirement
• ; We need to think about how we create an incentive that produces point towers, but not too many

B. Pedestrian scale and activity
  ▪ The zoning could be doing more to address the pedestrian scale and activity that is part of the vision for Arapahoe Square.
  ▪ The FAR approach to development makes building form unpredictable.
  ▪ The existing zoning allows for buildings to have pedestrian scale and activity, but does not have any specific standards to encourage or require it.
  ▪ The plan provides guidance on a 5-story datum line. The plan recommends the datum line at no more than 5 stories. The intent is for the massing of the building to respond to the pedestrian realm, with the mass drawn away from the pedestrian.
  ▪ Existing zoning permits the following ground floor uses:
    – Ground level parking structures must have pedestrian active uses, or reserve space for them
    – Active ground floor use not otherwise required
    – Any allowed use could be located on the ground floor
  ▪ Currently active ground floor uses are allowed, but they are not compelled or required.
  ▪ Plan guidance is to locate commercial uses on the ground floors to activate the buildings and the street.

C. Height transition to adjacent areas
  ▪ Goal: ensure appropriate transitions in building height between Arapahoe Square and surrounding residential neighborhoods
  ▪ Arapahoe Square has the most development potential in NE Downtown
  ▪ More density along downtown edge
- Effectively transition building heights to adjacent residential neighborhoods
- The height recommendation map shows a nuanced step-down that is desired, but is not implemented by the existing zoning
- The heights in the existing zoning do not reflect the detailed height transitions called for in the plan recommendations

III. Staff Review of Existing Design Standards and Guidelines (DSG)

- The DSG were created in 1998, about two years after the original Arapahoe Square zoning (B-8-A) was adopted
- They were amended in 2014 to update the area of applicability but other than that, they have been untouched since 1998 so all of the content is quite outdated
- The DSG applies to the area shown on the map and aligns with the D-AS zoning. Within this area, any new construction must comply, as well as renovations to existing structures where the renovation exceeds 50% of the replacement cost.
- The DSG only apply to the lower 80 feet of a building, unless you want to use the FAR premiums at 7:1. Then the whole structure must comply.
- The Objectives directly taken from the DSG are:
  - Creation of a pedestrian-oriented urban environment that emphasizes architectural and urban design principles of human scale, visual interest and contextual response to the building
  - The development of quality structures that contribute to the long-term economic and social vitality of the City and County of Denver

- Intent Statement: Define goals which the standards and guidelines are created to achieve
- Standards: Provide specific direction to fulfill the intent – utilize “shall” to indicate compliance is required. There is flexibility to deviate if an alternative better achieves the stated intent
- Guidelines: utilize “should.” Are not required but are relevant to achieving intent and will be considered as part of design review
- DSG address: Site Access; Parking; Loading/Service Areas; Building Location/Orientation; Building Facades; Materials; Transparency/Glazing; Roof/Mechanical Equipment; Security Bars/Fencing

- The DSG Design Review Process
  - Schematic Design Phase:
    - Pre-submittal conference
    - Schematic Design Submittal
    - Notice
      - All RNOs within 200ft
    - Review for Consistency
      - Within 30 days
  - Design Development Phase:
    - Pre-application Conference
    - Application for Design Review
    - Notice
      - All RNOs within 200ft
    - CPD Review
      - Staff recommendation to Planning Board
      - Within 30 days
- Planning Board Public Meeting
  - Within 60 days
  - Board Recommendation to Zoning Administrator
- Final Action by Zoning Administrator

This process requires more steps and notification than most DSG in the city. In most areas where we have DSG, the staff complete design review with no requirement to go to Planning Board. Another issue is that the Planning Board review occurs rather late in the design process. Staff has been working with applicants to go to Planning Board voluntarily during the schematic design phase so that the applicant can learn of Planning Board concerns early. They are still required to go to Planning Board for the design development phase, but if they followed Planning Board’s recommendations from schematic design they can often do this second visit as an item on the consent agenda, which is much faster.

- What could be better?
  - Better define purpose of DSG: What are DSG trying to accomplish? Can it be accomplished through zoning alone?
  - Opportunity to define unique character areas
  - Improved format, layout, and imagery
  - Clearer, modernized standards/guidelines
  - Streamline the review process
  - Resolve overlap with landmark design guidelines

- The Denver Zoning Code
  - Context-Based
  - Different neighborhoods in the City have different contexts
  - One size does NOT fit all
  - Looks at the lot size, and block patterns, diversity and patterns of use, parking and access.
- There are six neighborhood contexts:
  - Suburban
  - Urban Edge
  - Urban Neighborhood
  - General Urban
  - Urban Center
  - Downtown – In which Arapahoe Square is located.
  - Arapahoe Square is adjacent to General Urban and Urban Center Contexts.

- The Downtown Context (Article 8)
  - Downtown/Downtown Theater District
  - LoDo
  - Civic Center
  - Golden Triangle
  - Arapahoe Square
  - Street grid with regular block pattern
  - Buildings typically placed close to the street to create a continuous street edge
Arapahoe Square

Task Force Phase 1  Meeting 2  January 6, 2015

- Tallest buildings in the city

The discussion included the following:
- We need to look closely at how the registered neighborhood organizations (RNOs) fit into the current design review process; It seems like by the time it goes to Planning Board, the RNOs’ input have little influence
- As part of the discussion about the design review process, we should address the issue that some properties have to go through a Landmarks Review in addition to the Arapahoe Square design review
- Staff acknowledges that this is a unique area, that is part of why it was not rezoned in the 2010 citywide rezoning. There is also a C-MX-12 and C-MX-20 that could be applied here, but Arapahoe Square is recognized as unique and that is why we are here: to write a new zoning specific to Arapahoe Square
- The form-based approach means better illustrating what types of buildings are allowed in each zone district and ensuring that the forms are responsive to the context around them
- This is easier to understand than the old text-based code
- Sometimes people perceive the graphics in the code as the only option. In fact, there are a variety of options available within each building from (see graphic).
- It will be important to find the appropriate balance between creating predictability to implement the plan and to provide some predictability to property owners and neighbors about what can be built, while at the same time not becoming overly prescriptive

IV. Finalizing the Process Roadmap

Tonight, we finish the roadmap so that the February 3rd meeting can be the first of Phase 2 and the Task Force can begin building the new code.

The group focused on some of the key elements of good process:
- The group will strive to reach consensus on all items where they can
- By their participation, the Task Force members are committing themselves to the effort to build agreements and create a new form-based code that is unique to Arapahoe Square and that matches the goals outlined in the roadmap document
- The facilitator is committed to neutrality and to doing whatever the group needs that will improve the likelihood of a full consensus on all elements of the code and the standards and guidelines
- The staff will assist the group with essential information, and help the group think about how to create a unique code that moves Arapahoe Square toward the plan’s vision; they will also help the group think about city-wide questions and bring information about how important topics are being addressed across the city
- This is a very unique area; We need to be creative
- We need to keep the vision at the forefront – beyond height and form
The city (with the advice of some of those in this room) excluded the downtown from the overall, 2010 city-wide zoning because it had a plan in process at the time and because this is unique area that will benefit from a process that addresses the zoning for this unique district.

We need to think about what we do with a goal, such as “is this a place for everybody?” when it can’t be solved through zoning; Zoning doesn’t address providing livable places for those with low income and providing affordable housing options; Gentrification won’t be addressed here in zoning but it will need to be addressed.

The affordable housing density bonus in the current D-AZ zoning is very important and we need to sort out how we think about these incentives.

Will Arapahoe Square be a place that is 1/3 high-income, 1/3 middle-income, and 1/3 low-income? Will it be a mix (socially, culturally, economically)?

This process should be part of creating a collaborative fabric with neighbors and property owners.

We need to get future meetings on the calendar.

The next two are February 3 and March 19 at the same time (3-6pm) and the same location (Mile High United Way); We will get a poll underway to set the next set of dates as quickly as possible.

On the road map schedule: we should discuss the incentives earlier in the conversation, in conjunction with zoning.

Yes, incentives are important and we should talk about them as early as possible.

If the zoning is going to result in buildings that stay under the heights specified in the plan, density bonuses only work if you reduce the base to something lower.

Maybe we look at some specific areas where a bonus could take a building height to a level above the heights specified in the plan – are there outcomes, such as affordable housing, for which we would make some exceptions?

We all need to see what is important to each of us and what we would give in incentives in order to have these opportunities.

We need to keep the ideas that inspire us at the forefront of our discussions.

We also need to take up parking as early as we can and to recognize its relationship to building form.

Parking is critical.

Maybe we should talk about uses first – that drives the parking ratios.

It is challenging to pick one topic to start with since they are all related. The logic of the schedule is to start with building form since there are so many strong plan recommendations about that aspect of the zoning even as we recognize that everything in the zoning is interrelated; so there will be opportunities to discuss and see how each topic connects and works together.

V. Next Steps

- Review the Roadmap, looking for an opportunity to talk about parking and about incentives earlier
- Finalize the roadmap and the process documents
- Send poll for another round of meetings
- Next meeting – Feb 3 – 3:00-6:00 – Mile High United Way