

MEETING SUMMARY

GOLDEN TRIANGLE REGULATORY IMPLEMENTATION

Date: July 27, 2020
Meeting Info: July 16, 2020, 3:00-5:00 pm, virtual meeting
Subject: Advisory Committee Meeting #9

Attendance

- **Advisory Committee**
 - Present: Kristy Bassuener, Chris Carvell, Pete Dikeou, CM Chris Hinds, Charlie Hunt, Scott Johnson, Anne Lindsey, Laura Liska, Chris Parezo, Adam Perkins, Cherry Rohe, Jeff Samet, Brent Snyder, Byron Zick, Liz Zukowski
 - Not present: Rhonda Knop, Susan Stanton
- **City Staff**
 - CPD – Abe Barge, Lilly Djanians, Kristofer Johnson, Krystal Marquez, Fran Penafiel, Bridget Rassbach

Meeting Summary

1. **Outcomes from Previous Meeting (June 18th)**
 - a. Further study and discussion is needed to refine the FAR system and new Base/Max levels
 - i. Smaller sub-group is working through this in more detail
 - ii. City staff are coordinating with citywide Affordable Housing Zoning Incentive project
 - b. Build in flexibility and clarity on new zoning standards
 - i. Upper story setback –adjust based on ROW width and allow flexibility for shorter/smaller buildings
 - ii. Non-residential uses –focus on key streets where commercial uses will be most viable (Building on what is great in the neighborhood today)
 - iii. Street level open space –need guidance to ensure these spaces are well-designed and successful (staff provided several examples of the intent of these spaces)
 - iv. Consider non-residential uses and open space to be used interchangeably to meet requirements
 - v. Consider bonuses for non-res uses and open space if these are provided where not required
2. **Recent Outreach and Progress**
 - a. GTCD Board Meeting – July 9
 - i. KJ presented at GTCD Board Meeting regarding status of project and comments in response to Preliminary Framework including Q&A
 - ii. Sent follow-up data to the group on latest online survey broken down by GT resident/non-resident
 - iii. *Byron: Presentation was helpful to the board members to get a sense of project thus far, and the board will share additional comments soon*
 - b. Small Group Discussion Base/Max FAR
 - i. Group met July 9 to continue discussion of how best to calibrate Base and Maximum FAR to address the change in parking calculation while still successfully achieving community and citywide priorities
 - ii. Team reviewed plan guidance from GT Neighborhood Plan and Blueprint
 - iii. Key takeaways from the discussion include:

1. DDP analyses look at overall mass and scale of existing vs. proposed, but don't account for the internal program changes required to reach the maximum
 2. Allowing FAR for affordable housing above existing entitlement is a more clear "incentive"
 3. Consider a base between 4.0 and 10.0 to still achieve benefits through the largest projects while allowing some development at or below the base
 4. Desire flexibility and a menu of incentives (not only affordable housing) to reach the maximum FAR
 5. Policy guidance is limited to justify a really large increase in density, but a modest increase is possible and desirable
- iv. *Pete added that many in the development community see the zoning update as a downzone because of the inclusion of affordable housing without a clear willingness to increase height or density. He asked if we should go back to the community and ask if affordable housing is that important or the potential of increased heights.*
 - v. *Staff acknowledged this feedback and that believes there is an opportunity to find common ground without increasing height/density dramatically, especially since we don't have strong plan guidance to say otherwise. We recognize that parking is expensive to build and certainly more costly to put it underground, by removing that minimum parking requirement it opens opportunities for different thinking and maybe even give leverage to developers as they negotiate with lenders, how to better utilize floor area above ground.*
3. **DSG Schedule**
 - a. Anticipating release of draft DSG in mid to late August, and will give the committee an overview at the next meeting in August
 - b. The goal is to have a revised zoning framework ready by end of August early September
 4. **Update on Citywide Affordable Housing Incentive**
 - a. Potential revisions to the Base/Max framework may be influenced by on-going coordination with citywide Affordable Housing Zoning Incentive (AHZI) effort. Staff provided the project website for Committee members to learn more:
 - i. https://www.denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments/Affordable_Housing_Zoning_Incentive.html
 - b. Economic feasibility analysis tool from outside consultants by end of July (GT team reviewed and provided comments on the preliminary version earlier)
 - c. Preliminary recommendations and alternatives are being developed
 - d. Team meeting on July 28 to discuss Downtown districts including D-GT
 - e. AHZI team is presenting preliminary approach to their Advisory Committee at end of August
 - f. *Byron commented that anything we can do to introduce certainty to the affordable housing question will be an asset to everyone*
 - g. *Staff agreed and that a clear formulaic approach is anticipated through the AHZI project and the system for GT will be consistent. We have moved away from requiring a negotiated agreement.*

Street Level Open Spaces

1. **Street Level Open Space Background**
 - a. Staff reviewed the basis for proposing a standard for open space including:
 - i. Addresses neighborhood desire for additional public gathering spaces and activity at the street level
 - ii. Provides respite in urban environment particularly along streets with increasing density and building height
 - iii. Online survey responses indicate clear support for street level open space (59% in favor, 31% opposed, 10% no opinion)
2. **Street Level Open Space Proposed Concept**

- a. Require provision of publicly accessible open space at the street level on lots >150 feet to achieve the following:
 - i. Results in usable spaces (5% of lot area = ~1000 sf min)
 - ii. Aligns better with our current building form/lot size thresholds
 - iii. Consider non-residential uses as alternative compliance
 - iv. Consider open space as an alternative to other standards

3. Street Level Open Space Examples

- a. Staff reviewed the list of examples sent to the Committee after the last meeting of the character, size, and quality of open spaces that would be expected through this zoning standard.
- b. *Byron:* What is the size we're looking at?
- c. *Kristofer:* There are existing minimum dimensions in Cherry Creek North that equal 15' wide x 30' deep, about 450 sf, which creates a substantial cut away into the building. We have thought about being flexible, or even flipping those dimensions to potentially allow a 15' deep space to qualify. If overall requirement was 5% of the lot and resulted in an area greater than 450 sf, then the requirement could be split into smaller areas or consolidated in one location.
- d. *Byron:* I like the idea of enhanced setback as an option. Test fitting lots to see if sf minimum or percentage minimum is appropriate tool to get most practicable open space.
- e. *Chris P:* Flipping dimension from Cherry Creek North makes sense. The question that remains is whether public owned private open space for restaurant seating should count towards that open space requirement? This is a philosophical question for this group to discuss. Less concerned about the size or SF of the space as a way to determine the quality of open space.
- f. *Abe:* We currently allow for this open space to have restaurant seating, and you can debate whether that's a good idea, its more privatized than maybe one wants some of the spaces to be, but it makes it easier for development to integrate it into design.
- g. *Scott:* I do think we should encourage open space to be allowed to have private restaurant and retail spillover spaces. Also allowing it to be covered and not open to the sky. People activating spaces, through public park or public space that is simply active and alive, that is our goal. Current build-to requirements often pose challenges to provide those spaces.
- h. *Adam:* agree with both concepts, Chris and Scott, encouragement of indoor and outdoor space that blurs the line between development and public realm. Great public open space in Carmel, Indiana, it's fairly new, on their trail, surrounded mostly by three sides of the building, has a public area of patio café spaces, and gives people lots of options.
- i. *Byron:* we should allow public uses and blur the lines between public and private, but keeping the open to the sky requirement is important. I'd be challenged to find a space that is successful open space and truly feels public but is not open to the sky. A trellis or a pergola may be acceptable, but otherwise will be cave-like and feel privatized.
- j. *Kristofer:* The current zoning requirement is open to the sky. Additionally, because we are still using FAR as a tool, we can accommodate open space at the street level and move impacted floor area to other portions of the building.
- k. *Anne:* We do need to think about seasonality and areas that become left-over spaces especially in the winter, so we should be thinking of creative design solutions and uses during winter months.
- l. *Chris C:* At one point we discussed pushing the street level back potentially for two stories and cantilevering the building above, so you can get enough volume and enough setback space to create the open space that is not completely open to the sky, but open enough that is allows light and air, and tree canopies within it. Blurring the difference between indoor and outdoor spaces.
- m. *Lilly:* Chris, the DSG's standards and guidelines speak to preventing spaces that you just described. They tend to be awkward building bases that appear disproportionate to the upper stories they're "supporting" above. We place high importance in the DSG's of creating strong articulation and pronounced lower stories, and many of our standards and guidelines would not allow for such a base. Also, while it's important to allow for that open space to be flexible, allowing owners to make the decision about what best suits their property, I think what we're

truly trying to achieve is that urban refuge of places that you can enjoy without having to buy coffee or a drink.

- n. **Abe:** That is a distinction that we can possibly think of between setback and open space. The setback really is open to the public, and open space could be places that accommodate restaurant seating. A project could still provide an open space that's not open to the sky, but it just wouldn't qualify for the open space requirement.
 - o. **Pete:** We have wrapped parking requirement and if we're setting the building back it may not allow for wrapped parking? What is that balance?
 - p. **Abe:** Parking wrap is only required for a certain percentage, so you could use the percentage that is not required to be wrapped at the open space. I've seen some good examples where that has been done.
 - q. **Hinds:** We've had some conversations recently about temporary permits for expanded restaurant space, and we've received some pushback from neighbors. What I like about the image here, is that it clearly defines the path of travel, and part of the reason that I like that, is the push back that we've gotten, restaurants have historically encroached into the path of travel, and the new feedback with the expanded restaurant spaces, is that they were breaking the rules before and now they're really breaking it. I like that we can clearly define the path of travel.
 - r. **Anne:** The railings are required for defining areas that serve alcohol. Likewise, railing is required to be bolted. We'd love to see railing and bolting requirement removed.
- 4. DSGs that Influence Quality/Security of Open Spaces**
- a. Staff reviewed several examples of design standards and guidelines that influence the quality and security of these spaces, such as:
 - i. Open Spaces, such as courtyards and plazas, shall be fronted with Highly Active Uses on at least one side.
 - ii. Open Spaces shall be located and oriented to provide a direct visual connection to the street.
 - iii. Open Spaces shall include integrated pedestrian-scale lighting to encourage evening use and to enhance security.
 - iv. Open Spaces shall not include landscaping, fencing, or walls that significantly block views to and from interior uses at the Street Level in order to provide natural surveillance of pedestrian areas.
- 5. Discussion**
- a. **Pete:** Small spaces may be difficult to make successful. Is it possible to receive an incentive of FAR bonus if you significantly exceed the maximum? For example, if we did 15% of our Acoma project that would be 9,000 sf, which would be a really large space.
 - b. **Kristofer:** In that kind of a case where you're creating the equivalent of a pocket park size, then yes, I think it is worth the conversation of additional FAR. We would need to make sure the space is designed appropriately, there is a maintenance agreement in place, etc. If the developer wanted to take that kind of responsibility, above and beyond the required minimum, then yes, it's worth the conversation of additional FAR bonus.
 - c. **Pete:** What about the smaller size? Even with 2-5% it still seems like they should get an FAR bonus for it.
 - d. **Kristofer:** If you were simply meeting a minimum requirement, then no an FAR bonus would not be appropriate since we are trying to help breakdown large facades and meet the neighborhood's desire for public gathering spaces. The concept is that although the open space requirement takes portion out, the FAR can be relocated somewhere else within the building.
 - e. **Byron:** Consider creating sliding scale that would apply to all lot sizes, the amount of open space you provide would respond to corresponding increase in FAR.
 - f. Potentially open spaces that qualify for an additional FAR bonus could have additional criteria to provide a true public use like a dog park, children's playground, etc.

Comments on Point Tower Limitations

1. Point Tower Limitations

- a. Staff reviewed the background of the existing Point Tower limitations and why they resulted in comments on the preliminary framework that they may be too restrictive
 - i. Floor Plate Area in Point Tower form is restricted to 11000 sf
 - ii. Arapahoe Square and D-CPV have much higher height limits than what is currently proposed in D-GT (300 ft)
 - iii. 11000 sf is relatively inefficient which makes it more expensive per sf
 - iv. GT height limit makes it difficult to reach max FAR on certain lot widths (~200-300 ft)

2. Potential Point Tower Revisions

- a. Larger floor plate area would make it possible to achieve maximum FAR on more lots, thereby also supporting neighborhood priorities through incentives
- b. Would want to carefully balance increase in floor plate size with maximum linear dimension to avoid long, flat buildings
- c. Staff reviewed a series of diagrams showing the relative difference between an 11000 sf floorplate (current requirement) and a more flexible limitation of 12500 sf

3. Discussion

- a. *Adam: Making sure point towers match within the local market and doesn't continue to increase our housing prices. That floor to skin ratio is important and we want to be able to build these forms without being hugely expensive. Through the diagrams you've shown the increase in floor plate is minimal, and it's worth reconsidering that floor plate size to make sure we get these forms at an affordable price.*
- b. *Byron: agree, a small sacrifice to make on community standpoint, allows these forms to be viable. If we want to see point towers in the neighborhood it's a reasonable adjustment to make.*
- c. *Chris C: we just happened to be studying a couple of projects at 12000-12500 sf range that would be difficult to make at 11000 sf.*
- d. *Pete: are we also exploring increasing the height for point tower forms?*
- e. *Kristofer: We are keeping the height limit at 300 feet to maintain some context to the relatively lower scale of this neighborhood in comparison to other areas of Downtown and looking to make the Point Tower form more viable in other ways.*

Potential Revisions to Base/Max FAR

1. Analysis of Existing Zoning with Minimum Parking

- a. Staff began with an analysis of existing minimum parking requirements and the resulting total FAR that would be required to meet them.
 - i. Residential projects require approximately 20% of floor area to meet minimum parking ratio (0.75 spaces/unit)
 - ii. Assumes 400 sf per space to account for parking stalls and circulation
 - iii. Residential project with Design Review = 7.0 FAR + 2.0 FAR (22% parking) = 9.0 FAR

2. Potential Revisions to Overall Max

- a. Staff proposed that a revised framework could include a higher Overall Max to represent a modest increase above existing zoning requirements
- b. Additionally, an increase to the Overall Max on Narrow Lots and Point Tower could further encourage use of these forms/parcels
- c. Staff reviewed a series of examples from a Wide lot (> 150 ft) if the Overall Max was raised to 10.0 FAR:
 - i. A "business-as-usual" project that provided 30% above-ground parking would need to accommodate affordable housing within the current allowed amount of market rate floor area (ie, 7.0 FAR)
 - ii. However, if less parking was provided or some was placed below grade, then the same 10.0 FAR can yields the same or greater market rate floor area in addition to area for affordable housing

- iii. Note, Narrow Lots and Point Tower are eligible for floor area well above 10.0 FAR which equates to additional market rate floor area without any changes to parking
- d. The potential benefits of a modest increase to the Overall Max include:
 - i. More clearly distinguishes incentives as a bonus above existing entitlement
 - ii. Encourages better parking outcomes
 - iii. Greater flexibility to evaluate trade-offs of leasable floor area, parking, and incentives
 - iv. Accommodates more usable floor area in same bulk/size of building as exists today

3. Discussion

- a. *Byron:* percentage of increase of existing is zero, Pete's point here, if now there's an affordable housing piece on it, that's why in his opinion it's a downzone, it reduces the revenue by 15% due to the affordable housing component.
- b. *Scott:* How do we look at affordable housing as an affordably built units, maybe they require less parking spaces, lesser quality finishes, smaller unit sizes? What is affordable, is it 80%+AMI? Affordable is not only in form, scale and mass, there's lots of other components.
- c. *Adam:* watching the expense on market rate as we accommodate affordable. Is there a way to have affordable housing not to count toward FAR? Maybe we do want to increase our height a bit in order to have all the things in our community that we desire?
- d. *Hinds:* Telluride prevents us from being more specific with affordable housing. Do our affordable units have to be the same as market rate? I'd be nervous if we're not providing the same quality, isn't this a civil right issue? If you can't afford market rate you get poor quality? In my district I have the richest person in the state, and I have lots of people who live in tents.
- e. *Scott:* What can development community do to help work force housing vs social housing issue. There's a cash in lieu fee that we've been contributing to, so it's not like development community hasn't done anything at all. We're all looking for a bit of predictability.
- f. *Anne:* worth exploring Adam's suggestion to not count affordable towards FAR, making sure we consider residential and commercial building.
- g. *Abe:* we can explore that concept, but we still need to figure out how we incentivize it.
- h. *Scott:* We currently already provide 80-110% AMI through market rate units, but serving below 80% AMI starts to become a social service issue that many property management companies are not well-equipped to handle.
- i. *Kristofer:* The details of the AMI, unit sizes, finishes, parking requirements all need to be worked out.
- j. *Kristofer:* We will continue to share the outcomes of city-wide affordable housing proposal as we learn more about that process. There is a lot happening in the next few weeks that will add clarity to this topic. We can meet as a small group again to continue the conversation. Up to this point, City staff have provided a lot of concepts that have generally been met unfavorably. We would like to ask the developers and architects to come back to us with some numbers that work for you.

Next Steps

- a. On-going Advisory Committee meetings
 - i. August 20
 - ii. September 17
 - iii. October 15
- b. Draft of Downtown Design Standards and Guidelines (mid-August)
- c. Revised Framework Report (tbd–August/September)
- d. Online meeting information and Survey #4 (likely September)

Action Items

- a. Staff to schedule second small group discussion on FAR