This document is the staff's comparison of the Secretary of the Interior's Standards for Rehabilitation, Design Guidelines for Denver Landmark Structures and Districts, the Landmark Preservation Ordinance (Chapter 30, Revised Municipal Code) and other applicable adopted area guidelines as applied to the proposed application. It is intended to provide guidance during the commission's deliberation of the proposed application. Guidelines are available at www.denvergov.org/preservation

**STAFF BRIEF**

**Project:**
#2019-COA-479

**Address:**
1300 Walnut Street- Bell Tower Development

**Year structure built:**
n/a – vacant lot (Period of Significance: 1860-1941)

**Applicant:**
Valerio Dewalt Train Associates | Paradise Investment Properties | Kairori Residential

**LDDRC Meeting:**
December 5, 2019

**Staff:**
Brittany Bryant

**Past LDDRC Discussion:**
Meeting Date: February 7, 2019
Description: Discussion on new Infill in 4th Special Design Review District – Historic Urban Edge District

Meeting Date: September 5, 2019
Description: Infill – Phase I: Mass, Form, & Context
Motion by M. Coughlin: I move to deny application #2019-COA-338 for the Phase I: Mass, Form, and Context submittal at 1300 Walnut Street, per 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District presented testimony, submitted documentation and information provided in the staff report.
Second: J. Crisler
Vote: Unanimous in favor (6-0-0), motion carries

**Project Scope Under Review:**
Phase I: Mass, Form, & Context discussion for a new 375’ residential tower

**Staff summary:**
The proposed infill building will be located on the triangle parcel defined by Cherry Creek, Speer Boulevard, and Market Street at the edge of the Lower Downtown Historic District.

The parcel is within the 4th Special Review District (SRD) sub area 01 and is defined as an Historic Urban Edge District (HUED). Development within the 4th SRD is intended to serve as a gateway, transition, and connection to Lower Downtown, Cherry Creek, Speer Boulevard, and the Auraria Campus. Within the 4th SRD, this block is unique as the only site bisected by Cherry Creek, over-laid by the Mountain View Corridor, the site of Denver's Old City Hall, and adjacent to Larimer Square. Only the Bell Monument, at the corner of 14th Street and Larimer Street, remains of Denver's Old City Hall, providing the namesake for the site.

Due to the unique circumstances of the site, a Planned Unit Development (PUD) and guidelines specific to the 4th SRD were developed in 2006 to guide development on the site. Per the PUD, the site may be developed via two distinct options:
- Option 1 allows for a tall tower with limited footprint on sub area 01 and a smaller, lower scale connecting/transitional building on sub area 02. The applicant is pursuing this option.
- Option 2 allows for development that follows the requirements of Lower Downtown Historic District.
The 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District (2006) states that the Lower Downtown Design Guidelines should not be used for the tower typology, therefore the LDDRB will need to evaluate the Tower development on sub area 01 with compliance to the following documents:

- Planned Unit Development #597 – Bell Tower (2006), and

Within the 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District (2006) the following Design Principals have been identified for the site:

- Recognize the responsibility of developing the site to take advantage of its unique characteristics:
  - Its location as an important gateway to Downtown and LoDo and as a western terminus to Fourteenth Street.
  - Its proximity to both Larimer Square and the historically redeveloped LDHD across Fourteenth Street
  - Its diagonal bisection by Cherry Creek (the only such site)
  - Its historic significance as the site of Denver’s Old City Hall and location on Cherry Creek and the Old City Hall View Plane
  - Its presence on historic Speer Boulevard
  - Expand the concept of Bell Park as a unique urban open space opportunity by extending the existing open space of Larimer Square down to Cherry Creek, thus creating a major public creek-side place connected to the existing park to the east of Larimer Street and ultimately to a new Auraria campus space and connection to the south.
- Maximize the opportunities for visual and pedestrian connections between the site and Downtown, sites within the LDHD, Larimer Square and the Auraria facilities on both sides of Speer Boulevard and Cherry Creek.
- Provide opportunity for development of the site by alternative means:
  - Sub Area 1 – By working with new special review district guidelines which permit a single building of greater height, limited footprint and specific location, all as defined in the proposed PUD. The design of this building shall minimize visual obstruction toward the south, west, and northwest and shall include substantial landscaped open space as defined in the guidelines below.
  - Sub Area 2 – Provide a “connecting” building with active street level and open space frontage at the corner on 14th Street and Larimer Street
- New development in Subareas 1 and 2 should maximize reciprocal architectural and design opportunities at the pedestrian, vehicular, and urban scales to mark and emphasize the site’s importance as a gateway into Lower Downtown and a transition from broad landscape of the Auraria Parkway and Speer Boulevard into the more urban streetscape of Lower Downtown
- The lower level of the building, at a pedestrian scale, should maximize transparency. Visual connections through the building to the open space, the creek and lower downtown are encouraged.

In 2008, a proposal for a tower and lower scale connecting building on the site was reviewed by the Lower Downtown Design Review Board. The Board asked for a restudy of the tower massing and form, although the overall scale was approved. The 2019 proposal for sub area 01 has substantially different massing from the prior submittal and therefore will be reviewed as a new submittal.

At the February 7, 2019 Board discussion on the redevelopment of the entire site, the Board was very concerned about the office building development for sub area 02 and the discussion was primarily focused on the office building. At this time, the applicant/owner is exploring further options for sub area 02 to ensure the office building will meet the PUD and 4th Special Review District Design Guidelines and Lower Downtown Design Guidelines. The PUD does allow the Tower massing to be developed first, however, the PUD requires “no later than 6 months from the issuance of a Certificate of Occupancy (CO) by the City for the development as described above, as Option 1, Sub Area 01 the developer shall submit plans for development of Sub Area 02 also as described in Option 1 to the City for review.” In regards to the Tower submittal, the Board was concerned about the design of the
mechanical screen and meeting the exceptions to the 375 foot height limit, the connection of the building along the Creek side and to the pedestrian promenades, and pedestrian experience along Walnut/Market Street.

At the September 5, 2019 Lower Downtown Design Review Commission meeting, the Commission again expressed concern over the pedestrian experience of the Tower at the base and how the Tower’s base reflects an understanding of the qualities that make the Lower Downtown Historic District unique. Additionally, the Commission wanted additional confirmation from the City regarding the design of the tower massing in terms of meeting the PUD and HUED guidelines.

On October 29, 2019 the project was released from the City’s concept review stage. The concept stage of the Site Development Plan review process is designed to identify significant issues that could affect the design and feasibility of a proposed development. Once the project meets the minimum requirements provided by the City’s review team, the project is released from concept. Landmark staff typically recommends projects be out of concept prior to Phase I: Mass, Form, and Context review. The commission also indicated that they did not want the lower scale office building on sub area 02 to be the only building on the site providing connection to Lower Downtown and meeting the HUED guidelines.

On November 8, 2019 a Tier III encroachment for an underground, below grade, parking garage was denied. The encroachment was denied based on its non-compliance with Section 5.3 of the “Parkways Building Line Restrictions” policy precluding any privately-owned structures located within the public right-of-way of designated parkways. The parking garage is accessed via an unenclosed drive aisle off of Market/Walnut Street. Any changes to the building massing based on the denial of the encroachment will require additional Phase I: Mass, Form, and Context review by the Lower Downtown Design Review Board.

Excerpted from PUD 597 – Bell Tower (2006)

<table>
<thead>
<tr>
<th>PUD Language</th>
<th>Meets PUD?</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td><strong>1. Intent Statement:</strong> This PUD permits two distinct development options to occur. The purpose of the two options is to provide assurance that if the property develops in any way other than that described in Option 1, then the development under Option 2 is governed by the B-5 zoning district and DRMC Sections 30-45 through 30-50 (Lower Downtown Historic District requirements.</td>
<td>Yes</td>
<td>The applicant is pursuing Option 1 outlined in the PUD.</td>
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<tr>
<td><strong>2. Requirements Applicable to either option:</strong> The Cherry Creek Channel shall not be considered a “break” in the contiguity of the zone lot for these parcels. Development under either Option may proceed as one zone lot including both parcels. Development under either option shall not use the area of the Cherry Creek Channel to calculate density for the floor area ratio if applicable. The “Old City Hall” view plane shall remain in full force and effect. If there is any conflict or discrepancy between the provisions of this PUD and any other ordinance, regulation, rule or guideline, the provisions of this PUD shall control.</td>
<td>Yes</td>
<td>The PUD requires that both structures on Sub Areas 01 and 02 be built in close succession. The tower site may be developed first, however, “no later than 6 months from the issuance of a Certificate of Occupancy (CO) by the City for the development as described above, as Option 1, Sub Area 01 the developer shall submit plans for development of Sub Area 02 also as described in Option 1 to the City for review.” A PUD is a custom zone district to address unique sites, or a unique...</td>
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<td>3. Option 1:</td>
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<tr>
<td><strong>Sub Area 01</strong>: This option permits the development on Parcel A of a single structure (the Tower) with a maximum building height not to exceed 375 feet excluding mechanical and architectural allowances up to 25 feet and a maximum floor plate of 7,500 square feet (exclusive of balconies, terraces, decks, as well as other similar exterior features along with outdoor sitting, seating and eating areas) to be contained in the area shown on the District Plan.</td>
<td>Yes</td>
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<tr>
<td>The approximate location and maximum floor plate of that structure are described on the District Plan page contained in this PUD application.</td>
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<tr>
<th>6. Maximum Heights of Structures</th>
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<tr>
<td><strong>Option 1:</strong> <strong>Sub Area 01</strong>: The intent of this section is to assure that the maximum building height shall be no more than 375 feet of usable structure plus a maximum of 25 feet addition for a tapered or stepped structure which may enclose mechanical equipment and acts as an identifying decorative feature. The height is further described as follows:</td>
<td>Yes</td>
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<tr>
<td>The maximum height of structures shall not exceed a total of 375 feet.</td>
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<tr>
<td>Note: The height of a building shall be determined by the vertical distance from the highest point of the roof to the highest point of elevation measured from either Sub Area 01 of Sub Area 02, excluding any parapets,</td>
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<tr>
<td>proposed development when standard zone districts are not applicable, such as the Bell Tower and Bell Park site. The Bell Tower PUD is the base zoning for site. In addition to the PUD, the 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District (2006) apply to the site. The hierarchy of documents for sub area 01 is as follows:</td>
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<tr>
<td>1. The PUD</td>
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<tr>
<td>2. The 4th SRD guidelines</td>
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<tr>
<td>A single structure will be developed. The structure is proposed to max out the allowable building height of 375 feet.</td>
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<td>The applicant has resolved the floor plate and meets the 7,500 square foot maximum.</td>
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<tr>
<td>The Tower massing is within the buildable area as defined in the PUD. Portions of the ramping down into the below grade parking and pool terrace are beyond the defined buildable area, however they are below the view plane and uncovered and allow to encroach beyond the buildable area as they do not count toward the floor plate.</td>
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<tr>
<td>The proposal is to develop a tower to the max building height of 375 feet. The height of the building will be measured from the highest point of elevation to the highest point of the roof.</td>
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<tr>
<td>The measuring datum line is, 5209.84’, measured from the site of the Bell Monument located in Sub Area 02.</td>
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<tr>
<td>An additional 15 feet is proposed for a mechanical penthouse. The PUD allows for rooftop features to exceed the maximum height by 15 feet.</td>
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cornices, elevator overruns, stair towers extending onto the roof, mechanical equipment or mechanical penthouses, certain architectural rooftop elements or similar elements.

Rooftop features (such as solar collectors, antennas, chimneys, elevator stack(s) flues, vents and air conditioning equipment) may exceed the maximum height of structures by **15 feet** maximum.

Architectural features, such as a spire or other such feature, may exceed the maximum height of structures by **25 feet** maximum.

### Objective 3: Caring Communities

The Bell Park project is charged with the demands of standing up to the legacy of the larger urban environment, as well as the necessity of furthering historic preservation... Instead of seeking to blend the new development with the old, which cannot be replicated, the intent of the project is to complement the historic neighborhood with thoughtfully contrasting development strong enough to stand separately from the existing rich Downtown urban fabric.

<table>
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<tr>
<th>Introduction</th>
<th>Meets guideline?</th>
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<tr>
<td>The 4th SRD Design guidelines modify and expand upon existing LDHD Design Guidelines by defining parameters specifically responsive to unique conditions present within the 4th SRD. Designs for additions or new construction proposed for parcels within the 4th SRD shall be reviewed using these supplementary design guidelines with all complementary existing LDHD Design Guidelines that are not modified herein....Provisions overriding [LDHD] guidelines, specifically responsive to the 4th SRD edge condition, are provided in the 4th SRD Guidelines. Where guidelines are less specific, the Review Board is intended to utilize greater discretion in reviewing the proposed development....The 4th SRD provisions shall control in the event of any conflict with provisions of the LDHD Design Guidelines and other applicable design guidelines. Except as modified herein, the LDHD Design Guidelines shall be in full force and effect within the 4th SRD.</td>
<td>Yes</td>
<td>The 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District (2006) were developed to ensure that all development within the 4th SRD responds to the unique context of each parcel with the HUED. The guidelines for sub area 01 and 02 also reinforce the requirements of PUD #597 and modify the existing Lower Downtown Design Guidelines to allow for the Tower Development with a limited footprint to maximize public views, open space, and access to address the unique circumstances of the site.</td>
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</table>
The 4th SRD guidelines on page 11 state “the Lower Downtown Design Guidelines should not be used for the tower typology…”

| Mass and Scale | Yes/No | The Tower Development is intending to max out the allowable height of 375 feet. For additional information on how the building mass follows the 4th SRD Design Guidelines specific to Sub Area 01, see comments below under “Design Guidelines for the Bell Park Site Option 1.”

The massing of the Tower is intended to be limited to provide maximum views, open space, enhance the pedestrian experience and connection to the Creek, Downtown, Larimer Square, Speer Boulevard, and the Auraria Campus.

The proposed Tower is not successfully achieving the goals outlined in the vision statement in regard to:

- The pedestrian experience on Market/Walnut Street at the building entrance with two solid building piers at the street edge - one supporting an enclosed service stair, private drive aisle, 2 curb cuts and recessed building entrance.
- The connection of the building and site to Cherry Creek and the integration of the required promenades. The vision statement encourages “building design along these promenades should weave together the urban context of pedestrian oriented Lower Downtown and the spatial qualities of the creek amenity, thereby making the creek integral to the experience of the historic LDHD.”
- The disruption of the open space with the private terrace on a plinth, the ramping down into the underground parking, and the undefined building foot

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<tbody>
<tr>
<td>• The building mass of additions or new construction shall follow the 4th SRD Design Guidelines specific to each Sub Area…</td>
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<tr>
<td>• The building mass of additions and new construction shall support the values and priorities of the LDHD in a manner consistent with the Vision Statement and intent of the 4th SRD.</td>
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<tr>
<td>• The expression of the overall mass from the street should acknowledge and reflect significant historic characteristics as they are present within the existing LDHD. These design elements may be interpreted in a contemporary manner.</td>
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| Yes/No | The Tower Development is intending to max out the allowable height of 375 feet. For additional information on how the building mass follows the 4th SRD Design Guidelines specific to Sub Area 01, see comments below under “Design Guidelines for the Bell Park Site Option 1.”

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- The disruption of the open space with the private terrace on a plinth, the ramping down into the underground parking, and the undefined building foot | | |
- print beyond the buildable area defined in the PUD.
- The redesign of the terrace along Speer Boulevard. Previously shown as a gradual "step down" to Speer has been redesigned to have more solidity and less connection to Speer Boulevard. The vision statement states: "Speer Boulevard is a unique urban park-way, strengthened where edges are delineated by a gracious and well-defined street edge that integrates the pedestrian experience as a key element in the composition of the parkway landscape and building form."

During Commission discussion on September 5, 2019 the Commission acknowledged it is difficult to design a Tower with a base-middle-top configuration and that the tower should be of its own time. However, the Board indicated that the buildings base relationship to the pedestrian experience would strength its connection to Lower Downtown and requested that the Tower base pull into the scale and design elements of Lower Downtown that create a pedestrian friendly environment.

| Form and Articulation | Yes/No | The Tower has been designed to be of its own time. It has a modern design and will be constructed of modern materials.
The appearance of the height in stories will reflect the actual number of stories with the ground floor double height.
Additional scaling elements could be incorporated into the design, particularly at the ground floor and on the elevation facing into the Lower Downtown Historic District (Cherry Creek elevation) to the scale found |

- Additions or new construction should be recognized as products of their own time.
- Scaling elements and articulation shall relate to the typical scale and proportions of adjacent contributing buildings and site elements.
- Roof forms on addition or new construction shall be consistent with typical roof forms of existing structures in the LDHD in terms of roof pitch, orientation, and complexity.
- Appearance of height in stories of structures located within the 4th SRD may reflect actual number of stories behind the façade.
- Façade articulation and materials for structures located with the 4th SRD shall be afforded special consideration relative to associated 4th SRD context. This shall include consideration for permissible departure from traditional LDHD
context requirements governing choice of primary and secondary materials; depth of recess or projecting of windows and balconies; provisions of window sills; windows proportions; balcony size, locations and proportions; and railing articulation.

**Additional Considerations of Building Typologies Unique to the 4th SRD**

- The Lower Downtown Design Guidelines should not be used for the tower typology recommended in Option 1.
- Building massing and profile should support the notion of the building as an important urban crossroads and gateway marker. In order to support the vertical tower as a type, the building proportions or proportional system of elevations should be vertical and slender. View corridors from Speer into the city and view corridors from the city to the west should be maximized.
- A tower typology that serves as a gateway marker should have a distinct figural quality. The profile of the building should be considered within the context of the surrounding buildings that make up the view corridor from Auraria Parkway.
- Roof appurtenances should be considered and composed as an extension of the elevation and massing and should reinforce the figural quality of the building rather than appearance as unrelated additions.
- Fenestrations systems should reinforce the concept of a gateway marker. Consideration should be given to the qualities of the fenestration during the day and night.
- The scale of fenestration, the materiality and the level of detail should acknowledge the unique ways in which the building is perceived – especially as it relates to vehicular traffic.

The Lower Downtown Design Guidelines will not be used to evaluate the appropriateness of the Tower Development, however, the vision statement for the 4th SRD states “the built environment is also intended to respond to the context of the board urban form as a transitional and complementary edge to the Lower Downtown District.”

The Tower can have a greater level of verticality in its massing and scale to reinforce its position as a gateway marker.

However, the figural quality of the profile of the building on the surrounding context should also be considered. Staff have the following concerns regarding the profile of the building:

- The extent of solid areas on all elevations of the Tower massing, particularly on the elevations facing Lower Downtown.
- The recessed building entrance behind a private drive aisle and two building piers - one supporting an enclosed service stair, on Walnut/Market Street is not an element found within the Lower Downtown Historic District.
Historic District nor the surrounding context. Buildings within Lower Downtown have a strong street presence, built at the property line. Buildings on the Auraria campus also have a strong ground-level presence with minimal setbacks from the property line. No private drives are seen in the surrounding context at the primary entrance.

During Commission discussion on September 5, the Commission was interested in how the building would relate to the lower scale building as viewed from Market Street and how to two would interact.

The floor-to-floor heights are not proportionate to what is found in Lower Downtown. During Commission discussion, it was indicated that the Tower floor-to-floor heights did not need to relate to the typical floor-to-floor heights and relationships found within Lower Downtown.

Design Guidelines for the Bell Park Site Option 1

<table>
<thead>
<tr>
<th>Sub Area 1</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highrise building design parameters:</td>
<td>Building placement is limited as shown on the site plans. The applicant has limited the floor plate on to 7,500 (or less) square feet.</td>
</tr>
<tr>
<td>• Building placement shall be limited as shown on site plans.</td>
<td>The private terrace is totally below the additional view plane required beyond the Old City Hall View plane. City ordinances prohibit any structure from exceeding an elevation of 5215.00 plus one foot for every sixty feet that the structure is horizontally spaced from the reference point. The elevation of the private terrace is at 5214.74, below the required view plane.</td>
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<tr>
<td>• Additional view plane angle beyond Old City View Plane – 15 degrees minimum</td>
<td>A 16-foot setback is proposed from the Cherry Creek wall to the unenclosed utility zone along the Northeast edge of the property.</td>
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<tr>
<td>• Building floor plate shall be limited to a maximum of 7,500 square feet exclusive of balconies and terraces</td>
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</tr>
<tr>
<td>• Building height shall not exceed 375 feet with additional 25 feet allowed for architectural features</td>
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<tr>
<td>• Minimum setbacks shall be as follows:</td>
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<tr>
<td>o 16 feet along Cherry Creek wall shall be reserved for public use as a promenade</td>
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<tr>
<td>o Walnut Street [Market] frontage – 5 feet</td>
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<tr>
<td>o Speer Boulevard frontage – 12 feet</td>
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</tbody>
</table>
The setback from the Market Street frontage to the building façade is unknown, however, it exceeds 5 feet. Additionally, the ground floor is recessed further from Market Street than the floors above, this dimension is also unknown. An enclosed service stair is proposed to reinforce the street edge, however staff do not feel this design element relates to the surrounding context nor creates a pedestrian friendly environment.

A 12-foot setback is proposed from the property line on Speer Boulevard to the building façade.

The applicant has provided additional pedestrian-oriented views and renderings of the project as you move around the building base. The design principles encourage “an urban open space system of pedestrian connections along Speer Boulevard and across the LDHD at the street level and the creek level connecting Downtown, LoDo, Larimer Square, Cherry Creek, Speer Boulevard and Auria.” The Design principles also encourage urban design that strives for excellence and takes into account the historic significance of the 4th SRD in “an interpretive manner as the site of many of the City’s first civic structures.” Staff are concerned the building base design will result in deactivated spaces.

<table>
<thead>
<tr>
<th>Sub Area 1 and 2</th>
<th>Yes/No</th>
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<tbody>
<tr>
<td>Open space developed in Sub Areas 01 and 02 shall be provided and maintained in accordance with the following provisions: Sub Area 01</td>
<td></td>
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<tr>
<td>• Open space shall be privately owned, but shall be developed and maintained in a manner consistent with or exceed that of existing Denver city parks.</td>
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<tr>
<td>• Open space may be configured in such a manner as to encourage outdoor art.</td>
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<tr>
<td>• Sub Area 01 open space may be secure private space but shall be visually accessible to the public in such a manner as to permit visual continuity between this open space, Speer Boulevard and open space located on Sub Area 02, including the creek. Visual</td>
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Privately owned open space is provide on the Bell Tower site. The space is a mixture of a park-like space and a private terrace with a pool. Open space within this area can be secure, but it should maintain a visual connection to the creek.

The placement of the pool terrace allows for is to maintain a visual connection to Speer Boulevard, however, with its raised plinth design, a solid massing is along the Creek edge. Staff are concerned that visual connection, to and from, the Creek,
accessibility shall not preclude inclusion of a fence as described under the general guidelines and such fence shall be permitted to be placed upon a structure at or within the setback line.

Speer Boulevard and the open space at the south of the site is lost.

The vision statements encourage "a landscape oriented around the pedestrian experience."

**Recommendation:** Denial

**Basis:** The proposed Tower is of appropriate height and placement on the site per the PUD and 4th Special Review District HEUD Guidelines. However, it does not meet the 4th Special Review District HEUD Guidelines vision statement in terms of its connection to the Creek, Speer Boulevard, Lower Downtown, and Larimer Square nor does the Tower acknowledge and reflect significant historic characteristics that make the Lower Downtown Historic District a unique experience.

Suggested Motion: I move to DENY application #2019-COA-479 for the Phase I: Mass, Form, and Context submittal at 1300 Walnut Street, per 4th Special Review District Graphic Guidelines: Historic Urban Edge District in the Lower Downtown Historic District presented testimony, submitted documentation and information provided in the staff report.