

MEETING SUMMARY

GOLDEN TRIANGLE REGULATORY IMPLEMENTATION

Date: December 3, 2020
Meeting Info: November 19, 2020, 3:00-5:00 pm, virtual meeting
Subject: Advisory Committee Meeting #12

Attendance

- **Advisory Committee**
 - Present: Chris Carvell, Pete Dikeou, Charlie Hunt, Scott Johnson, Laura Liska, Chris Parezo, Adam Perkins, Cherry Rohe, Jeff Samet, Brent Snyder, Byron Zick, Liz Zukowski (District 10)
 - Not present: Kristy Bassuener, CM Chris Hinds, Anne Lindsey
- **City Staff**
 - CPD – Kristofer Johnson, Krystal Marquez, Fran Penafiel, Bridget Rassbach

Meeting Summary

1. Recent FAR and Incentive Discussions

- a. Staff updated the group on continuing conversations between CPD management, staff, and small group of property owners/developers to try and resolve outstanding questions regarding affordable housing incentives and FAR
- b. Meetings have been productive and candid
- c. Staff are beginning to have briefings with Councilmembers about the overall zoning update and gauge their feedback in light of forthcoming citywide affordable housing changes
- d. Current proposed approach is to utilize an “off-the-shelf” system that already exists – this presents opportunities and challenges
- e. Working through the economic feasibility testing to determine the best application of this approach
- f. Discussion:
 - i. **Byron Zick:** With the meeting of this smaller group, what is the role of the Advisory Committee from now on? What will the commitment be?
 - ii. **KJ:** This Advisory Committee has been involved from the beginning, so it is important for the voice of this group to be heard as we move through the review process with Planning Board and City Council. We are aware of the time commitment and are concerned that the extension of the project is becoming a burden to the members. This is in part why we have taken some of the more technical conversations to the smaller group. We are making progress and will do our best to moderate additional time and keep everyone participating.
 - iii. **Chris Parezo:** Kudos to KJ and the committee for following this complicated process.
 - iv. **Scott Johnson:** Everyone is tired, it is a much more complicated and challenging project than what we all thought at the beginning, but it is worth keep going to get to an outcome that will benefit us all. We all agree that the main goal is to have good outcome, with better streetscapes and building, with a welcoming neighborhood for all.

2. Encouraging Public Art and Cultural Uses

- a. Staff researched how peer cities have approached encouraging public art and cultural uses
- b. In most cases, cities approach public art on a citywide basis through impact fees levied against projects that exceed a certain threshold of size or construction budget. These are

typically “percent for art” programs where a percentage of the total construction cost is dedicated to an art fund. The fees are then managed by a city agency or arts council and applied to public art projects across the city. Alternatively, a developer may provide the art directly as part of the project.

- c. Only a few examples were found where density incentives were utilized in specific neighborhoods or areas.
- d. If public art provided as part of private development, it is best located on the private land to ensure on-going maintenance and oversight. If located in the public right-of-way it is important that a maintenance plan is in place and well-funded.
- e. Key takeaways from the research were:
 - i. Density bonuses are one tool, but likely will not be fully sufficient
 - ii. Mechanisms that can produce additional funding through fees are most common (eg, local improvement districts) and can focus efforts in specific areas
 - iii. Long-term maintenance is critical to the success of art for the project and neighborhood
- f. Discussion:
 - i. **Scott:** I understand the challenges of public art being in the ROW, are there any examples on how to support the art community? By including local art in the projects, there could be an opportunity to support local artists, more than worrying about having the art in the right of way.
 - ii. **Byron:** Speaking to the improvement districts that you talked about, if there was a mechanism to use funding for public art through development fees and they were administered through a local improvements district that would only help to implement and maintain art work, that is something that the GT creative district could potentially discuss.
 - iii. **CM Hinds:** I like the ideas of Improvement Districts, it is one good way to ensure that dollars that are raised in the Golden Triangle stay in the Golden Triangle, but the only caution that I would have is that metropolitan districts sometime people protest those metropolitan districts and want them shut down. It will be important to educate people on what they would be putting their money into to make sure they won't protest them later.
 - iv. **Chris Parezo:** Is it possible to create space for art that can change over time? Art that can be curated locally, or by the museums for example. Might be more interesting than having static pieces of art. Of course, the issue is the maintenance.
 - v. **Pete Dikeou:** It is hard to think of an improvement district in the Golden Triangle, because there is not a lot of open space in GT aside from sidewalks, so I think it would be important to focus more in projects that can be set internal to the development. It makes more sense that developers receive incentives through zoning to provide art in their own property, and then the developer needs to maintain the art.

3. Draft Building Form Tables

- a. Staff presented preliminary drafts of how the various zoning standards are described in building form tables as a preview to what the future zoning text will actually look like
- b. Discussion:
 - i. **Byron:** what does the 5% open space mean. 5% of what?
 - ii. **Pete:** Why 5%. Depending on the site, that 5% could be a really big space in a big lot. Could be have an alternative for bigger sites?
 - iii. **KJ:** 5% refers to the percentage of the site area. The DZC defines how Open Space works and if the site is really large, it can be divided in multiple areas, so open space does not all need be located in one place.
 - iv. **Chris Carvell:** about the build-to, can we look at creating additional flexibility? Depending on the use, 0-10' range could be challenging.
 - v. **KJ:** We can certainly look at potentially increasing the range from 0-15' to align with the 7'-15' range for the residential setback.

- vi. **Laura:** Concerns with lights of cars in the parking lots, so they don't glow inside people's bedrooms. Please make sure to take care of screening.
- vii. **KJ:** The Denver Zoning Code has very limited language on that, but the DSG's are much more robust on tackling that issues and make sure the screening is part of the architecture of the building.
- viii. **Chris Parezo:** What happens when you are at a corner of a name and number street, where the rules in the upper story setback are different.
- ix. **KJ:** That condition exists in Arapahoe Street and other districts in the city, where we have similar rules. This will definitely push the creativity of the architects. There are multiple solutions that can solve this problem with help of the design review process, and the good news is that given the FAR, once you shift around mass, you don't lose it, you just move it to different places. We will continue to think about and consider how upper story setbacks are working. One option would be to create a standard setback height in the zoning and allow an alternative through the design review process to allow flexibility and variety.

4. Schedule Look Ahead

- a. Revised zoning framework for committee and public review and comment in late 2020/early 2021
- b. Draft zoning text through Q1 2021
- c. Legislative review and public hearings Q2 2021 October 15

Next Steps

- a. On-going Advisory Committee meetings
- b. On-going coordination on FAR & incentives
- c. Revised Zoning Strategy Report –December/January
- d. Additional stakeholder outreach –January
 - Online meeting and Survey #4 coordinated with Revised Framework report
 - Present to GTCD Board, DDP, Planning Board, as needed

Action Items

- Staff to provide a draft revised framework once it is ready