

From: [Susman, Mary Beth - City Council](#)
To: kevinwanebo@comcast.net
Cc: [Lucero, Theresa L. - Community Planning and Development](#)
Subject: RE: Boulevard One Zoning
Date: Monday, April 27, 2015 8:33:29 AM

Mr. Wanebo,
Thank you for your email. I am forwarding to the planning office so they can include it to all council members. Council members cannot opine or make a judgment about a zoning request until the full hearing, like a judge can't make a judgment before trial.
But thank you for letting us know your thoughts.
Mary Beth

Mary Beth Susman
Denver City Council | District 5
720.337.5555 Phone | 720.337.5559 Fax
marybeth.susman@denvergov.org | [Dial 3-1-1 for City Services](#)

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From: kevinwanebo@comcast.net [kevinwanebo@comcast.net]
Sent: Sunday, April 26, 2015 10:55 PM
To: Susman, Mary Beth - City Council
Subject: Boulevard One Zoning

Dear Council Member Susman,

I live in Lowry Park Heights a few houses down from Quebec Street and East Bayaud Avenue with my wife and 2 young daughters. We have lived here for many years and love our neighborhood.

We would appreciate you taking into account the concern we and some local neighbors have with zoning of the east portion of Boulevard One. That is safety. Our children must cross Quebec for school as well as Bayaud Park play. Current traffic makes the crossing worrisome, both at the nonpainted pedestrian crossover on Bayaud and at the more distant light and painted crosswalk at Quebec and Alameda that is very wide and very busy in the morning and afternoon. While redevelopment will certainly mean greater traffic, the proposed C-MX-5 would maximally increase traffic and arguably maximize risk. Zoning less dense or at least customized zoning would be less neighborhood risk and overall fit in better with neighborhood values.

We respectfully request you take this into account when deciding zoning for the Rezoning Application #20141-00096.

Sincerely,

Kevin Wanebo
145 South Poplar St

2014I-00096, Approximately 99

Quebec Street

Public Comments

in Denver Planning Board Staff

Report Packet

April 28, 2015

From: [Rezoning - CPD](#)
To: [Lucero, Theresa L. - Community Planning and Development](#)
Subject: FW: Rezoning Application #20141-00096
Date: Monday, April 27, 2015 3:15:20 PM



Venus Boatner | Associate City Planner
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DenverGov.org/CPD | [@DenverCPD](#) | [Take our Survey](#)

From: kevinwanebo@comcast.net [mailto:kevinwanebo@comcast.net]
Sent: Sunday, April 26, 2015 11:31 PM
To: Rezoning - CPD; dencc - City Council; lowryunitedneighborhoods@gmail.com
Subject: Rezoning Application #20141-00096

Dear Denver Planning Board and City Council,

I live in Lowry Park Heights a few houses down from Quebec Street and East Bayaud Avenue with my wife and 2 young daughters. We have lived here for many years and love our neighborhood and the surrounding neighborhoods.

We would appreciate you taking into account two concerns we have with choices of zoning of the east portion of Boulevard One.

One is safety. Our children must cross Quebec for school as well as Bayaud Park play. Current traffic makes the crossing worrisome and sometimes difficult, both at the nonpainted pedestrian crossover on Bayaud and at the more distant light and painted crosswalk at Quebec and Alameda that is very wide and very busy in the morning and afternoon. While redevelopment will certainly mean greater traffic, the proposed C-MX-5 would maximally increase traffic and arguably maximize risk. The notion of an auto pedestrian accident in particular is a cause for concern. Zoning less densely or at least customized zoning would lessen risk.

My wife and I have several generations of family who have lived and many who still live in some of Denver's great neighborhoods. Their overall serene charm is their value. As Boulevard One is mostly surrounded by R-1 zones, any C-MX-5 zoning would be like putting a car wash in the middle of a park. It just doesn't fit. Living nearly a stone's throw away from this possibility, dense urban zoning at this site would degrade the charm and value we cherish.

We respectfully request you take this into account when deciding zoning for the Rezoning Application #20141-00096. Please keep redevelopment at this site reasonable for the safety and serenity of surrounding neighborhoods.

Sincerely,

Kevin Wanebo

145 South Poplar St
Denver

Gregory J. Kerwin
200 Kearney Street
Denver, CO 80220
April 27, 2015

To: Denver Planning Board (planning.board@denvergov.org)
CPD (Rezoning@denvergov.org), and Theresa Lucero (Theresa.Lucero@denvergov.org)

cc:

Brad Buchanan, CPD: Brad.Buchanan@denver.gov

Evelyn Baker, CPD: Evelyn.Baker@denver.gov

Denver City Council: dencec@denvergov.org

Re: Comments opposing LRA's Zone Map Amendment Application for 18 acres in Lowry/Buckley Annex parcel (described as "approximately 99 Quebec Street"): currently set for May 6, 2015 Planning Board public hearing (Application #2014I-00096).

I write to express my opposition to the Lowry Redevelopment Authority's Zone Map Amendment Application (dated as of March 12, 2015) for 18.047 acres in the Lowry/Buckley Annex area (referred to below as the "LRA C-MX-5 Map Amendment"). To ensure that CPD staff report will address the concerns expressed in this letter, it is submitted to Theresa Lucero nine days in advance of the scheduled May 6, 2015 Planning Board hearing. (CPD's notice to RNOs dated April 21, 2015 states: "Written comments received by 5 p.m. 9 days prior to the Planning Board Public Hearing will be attached to the staff report that is provided to the Board.")

I have lived in the Crestmoor neighborhood immediately west of Buckley Annex for 21 years (since 1994), and for many decades in Hilltop before that.

I submit this letter to express my own views, and the views of hundreds of my Lowry, Crestmoor, Mayfair, and Winston Downs neighbors, who are weary of the LRA's piecemeal, non-responsive zoning process for the Buckley Annex parcel. We remain frustrated and angry about the City's and LRA's mismanagement of the Buckley Annex redevelopment, and the LRA's and CPD's continuing failure to listen to, and address, valid unresolved neighborhood concerns.

Through this Application the LRA seeks to impose Cherry Creek-style urban center zoning on a large area—nearly half the size of Crestmoor Park (which is 37.3 acres). The C-MX-5 zoning category is the most intense zone context in the 2010 Denver Zoning Code outside of downtown. Urban center zoning does not belong in the middle of the surrounding suburban and urban edge neighborhoods. Existing residents will be harmed in their enjoyment of their homes and neighborhoods, and their property values will be decreased by the traffic jams, cut-through commuter traffic, parking congestion, and non-existent street setbacks now found in the Cherry Creek style/ urban center zoning forms.

1. The Application is not consistent with Adopted Plans, contrary to DZC § 12.4.10.7(A)

A. The Denver Comprehensive Plan 2000 and Blueprint Denver provide no meaningful guidance on this Application

The Denver Comprehensive Plan 2000 and Blueprint Denver do not provide meaningful guidance on the appropriate zoning for the Buckley Annex parcel, and the Application is not consistent with the Small Area Plan for the area: the Lowry Reuse Plan.

The LRA's "Property Owner Representative" designated in the LRA C-MX-5 Map Amendment Application is the Kaplan Kirsch & Rockwell LLP law firm. The LRA law firm's analysis in the Application of Denver Comprehensive Plan 2000 and Blueprint Denver demonstrates that those documents do not provide any specific meaningful guidance for how the Buckley Annex parcel should be zoned.

The LRA lawyers' parsing of the provisions of those planning documents on pages 12-29 of the Application demonstrates that language in those two planning documents could be used to justify high-density, urban intensity rezoning virtually anywhere in Denver. Indeed, the language in those documents would support zoning for this 18-acre parcel ranging anywhere from single-family homes like surrounding neighborhoods, to the rowhouse/townhouse and single family homes currently being built on other parts of the Buckley Annex parcel, to 12-story apartment or condo towers. When planning documents provide such indeterminate guidance, they are of no value in planning for a specific parcel.

Lawyers and planners regularly cite statements in Comp Plan 2000 and Blueprint Denver to support any proposition. If Blueprint Denver stands for any central principle, it is that density should follow transportation and mass transit and be placed primarily in transit-oriented developments. But that principle is lost in the LRA's argument that the mere proximity of some RTD bus stops for infrequent bus service on Routes 3, 6, and 65 counts as mass transit that warrants urban center high-density.

If CPD and the Planning Board accept the LRA' analysis of the Denver Comprehensive Plan and Blueprint Denver, they will be demonstrating that the City of Denver is not applying any meaningful standard or limitation to developers' high-density "up-zoning" applications. The lack of any articulable standard for rezoning shows the current Denver rezoning process is arbitrary and capricious, violates Due Process, and violates the standard for Map Amendment changes in § 12.4.10.7(A) of the Denver Zoning Code. *See, e.g., Turney v. Civil Service Comm'n*, 222 P.3d 343 (Colo. App. 2009) ("Due process is violated where a provision fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.") (internal quotations omitted).

B. The LRA’s proposed C-MX-5 zoning for this 18-acre site conflicts with the Small Area Plan for the area—the Lowry Reuse Plan

The LRA C-MX-5 Map Amendment Application fails to analyze and address the small area plan that does govern this Buckley Annex site: the Lowry Reuse Plan.

The Lowry Redevelopment Authority is a quasi-public entity created in 1994 through an Intergovernmental Agreement (“IGA”) between the City of Denver and City of Aurora. Under that agreement, the LRA was responsible for providing the services necessary “to maintain, manage, promote, and implement economic redevelopment on all or a portion of Lowry after closure” of the Air Force Base. The IGA contractually binds the LRA to follow the Lowry Reuse Plan.

The “Lowry Reuse Plan” was developed in the 1990s, adopted by the City Council in April 1995, and served as the Small Area Plan for Lowry. A copy of the Lowry Reuse Plan can be found currently on the CPD’s website for “Small Area Plans” at: http://www.denvergov.org/Portals/646/documents/planning/Plans/plans_pre_2013/Lowry_Reuse_Plan.pdf The City has not designated an “area planner” to run a consensus planning process on Lowry that would have provided a Small Area Plan update to the Lowry Reuse Plan.

- a. Section 1.7 of the IGA recognizes that Lowry redevelopment was to be consistent with the Lowry Reuse Plan: “It is the expressed intent of the Parties hereto that future redevelopment at Lowry be consistent with the approved Lowry Reuse Plan and Recommended Lowry Disposition Plan, as incorporated into each of the Parties municipal comprehensive plans.”
- b. The Lowry Reuse Plan, and the Recommended Lowry Disposition Plan it incorporates, contemplated far lower densities than the LRA seeks to place in the Buckley Annex parcel. All development on Lowry is supposed to be examined according to the following criteria:
 - Conformance with the Reuse Plan and sound planning principles;
 - Compatible with other uses at Lowry;
 - Input from Lowry residents and surrounding communities;
 - Traffic and access impacts;
 - Effect of the development on Lowry’s economic goals and property values;
 - Benefits and challenges of the proposed development;
 - Effect on the “density bank”; and
 - Pedestrian and vehicular connections.

See, e.g., Lowry Redevelopment Authority, “Function and Process of the Planning/Disposition Subcommittee” (March 19, 2002).

- c. Section 3 of the Lowry Reuse Plan and Exhibits 1 and 2 (pages 3 and 5) to the Recommended Lowry Disposition Plan envision no uses other than employment for the entire Buckley Annex parcel. Section 3 designates the Buckley Annex site as:

“DFAS/ARPC” and states on page 3-1: “The Defense Finance Accounting Service and Air Reserve Personnel Center (DFAS/ARPC) and the 21st Space Command Squadron will continue to operate in cantonment facilities at Lowry after closure of the base.” Exhibit 2 to the Recommended Lowry Disposition Plan describes the use for the Buckley Annex parcel under DFAS/ARPC as: “Current use in existing facilities.” The Lowry Reuse Plan has never been amended through the IGA process, and no subsequent Small Area Plan has been created and incorporated into the Lowry Reuse Plan. The LRA’s argument in the Application that the C-MX-5 zoning will be an “Employment area” for retail, services and office (page 29) is disingenuous for zoning that contemplates large blocks of high-density apartments or condos, and not consistent with the existing Small Area Plan.

d. On page 5-2 of the Lowry Reuse Plan Report (Nov. 1993) includes the following summary of intent for development consistent with surrounding neighborhoods (emphasis added): “Housing on Lowry should include a variety of types including single-family and multi-family. ... This overall urban design of the housing areas should bring the positive aspects of the surrounding neighborhoods and their urban fabric onto the Lowry site. **Some key elements of the urban fabric are the parkway system, mature landscaping, and fine residential neighborhoods.** In addition to these urban design elements, other positive aspects of surrounding neighborhoods should be emphasized in new residential development.” “[T]here is an opportunity to create a highly liveable and desirable environment at Lowry by **protecting mountain views and limiting heights**, placing utilities underground.” “The density of new, single-family housing development on Lowry should be **comparable to or lower than the density of adjacent, single-family, residential areas.**” “Representatives of the surrounding neighborhoods must be given the opportunity to participate in the planning, zoning and PUD processes.”

The Lowry Reuse Plan did not envision development of the approximately 70 acres comprising the Buckley Annex parcel because the Air Force planned to have its Finance Center remain on this site. The Reuse Plan, however, did specify that the entire “edge” of the Air Force Base would be lower intensity housing to reflect the low intensity residential neighborhoods surrounding the base.

Had the Buckley Annex parcel been developed along with the remainder of the edges of the old Lowry Air Force Base, it would have been included in such “edge” treatment to respect the neighbors to the west and north of the old Base. Only residential development was envisioned around Lowry’s entire perimeter in the Lowry Reuse Plan, a plan formed with participation of 23 surrounding communities, and a plan that remains binding until Amended pursuant to the provisions of the IGA between the Cities of Denver and Aurora.

2. The C-MX-5 five story building heights are not consistent with three story building heights in the Lowry Design Guidelines

After the Air Force decided to close the Lowry Finance Center as part of a base-closing initiative in 2005, the LRA was chosen as the master planner for the Buckley Annex site, before taking

ownership of it. The LRA was charged with developing a plan for the Air Force, and the decision would then be made by the Air Force regarding how to make use of the parcel. The LRA designed and oversaw a contentious “public” process which created widespread sentiment that whatever came out of the process should reflect Lowry’s Design Guidelines and height limits and setbacks.

The result of that Air Force process was a plan called the “Buckley Annex Redevelopment Plan” (referred to here as the “Air Force Plan”) that is over 1,000 pages long that was written by consultants that the LRA hired. The LRA chooses not to post a copy of the Air Force Plan on its website at this time. But a copy of the 2008 Buckley Annex Redevelopment Plan currently is available at: www.lowrynews.com (link found at bottom of webpage). The Air Force Plan was completed in February 2008, and a revised version of it was presented in May 2010. No CPD process to update the Lowry Reuse Plan or develop an East Denver Area Plan was undertaken to update the Lowry Reuse Plan.

The LRA consultants who wrote the Air Force Plan declined to adopt the ideas of the surrounding neighborhoods and residents. Nevertheless, the vision and concerns of the surrounding communities still come through loud and clear in the appendix to the Air Force Plan. The mandate expressed by the public in the Air Force Plan was to carry forward the Lowry Design Guidelines limiting height to three stories except in the town center area, where it could go to four stories.

3. The 2013 Buckley Annex GDP is not an Adopted Plan

Treating a GDP as an “adopted plan” for new zoning dilutes the Denver Zoning Code’s standard in DZC § 12.4.10.7.A for zoning changes because “Adopted Plans” (such as the Denver Comp Plan 2000, Blueprint Denver, and small area plans) are supposed to be approved by the Denver City Council after a rigorous process for public comment and community consensus (similar to the process that will be required for CPD’s announced plan to revise and update Blueprint Denver).

The Denver Zoning Code refers in several sections to “adopted plans.” See DZC Sections 9.6.1.1.B.3 (PUD); 12.4.10.1 & 12.4.10.7.A (map amendments); 12.4.11.1 & 12.4.11.4.A (text amendments); 12.4.12.2.A.1 (mandatory GDP). The Code does not specifically define this term, but the reference to an “adopted plan” is to a specific plan that has been approved by the Denver City Council and incorporated by ordinance into the Comprehensive Plan after a comprehensive planning process to incorporate the community’s vision for the city and for particular neighborhoods. The concept of “adopted plans” is at the center of the Denver Zoning Code because the Code seeks to ensure that zoning changes are consistent with adopted plans that were formed after a comprehensive community planning process.

The 2013 Buckley Annex General Development Plan cannot be relied upon by the Planning Board as an “adopted plan” (within the meaning of Denver Zoning Code §§ 12.4.10.1 & 12.4.10.7) that would justify the Planning Board’s decision to approve the LRA C-MX-5 Map Amendment.

The LRA's Application (pages 29-33) is inaccurately portraying a 2013 General Development Plan (GDP) for the Buckley Annex parcel as equivalent to an adopted Area Plan. The GDP was never approved by City Council and does not have the authority of an adopted plan reached in consensus with residents to set the vision for the neighborhood. The GDP was approved by the Planning Board in 2013 over strong opposition from residents and their RNOs. At the time, the LRA told residents and the Planning Board that residents' density and traffic concerns would be addressed when the specifics of zoning for Buckley Annex were worked out—yet that still has not happened.

DZC § 12.4.12.15.B allows the "City Council" to "approve an official map amendment (rezoning) application for property within an approved GDP area, taking into consideration the approved GDP." (Emphasis added). This provision does not authorize the Planning Board to consider the GDP as part of its recommendation on a map amendment. DZC § 12.4.10.7 does not treat a GDP as an "adopted plan," and the City Council would be violating the Map Amendment review criteria by doing so. "Considering" an approved GDP is not a substitute for requiring that zoning be consistent with the adopted small area plan.

4. The Application does not include a density calculation; the LRA's quoted density number is plainly wrong for the 18-acre Application site

The LRA C-MX-5 Map Amendment includes a table that purports to state the density for "Boulevard One" of 11.4 dwelling units/acre. *See* Application p. 19. Yet the LRA's Application does not provide any calculation for CPD and the Planning Board of the actual density that would be possible if the C-MX-5 zoning is approved for the 18-acre Application site.

The LRA's density number of 11.4 dwelling units per acre for the 18 acres covered by the C-MX-5 Application area cannot be correct, and is far lower than the density such C-MX-5 zoning would allow on these 18 acres. For example, if the entire 18 acres is covered with 5-story apartment or condo buildings with an average of 1,200 square feet per unit (including room for 1.5 parking spaces per multi-family apartment unit), that would yield:

- 18 acres = 784,080 square feet of space (43,560 square feet per acre).
- If only 70% of those square feet are used for dwelling units on four of the five stories, with the bottom of each building used for commercial/retail space or parking, that would yield 1,830 dwelling units.
 - 784,080 square feet x 70% = 548,856 square feet
 - 548,856 square feet x four stories = 2,195,424 square feet (spread over four floors)
 - 2,195,424 square feet divided by 1,200 square feet = 1,830 dwelling units.
 - Thus, this use of the 18 acres would allow approximately 1,830 dwelling units.
- This would yield a density of 102 dwelling units per acre (1,830/18) – far in excess of the 11.4 dwelling units/acre recited in the LRA's Application.
- The commercial space from the remaining ground floor of such five-story buildings would be 548,856 square feet – far in excess of 200,000 square feet the LRA has said it wants to build in the entire Buckley Annex parcel.

The LRA's Application clearly seeks to allow five story buildings on virtually all of the 18-acres. Otherwise the LRA would not need to ask to ask for "waivers" for three-story buildings placed on small slices of the parcel at the northern and eastern perimeter of it (the waiver parcels would only take up 0.399 acres [for "First Avenue Waiver Area"] and 0.414 acres [for Quebec Street Waiver Area]. C-MX-5 zoning requires buildings be placed next to main street rights of way, with "a shallow front setback range" so "[t]he build to requirements are high." *See, e.g.,* DZC § 7.2.4.1.G.

The LRA may object that this 70% calculation fails to take account of necessary streets, but that just demonstrates why CPD and the Planning Board should reject the Application until the LRA supplies an accurate calculation of the actual density for this 18-acre zone parcel that would be possible with the zoning it is requesting.

This calculation assumes that the ground floor of all the C-MX-5 buildings is available for commercial or retail (or possibly parking). This calculation allows 549,000 square feet of ground floor space.

5. The Application is not consistent with the public health, safety and general welfare, contrary to DZC § 12.4.10.7(C), because of the harmful traffic and parking effects for surrounding neighborhoods

Denver's procedure for rezoning is broken (and arbitrary and capricious for purposes of judicial review) by placing planning for traffic and a "site plan" after zoning changes are approved. It makes no sense to impose high-density zoning in a transportation desert within the City of Denver and then tell the Public Works Department it must then solve the traffic gridlock and parking shortages the new zoning will create.

CPD and the Planning Board should consider adverse traffic and parking effects as part of whether the new zoning is consistent with the public health, safety and general welfare under DZC § 12.4.10.7(C).

As noted above, the C-MX-5 zone category will allow a large number of new dwelling units to be created—perhaps more than 1,800. The LRA has told people it is only building 800 dwelling units on the Buckley Annex parcel as a whole, but this C-MX-5 zoning will allow far more units and much higher density. The LRA's Application should present accurate information about the actual density and range of possible traffic effects for this 18-acre block of five story buildings.

Even if the LRA limits the overall Buckley Annex redevelopment to 800 new units, its own study shows nearly 10,000 new traffic trips per day, crowding existing streets and intersections that cannot accommodate more traffic (Quebec, Monaco Parkway, Alameda and their intersections).

The LRA's argument in the Application (pages 34-35) that the Air Force Finance Center was creating 9,500 traffic trips/day at one time is disingenuous. Even if that Air Force traffic statistic is correct, at the time the Finance Center was open the rest of Lowry had not been built up as a residential area with a town center. The existing traffic jams are the result of the redevelopment of the rest of the Lowry area. It is not consistent with public health, safety and general welfare to

create intense new traffic jams and force large volumes of new commuter traffic on quiet side streets (as people cut through to avoid gridlock).

In addition, the LRA's proposed parking standards (although higher than 0.75 spaces/unit for C-MX-5) are still insufficient. Any new housing that is built will be expensive for renters or owners. The future apartment residents or owners in these C-MX-5 buildings will have more than 1.5 cars/dwelling unit. Those cars will be parked somewhere—including in front of homes on quiet streets in nearby neighborhoods in Park Heights, Lowry, and Mayfair. The LRA should provide adequate parking within the confines of its own Buckley Annex boundaries.

6. There are not justifying circumstances for C-MX-5 zoning under DZC § 12.4.10.8.A & B

None of the specific justifying circumstances listed in DZC § 12.4.10.8.A(1)-(5) supports this LRA C-MX-5 Map Amendment:

The LRA does not contend the existing zoning was the result of an error or mistake of fact, or failed to take account of natural characteristics of the land. DZC § 12.4.10.8.A(1)-(3). This Application does not seek an Overlay Zone District. DZC § 12.4.10.8.A(5).

The LRA's argument that changed character warrant this high-density zoning under DZC § 12.4.10.8.A(4) is flawed. The Lowry neighborhood, and surrounding areas, are not blighted; they are thriving. This argument ignores the context of the Buckley Annex parcel, where the changing character (redevelopment of the rest of the Lowry Air Force Base with low- and medium-density housing and town center commercial use) do not justify high-density urban center building in this area—changes inconsistent with the Lowry planning documents and design guidelines. The rest of the development of Lowry has already created traffic nightmares on existing major streets including Quebec, Monaco Parkway, and Alameda. This C-MX-5 zoning would aggravate those problems—clearly not the intent of the “changed character” provision in DZC § 12.4.10.8.A(4).

The LRA's version of the “changing character” argument that Denver needs density to accommodate the hundreds of thousands of people the City hopes will move here, would support high-density, urban center zoning anywhere in Denver regardless of context. That argument renders the condition in DZC § 12.4.10.8.A(4) meaningless. Therefore, principles of statutory interpretation do not support such a construction.

In addition, as noted above, the urban center context of the proposed C-MX-5 zoning category does not match the suburban and urban edge zoning contexts of the surrounding neighborhoods, contrary to DZC § 12.4.10.8.B. The C-MX-5 zoning context is the highest intensity outside of downtown Denver. It does not belong in the middle of an enclave of residential neighborhoods with isolated town center commercial buildings. This C-MX-5 zoning would create a huge block of 5 story mixed used buildings on the west side of Quebec when there are no comparable buildings along the west side of Quebec to the south until you reach Hampden, and none to the north until the Johnson & Wales campus (and those buildings have large setbacks and lots of open space).

7. Lack of Any Public Meeting Concerning LRA’s Zoning Application

The LRA did not hold any public meeting with local residents to discuss this proposed new C-MX-5 zoning before submitting the LRA C-MX-5 Map Amendment to CPD. The February 11, 2015 meeting referenced on page 56 of the LRA application was not announced to local residents or open to their attendance. Instead, it was just a one-sided “briefing” by the LRA, telling RNO representatives about the LRA’s C-MX-5 plan. Although City of Denver mediator Steve Charbonneau was present at that meeting, he told RNO participants that there would not be any negotiations by LRA in connection with that meeting.

RNO representatives presented detailed comments to LRA representatives at that meeting, which the LRA ignored. For example, attached is a copy of the February 17, 2015 letter sent to Monty Force of the LRA from William O’Rourke, a resident of Park Heights – the neighborhood closest to this 18-acre parcel.

8. Need for Good-Faith Mediation

The Planning Board should reject this proposed LRA C-MX-5 Map Amendment and direct CPD and the developer to go back and engage in good faith negotiations with RNO representatives and interested nearby residents, assisted by a neutral mediator (not Mr. Charbonneau) before presenting a final zoning proposal for these 18 acres to the Planning Board. Such mediated discussions can serve now as an eleventh-hour substitute for the consensus community planning and vision building process that has never occurred for development of this Buckley Annex parcel.

9. Lack of Sufficient Notice to RNOs of May 6, 2015 Planning Board Hearing – to allow them to schedule meetings and record votes

Because CPD waited until April 21, 2015—15 days before the May 6, 2015 Planning Board hearing, it has effectively precluded most RNOs from calling a public meeting in the intervening 15 days to present information to residents and take a vote on this Application.

The fact that CPD sent a copy of the application to RNOs in mid-March does not justify the short notice of the Planning Board hearing for a development of this scale. RNOs cannot call a public meeting until they know an application is actually going to be presented to the Planning Board. Applications are regularly changed during the review process before Planning Board and City Council meetings. RNOs cannot bother their busy residents calling public meetings to review and take a vote on a zoning application that may not be in final form yet.

Section 12-97 of the Denver Municipal Code specifically contemplates that RNO’s be allowed to participate in public hearings after having had sufficient time to hold a meeting of RNO residents and obtain a vote on the “proposed position” that is the subject of the public hearing. Therefore, the Planning Board encourages RNO’s to hold meetings and conduct votes of residents before a public hearing.

Yet by having the Planning Board consider and vote on this proposed text amendment only 15 days after designated RNO representatives first received notice of the Planning Board meeting, the Board is making a mockery of that RNO-input process for public hearings. It appears that CPD and the Planning Board are using a public hearing process that precludes the type of RNO input contemplated by Code Section 12-97. That truncated approach to notification of RNO's for community input at public hearings encourages residents to continue their lack of trust and confidence in CPD and its planning processes.

In addition, as a matter of administrative law, the Planning Board would be acting in an arbitrary and capricious manner if it approves this Map Amendment based on only 15 days' notice to RNOs because the Board is preventing RNOs and their members from participating effectively in the planning process and public hearing.

10. Conflict Between May 6, 2015 Planning Board Hearing and previously scheduled community meeting on evening of May 6, 2015 to discuss alternative zoning for Mt. Gilead/195 S. Monaco Parkway property

The May 6, 2015 Planning Board hearing date conflicts with another scheduled public meeting for the same affected residents, thereby precluding public participation for many interested residents who are adversely affected by both the LRA's C-MX-5 Map Amendment Application and the still-pending 195 S. Monaco application.

Immediately upon receiving CPD's April 21, 2015 hearing notice, the Crestmoor Park RNO representative asked Councilwoman Susman to request that the May 6, 2015 hearing be postponed because the Crestmoor, Lowry, and Winston Downs RNOs had already scheduled a community meeting for the evening of May 6 to discuss alternative zoning for the Mt. Gilead/195 S. Monaco Parkway property, after that developer asked to postpone the March 31, 2015 City Council hearing on its application, supposedly to discuss alternatives with residents. This May 6, 2015 evening meeting date was cleared with Councilwoman Susman's calendar so she can attend.

Presumably after consulting with CPD, Ms. Susman provided the following unhelpful response to the Crestmoor Park RNO representative on April 21, 2015:

The Planning Board notification is within the required time of notification. Notification time is set by zoning code, and practically speaking, the Board couldn't possibly accommodate all neighborhoods every time they have a conflict with their own neighborhood meeting, nor would wavering notification deadlines be good law. The Receipt of Application for this action was sent to neighborhoods on March 16th, so neighborhoods were given a heads up about it coming for over a month now.

I did make sure that the 99 Quebec issue is first on the agenda this time, and it should begin just after 3:00 pm, which should allow time for you to still have your meeting that evening.

Mary Beth

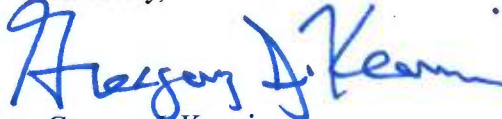
Councilwoman Susman should be able to attend both May 6 meetings, which address important zoning requests affecting her East Denver constituents in District 5.

11. **Jim Bershof needs to recuse himself from any Planning Board discussion or vote on this Application**

Jim Bershof and his company are serving as the Property Owner Representative for the pending 195 S. Monaco (Mt. Gilead Church) zoning application, which relies on the purported high density in the Buckley Annex parcel to justify a high-density development of the 2.3 acre 195 S. Monaco site. Mr. Bershof has an obvious conflict of interest if he participates in an official capacity, as a member of the Planning Board, in any discussion with Planning Board members or Planning Board vote on the LRA C-MX-5 Map Amendment Application.

For all the reasons explained above, the Planning Board should reject the LRA's C-MX-5 Map Amendment, and direct the developers and CPD immediately to engage in a mediated, good faith dialogue with neighborhood groups and RNO representatives about all further rezoning proposals necessary to complete the rezoning process for Buckley Annex site.

Sincerely,



Gregory J. Kerwin

Enclosure: February 17, 2015 letter from William O'Rourke

WILLIAM H. O'ROURKE, P.C.
3300 East First Avenue, Suite 690
Denver, Colorado 80206-5809
Telephone (303) 399-5200 • Facsimile (303) 468-3965
bill@williamhorourke.com

February 17, 2015

SENT VIA ELECTRONIC MAIL AND UNITED STATES, FIRST CLASS MAIL

Steven A. Charbonneau, Executive Director
Community Mediation Concepts
839 Pendleton Avenue
Longmont, CO 80504

Re: February 11, 2015 Facilitated Meeting with Lowry Redevelopment Authority and Neighborhoods Affected by the Boulevard One Development (the "Boulevard One Development").

Steve:

Thank you for taking my call yesterday afternoon. As you heard at the February 11, 2015 "update" meeting with Montgomery Force, Executive Director of the Lowry Redevelopment Authority (the "LRA"), and noted in your email yesterday, most of the established residential neighborhoods located adjacent to the Boulevard One Development are concerned about three primary issues as respects the LRA Development:

- **The current lack of any setbacks to the planned commercial development along Quebec Street and First Avenue.** Given the five-story maximum height allowance and zero setbacks along the eastern boundary and portions of the northern boundary of the Boulevard One Development, these very busy but well laid out streets will become a visual eyesore and fast moving "canyon" that will irreparably change the character and ambiance of Lowry. To that end, we would propose the creation of a Planned Unit Development (PUD) that would allow for thirty five (35) foot setbacks all along Quebec Street and First Avenue to reduce the building mass along our main streets.
- **The apparent "density at all costs" approach to the Boulevard One Development.** Since the early phases of pre-development, the fair market values, and thus profit margins, on all of the components of the Boulevard One Development have increased dramatically. With respect, we believe that Boulevard One could now meet and exceed its profit models with substantially less density than the current plan, and which would also reduce the significant negative impacts on traffic congestion and lack of sufficient parking associated with the current plan. We would propose the lowering of the maximum height to three (3) stories or 45 feet throughout the "mixed use" areas, which would then lower the aggregate number of units.

- **The Lack of Sufficient Parking to Accommodate the Mix of Uses Planned for the Boulevard One Development.** In our meeting, Mr. Force clearly stated that he was not opposed to the minimum of two (2) off-street parking spaces per unit, but was precluded by Denver for establishing such minimums in the Boulevard One application.

We understand that the current Design Guidelines for parking in Boulevard One are as follows:

RESIDENTIAL OFF-STREET PARKING GUIDELINES

Single Family 2 off-street spaces per lot
Detached Accessory Dwelling 1 off-street space/unit
Duplex 2 off-street spaces per unit
Row House 2 off-street spaces per unit
Multifamily 1.5 off-street spaces per unit

COMMERCIAL PARKING GUIDELINES

Office 2 spaces for every 1,000 (gross) square feet
Retail 5 spaces for every 1,000 (gross) square feet
Eating/Drinking 5 spaces for every 1,000 (gross) square feet

With respect, we request that the Design Review Committee increase the Multifamily Design Guideline to a minimum of two (2) off-street parking spaces per unit, and, most importantly, we request that the LRA agree to include contractual covenants in all future sales contracts for affected lots, and to include restrictive covenants in all conveyances of such affected lots, to require a minimum of two parking spaces for every unit throughout Boulevard One (except Accessory Dwellings), regardless of whether such lot is to be developed as an apartment, town house, row house, live/work unit, DHA housing or single family residence.

If Mr. Force and the LRA are serious about incorporating the valid concerns of surrounding and affected neighborhoods regarding the Boulevard One Development, as required by law, then the requested contractual and deed restrictive covenants should absolutely present no problem.

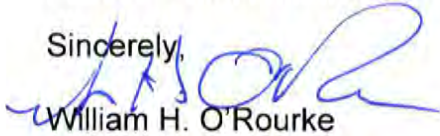
You were brought in to help "facilitate" a positive discussion and approach to bridging the differing values and priorities of the LRA and the affected neighborhoods. Securing some real consensus on the above issues would go a long way towards solving these very real problems. It has taken a while, but clearly the frustration level with a growing critical mass of residents insures that the battles will be long and costly for both sides if such a consensus cannot be reached.

Mr. Steven A. Charbonneau
Page 3
February 17, 2015

In addition to the foregoing, we certainly support the discussion surrounding providing a traffic signal at the intersection of Cedar and Quebec, as originally contemplated in the Master Plan for Lowry's redevelopment, and in providing a "left turn only" signal, turning north from First Avenue to Quebec Street.

Please contact me if you have any questions regarding the foregoing.

Sincerely,



William H. O'Rourke

cc: Ms. Christine O'Connor (email only)
Ms. Elizabeth Lund (email only)
Mr. Montgomery Force (email only)

e:\Lowry Redevelopment Issues\2015 Lawsuit Against Denver Planning Board\Corres\Charbonneau Letter.1\February 17, 2015

From: [Judy DeRungs](#)
To: [Lucero, Theresa L. - Community Planning and Development](#)
Subject: Opposition to Boulevard rezoning
Date: Monday, April 27, 2015 4:14:23 PM

Ms. Lucero,

I wish I had an opportunity to go into detail about my opposition to this re-zoning but with a 15-day notice period and six days within which to ensure that my comments were attached to the staff report, there is simply insufficient time for members of the public to fully respond. I object to the lack of a good faith effort on the City's part and will be stating as much at the public hearing.

Thank you,
John DeRungs

From: [Rezoning - CPD](#)
To: [Lucero, Theresa L. - Community Planning and Development](#)
Subject: FW: zoning
Date: Monday, April 27, 2015 3:15:05 PM



Venus Boatner | Associate City Planner
Community Planning & Development | Development Services
City and County of Denver
720.865.2993 Phone | venus.boatner@denvergov.org
DenverGov.org/CPD | [@DenverCPD](#) | [Take our Survey](#)

From: f [mailto:cagut@aol.com]
Sent: Friday, April 24, 2015 4:58 PM
To: Rezoning - CPD
Subject: zoning

To Denver Planning Board,
I would like to request you turn down the zoning request for 99 Quebec St [application #20141-00096] and find a way to fit this parcel in the vision of Lowry. I live directly across from this parcel and is of great importance to myself.

Thank you,

Carol Guthrie

Christine O'Connor
144 S. Ulster St.
Denver, CO 80230
April 27, 2015

Re: Application #2014I-00096 for approximately 99 Quebec Street

To the Planning Board:

Thank you for serving on the Planning Board and attempting to protect Denver's diverse neighborhoods and implement Denver's adopted plans.

As explained below, the Application's proposed C-MX-5 Urban Center Zone Context does not fit this part of Denver and the surrounding neighborhoods and is not the result of any public discussion or consensus. A lower intensity zone context (or a customized zone district) would provide a better approach, consistent with past Lowry/Buckley Annex planning work and compatible with surrounding residential neighborhoods in east Denver.

Criteria for Rezoning Not Met:

Many of the comments submitted to this Board by three neighborhoods associations on Sept. 30, 2014 for the October 1, 2014 hearing on the now-withdrawn Lowry Text Amendment are applicable today. This Application does not meet the criteria for rezoning because it does not further -- and in fact will harm -- the public health, safety and general welfare of the residents of Denver. The proposed rezoning is not consistent with the City's adopted plans -- Blueprint Denver, the Comprehensive Plan, and the Lowry Reuse Plan that planned low density residential development around the entire perimeter of the Lowry Air Force Base (which would include Buckley Annex) -- with a town center where it is today in the center portion -- to protect the neighborhoods surrounding the Base. Blueprint labeled Lowry an Area of Change, it has been developed as new urbanism, but Blueprint did not mandate this specific type of infill at this site. Blueprint also required that all development be linked to transportation, and this link is weak or non-existent in east Denver and with respect to this 18 acre parcel.

Additionally, the proposed map amendment is not consistent with the stated purpose of the proposed Zone District (C-MX-5) as required by 12.4.10.8(B). C-MX-5 is intended to promote shoulder zoning near downtown or in areas with greater access to mass transit.

- "The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a **dense urban character**." East Denver does not exhibit "dense urban character" and the proposed rezoning is not consistent with this Zone District. Even Monty Force, when serving as Deputy Director of

the Lowry Redevelopment Authority, in comments during a Placemaking session on Lowry, observed that this area did not have the infrastructure for transit to accommodate density in the remaining build out areas such as Buckley Annex. The area doesn't have the road capacity, the surrounding context, or the light rail and bus transit lines to accommodate such density. Thus, this area of east Denver – and specifically this parcel -- does not fit within the purpose of the Urban Center context.

- “The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. . . .with the greatest access to multi-modal transportation system.” As the Planning Board and Council know, this area is far from transit and is an almost suburban area of Denver. Most of the extensive area to the North, West and South is zoned Suburban, Edge or R-1. It includes neighborhoods such as Winston Downs (S), Mayfair Park (E), Crestmoor (E), Park Heights (R-1), Southwest Lowry (R-1 and R-2-A with waivers). Some business use exists (under the old code) at the NE corner where the Town Center begins, but overall it is located in the midst of residential development. The Lowry Reuse Plan specifically placed this concentration of retail and office uses in the very center of Lowry to preserve the residential nature of the area surrounding Lowry, and even the retail in the center is two stories.
- Light rail (when the DIA East Line comes on line) will be a minimum of 5 or 6 miles from this area and bus service to this parcel is not as extensive as Applicant's brief alleges. Applicant counts 13 bus stops around the site, meaning the entire 72-acre parcel, and again using a broad-brush stroke, ignores access adjacent to the subject parcel. The main RTD bus routes serving those stops (Routes 3, 6 and 65, on Alameda, Sixth Avenue and Monaco Parkway) provide infrequent service except at weekday rush hours.
- The proposed zone district has not been applied up or down Quebec St.¹ – despite a couple of piecemeal rezonings involving Urban Center zoning further east on Lowry. This residential arterial includes single-family homes, two and three story units, some commercial area, but there is no mandate in Blueprint or the Comp Plan to start applying this level of zone district along Quebec St.
- There is no requirement in any adopted plan to assign the Urban Center context to this 18-acre parcel. There are other options available to the City and LRA.

¹ If Planning Board Members would drive up and down Quebec, it would be clear that this residential arterial does not include five-story urban center zoning. In fact there is no zoning all the way from the old hotels by MLK Blvd. in Stapleton all the way down to the apartment buildings in far SE Denver on Hampden and Quebec that carry a designation of this intensity or include 5 story buildings.

In summary, the Code describes the various Contexts in terms of intensity, and this second most intense zoning context is out of context in Lowry.²

Relying on 13 pages of a GDP to approve this rezoning is flawed

The plan that this Application would codify is not the plan the Applicant presented to the public. In fact, it is many steps removed. The Lowry Reuse Plan is the only approved small area plan for Lowry, but did not envision development of Buckley (Boulevard One).³ Neither the 2008 Buckley Annex Redevelopment Plan (over 1000 pages long) nor the 13-page General Development Plan constitutes approved plans. The Planning Board is not free to ignore the Lowry Reuse Plan, discard the 2008 Buckley Annex Redevelopment Plan visioning, and determine zoning based on the General Development Plan, which, by LRA's own admission, reflects the framework of the 2008 Plan, but does not incorporate it or follow it.

The developer LRA reduced a 1000 page plan to 13 pages in a GDP. Tragically, the LRA also removed the 2008 Plan⁴ from its website, along with all agendas/minutes for LRA meetings prior to April 2012, obscuring history and substituting the 13-page GDP for a complex, information filled document. To allow this 13-page infrastructure plan to form the basis of this Map Amendment would demonstrate how deeply flawed Denver's entire land use and entitlement process is.

For the purposes of the subject rezoning, even though the consultant-drafted 2008 Buckley Annex Redevelopment Plan was not adopted by the City Council and ignores much of the public comments that were presented, it is important to note that even the

² No doubt someone will point out a couple of rezonings on Lowry Blvd, including the Hangar designation of C-MX-8. This was approved (over LUN objections) in order to "cover" the height of the existing hangars. The piecemeal rezonings that included this designation do not justify applying this context over on Boulevard One on the other side of Quebec. This illustrates – yet again – the problem with piecemeal rezonings that have occurred because Lowry was pulled out of the 2010 remapping.

³ No one disputes that the principle of the Reuse Plan to reflect the surrounding residential areas around the perimeter of Lowry, had it been applied at Buckley Annex, would not support the application before you.

⁴ Now, unless Planning Board members are willing to go out to www.lowrynews.com and download the 2008 Plan, it is cannot be located on the web. In addition, without going to Archives, or paying for an Open Records Request, minutes of meetings prior to April 2012 are unavailable. And those of us who were present are left in a Twilight Zone? Did we make up the straw poll that showed overwhelming support for adherence to the original Lowry Design Guidelines? Did we dream the artist renderings? What is the LRA trying to hide?

2008 plan clearly does not contemplate the potential 18-acre block of five story apartment/mixed use buildings that this new zoning application requests for this parcel. I will illustrate by examining closely the section of the 2008 Plan that covers the subject 18-acre parcel.

Exhibit 1 contains the figure depicting this Quebec parcel in 2008. You can see the circled numbers corresponding to the text from the 2008 Plan. That text is included in Exhibit 2, in which the Development Team recommends 35 feet setbacks to “provide an attractive edge to the redevelopment and to buffer the impact of the Quebec Street traffic” and supported three story attached townhomes along Quebec. Exhibit 3 is an artists rendering of the parcel around the same time.

Exhibit 4 is the figure depicting proposed development obtained in 2015 from the LRA. The LRA will not release illustrative plans for any of these 18 acres at this point. However, it is the zoning footprint that is at issue today.

No Input on this Zone District By Public

Presenting the Application as if this specific zone district is the culmination of a long genuine process of engagement with the public is misleading at best. There are two sections of the Application intended to create this impression – Exhibit F Community Outreach, and Exhibit G Responses to Public Comments.

Exhibit F

Exhibit F is comprised of eight pages of “outreach” meetings and events. Many of these meetings involve the LRA presenting to its own subcommittees, Board and the City.

In addition, there are only three mentions of this specific zone district – the first two were at the May 2014 committee and board meetings of the LRA where the zone district was approved.⁵ The third, immediately prior to filing this application, and prominently

⁵ In 2013, when the consultants first presented a list of zone districts to the LRA Boards, public comments were taken. These presentations did briefly mention potential use of C-MX-5 zoning, but there was no examination by the LRA Board of Directors regarding other available contexts. From that point forward, the LRA worked on the Single Family zoning with adjoining neighborhoods, and the parking issue for G-RH-3, but never circled around to address the C-MX-5 choice again. At the 10/23/13 meeting the LRA Board voted to move ahead with the entire zoning proposal even though all actions and discussion revolved around the U-SU districts. In other words, C-MX-5 slipped through the cracks, only to emerge once more when the Board approved an Overlay District on 5/6/14. No subsequent discussion or actions took place in public meetings. Despite email requests submitted requesting the ability to discuss potential zone districts prior

featured in the introduction to Exhibit F in this Application, was actually not a public meeting at all. At the request of Councilwoman Susman, the LRA held a small “update” on the C-MX-5 zoning and invited each RNO to bring a couple of members to receive an update from the LRA and ask questions. A mediator was present, although there was no mediation and the meeting was an announcement of the pending rezoning, so the LRA could (and did) add one more “outreach” meeting to the list. The decision on zoning had been made months ago; no input was solicited and no response to one attendee’s letter to LRA requesting modification of this zoning was forthcoming.

Exhibit G

Of the five pages of response to comments included in Exhibit G to the Application for this parcel, there are no comments addressing the appropriateness of this specific zone district C-MX-5. There was no forum at which comments about potential zone districts for this 18-acre parcel were taken. It was not discussed during the GDP process or the earlier planning process. The appropriate zone districts and entitlements – which would most directly affect existing area residents – were left to city staff and LRA consultants. So naturally there are no comments or responses on the C-MX-5 proposal.

Yet the heading on Applicant’s Exhibit of comments and responses (p. 57 of Application) states:

The following table summarizes how the Lowry Redevelopment Authority has addressed public comments and suggestions made during the 60+ public meetings and hearings *related to the proposed C-MX-5 with waivers.* (Italics added)

This is an outrageous claim. No community forum regarding potential zone choices for the subject parcel took place. During the GDP process the City and LRA refused, despite requests, to address zoning. Then, after the GDP was approved, consultants made zoning presentations to the LRA committees and the LRA approved the consultant’s choices. So despite the myriad issues responded to in this table, the table has no relevance whatsoever to the appropriateness of the specific zone district before the Planning Board or the public’s buy-in on this choice.

If community outreach is as important to the LRA and the City as one would be tempted to believe upon seeing the inclusion of Exhibits F & G in this Application, why did the LRA not require full discussion of this C-MX-5 zoning? Why did both the City and the LRA refuse to even mention zoning until after the GDP was locked in? And why, despite

to the GDP, and subsequent to the GDP, there was no response on the part of the LRA to include neighbors in this process until Feb. 2015.

numerous requests to involve the surrounding communities in discussion about contexts for Boulevard One, were these requests ignored?

The choice does not match the community vision and is the wrong zoning for east Denver. In addition, it is not the only way available to address zoning. There are less intense zone districts; there are customized zoning tools described in a PowerPoint by CPD staff at the April 22, 2015 City Council's Neighborhood Committee. This Planning Board is not mandated to insert "dense urban character" in some kind of uniform fashion throughout Denver.

City Staff will probably maintain that it is doing just that – customizing zoning – in this Application before the Planning Board. However, to imply that either the now withdrawn overlay district or the very narrow waivers at the edges of these 18 acres make this Urban Center zone district compatible with surrounding residential areas is sophistry. The concerns are with the overall urban density proscribed by this zoning classification, not simply 30 feet around two sections of the zone district. There are other options available for the 18-acre site that were never considered. I hope that Planning Board is able to see that one waiver to soften the impact of this Urban Center is not sufficient to really constitute customized zoning.

Placing this Urban Center Five Story Mixed Use zone district would be tantamount to putting Urban Center zoning in Bonnie Brae along University, simply because there are some bus routes and a few restaurants and commercial sites in existence along University. Increasingly, it appears that it is policy of the City to approve Urban Center zoning in any available location throughout Denver simply because (as the Application states) the City has adopted "policies that encourage redevelopment?" (See page 37 of Application) Do we really think Denver will be better off with a uniform approach favoring upzonings whenever a new property changes hands? Do we think Denver will be made more interesting by building forms such as those popping up throughout Cherry Creek in new "Urban Centers" throughout Denver?

Those involved in creating the Lowry Reuse Plan talked extensively about the importance of maintaining mountain views, and maintaining other key elements of the urban fabric such as "the parkway system, mature landscaping and fine residential neighborhoods." The Reuse Plan recognized that change was essential, but that creating "highly liveable and desirable environment by protecting mountain views and limiting heights," among other things, would enhance surrounding neighborhoods.

I would hope that the Planning Board could see past the narrow argument in the subject Application that prior "rezonings" to U-SU-B, U-SU-A and G-RH-3 (last August) constituted grounds for supporting an Urban Center zone district. The ultimate choice as to contexts for these areas was not addressed in public either. Again, consultants worked with the City to find building forms that were desirable, rather than looking at surrounding contexts and compatibility first, then looking for specific zone districts. As it

turned out, these areas all involved extensive customized zoning – with many waivers and conditions. **What these recent customized zonings really lay the groundwork for is the application of a customized approach to resolving the issues around this 18-acre parcel as well.**

This Application does not reflect community consensus and concerns remain

The Application would have the Planning Board believe that 1) resolution has been reached with the community and this C-MX-5 reflects consensus in the community, 2) the C-MX-5 context is consistent with and reflects contexts in the surrounding communities, and 3) this C-MX-5 zoning honors the Lowry Design Guidelines. Those assertions are false and misleading.

With respect to Boulevard One as a whole, the LRA did reach resolution with residents on some matters regarding Single Family areas. Considerable time was spent discussing berms and ADUs. The LRA deserves commendation for conducting discussion with neighbors on these matters. But these matters are irrelevant to the rezoning before you. Zoning contexts were not addressed with the community.

It should also be noted that the LRA, in addition to working some changes for the benefit of the communities, also made many more significant changes to accommodate City and developer interest in increasing developable land and profit.⁶ There have been no concessions with respect to neighborhood concerns regarding the 18-acre parcel before you today.

Neighbors are very concerned that parking under the proposed zone district will only require .75 spaces for each apartment. While we understand the LRA has good intentions and has included guidelines to raise the parking requirements in the Code to 1.5 spaces per apartment and 2.0 spaces for other types of living units, these guidelines will not have the same force and effect as a customized zoning condition added to a zone district would have.

⁶ I have written about this before. In the previously zoned portions of Boulevard One (single family and row house zoning) unique new zone districts were created with numerous waivers that increased the amount of lot coverage, raised heights, eliminated and reduced setbacks, and altered bulk plane requirements. In addition, during the GDP process, right of ways that appeared in the plans were eliminated (resulting in considerable additional developable acreage.) These were not changes requested by community members, or changes that community members were even aware of until the piecemeal rezonings went to Planning Board last summer.

Both Applicant and the City latch on to the oft-repeated assertion that – through this 8 year process – the Applicant reduced the number of units from 1200 to 800, and point to this as evidence that LRA has responded to the community. However, this reduction took place) during the initial planning process in 2007-08 when the four consultant teams hired to run a process and write the 2008 Air Force Plan began with numbers they knew they would never get. No reduction in density or height has been made since 2008. In fact, as pointed out above, increases in developable land have been the norm. This zoning proposal is yet another step to increase developable land and maximize potential sales at the expense of the health, safety and well being of the existing area residents. Despite assertions about Lowry being an area of change, there is no requirement in Blueprint Denver that change occur in a vacuum, and without respecting the character of the surrounding areas both within and around Lowry.

As stated by Applicant in another zoning submission for Boulevard One: “The 2008 Air Force Redevelopment Plan provided a framework for land use and transportation including residential areas, mixed use areas, building height limitations, a new, connected street grid, and parks and open spaces.” But it contained no mandate as to types of zoning. It contained no mandate that buildings be constructed right up to the Right of Way along Quebec; the City and LRA consultants set that up much later. In fact, the Air Force Plan assumed Lowry Design Guidelines would be continued on the Buckley Annex. It was not until the 13 page GDP appeared that it became apparent the LRA would abandon Lowry’s design standards to the default design standards in the code. The Design Guidelines developed by the Council member Marcia Johnson’s Buckley Annex Community Advisory Committee specifically set forth significant setbacks for all streets within Boulevard One, setbacks which have since been eliminated or greatly reduced. To assert that the community is on board with these changes is simply misleading, to put it charitably. Those Design Guidelines, worked on for two years by members of the community chosen by Councilwoman Johnson, proposed the following setbacks for mixed-use development:

<u>Street</u>	<u>Setback</u>
Lowry Boulevard Commercial	15 Feet
Lowry Boulevard Residential	20 Feet
East 1st Avenue	20 Feet
Pontiac Commercial	20 Feet
Quebec Street	35 Feet
Monaco Parkway	35 Feet
Rear and Side Lot-lines	5 Feet

The end product before you today – Cherry Creek style Urban Center building forms – did not meet with community approval. Anticipating the zoning issues would be difficult, the City and LRA steadfastly refused to admit they were considering zoning until after the GDP was approved. Does this Planning Board believe residents understand that drive through building forms are included in the three types of building forms? Does

this Planning Board think most residents (even those active in the community) understand bulk planes, and build-to lines? Coming out of the 2008 process they knew the Plan called for far more density than the public wanted, but they thought the Lowry Design Guidelines would be honored, they thought 5 stories would be limited to a few locations, they expected townhomes on the south of this subject parcel (just north of the single family Park Heights homes and across from the single family homes along Quebec Way) and they assumed all the setbacks above would be honored.

Density Chart misleading

This remapping comes before you as a narrow piecemeal rezoning asking the Planning Board and Council to look to a 13 page GDP for grounds for approval. Yet the Application relies upon a density summary for the entire project as support for this 18 acre Urban Center rezoning.

Figure 4 compares Densities of some neighborhoods to the alleged “density” of the entire 72 acre Boulevard One. The density analysis has been challenged many times previously, but the real issue is why Figure 4 showing alleged density of the entire 72-acre parcel is used by Applicant to create the impression that density at this C-MX-5 site will be 11.4 per acre. The density at this 18-acre site has been the main focal point of density and height concerns since 2007. Whatever we might write here about projected density (370 units on perhaps 6 acres on the southern end?) would be guessing because the LRA has not released any plans for this 18 acres. But it is abundantly clear density for the parcel before you today will not be in the vicinity of 11 dwelling units/acre. Once again, inserting a chart that is even questionable for the entire 72-acre parcel and certainly is not applicable to these 18 acres is misleading.

Conclusion

I have raised important issues in this letter such as what standards the Board uses in visiting the issue of compatibility of zone contexts to neighborhood contexts, and whether the Board applies Zoning Code definitions/descriptions of zone contexts when making decisions. I also think it would be important if the Planning Board demonstrated a willingness to carefully examine the shell game in which complicated vision and planning matters are reduced to a single 13-page infrastructure plan called a General Development Plan.

It is my hope that the Board will carefully examine the Application in this case, my responses to the Application itself, and my request that a customized zoning solution in which neighborhoods are included is chosen as an approach for this site.

Thank you for taking the time to consider my comments.

EXHIBIT 1 to O'Connor Letter dated April 26, 2015
From 2008 Buckley Annex Redevelopment Plan



Figure F-20
Subarea: Community Park Mixed-Use Center

Exhibit 2 to O'Connor April 26, 2015 letter (read with Exhibit 1)

From 2008 Buckley Annex Redevelopment Plan (emphasis added)

Community Park Mixed-Use Center

The Community Park Mixed-Use Center (See **Figure F-20**) serves as a community-wide gathering place that is defined by a significant community park and plaza; new opportunities for park-side retail; and multifamily and single-family residences that look onto the park and plaza. The site provides the opportunity for a community facility within the park as illustrated in **Figure F-21**, a perspective view of the mixed-use center and community park. The area for additional library parking shall also be provided in the northeast corner of this subarea to support the existing Schlessman Family Branch Library at the intersection of 1st Avenue and Quebec Street and to create synergy between library users and the new mixed-use center.

Redevelopment Plan

1. To provide a gradual transition to the existing residential neighborhoods, there shall be single-family-attached residences on the edges of the property near existing single-family residential uses. In addition to creating a transition to surrounding neighborhoods, the planning team suggests that three-story townhomes are appropriate along Quebec Street because a three-story townhome typically has garage and service uses on the first level with the majority of living space on the second and third levels. This arrangement makes a three-story townhome ideal to tolerate higher traffic volumes while also defining a comfortable pedestrian environment.

Open Space Character and Program

2. A plaza should be incorporated within the Community Park Mixed-Use

Subarea. The location of the plaza has optimal solar orientation and serves as a destination along a pedestrian corridor that connects the library, mixed-use retail and the community park.

3. A community park shall be created with this subarea that is no less than 4.15 acres. The potential programming of the community park could include: children's playground; amphitheater and stage; picnic and seating areas; community and cultural building; and hardscape promenade for festivals and markets.

4. The open spaces and community park shall incorporate stormwater detention as a resource for differentiating the open space system.

Streetscape Character

5. To provide an attractive edge to the redevelopment and to buffer the impact of the Quebec Street traffic, a minimum 35' landscaped setback shall be provided from the Quebec Street R.O.W. to any future buildings. See Figure F-22, Quebec Street Illustrative Section, for a depiction of this condition.

Parking

6. Based on task force guidance and the desire to utilize land efficiently, structured parking should be used instead of surface parking for multi-family and mixed-use buildings, particularly where the parking is exposed to the edges of the property.

7. The area for **70 dedicated parking spaces** for the Schlessman Family Branch Library shall be allowed adjacent to 1st Avenue between Quebec Street and Poplar Street.

Exhibit 3 to O'Connor Letter dated April 26, 2015
From Figure 10 of 2008 Buckley Annex Redevelopment Plan



Figure 10
Perspective of Mixed-Use Center

2-11-15



FOR ILLUSTRATIVE PURPOSES ONLY
DESIGNWORKSHOP
JANUARY 8, 2015

ILLUSTRATIVE MASTER PLAN

BOULEVARD ONE

From: [Rezoning - CPD](#)
To: [Lucero, Theresa L. - Community Planning and Development](#)
Subject: FW: Boulevard One -- LRA's rezoning application #20141-00096
Date: Tuesday, April 28, 2015 10:56:05 AM

From: pierson98@comcast.net [mailto:pierson98@comcast.net]
Sent: Monday, April 27, 2015 4:28 PM
To: Rezoning - CPD
Subject: Boulevard One -- LRA's rezoning application #20141-00096

Dear Planning Board:

Please include this emailed letter in the packet for the Planning Board Meeting on May 6, 2015.

Along with our neighbors in Park Heights, we oppose the LRA's zoning application #20141-00096 for C-MX--5 with waivers (Urban Center-Mixed Use -- 5 stories with Waivers).

We have been residents of Lowry since early 2000 when we moved into our home in the Park Heights neighborhood, which is directly south of and abuts Boulevard One (the former "Buckley Annex"). Ever since the Air Force decided to close the Buckley Annex in 2005, we have watched in horror as the Lowry Redevelopment Authority ("LRA") and city planners have consistently and relentlessly ignored the Lowry Design Guidelines and the huge neighborhood opposition to high density plans.

At this point, we believe that most of our neighbors are unaware of the enormous level of density contemplated for Boulevard One by the LRA and city planners. This development has a very long, complicated history with a myriad of extremely technical rules and laws. All this can be seen in the excellent complaint filed in the District Court captioned O'Connor vs. The Denver Planning Board, Case No. 2014CV034068. This lawsuit is currently pending an appeal. Among other things, the complaint does a great job of reciting the relevant historical facts. We fully support the lawsuit and are grateful that Gregory Kerwin and the named plaintiffs took it on.

As original Lowry "pioneers", these are our concerns:

Lowry's Design Guidelines should be followed. It is only because the Air Force decided to close Buckley Annex years after the rest of Lowry was redeveloped (or in the process of being redeveloped) that the LRA and city planners wrongfully believe that they now have a legal loophole to force large changes to the original Lowry game plan.

Quebec is a dangerous road, and the Boulevard One development will only make it more dangerous. It is only luck that there has not been a fatality on Quebec Street. This road is extremely over-crowded, and it is not safe to make a left

(north) turn from Park Heights onto Quebec during many of the busier hours of the day. Pedestrians crossing Quebec near Park Heights have fearful experiences as well. It is irresponsible for the LRA and city planners to even think about further development without first fixing Quebec.

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Lowry residents have been consistently and relentlessly ignored by the LRA and City Planners for years. At every public meeting we have attended on the issue, there has been significant protest by residents to the high density plans pushed by the LRA and the city. The residents' voices have been ignored. It is like Russia invading the Ukraine. Despite huge protests on all sides, Russia invaded the Ukraine because it could.

Lowry residents do not want another Cherry Creek high density development around our homes.

Thank you.

Elizabeth and Kent Lund