



**DENVER**  
THE MILE HIGH CITY

201 W Colfax Ave, Dept 205  
Denver, CO 80202  
p: 720-865-2972  
f: 720-865-3056  
[www.denvergov.org/planning](http://www.denvergov.org/planning)

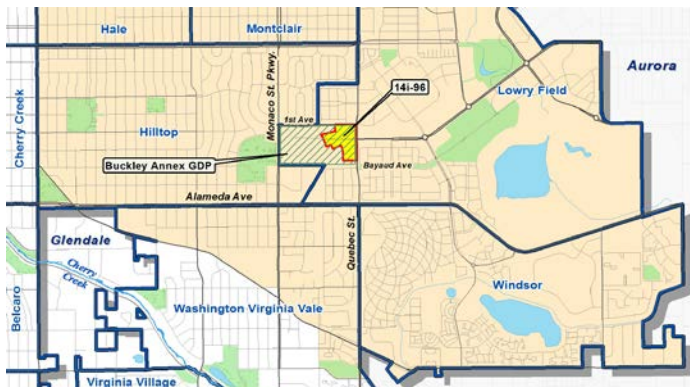
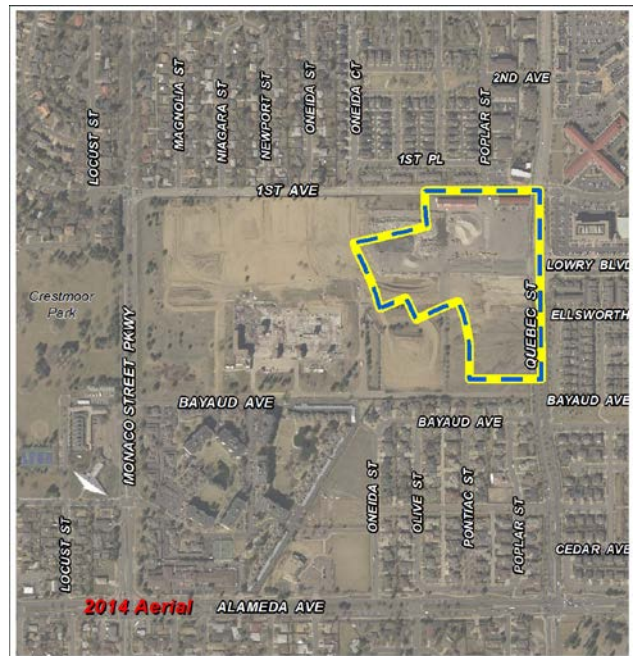
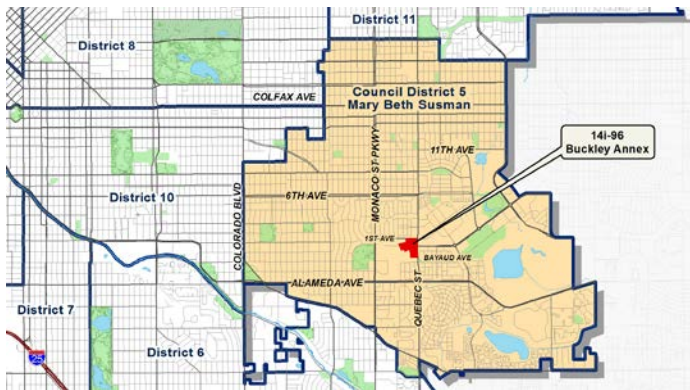
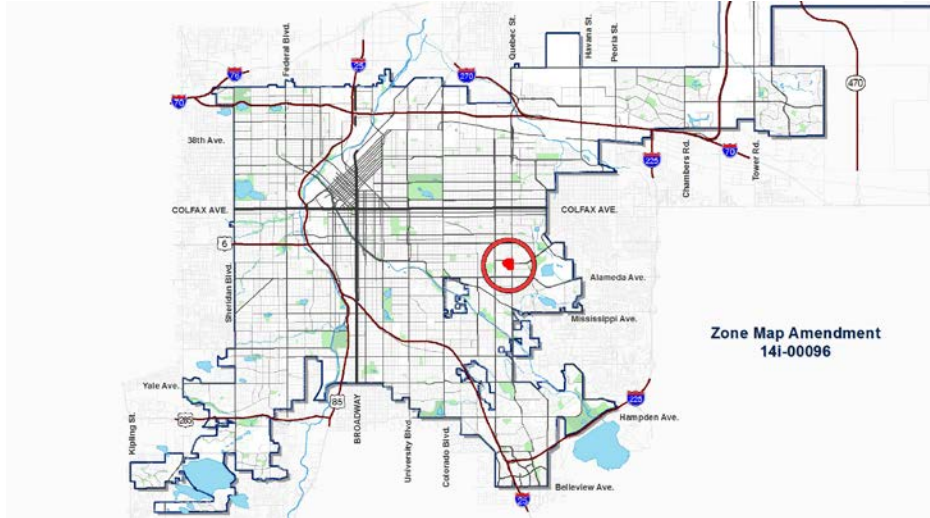
**TO:** Denver Planning Board  
**FROM:** Theresa Lucero, Senior City Planner  
**DATE:** April 28, 2015  
**RE:** Official Zoning Map Amendment Application #2015I-00096  
Approximately 99 Quebec Street  
Rezoning from O-1 to C-MX-5 with Waivers

**CPD Recommendation**

Based on the criteria for review in the Denver Zoning Code, Staff recommends approval for Application #2015I-00096 for a rezoning from O-1 to C-MX-5 with Waivers.

**Request for Rezoning**

Application:	#2014I-000096
Location:	Approx. 99 Quebec Street
Neighborhood/Council District:	Lowry Field / City Council District #5
RNOs:	Crestmoor Park (2nd Filing) Homes Association; Crestmoor Park Neighborhood Association; Denver Neighborhood Association, Inc.; Inter-Neighborhood Cooperation; Lowry Community Master Association; Lowry United Neighbors; Mayfair Park Neighborhood Association; Mayfair Residence Condominium Association
Area of Property:	Approximately 18 acres, 786,127 SF
Current Zoning:	O-1: (A Denver Zoning Code zone district with a limited use list that include civic and public uses, limited group living, limited commercial and some industrial uses. No maximum height, except when within 175' of a protected zone district where the height is limited to 75'. The only form standards are for setbacks.)
Proposed Zoning:	C-MX-5 with Waivers: Urban <b>C</b> enter Neighborhood context – <b>M</b> ixed Use – <b>5</b> story maximum height with waivers to reduce the number of stories and maximum height allowed in specific areas of First Avenue and Quebec Street from 5 stories and 65 feet, to 3 stories and 45 feet.
Property Owner(s):	Lowry Redevelopment Authority (LRA) - a quasi- governmental, nonprofit entity created by the cities of Denver and Aurora in 1994 to redevelop the former Lowry Air Force Base
Owner Representative:	Kaplan, Kirsch & Rockwell, LLC



### Summary of Rezoning Request

- The subject property is part of the larger 70-acre Buckley Annex property, which was the last remaining parcel of land to be transferred by the Department of Defense to the Lowry Redevelopment Authority (LRA) at the former Lowry Air Force Base (1,866 acres). The Buckley Annex property is vacant except for two, 2-story existing structures near the intersection of 1<sup>st</sup> Avenue and Quebec Street. One of the existing structures is an office building and the other is a maintenance building.
- The property owner is requesting a rezoning to entitle the land for future redevelopment of the site consistent with adopted City plans and the Buckley Annex General Development Plan approved in 2013. The LRA will be the master developer of the site, as it has been for the rest of Buckley Annex and Lowry, and will sell land to residential and commercial developers for vertical construction.
- The proposed rezoning for the subject site is for the C-MX-5 zone district with Waivers, or Urban **C**enter Neighborhood Context – **M**ixed Use – **5** story maximum height with waivers of building heights in specific areas of First Avenue and Quebec Street. For portions of the subject property which are directly adjacent to existing surrounding neighborhoods, the waivers impose height limits of 3 stories and 45 feet for a distance of 30 feet from portions of the right-of-way of 1<sup>st</sup> Avenue and Quebec Street. The waiver standards are proposed to apply in subareas of the Buckley Annex where 5 story heights are recommended by the Buckley Annex General Development Plan and where the Buckley Annex subareas are directly across 1<sup>st</sup> Avenue and Quebec Street from existing surrounding neighborhoods.

### Waivers to a New Code Zone District – Implications:

Waivers are enabled by Section 12.4.10.6 of the Denver Zoning Code and allow for an applicant to waive certain rights or obligations under the proposed zone district. This application requested such waivers.

- The variations in building height requested in the subject waivers are not achievable under a single standard zone district of the Denver Zoning Code. Currently to achieve two separate heights on one property, the property would need to be rezoned to two separate zone districts. For other similar properties in the city an overlay district which restricts edge building heights have been applied. The Denver Zoning Code has no current overlay district that would implement the specific height transitions proposed for Buckley Annex. An alternate way to achieve the edge step down in height is the proposed waivers.

### Summary Background

The following is a summary of the Buckley Annex history.

- 1970s - 2005 - The subject property was home to the Air Reserve Personnel Center and Denver Center of the Defense Finance and Accounting Services, with some 3,000 employees.
- 1993 – Lowry Reuse Plan created and adopted by the City with the Air Reserve Personnel Center and Denver Center of the Defense Finance and Accounting Services on the Buckley Annex area shown to continue
- 2000 – Denver’s Comprehensive Plan 2000 adopted and Lowry Reuse Plan re-adopted as supplement by the city with the Air Reserve Personnel Center and Denver Center of the Defense Finance and Accounting Services shown to continue on Buckley Annex

- 2002 – Blueprint Denver adopted by the city
- 2005 - Department of Defense-Air Force announced closure of Buckley Annex (the subject site)
- 2008 – Buckley Annex Redevelopment Plan completed by LRA as required by the Department of Defense (not adopted by the city)
  - LRA created Buckley Annex Redevelopment Plan following an iterative and public planning process involving city staff and residents.
  - As described in the Redevelopment Plan “The Department of Defense recognizes a local redevelopment authority as the entity responsible for creating a redevelopment plan for closed facilities before property is transferred for development. The Office of Economic Adjustment (OEA) designated the LRA to manage the public process for the Redevelopment Plan and ultimately deliver a plan that balances the needs of the community, the Air Force and future developers.”
  - The Redevelopment Plan for Buckley Annex was submitted to the Secretary of Defense and the Secretary of Housing and Urban Development.
  - The 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.
- 2011 - Property completely vacated by the Air Force
- 2012 - Air Force completed transfer of the property to the LRA
- 2013 – Buckley Annex General Development Plan approved by the City and recorded (Reception Number 2013077511). (Planning Board recommended approval to the Development Review Committee (DRC) consisting of staffs from Community Planning and Development, Parks and Recreation, and Public Works).

### Existing Context

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	O-1	2 existing non-residential structures with surface parking	Two 2-story non-residential structures	Modified grid pattern of streets and rectangular blocks; Streets north of 1 <sup>st</sup> Avenue connected south of 1st Avenue by Buckley Annex superblock, but not connected south of Buckley Annex. Vehicle parking to the side or rear of buildings (alley access), and structured.
North	R-2-A with waivers/G-RH-3 with waivers/OS-B	Library & Rowhouses	1st Avenue – 2-story library and rowhomes, consistent rear rowhouse setback from 1 <sup>st</sup> Avenue	
South	U-SU-B with waivers	Vacant with SF residential south of Bayaud Avenue	No Structures within Buckley Annex with 2 story residential structures adjacent to the south	
East	B-3 with waivers, R-2-A with waivers	Office, senior apartments, rowhouses & SF residential	2-4-stories	
West	G-RH-3 with waivers & U-SU-A with waivers	Vacant	No Structures	

Existing Land Use



**1-** Mayfair Park Neighborhood, Single unit attached, 1-1.5 story north of subject property



**2** Schlessman Library, 2 story, on 1st Avenue north of subject property



**3** Subject Property



**4** Vacant property south of subject property



**5** 4 story office building, east across Quebec Street at 1<sup>st</sup> Avenue



**6** 2 story SF & townhome residential structures, SE of subject property



**7** Vacant property west of subject property



### Summary of City Review

The map amendment was referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

**Asset Management:** Approve – No Comments

**Development Services – Project Coordination:** No Comments.

**Development Services – Wastewater:** Approved, There is no objection to the rezone; however applicant should be under notice that Public Works will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity as outlined in the LRA master plans. A sanitary study and drainage study may be required. These studies may results in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

**Public Works – City Surveyor:** Approved – No Comments

**Development Services – Transportation:** No Comments

**Denver Parks and Recreation:** Approved, no comments.

### Public Review Process

Several notices are sent to registered neighborhood organizations throughout the rezoning process. The following summarizes public input received, as well as the specific dates notice has been or will be sent:

- March 16, 2015, First Notice: CPD staff provided Informational notice of the rezoning application to affected members of City Council and registered neighborhood organizations according to Section 12.3.4.5.A.1 of the Denver Zoning Code.
- April 21, 2015, Second Notice for Planning Board Public Hearing: The property was legally posted for a period of 15 days announcing the May 6, 2015 Denver Planning Board public hearing, and written notification of the hearing was sent to all affected registered neighborhood organizations and City Council members.
- NAP, Third Notice: Following Planning Board review, the rezoning application will be referred to the Neighborhoods and Planning Committee of the City Council for review. NAP is a public meeting with electronic notification sent to affected members of City Council and affected registered neighborhood organizations.
- Final Notice for City Council Public Hearing: Following NAP committee review, the rezoning application is referred to the full City Council for final action after a public hearing on second reading. For the public hearing notification of the hearing is sent to affected members of City Council and affected registered neighborhood organizations and notification signs are posted on the property 21 days prior to the hearing.

### Public Comments

- To date we have received 5 letters of opposition.



## Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are as follows:

**a) DZC Section 12.4.10.13**

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

**b) DZC Section 12.4.12.15**

“The City Council may approve an official map amendment (rezoning) application for property located within an approved GDP area, taking into consideration the approved GDP.”

**c) DZC Section 12.4.10.14**

1. Justifying Circumstances (also referenced in Section 12.4.10.1)
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

**a) DZC Section 12.4.10.13**

**1. Consistency with Adopted Plans**

The following adopted plans apply to this property:

- Denver Comprehensive Plan 2000
- Lowry Reuse Plan (1993, re-adopted 2000)
- Blueprint Denver (2002)
- Buckley Annex General Development Plan (2013)

**Denver Comprehensive Plan 2000**

This rezoning is consistent with many Denver Comprehensive Plan strategies, including:

- Environmental Sustainability chapter, Objective 2 Stewardship of Resources, Strategy 2-F: “*Conserve land by promoting infill development with Denver at sites where services and infrastructure are already in place*” (p. 39).
- Environmental Sustainability chapter, Objective 2 Stewardship of Resources, Strategy 2-F: “*Conserve land by designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods*” (p.39).
- Environmental Sustainability chapter, Objective 4 The Environment and the Community, Strategy 4-A: “*Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work*” (p. 41).
- Land Use chapter, Objective 1 Citywide Land Use and Transportation Plan, Strategy 1-A: “*Develop a Citywide Land Use and Transportation Plan that anticipates growth and development patterns through 2020. Consider future needs for housing, commerce and industry, parks recreation and open space, transportation, community facilities, and other identified land-use needs*” (p.57).
- Land Use chapter, Objective 1 Citywide Land Use and Transportation Plan, Strategy 1-H: “*Encourage development of housing that meets the increasingly diverse needs of Denver’s present and future residents in the Citywide Land Use and Transportation Plan*” (p. 58).
- Land Use chapter, Objective 3 Residential Neighborhoods and Business Centers,

Strategy 3-B: *“Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses”* (p. 60).

- Land Use chapter, Objective 4 Land Use and Transportation, Strategy 4-B: *“Ensure that land-use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities”* (p. 60).
- Mobility chapter, Objective 1 Diverse Mobility Options, Strategy 1-A: *“Advocate transportation investments that increase mobility of people and their connections to employment, education, shopping, cultural opportunities and other activities”* (p.75).
- Mobility chapter, Objective 3 Accommodating New Development, Strategy 3C: *“Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas”* (p. 77).
- Mobility chapter, Objective 4 Accommodating New Development, Strategy 4-E: *“Continue to promote mixed-use development, which enables people to live near work, retail and services”* (p. 78).
- Denver’s Legacies chapter, Objective 3 Compact Urban Development, Strategy 3-A: *“Identify areas in which increased density and new uses are desirable and can be accommodated”* (p. 90).
- Denver’s Legacies chapter, Objective 4 Strong Connections, Strategy 4-A: *“Preserve, enhance and extend the pattern and character of the primary street system, including the prevailing grid, interconnected parkways, detached sidewalks and tree lawns”* (p. 99).
- Neighborhoods chapter, Objective 1 A City of Neighborhoods, Strategy 1-E: *“Modify land-use regulations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, schools, transportation and open space networks”* (p. 150).

The proposed rezoning is consistent with Comprehensive Plan 2000 Environmental Sustainability and Neighborhoods objectives and strategies because the mixed use zone district allows infill development to occur where services and infrastructure is already in place to serve the new development, and the mixture of land uses will conserve land and preserve air quality by allowing new residents to live near shopping, jobs, recreation and schools where driving can be replaced by walking or bicycling. In addition, the new mixed use zoning will enable the construction of a variety of housing types and prices, new business and employment opportunities, and new open space and recreation networks.

The proposed rezoning is consistent with Comprehensive Plan 2000 Land Use objectives and strategies because the mixed use zoning will broaden the variety of compatible land uses, will accommodate the City’s growth with a full range of needed land uses such as housing, parks, transportation, and community facilities that are in character with surrounding existing neighborhoods. The proposed zoning will enable new infill development to meet the needs of Denver’s present and future residents with the opportunity to provide new housing and neighborhood serving amenities.

The proposed rezoning is consistent with Comprehensive Plan 2000 Legacies and Mobility objectives and strategies because the mixed use zoning will increase the opportunity for a variety of land uses on vacant property where new growth can be accommodated and, where

the traditional Denver street pattern can be extended. In addition the proposed system of new automobile, pedestrian and bicycle facilities increase the opportunity for new mobility choices and connections.

The proposed waivers are consistent with Comprehensive Plan recommendations because the waivers help new development conform to existing surrounding neighborhoods.

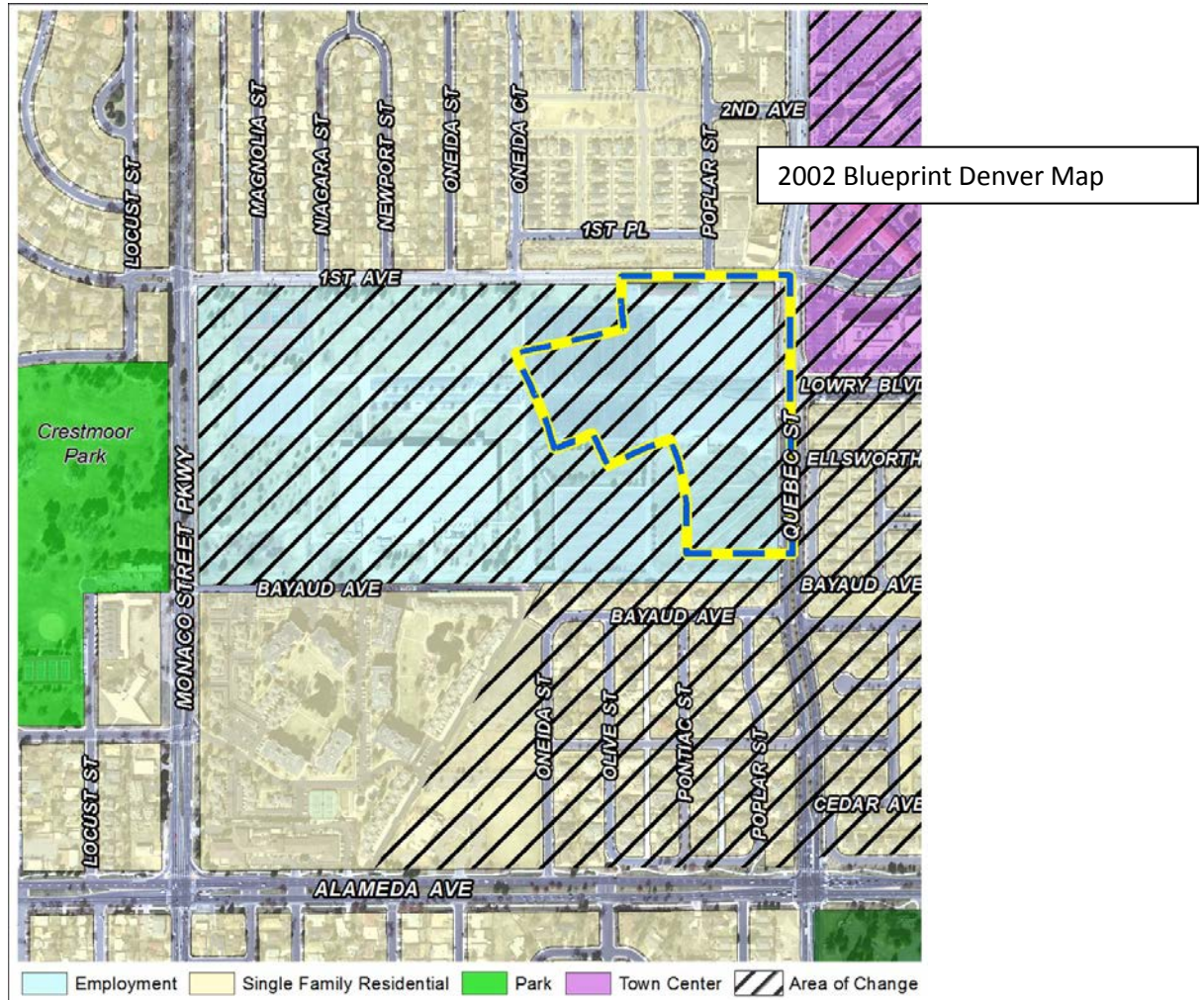
**The Lowry Reuse Plan – 1993, 2000**

The Lowry Reuse Plan adopted in 1993 did not anticipate a change in use on the subject property from the Air Force land uses. It specifically stated in its “Planning Assumptions” that “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” (p. 3-1). However, in 2005, the Air Force announced that it would close these facilities. Since the Lowry Reuse Plan did not anticipate any land uses other than Air Force ones, it is not applicable to the changed circumstances now present on the site.

**Blueprint Denver – 2002**

The proposed rezoning is consistent with Blueprint Denver.

According to the 2002 Blueprint Denver Plan Map this site is designated an Area of Change and has a future concept land use of Employment. As to the Employment land use concept, the Plan was adopted prior to the 2011 closure of the Air Force land uses and therefore is of limited applicability, although the mixture of land uses will allow some employment opportunity.



### Blueprint Denver Area of Change

On the Blueprint Denver Map, the subject site is designated as an Area of Change. In general, Areas of Change are where change is occurring, or is desirable. A key strategy of Blueprint Denver is to direct growth to Areas of Change (p.19), and by directing growth to these areas, striving to preserve the community's established neighborhoods (p.20). Areas of Change provide Denver with the opportunity to focus growth in a way that benefits the city as a whole (p. 127). Further, Blueprint Denver suggests a regulatory strategy for Areas of Change: "The base strategy for encouraging development is to allow sufficient development intensity and appropriate mixes of uses so that planned land uses will be economically feasible (p. 128)."

The Blueprint Denver Plan text identifies specific goals for Lowry as an Area of Change (p. 22). Specifically, the Plan describes that large vacant development sites as a whole offer "... the potential to create new neighborhoods that embody the best characteristics of Denver's traditional residential areas." Blueprint Denver also proposes strategies for this type of Area of Change, including (p. 22):

- Coordinated Master Planning
- Urban character
- Pedestrian and transit supportive design and development standards

- Mixed land uses - retail and employment near residential neighborhoods
- Diversity of housing type, size and cost
- Multi-modal streets
- Street grid / connectivity
- Transit Service and access
- Reduce land used for parking with shared parking and structured parking
- Extensions of Denver's urban legacies
- Adequate parks and open space

The proposed rezoning is consistent with the Blueprint's Area of Change planning goals and strategies because the proposed C-MX-5 zone district enables the redevelopment of vacant property in Buckley Annex. The proposed redevelopment plan reinforces urban development patterns with a mixture of land uses, diversity of housing types and costs, multi-modal streets, connectivity of the street grid, multi-modal connectivity, and adequate new parks and open space. In addition, the mixture of land uses will increase economic activity, they establish the potential to create a new neighborhood that includes characteristics of Denver's traditional neighborhoods and the proposed waivers will address the edges between the existing neighborhoods and the redeveloping neighborhood with a compatible transition.

#### Blueprint Denver Future Land Use - Employment

According to Blueprint Denver, the subject site has a future land use concept of Employment. The Employment land use concept describes areas containing mainly commercial or industrial uses with attention to design, screening and buffering when employment districts are near residential areas (p. 39). In 2002 when Blueprint Denver was adopted, Buckley Annex was an office employment center. With the 2011 closure of operations of the Air Reserve Personnel Center and Denver Center of the Defense Finance and Accounting Services by the federal government, the opportunity to redevelop the 70-acre vacant redevelopment area was created.

The proposed C-MX-5 rezoning provides the potential for new employment opportunities as the new zoning allows civic, commercial and service land uses which are directly across Quebec Street from the existing Lowry town center. The accompanying design guidelines developed by the Lowry Redevelopment Authority provides special attention to design, specifically by providing a building height transitions to adjacent established low intensity Areas of Stability from the subject property. The proposed waivers provide this height transition and provide for a compatible infill plan that responds to adjacent neighborhoods.

#### Blueprint Denver Future Street Classifications

The Blueprint Denver future street classification for 1<sup>st</sup> Avenue is Residential Collector, and for Quebec Street the classification is Residential Arterial. Residential Collector streets provide a balance between mobility and land access for residential development, and Residential Arterial streets emphasize mobility over access. The proposed rezoning is consistent with these street classifications.

## 2. Uniformity of District Regulations and Restrictions

The proposed rezoning to C-MX-5 with waivers will result in the uniform application of the C-MX-5 zone district with the exception of the area of the proposed waivers where the waiver limits height within 30 feet of the street edges of the zone district where additional height and setback standards to enable a better transition between new development and existing neighborhoods.

## 3. Public Health, Safety and General Welfare

The proposed rezoning furthers the public health, safety, and general welfare of the City primarily through implementation of the City's adopted land use plans including the Buckley Annex General Development Plan.

### b) DZC Section 12.4.10.15

#### **Buckley Annex General Development Plan - 2013**

Denver Zoning Code Section 12.4.12.15 states that City Council may approve an official map amendment application for property located within an approved GDP area, taking into consideration the GDP. In May 2013, the City approved a General Development Plan for the entire 70-acre Buckley Annex site. The GDP followed an iterative and public process to reach consensus on the vision. It was approved by the Development Review Committee in May, 2013, based upon a recommendation by Planning Board on April 3, 2013. As a plan approved by the City after a public process it provides guidance in determining the appropriate zone district.

The subject property for this rezoning application is within the *Community Park Mixed-Use Center* subarea of the GDP. This subarea description states:

**Intent:** The Community Park Mixed-Use Center serves as a community-wide gathering place that is defined by a significant community park and plaza; new opportunities for park-side retail; and multi-family and single-family residences that look onto the park and plaza. The area for additional library parking shall also be provided in the northeast corner of this subarea to support the existing Schlessman Library at the intersection of 1<sup>st</sup> Avenue and Quebec Street and to create synergy between the library users and the new mixed-use center. Along the frontage of Lowry West Neighborhood, single family attached housing is anticipated before stepping up to higher density residential and mixed-use developments.

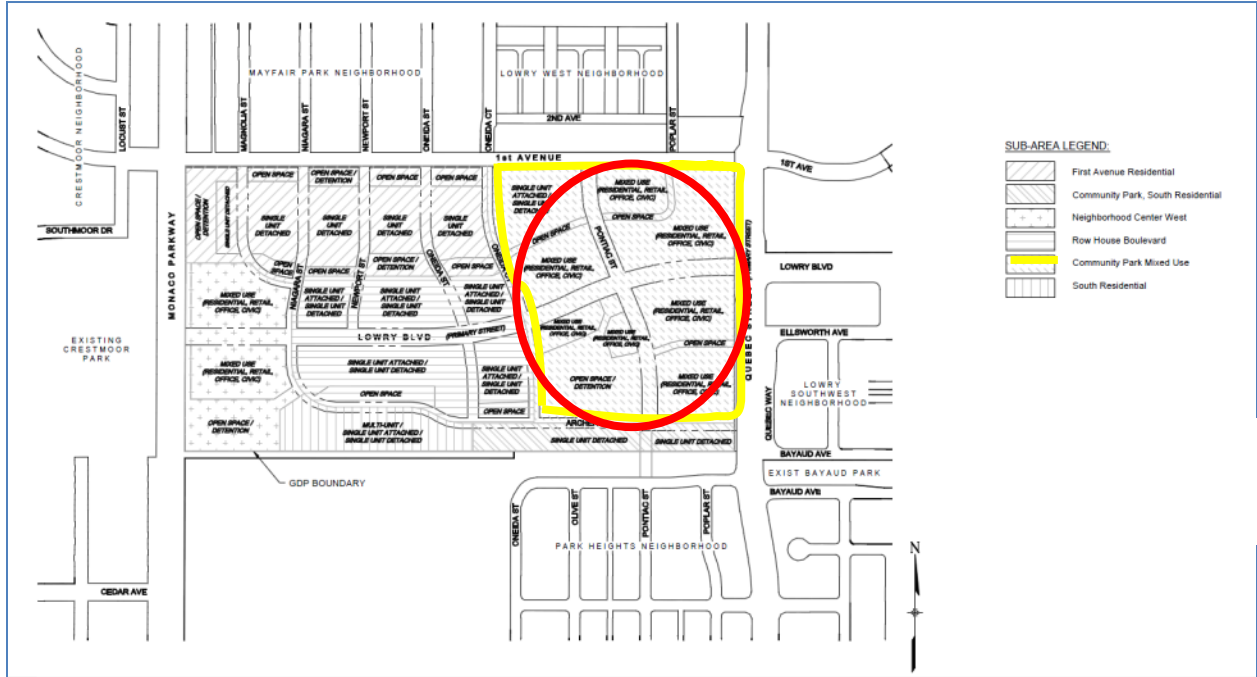
**Land Use:** Mixed use (residential, retail, office, civic). This area includes a community park that should serve as a gathering place for the Lowry Community.

**Height:** Maximum 5 stories with maximum height of 3 stories and 2.5 stories along 1<sup>st</sup> Avenue and a maximum height of 3 stories along Quebec Street between Archer place and Lowry Boulevard.

**Urban Design:**

- Build-to lines and pedestrian entrances along Lowry Boulevard and Pontiac Street
- Ground-floor active uses
- Parking located to the side and/or the rear of buildings or structures
- Buildings and uses will also be oriented to the active park

On the following map the yellow highlight identifies the location of the Community Park Mixed-Use Center subarea and the subject property is located with a red circle.



The proposed rezoning with waivers is consistent with this GDP subarea intent language. The C-MX-5 district allows residential, civic and commercial land uses with building form standards that promote active pedestrian-scaled areas with on-street pedestrian entrances, transparency requirements and upper story setbacks from protected zone districts. These land uses and building form standards implement the GDP land use and urban design recommendations. The waivers limit building heights to 3 stories and 45 feet within 30 feet of both East 1<sup>st</sup> Avenue and Quebec Street where new development will be adjacent to existing neighborhoods making the proposed rezoning with waivers consistent with the GDP.

**c) DZC Section 12.4.10.14**

**1. Justifying Circumstance**

Denver Zoning Code Section 12.4.10.14.A.4 states a rezoning may be justified when the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.

The change or changing condition in this case is the closure of the Air Force facilities at Buckley Annex in 2011, and the subsequent sale of the property by the Department of Defense-Air Force to the Lowry Redevelopment Authority (“LRA”) in 2012. Recommendations in Comprehensive Plan 2000, Blueprint Denver, and the Buckley Annex General Development Plan provide policy support for a public interest in encouraging redevelopment of the area to meet citywide planning goals for Areas of Change, as well as to meet more specific planning goals for the Buckley Annex adopted after its sale to the LRA.

## **2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

Neighborhood Context: The requested C-MX-5 zone district with waivers is within the Urban Center Neighborhood Context. This neighborhood context is generally characterized by multi-unit residential and mixed-use commercial strips and commercial centers (DZC, Division 7.1). Multi-unit residential uses located along residential collector, mixed use arterial and local streets. The context normally consists of a regular pattern of orthogonal block shapes, detached sidewalks, and the presences of alleys. Buildings typically have consistent orientation and setbacks. There is a high level of pedestrian and bicycle use with an access to the multi-modal transportation system.

Zone District General Purpose: Mixed use zone districts within this neighborhood context promote safe, active pedestrian-scaled, diverse areas. The zone districts are intended to enhance the convenience, ease and enjoyment of walking, shopping and public gathering within the new neighborhood and to ensure the new development contributes positively to established neighborhoods, and improves the transition between commercial development and adjacent residential neighborhoods.

Zone District Specific Intent: Specifically, the C-MX-5 zone district applies to areas served primarily by collector and arterial streets where a building scale of 1-5 stories is desired. The waivers create a transition in height from 5 stories to 3 stories in proximity to both East 1<sup>st</sup> Avenue and Quebec Street.

The proposed rezoning is consistent with the above intent language. The base C-MX-5 zone district provides a land use and building form that promotes higher density similar to the density of existing Lowry development. The proposed waivers allow for transitional height standards, which accommodates a new neighborhood within an Area of Change, and allows an acceptable transition in height to existing neighborhoods.

Additionally, the requested zoning implements the neighborhood context vision for streets, blocks, alleys and sidewalks as set forth in the Buckley Annex GDP. And finally, the subject property is served by an existing collector and arterial streets.

### **CPD Recommendation**

Based on the analysis set forth above, CPD staff finds that the application meets the requisite review criteria. Accordingly, staff recommends *approval*.

### **Attachments**

1. Application
2. Comment letters (6)



## Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p><b>*If More Than One Property Owner:</b>            All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			
Does the proposal comply with the minimum area requirements specified in DZC Sec. 12.4.10.3:		<input type="checkbox"/> Yes	<input type="checkbox"/> No

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</p>	<p><input type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</p> <p>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p>
<p>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.14</p>	<p><b>Justifying Circumstances - One of the following circumstances exists:</b></p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error.</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact.</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.</p> <p><input type="checkbox"/> The land or its surroundings has changed or is changing to such a degree that rezoning that it is in the public interest to encourage a redevelopment of the area to recognize the changed character of the area</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.</p> <p>Please provide an attachment describing the justifying circumstance.</p> <p><input type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format) <input type="checkbox"/> Proof of Ownership Document(s) <input type="checkbox"/> Review Criteria	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<input type="checkbox"/> Written Authorization to Represent Property Owner(s)	
Please list any additional attachments:	

**PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION**

We, the undersigned represent that we are the owners of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement (must sign in the exact same manner as title to the property is held)	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed or deed of trust, (C) title policy or commitment, or (D) other as approved	Property owner representative written authorization? (YES/NO)
<b>EXAMPLE</b> John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith Josie Q. Smith</i>	01/01/12	(A)	NO
Lowry Redevelopment Authority	Approximately 99 Quebec Street Denver, CO 80230 303-343-0276 Monty.Force@lowryredevelopment.org	100%	<i>Monty Force</i>	2/24/15	(B)	YES

**Boulevard One**  
**C-MX-5 w/ Waivers Zoning Application Appendices**

**Applicant: Lowry Redevelopment Authority**



(Location: Refer to the location graphic below)

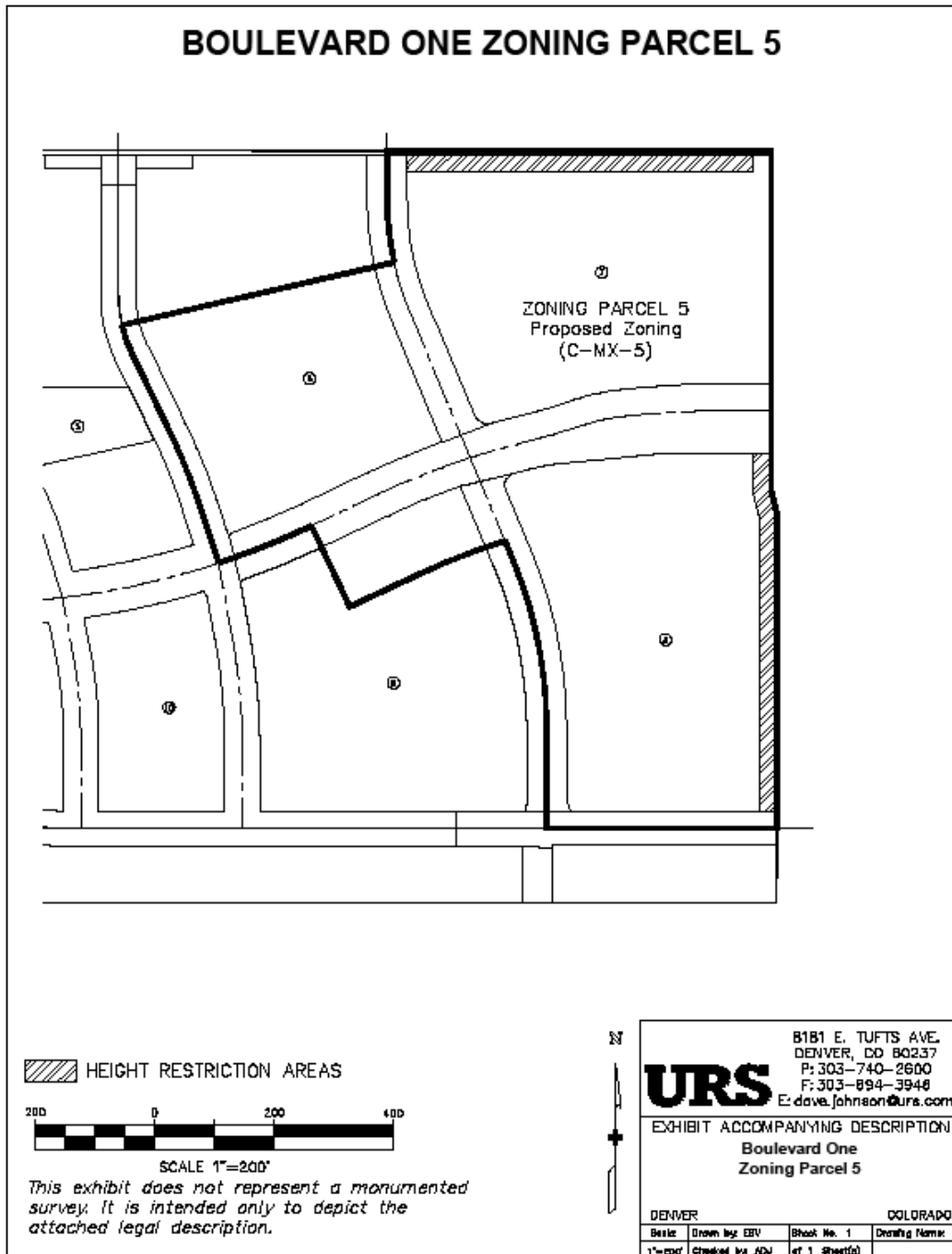
Approximately 99 Quebec Street

Application No. \_\_\_\_\_

Current Zoning: O-1

Proposed Zoning: C-MX-5 with waivers

Site Size: 18.047± acres or 786,127± square feet



**Property Owner**  
**Lowry Economic Redevelopment Authority**  
7290 East First Avenue  
Denver, Colorado 80230

**Authorized Representative:**  
John Putnam  
Kaplan Kirsch & Rockwell, LLP  
1675 Broadway, Suite 2300  
Denver, Colorado 80202  
[jputnam@kaplankirsch.com](mailto:jputnam@kaplankirsch.com)  
(303)825-7000

Included as part of this submittal are the following documents:

- Exhibit A:** Proposed Waivers
- Exhibit B:** How Rezoning Meets General Review Criteria
- Exhibit C:** How Rezoning Meets Additional Review Criteria for Non-Legislative Rezonings
- Exhibit D:** Legal Descriptions and Graphic Exhibits
- Exhibit E:** Letter of Authorization
- Exhibit F:** Community Outreach
- Exhibit G:** Responses to Public Comments
- Exhibit H:** Legal Descriptions of Areas Covered by Waivers
- Exhibit I:** Assessor's Parcel Numbers

**Note:** Proof of Ownership (Recorded Deed Submitted Separately)

## **Exhibit A**

### **Proposed Waivers**

Section 12.4.10.6(A) of the Denver Zoning Code (“Zoning Code”) allows the City Council to adopt waivers as part of the ordinance amending the official map if the application for an official map amendment is based upon a written representation by the applicant that the applicant wishes to waive certain rights or obligations under the proposed district classification, and such waivers are approved in writing by the applicant. In accordance with Section 12.4.10.6(A), this proposed map amendment proposes the waivers provided below.

#### **1. Proposed Height Waiver Within Areas Along Quebec Street and East First Avenue**

Pursuant to Section 12.4.10.6(A) of the Denver Zoning Code, we the undersigned owners of the property under application for rezoning referenced above, do hereby waive the right to build, use or erect any general building form structure with a maximum permitted building height of seventy (70) feet as set forth in Section 7.3.3.4(C) of the Denver Zoning Code and instead shall comply with the following:

- (a) The maximum height of any portion of a general building form structure located within the area that is legally described in Section 4 below (the “First Avenue Waiver Area”) shall be forty-five (45) feet. Building height shall be defined and measured in accordance with Section 13.1.3 of the Denver Zoning Code.
- (b) The maximum height of any portion of a general building form structure located within the area that is legally described in Section 5 below (the “Quebec Street Waiver Area”) shall be forty-five (45) feet. Building height shall be defined and measured in accordance with Section 13.1.3 of the Denver Zoning Code.
- (c) The overall maximum height of any general building form structure located outside of the First Avenue Waiver Area and the Quebec Street Waiver Area shall be sixty-five (65) feet.

## 2. Proposed Waiver of Allowed Number of Stories of General Building Form Structure Within Areas Along Quebec Street and East First Avenue

Pursuant to Section 12.4.10.6(A) of the Denver Zoning Code, we the undersigned owners of the property under application for rezoning referenced above, do hereby waive the right to build, use or erect any general building form structure with a maximum number of stories of five (5) as set forth in Section 7.3.3.4(C) of the Denver Zoning Code and instead shall comply with the following:

- (a) The maximum number of stories of any portion of a general building form structure located within the First Avenue Waiver Area or the Quebec Street Waiver Area shall be three (3) stories.
- (b) The maximum number of stories of any general building form structure located outside of the First Avenue Waiver Area and the Quebec Street Waiver Area shall be as provided in Section 7.3.3.4(C) of the Denver Zoning Code.

## 3. Other Provisions of the C-MX-5 Zone District

All other provisions of the C-MX-5 Zone District of the Revised Municipal Code of the City and County of Denver, including but not limited to the Design Standards in Section 7.3 of the Code, shall apply within the boundaries of the subject property contained in this application.

## 4. First Avenue Waiver Area

The First Avenue Waiver Area shall be defined by its legal description, as follows:

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

**COMMENCING** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 150.00 feet;  
thence South 00°02'35" West, parallel with and 150.00 feet west of the easterly line of said Southeast Quarter of Section 8, a distance of 36.00 feet to the **POINT OF BEGINNING**;

thence South 00°02'35" West, parallel with and 150.00 feet west of said easterly line of the Southeast Quarter of Section 8, a distance of 30.00 feet;  
thence North 89°59'52" West, parallel with and 66.00 feet south of said northerly line of the Southeast Quarter of Section 8, a distance of 580.00 feet;  
thence North 00°00'08" East a distance of 30.00 feet;  
thence South 89°59'52" East, parallel with and 36.00 feet south of said northerly line of the Southeast Quarter of Section 8, a distance of 580.02 feet to the **POINT OF BEGINNING**;



Containing 17,400 square feet or 0.399 acres, more or less.

**Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3-1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

## 5. Quebec Street Waiver Area

The Quebec Street Waiver Area shall be defined by its legal description, as follows:

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 8;

thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 120.00 feet;

thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of said Southeast Quarter of Section 8, also being the westerly line of Quebec St., a distance of 536.62 feet to the POINT OF BEGINNING;

thence along said westerly line of Quebec St. the following three (3) courses:

1. South 00°02'35" West a distance of 61.66 feet;
2. South 14°00'02" East a distance of 41.21 feet;
3. South 00°02'35" West a distance of 498.39 feet;

thence North 90°00'00" West a distance of 30.00 feet;

thence parallel with and 30.00 feet west of said westerly line of Quebec St. the following three (3) courses:

1. North 00°02'35" East a distance of 494.72 feet;
2. North 14°00'02" West a distance of 41.21 feet;

3. North 00°02'35" East a distance of 65.36 feet;

thence South 89°57'25" East a distance of 30.00 feet to the POINT OF BEGINNING;

Containing 18,038 square feet or 0.414 acres, more or less.

Basis of bearings: Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3-1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

Agreed to by:

Date

  
\_\_\_\_\_

2/24/15

Montgomery C. Force, Executive Director  
***Lowry Economic Development Authority***

## **Exhibit B**

### **How Rezoning Meets General Review Criteria**

Section 12.4.10.7 of the Zoning Code authorizes the City Council to approve an official map amendment if the proposed rezoning meets the following criteria:

#### **A. Consistency with Adopted Plans**

“The proposed official map amendment is consistent with the City’s adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan.”

#### **B. Uniformity of District Regulations and Restrictions**

“The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.”

#### **C. Public Health, Safety and General Welfare**

“The proposed official map amendment furthers the public health, safety and general welfare of the City.”

For the reasons set forth below, the proposed rezoning is consistent with these criteria:

**1. The proposed rezoning is consistent with the City’s adopted plans, as required by Section 12.4.10.7(A).**

**a. Consistency with Comprehensive Plan 2000**

Comprehensive Plan 2000, a Vision for Denver and Its People, sets forth broad goals to guide planning efforts in three areas: (a) Our Long-Term Physical Environment; (b) Our Long-Term Human Environment; and (c) Metropolitan Cooperation. The Comprehensive Plan addresses a number of issue area categories in each of these spheres. Within each issue area category, the Comprehensive Plan identifies Changes, Challenges and Opportunities; and Objectives and Strategies.

The proposed C-MX-5 with waivers zoning for Parcel 5 will satisfy numerous Plan 2000 goals for Our Long-Term Physical Environment, as set forth in detail below. (Justifications for consistency are provided in *italics*.)

***Environment Chapter***

**Objective 2 – Stewardship of Resources**

**Strategy 2-F:** Conserve land by:

- Promoting infill development within Denver at sites where services and infrastructure are already in place.
  - *Boulevard One presents the rare opportunity to develop a comprehensively planned community on a large site that is already located within the City’s urban grid of streets, utilities and public services. The development of Boulevard One will establish a cohesive neighborhood and the community will be integrally linked and be compatible with existing surrounding development.*
- Designing mixed-use communities and reducing sprawl, so that residents can live, work and play within their own neighborhoods.
  - *The proposed C-MX-5 with waivers zoning for Parcel 5, combined with zoning already approved for other parts of Boulevard One (U-SU-A, U-SU-B, and G-RH-3 with waivers), will facilitate development of the kind of mixed-use, sustainable community envisioned in Strategy 2-F. The mixed uses allowed by both the C-MX-5 with waivers zoning and the other zone districts already approved for Boulevard One, will reduce urban sprawl by providing housing, employment and recreational amenities and services all in proximity with one another.*

**Objective 4 – The Environment and the Community**

**Strategy 4-A:** Promote the development of sustainable communities and centers of activity where shopping, jobs, recreation and schools are accessible by multiple forms of transportation, providing opportunities for people to live where they work.

- *The proposed C-MX-5 with waivers zoning for Parcel 5, combined with zoning already approved for other parts of Boulevard One, will facilitate development of the kind of mixed-use community envisioned in Strategy 4-A. It will provide for sustainable activity along Quebec Street, with excellent transit access and walkable/bikeable access to the rest of Lowry and other surrounding neighborhoods.*

**Strategy 4-D:** Promote convenient public transit for the community, including buses, light rail and other alternatives to single-occupancy vehicles.

- *Boulevard One, including Parcel 5, is served by multiple RTD bus routes (3, 3x, 6, 65, 73) along Quebec Street, Monaco Boulevard, Alameda Avenue and Lowry Boulevard. There are 13 transit stops within a short walk of future homes and offices in Boulevard One, including Parcel 5.*
- *The street design for all of Boulevard One incorporates motor vehicles, bicycles and pedestrians in order to encourage the use of alternatives to single-occupancy vehicles.*
- *Buckley Annex General Development Plan (“GDP”) (approved April 4, 2013) Sheets 7 and 9, copied below, show the detached sidewalks, bike lanes, multi-modal street designs and other elements that will create a walkable, bikeable neighborhood with close connections to transit, jobs, shopping, housing, schools and other needs.*

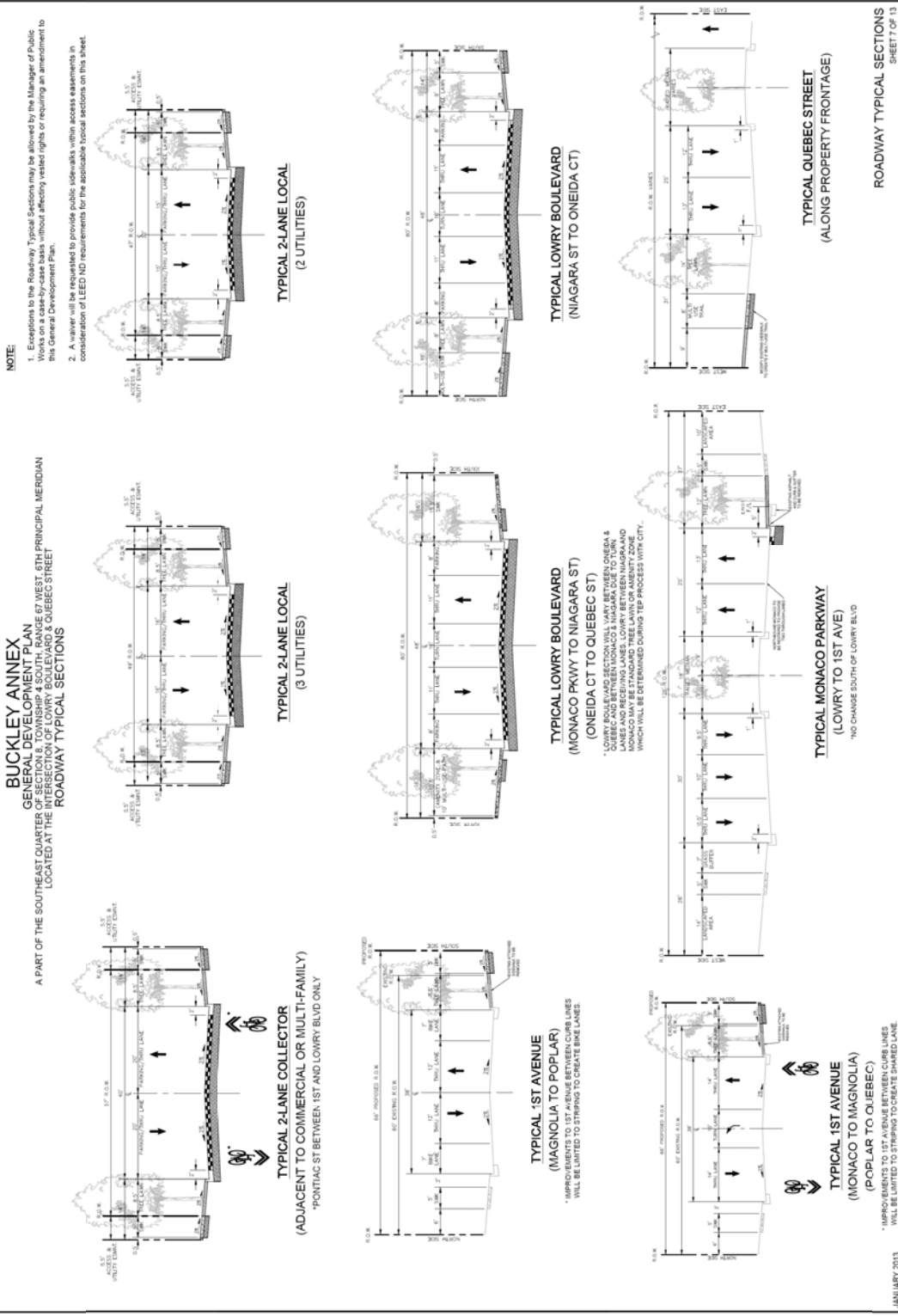


Figure 1: Roadway Typical Sections from Buckley Annex GDP Page 7



**Strategy 4-E:** Use neighborhood development, such as Stapleton, as projects that incorporate principles of sustainable development at the community level. Use these neighborhoods as models to encourage sustainable development throughout the city over time.

- *The proposed rezoning, because of its mixed use nature, will encourage sustainable development at the community level as a continuation of the Lowry neighborhood development. The master planning of the site allows for orderly, coherent development over time.*
- *The compact development pattern accommodated by the proposed rezoning will allow for sustainable approaches to living and transportation through apartments and options for transportation modes other than single-occupancy vehicles. Proximity of housing, recreation, work, and retail provides sustainable living opportunities.*

## ***Land Use Chapter***

### **Objective 1 – Citywide Land Use and Transportation Plan**

**Strategy 1-C: Encourage densities and mixes of uses that support walking, biking and the use of public transportation in existing, redeveloping and new areas. Reinforce urban centers and create the land use and transportation foundation for new urban centers.**

- *Boulevard One, including Parcel 5, will be developed in accordance with this strategy. The mixed use nature and medium density of the Boulevard One project, which contemplates sitewide development of 800 residential units and up to 200,000 square feet of commercial development, will support walking, biking and the use of public transportation. The proposed C-MX-5 with waivers zoning for Parcel 5 is another step in facilitating development of Boulevard One. Figure 3 illustrates Boulevard One infill project with proposed zoning and uses. The C-MX-5 with waivers rezoning of Parcel 5 is critical for enabling the mixed-use vision of Boulevard One.*



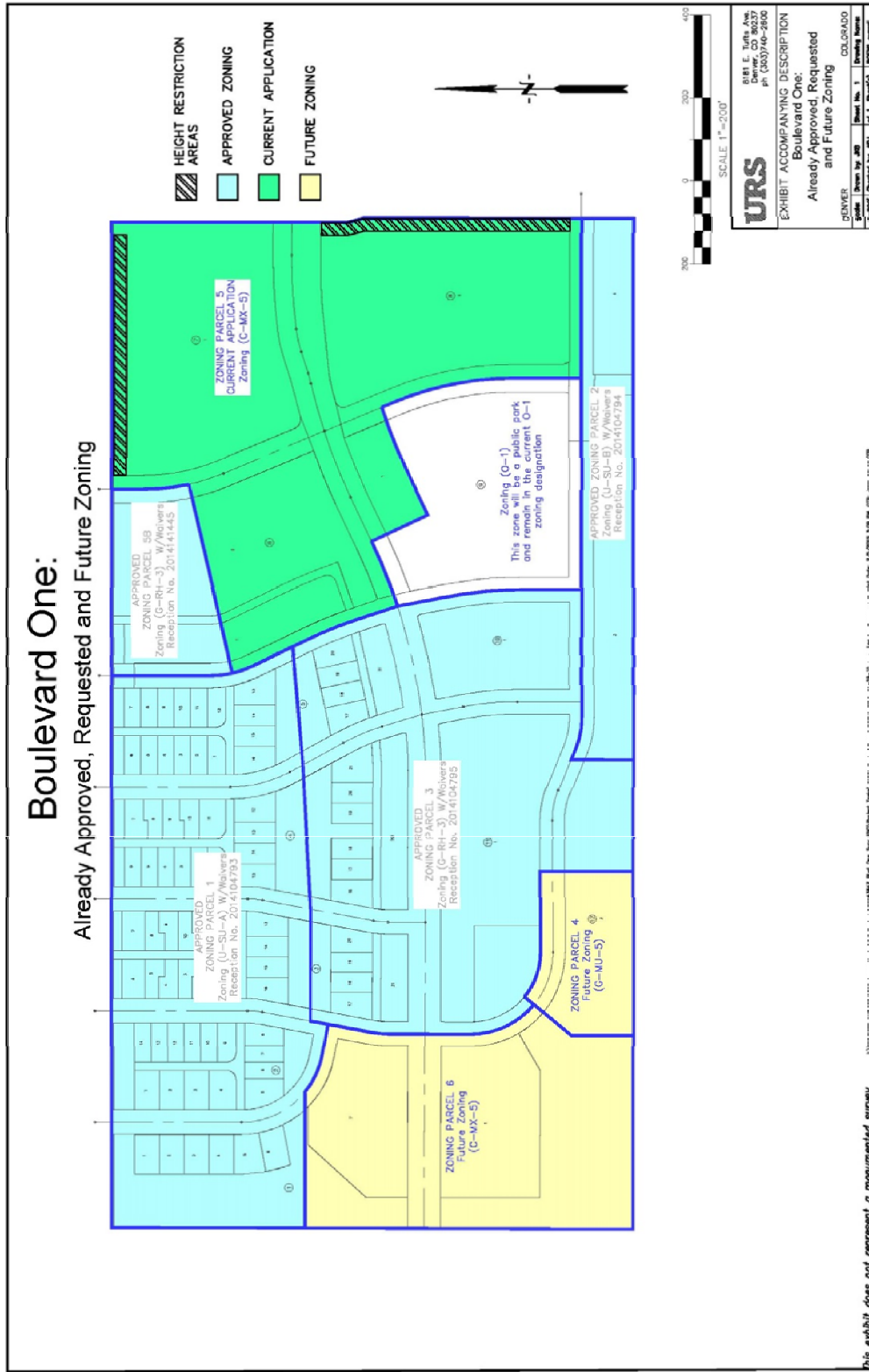


Figure 3: Boulevard One Existing Proposed and Future Zoning

**Objective 1, Strategy 3-B:** Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

- *Boulevard One will be a quality infill development that is consistent with and complementary to the surrounding neighborhood. The proposed rezoning to C-MX-5 with waivers for Parcel 5 will offer opportunities for increased density and more amenities due to its mixed use nature. The extensive design requirements associated with C-MX-5 zoning (including build to requirements, street activation, and parking at the rear of buildings) will encourage quality development for Parcel 5. The proposed waiver that reduces the allowed heights and numbers of stories along Quebec Street and 1<sup>st</sup> Avenue will provide consistency with the character of the surrounding neighborhood and other parts of Lowry. In addition, the Boulevard One Design Guidelines contain requirements that will assure that future development will be compatible with the quality and character of the surrounding neighborhoods.*
- *Figure 4 and Table 1 show the proposed density and density of surrounding uses to demonstrate the compatibility with the Comprehensive Plan and with surrounding land uses. Boulevard One as a whole is in the middle of the range of surrounding densities. In addition, the approved residential zones in Boulevard One keep lower densities closer to lower-density adjacent areas (especially to the west), while the proposed C-MX-5 rezoning with waivers would keep higher densities along Quebec Street and closer to higher intensity adjacent uses. The proposed waivers in this Application ensure a compatible transition to areas north and south of Parcel 5.*



**Figure 4: Boulevard One and Surrounding Residential Density**

<b>Neighborhood</b>	<b>Dwelling Units/Acre</b>
Crestmoor Park	2.4
Mayfair Park	4
Lowry West Neighborhood	7.4
Lowry Town Center District	10.3
<b>Boulevard One</b>	<b>11.4</b>
Berkshires	35.5

**Table 1: Boulevard One and Surrounding Residential Density**

#### **Objective 4: Land Use and Transportation**

**Strategy 4-A:** Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

- *The development theme of Lowry is and has always been “Live, Work and Play.” This concept is incorporated into the Boulevard One neighborhood by providing a mixed-use environment where residents will be able to live near work opportunities and recreation amenities, and will have easy access to public transportation. Concentrating and combining uses in this way will reduce the need for travel generally, and will additionally reduce the need to use a single-occupancy vehicle. The proposed rezoning to C-MX-5 with waivers will facilitate mixed-uses by providing a variety of uses and transit access within a short walk of residents in and outside of Parcel 5.*

**Strategy 4-B:** Ensure that land use policies and decisions support a variety of mobility choices, including light rail, buses, paratransit, walking and bicycling, as well as convenient access for people with disabilities.

- *Boulevard One Parcel 5 residents, visitors and employees will benefit from the five routes and six existing RTD bus stops located adjacent to the site, and 13 total stops in the area within walking distance. The residential units that will be developed within Boulevard One, including Parcel 5, will support RTD rider patronage.*
- *The C-MX-5 siting and design requirements promote an environment that invites and safely accommodates bicyclists and pedestrians in addition to vehicular circulation.*
- *The GDP for Boulevard One contains an approved transportation study that demonstrates that the proposed transportation network in conjunction with existing infrastructure is compatible with the proposed development and sufficient to service the site, including Parcel 5.*
- *The proposed rezoning will not cause significant traffic impacts. The rigorous traffic analysis conducted for the Buckley Annex GDP assumed that the proposed redevelopment of the entire Buckley Annex site, including the proposed rezoning covered in this Application, would provide 800 total residential units, as well as up to 200,000 square feet of commercial uses, including office and retail. Utilizing this build out, the study estimated that these activities would generate approximately 9,500 vehicle trips per day. This volume is the same volume of traffic that was generated by the former Defense Finance and Accounting Services (DFAS) facility. The traffic analysis also assessed the effects of this traffic on signalized intersections in the area. It found that the proposed redevelopment of Buckley Annex would not adversely affect the levels of service for these intersections.*

## *Mobility Chapter*

### **Objective 1 – Diverse Mobility Options**

**Strategy 1-C:** Identify areas throughout the city where transportation policies should reflect pedestrian priorities. These include areas such as schools, child-care centers, civic institutions, business centers, shopping districts and parks.

- *The proposed C-MX-5 with waivers zoning for Parcel 5 will achieve the pedestrian priorities objective because the grouping and disposition of mixed uses and C-MX-5 siting and design requirements will encourage easy pedestrian access between residences, workplaces, shopping and services. Boulevard One already is located within walking distance of several schools (e.g., Lowry Elementary, Montclair International School, Stanley Primary British School, and the Denver Language School) and the existing Lowry Town Center.*

### **Objective 3 – Accommodating New Development**

**Strategy 3-C:** Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas.

- *The proposed development of Boulevard One, as contemplated by the GDP and including Parcel 5, includes multi-modal streets that anticipate active, safe and convenient use by pedestrians, bicyclists and motor vehicles alike. The C-MX-5 siting and design requirements facilitate pedestrian and bicycle activity.*

### **Objective 4 – Changing Travel Behavior**

**Strategy 4-E:** Continue to promote mixed-use development, which enables people to live near work, retail and services.

- *The C-MX-5 zone district contemplates a mix of residential, office, retail and other uses, enabling residents to live near work, retail and services.*

### **Objective 8 – Walking and Bicycling**

**Strategy 8-A:** Ensure safe and convenient access and accommodation of bicycle riders, pedestrians and transit riders.

**Strategy 8-B:** Ensure that sidewalks are continuous along all major Denver streets and that they provide pedestrians and transit riders with direct access to commercial areas, education facilities, recreational facilities and transit stops.

- *The proposed C-MX-5 with waivers zoning for Parcel 5, together with the pedestrian connections and bicycle lanes and facilities required by the Buckley Annex GDP, will accomplish these strategies. The Buckley Annex GDP also calls for continuous sidewalks within all of Boulevard One.*

## *Legacies Chapter*

**Opportunity** – New development: Development plans for Lowry, Stapleton, the Central Platte Valley and the DIA/Gateway area can extend the quality and character of Denver's historic urban design features.

### **Objective 2 – New Development, Traditional Character**

**Strategy 2-A:** Establish development standards to encourage positive change and diversity while protecting Denver's traditional character

- *Boulevard One, including Parcel 5, is subject to design guidelines that are based on Denver's traditional development patterns to allow for compact residential development and easy pedestrian access. The Lowry redevelopment has been successfully applying design guidelines based on Denver traditional development patterns for 20 years and will continue this record of positive change.*

### **Objective 3 – Compact Urban Development**

**Strategy 3-A:** Identify areas in which increased density and new uses are desirable and can be accommodated.

- *Blueprint Denver identifies Boulevard One as an Area of Change, contemplating increased density and new uses; the Buckley Annex GDP has already identified the areas within Boulevard One—particularly Parcel 5 – that are appropriate for increased density and new uses. The C-MX-5 with waivers zoning for Parcel 5 will facilitate development that will adhere to the development patterns and land uses contemplated by Blueprint Denver and identified in the GDP.*

**Strategy 3-B:** Create regulations and incentives that encourage high-quality, mixed-use development at densities that will support Denver's diverse housing needs and public transportation alternatives.

- *Applying C-MX-5 with waivers zoning to Parcel 5 will promote the development of a high-quality mixed-use community to provide a range of housing configurations (including apartments, rowhouses and urban houses), retail opportunities, and offices within walking distance of public transportation routes.*

## ***Housing Chapter***

**Objective 6 – Preferred Housing Development:** Encourage mixed-use, mixed-income housing development in Denver's core area and along transit lines.

**Strategy 6-A:** Support mixed-use development consistent with the goals of the Comprehensive Plan's land-use and mobility strategies.

**Strategy 6-B:** Continue to support mixed-income housing development that includes affordable rental and for-purchase housing for lower-income, entry-level and service employees, especially in Downtown and along transit lines.

- *The proposed development of Boulevard One, including the C-MX-5 with waivers for Parcel 5, will achieve these goals by providing a range of housing units and ownership structures including studio apartments, multi-bedroom apartments, townhouses, affordable rentals, affordable for-sale housing, transitional housing for formerly homeless, and single-family houses.*
- *Five Existing RTD bus routes (3, 3x, 6, 65 and 73) serve the Boulevard One site.*

**b. Consistency with Blueprint Denver: An Integrated Land Use and Transportation Plan**

**i. Blueprint Denver’s General Goals**

Objective 1 of Comprehensive Plan 2000 was the establishment of a Citywide Land Use and Transportation Plan to “balance and coordinate Denver’s mix of land uses to sustain a healthy economy, support the use of alternative transportation and enhance the quality of life in the City.” Comprehensive Plan 2000, page 57. Blueprint Denver, adopted in 2002 in fulfillment of Objective 1 of Comprehensive Plan 2000, establishes a city-wide mechanism for encouraging and promoting “more efficient use of transportation systems, expanded transportation choices, and appropriate and mixed land uses,” to further the goals of Comprehensive Plan 2000. Blueprint Denver, page 2. Blueprint Denver “bridges the gap between the general policies of Comprehensive Plan 2000 and the detailed implementation measures that follow.” Blueprint Denver, page 6.

Blueprint Denver identifies two categories of general areas within the City – Areas of Stability and Areas of Change. Blueprint seeks to maintain and protect the character of Areas of Stability, stable residential neighborhoods where minimal change is expected over the next 20 years. Blueprint Denver, page 5. To accommodate this strategy and allow for the orderly accommodation of new residents and jobs, new development, primarily incorporating mixed uses, will be directed to Areas of Change. These are regions that Blueprint Denver identifies as those that will benefit from an infusion of population, economic activity and investment. *Id.* Areas of Change are appropriate for new growth or redevelopment because of the transportation choices and opportunities for mixed-use development they present. Blueprint Denver, page 19.

Blueprint Denver identifies several features characterizing an Area of Change, including the following, which also characterize Lowry and Parcel 5 of Boulevard One. Several of those features are listed below. Illustrations of the ways in which the Boulevard One development embody the Blueprint Denver characteristics appear in *italics* after each feature.

- **Areas undergoing positive change that is expected to continue**
  - *The Lowry Air Force base redevelopment has undergone positive change since*

the base closure in 1994, redeveloping into a vibrant new community. Now that the Air Force has exited the Buckley Annex property and transferred it to the LRA for redevelopment, Boulevard One can continue the positive changes that already have occurred at Lowry. Figure 4 shows the proposed complete redevelopment of Boulevard One, including Parcel 5. Figures 6-7 are aerial photographs that show the transformation of the Lowry Air Force Base from 1994 to the current state of the Boulevard One site.



BOULEVARD ONE

ILLUSTRATIVE MASTER PLAN

FOR ILLUSTRATIVE PURPOSES ONLY  
 DESIGNWORKSHOP JANUARY 8, 2015

***Figure 5: Proposed Boulevard One, Including Parcel 5***





*Figure 6: 2005 Aerial Photograph of Buckley Annex Site Prior to DFAS Closure*



*Figure 7: 2015 Aerial Photo of Buckley Annex/Boulevard One Site*

- **Areas along corridors with frequent bus service that can accommodate development, especially where there is potential for a pedestrian-friendly shopping environment**

- *The major roadways that form the boundaries of the Boulevard One site carry existing bus service that can be enhanced as the area develops, including along Quebec Street on the eastern edge of Parcel 5. Development under the C-MX-5 with waivers zoning along Quebec Street will enhance the pedestrian experience and shopping environment and fill the current gap in development and street-level activity on the west side of Quebec Street between First Avenue and East Bayaud Avenue.*
- **Areas with special opportunities such as where major public or private investments are planned**
  - *Development of the Boulevard One site, especially Parcel 5, will present a rare opportunity for a variety of forms of private investment, including infrastructure development and build-out of the proposed mixed residential, employment and retail uses. Boulevard One development is using public and private investment to break up an existing superblock and integrate it into the traditional grid form.*

## ii. Blueprint Denver – Lowry

Blueprint Denver identifies the former Lowry Air Force Base, including Boulevard One, as an Area of Change. Blueprint Denver, page 19. The mixed use development pattern Blueprint Denver proposes for Lowry “ensures that residents can find goods, services and employment close to home” in a manner that is anticipated to reduce traffic external to the redeveloped area by 15 percent over what would be expected in the absence of the planned development pattern. Blueprint Denver, page 22. Multi-modal streets in an interconnected street grid will support mixed land uses and provide residents a range of transportation options. *Id.* The development of Boulevard One expressly adopts these strategies, as discussed below.

Blueprint Denver identifies the following strategies for redeveloping the Areas of Change at Gateway, Stapleton and Lowry, all of which are characterized as unusually large, vacant tracts that can accommodate the comprehensive creation of new neighborhoods. The discussion following each identified strategy, as listed on page 22 of Blueprint Denver, illustrates the consistency of the proposed C-MX-5 with waivers zoning for Parcel 5 with the goals of Blueprint Denver:

- **Coordinated master planning**
  - *The Boulevard One development within Lowry was designed comprehensively and is based on the 2008 Buckley Annex Redevelopment Plan and subsequent Buckley Annex GDP, discussed in detail below. The design includes: (a) the establishment of vehicular and pedestrian circulation patterns of varying intensity, (b) a range of housing types, (c) the incorporation of those housing types into the variety of commercial uses, (d) projected building forms and volume, (e) variation of edge expressions at the boundaries of the development to*

*address and harmonize with the existing fabric of adjacent neighborhoods, and (f) coordination with public facilities. The proposed C-MX-5 with waivers zoning for Parcel 5 will facilitate development that will be consistent with these design concepts.*

- *The building form criteria for the C-MX-5 zone district, which focus on build to lines, ground floor activation, pedestrian orientation and careful design, conform to these design criteria.*

- **Urban character**

- *Consistent with the Urban Center Neighborhood Context applicable to the C-MX-5 Zoning District, Parcel 5 of Boulevard One will encompass a variety of building types and uses, including townhouses of up to three stories, and mixed multi-unit residential, retail, office and civic uses in buildings up to five stories. The proposed waivers in this Application would limit height to three stories in transition zones.*
- *Buildings are planned to have consistent orientation along streets, with shallow front setbacks from the street edge and sidewalks, in order to establish a consistent building line and, along with planned tree planting, a well-defined streetscape.*
- *When acting on the Buckley Annex General Development Plan, the Planning Board recommended that the DRC amend the plan to move setbacks along Quebec Street closer to the street to enhance the urban character and street activation along Quebec.*
- *This urban character is consistent with surrounding land uses. Surrounding zone districts have waivers approved by the City and County of Denver that promote the more urban, walkable and transit-friendly approach proposed for the C-MX-5 zone with waivers. Exhibit D.2 shows the surrounding zoning.*

- **Pedestrian and transit supportive design and development standards**

- *Lot sizes for single-family and town houses for the entire Boulevard One will range from 3,500 to 7,000 square feet and will average 4,500 square feet. All streets include sidewalks.*
- *Development of all residential and commercial uses is configured to provide convenient access to sidewalks and routes to transit corridors.*
- *All streets are lined with trees to enhance the pedestrian scale and create a buffer between vehicular lanes and sidewalks.*

- **Mixed land uses-retail and employment near residential neighborhoods**
  - *Mixed uses are located at the east and west edges of Boulevard One, including in Parcel 5, with smaller scale buildings and less intense uses at the western end of the development, and larger-scaled buildings (both height and bulk) and more intense commercial uses along Quebec Street in Parcel 5 consistent with similar uses on the east side of Quebec Street and along the Quebec Street corridor.*
  - *Boulevard One contemplates a variety of uses, including the following:*
    - *Household Living*
    - *Community/Public Services*
    - *Cultural/Special Purpose/Public Parks & Open Space*
    - *Arts, Recreation & Entertainment*
    - *Parking of Vehicles*
    - *Eating & Drinking Establishments*
    - *Office*
    - *Retail Sales, Service and Repair*
  
- **Diversity of housing type, size, and cost**
  - *Housing types anticipated within the entirety of Boulevard One include studio apartments, multi-bedroom apartments, townhouses, affordable rental and for-sale housing, transitional housing for formerly homeless, and single-family houses. As contemplated by the Buckley Annex GDP (page 5), these housing types range from very affordable traditional housing to custom homes. Parcel 5 would provide the apartment and other multifamily uses contemplated for Boulevard One.*
  
- **Multi-modal streets**
  - *Streets are designed to accommodate motor vehicles, bicycles and pedestrians.(See Buckley Annex GDP, pages 7 and 9.)*
  
- **Street grid/connectivity**
  - *Lowry Boulevard, a central arterial/collector, runs east-west through the center of the Boulevard One site, connecting Quebec Street and Monaco Parkway. (See Buckley Annex GDP, page 6.)*
  - *Secondary streets run north-south through the site, connecting across First Avenue to the existing street grid to the north.*

- **Transit service and access**
  - *Regularly scheduled RTD bus service operates along Monaco Parkway, existing Lowry Boulevard, Alameda Avenue and Quebec Street.*
- **Reduce land used for parking with shared parking and structured parking**
  - *Parking for mixed commercial uses in Boulevard One including Parcel 5 will be housed in structured parking facilities.*
  - *25 parking spaces will be set aside on the site for use by the Schlessman Library.*
- **Adequate parks and open space**
  - *Open space is located throughout Boulevard One, including a large Community Park that occupies approximately 4.5 acres on the eastern half of the site on the western boundary of Parcel 5, open space at the corner of 1<sup>st</sup> Avenue and Monaco Parkway, and a linear park parallel to Lowry Boulevard in the center of the site. (See GDP, page 9.) Approximately 19% of the Boulevard One site is preserved as open space.*
  - *Street designs include tree lawns with street trees and other plantings between the sidewalks and vehicular lanes. (See GDP, page 7.)*

As described above, Boulevard One is designed to advance the goals established for an Area of Change in Blueprint Denver. The redevelopment of Buckley Annex will create a vibrant urban neighborhood with a variety of options for transportation, housing, employment and shopping in realization of Blueprint Denver's goals. C-MX-5 rezoning with waivers on Parcel 5 would be a central part of promoting the vibrant, mixed-use nature of Boulevard One to meet the goals identified in Blueprint Denver.

### **iii. Blueprint Denver Map**

The Blueprint Denver map identifies the Buckley Annex property as an Employment Area. The DFAS operations that existed at the time of the Blueprint Denver adoption by the City have since been closed by the federal government, removing the historic employment on the Buckley Annex. However, the proposed C-MX-5 with waivers zone will include employment for retail, services and office.

#### **c. Consistency with Buckley Annex General Development Plan (GDP)**

In accordance with Section 12.4.12 of the Zoning Code, a General Development Plan establishes a framework for future land use and development and resulting public infrastructure. The GDP provides an opportunity to identify issues and the development's relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. An

approved GDP provides a master plan for coordinating development, infrastructure improvements, and regulatory decisions as development proceeds within the subject area.

In accordance with Section 12.4.12.15(B) of the Zoning Code, the City may take the GDP into consideration when approving the rezoning of property within an approved GDP area. The City may issue subdivision approvals, site development plan approvals, zoning permits, and may approve the construction, location, use and operation of all land and structures for properties located within an approved GDP area, upon finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved GDP.

The Buckley Annex General GDP was approved by the City and recorded in May, 2013 and a Minor Deviation to the GDP was recorded on September 30, 2014. Dozens of public meetings were held by the Lowry Redevelopment Authority and the City and County of Denver as part of the process of developing and approving the GDP. Exhibit F identifies these meetings and the process of public engagement. As a result of this public process and in response to comments, the Lowry Redevelopment Authority made extensive changes to the proposed Buckley Annex redevelopment, including a substantial reduction of residential density (from 1,200 to 800 units), reduction in heights in critical transitional areas (which are the subject of the waivers in this Application), and changes in the transportation infrastructure. The plan changes and evolution in response to comments are shown in Exhibit G. The GDP covers the entire Boulevard One area; its boundaries are Monaco Parkway, First Avenue, Quebec Street and Bayaud Avenue. The GDP was created within the guiding principles and framework of the 2008 Buckley Annex Redevelopment Plan.

For the reasons set forth below, the proposed rezoning is consistent with the Buckley Annex GDP.

**i. The proposed rezoning is consistent with the Sustainability Principles on Sheet 3 of 13 of the GDP.**

The GDP Sustainability Principles provide that development throughout Buckley Annex will be consistent with the principles of sustainable development by encouraging and fostering eight sustainability principles that are enumerated in the GDP. Two of those principles are relevant to rezoning activities:

- Land uses that provide a variety of transportation alternatives and pedestrian trails
- A variety of living and employment alternatives for a broad mix of economic levels

The proposed rezoning is consistent with these two principles. First, the general purposes of the C-MX-5 zone district are consistent with the goal of allowing for land uses that provide a variety of transportation alternatives and pedestrian/bicycle connections. As provided in the Zoning Code description of the C-MX-5 zone:

Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

The Boulevard One plan contemplates bike lanes along 1<sup>st</sup> Avenue and multi-purpose paths along Lowry Boulevard in and outside of Parcel 5. In addition, the Boulevard One site is served by five RTD routes and six bus stops located adjacent to the site.

Second, the proposed C-MX-5 with waivers zone district meets the principle of providing for a variety of living and employment alternatives for a broad mix of economic levels. The mixed use zone districts “are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge C-MX-5 zoning.” The zone district allows for a wide variety of uses, including, among other items, single and multi-unit dwellings, office and retail.

**ii. The proposed rezoning is consistent with the Development Concepts in the GDP.**

a. The proposed rezoning is consistent with the Intent Development Concept which calls for a comprehensive community through the integration of housing, employment and recreation. The C-MX-5 zoning for Parcel 5 allows for all of those uses types, and combined with the previous rezonings that already have been approved for the Boulevard One property, facilitate development of a comprehensive community.

b. The proposed rezoning is consistent with the Housing Development Concepts, which contemplate a range of housing product types, affordable housing options, a compatible mix of medium and low density housing, high quality residential development that complements existing portions of Lowry and the surrounding neighborhoods, integration of housing into a dynamic, mixed use development, and relation of housing types to surrounding residential context. The C-MX-5 with waivers zoning for Parcel 5, combined with previous rezonings already approved for the Boulevard One property, allows for a range of housing product types, ranging from single family to multi-family. The design requirements associated with C-MX-5 zoning (including build to requirements, street activation, and parking at the rear of buildings) will require high quality residential development. The reduced building heights along Quebec Street and First Avenue provided in the requested waivers will ensure that the housing types, architecture and building forms relate to their surrounding residential context.

c. The proposed rezoning of Parcel 5 is consistent with the Planning Concepts, because the mixed-use nature of C-MX-5 contemplates a diverse mixed use plan, integrates with neighboring areas and systems, and promotes integrated and diverse uses that promote walkability. In addition, the mixed use nature of Boulevard One, which is enhanced by the proposed rezoning of Parcel 5, will insure that neighborhood and area needs and amenities are met on site to the greatest extent possible.

d. The proposed rezoning is consistent with the Edge Treatments Concept which contemplates that development should fit with the existing fabric of adjacent neighborhoods. The proposed height waivers limit the height of structures along Quebec Street and First Avenue to 3 stories to ensure a transition to the two-story scale of some adjacent neighborhoods. These heights in the waiver areas (and the rest of the proposed zone) are lower than the height limits provided in the Code for Protected Zone Districts.

The C-MX-5 height, siting and design requirements contain build to, ground floor activation and pedestrian entrance provisions that all will promote a pedestrian scaled street edge and Lowry Boulevard building frontage. In addition, this zone district prohibits parking between the buildings and the primary or side street, thereby resulting in parking being located at the rear of buildings.

**iii. The proposed rezoning is consistent with the Land Use and Urban Design Concept in the GDP.**

The Land Use and Urban Design Concept establishes six subareas within the GDP property, each with its own unique development characteristics. The Parcel 5 property that is subject to the proposed rezoning is located within the Community Park Mixed-Use Center Subarea. That subarea is described below. The consistency of the proposed rezoning with each description is provided in *italics*.

**Community Park Mixed-Use**

**“Intent:** The Community Park Mixed-Use Center serves as a community-wide gathering place that is defined by a significant community park and plaza; new opportunities for park-side retail; and multi-family and single-family residences that look onto the park and plaza. The area for additional library parking shall also be provided in the northeast corner of this subarea to support the existing Schlessman Library at the intersection of 1st Avenue and Quebec Street and to create synergy between library users and the new mixed-use center. Along the frontage of Lowry West Neighborhood, single-family attached housing is anticipated before stepping up to higher density residential and mixed-use developments.

**Land Use:** Mixed use (residential, retail, office, civic). This subarea includes a community park that should serve as a gathering place for the Lowry Community.” GDP at page 3.

*The C-MX-5 zoning classification is consistent with this concept because it provides for a mix of land uses, including residential, retail, office and civic.*

**“Heights:** Maximum 5 stories with maximum height of 3 stories and 2.5 stories along 1<sup>st</sup> Avenue and a maximum height of 3 stories along Quebec Street between Archer Place and Lowry Boulevard.” GDP at page 3.



*The proposed C-MX-5 with waivers zoning for Parcel 5 is consistent with these height concepts. The C-MX-5 zoning classification allows for three building forms – drive through services, drive through restaurant and general. Drive through services and drive through restaurant building forms are limited to 3 stories; general building forms are limited to 5 stories. In addition, the proposed rezoning includes waivers that would limit the maximum height of structures along Quebec Street and along the portion of First Avenue between Quebec Street and Pontiac Street to 3 stories. Note that the 2.5 story limitation in the GDP along First Avenue applies only between Oneida Court and Pontiac Street, which is not within the area covered by this Application.*

**Urban Design:**

- Build to lines and pedestrian entrances along Lowry Boulevard and Pontiac Street. GDP at page 3.

*The proposed C-MX-5 with waivers zoning provides build to lines for each of the three allowed building forms. Zoning Code, Sections 7.3.3.4(A), 7.3.3.4(B) and 7.3.3.4(C). Those building forms also require pedestrian entrances at the primary street. Id.*

- Ground-floor active uses. GDP at page 3.

*The proposed C-MX-5 with waivers zoning contains requirements for transparency along the primary streets and side streets at the ground floor in order to ensure ground floor activation. For example, in the general building form, the minimum ground floor transparency along primary streets is 40% for nonresidential buildings and 30% for residential buildings. Zoning Code, Section 7.3.3.4(C).*

- Parking located to the side and/or the rear of buildings or structures.

*The proposed C-MX-5 with waivers zoning is consistent with this concept because it does not allow surface parking between the building and the primary street or side street. Zoning Code, Sections 7.3.3.4(A), 7.3.3.4(B) and 7.3.3.4(C). As a result, parking must locate to the rear of buildings or structures.*

- Buildings and uses will be oriented to the active park. GDP at page 3.

*The Boulevard One project will include a restaurant or civic uses adjacent to the park, and office, retail and apartments face the park on its north and east sides. A plaza also is contemplated northeast of the park. The C-MX-5 with waivers zoning will facilitate all of these uses.*

**2. The proposed rezoning results in uniformity of District regulations and restrictions in accordance with Section 12.4.10.7(B) of the Zoning Code**

The proposed zoning to C-MX-5 with waivers is a unique zone district; therefore, it is uniform within itself and will be uniform with any other property zoned C-MX-5 with identical waivers.

**3. The proposed rezoning furthers the public health, safety and general welfare in accordance with Section 12.4.10.7(C) of the Zoning Code.**

The proposed rezoning to C-MX-5 with waivers will promote development of a vibrant, carefully designed community with a wide range of choices for transportation, housing, shopping and employment. Boulevard One will be served by regularly-scheduled RTD bus service along two of its boundaries, and the streets are designed to safely accommodate motor vehicles, bicycles and pedestrians. Extensive tree planting is planned throughout, and a network of open spaces and parks weaves through the site. The public interest for the citizens of Denver is best served by adoption of this map amendment, which will provide support for the services, amenities, employment opportunities and provide residential development necessary for positive planned growth to occur.

The project will be consistent with surrounding uses. The proposed residential density of the total Buckley Annex site (approximately 11.4 du/ac.) is in the middle of the range of density in adjacent neighborhoods: Crestmoor Park (2.4 dwelling units/acre), Mayfair Park (4 du/ac), Lowry West (7.4 du/ac), Lowry Town Center district (10.3 du/ac), and The Berkshires (35.5 du/ac). Further, the GDP, approved zoning and requested zoning would keep the lower density portions of Boulevard One nearest the lower-density adjacent uses, while providing higher density in Parcel 5 near higher intensity uses along Quebec.

The height is also compatible with surrounding neighborhoods. Surrounding properties will have buildings as high as or higher than allowed in the C-MX-5 with waivers zone. For example, the adjacent Copic building at 7501 East Lowry Boulevard has 4 stories (65 feet), while the Berkshires Apartment buildings are 7 stories. The GDP – implemented through the proposed waivers in this Application (Exhibit A) – calls for reduced building heights (3 stories) along East First Avenue and Quebec Street south of Lowry Boulevard to provide compatible height transitions from existing residential uses. The building heights in both the area to be covered by waivers (45 feet) and in the rest of the zone (65 feet) are lower than the heights allowed (75 feet) pursuant to the Protected Zone District for the R-2-A and other residential zone districts with waivers adjoining the area. Former Chapter 59, Sec. 59-96.

The proposed rezoning will not cause significant traffic impacts. A rigorous traffic analysis conducted for the Buckley Annex GDP that was approved by the City Transportation Department found that the proposed redevelopment of the entire Buckley Annex site, including the proposed rezoning of Parcel 5 covered in this Application, would provide 800 total residential units, as well as 200,000 s.f. of commercial, including retail and office uses. At

build out, the study estimated a total of 9,500 vehicle trips per day. This volume is the same volume of traffic that was generated by the former DFAS facility.

The traffic analysis also assessed the effects of this traffic on signalized intersections in the area. It found that the GDP redevelopment of Buckley Annex would not adversely affect the levels of service for these intersections.

Pursuant to the Boulevard One design guidelines, parking will exceed the Design Requirements for C-MX-5 zones. The Design Guidelines provide as follows:

**Residential Off-Street Parking Guidelines**

Single-family	2 off-street spaces/lot
Duplex	2 off-street spaces/unit
Row House	2 off-street spaces/unit
Multi-family	1.5 off-street spaces/unit

**Commercial Parking Guidelines**

Office	2/1,000 (gross) ft <sup>2</sup>
Retail	5/1,000 (gross) ft <sup>2</sup>
Eating/Drinking	5/1,000 (gross) ft <sup>2</sup>

## Exhibit C

### How Rezoning Meets Additional Review Criteria for Non-Legislative Rezoning

In addition to meeting the general review criteria stated in Section 12.4.10.7 of the Zoning Code, the City Council may approve an official map amendment that is not a legislative rezoning if:

- (1) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; and
- (2) The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

**1. The Proposed Rezoning meets the Justifying Circumstances because the land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.**

*The proposed rezoning meets the Justifying Circumstances for the following reasons: (a) the property is no longer being used by the federal government and has been transferred to the LRA for redevelopment; (b) the property was part of an extensive public redevelopment planning process, which resulted in a redevelopment master plan for the property; (c) the City has adopted policies encouraging redevelopment of the Boulevard One property generally; and (d) surrounding properties within the Boulevard One property already have been rezoned for mixed use purposes.*

**a. The property is no longer being used by the federal government and has been transferred to the LRA for redevelopment.**

*The Boulevard One property was the last parcel of land to be transferred by the Department of Defense to the Lowry Redevelopment Authority. This property contained the Denver Center of the Defense Finance and Accounting Services (DFAS) and the Air Reserve Personnel Center (ARPC), both operated by the United States Air Force. The Air Force announced closure of the DFAS facility in 2005, and transferred the Boulevard One property to the LRA in May, 2012. Accordingly, the land changed from an operating Air Force facility to a vacant property surrounded by barbed wire in the middle of a Denver community. This change in the use of the property has resulted in the need to redevelop the property, and is one of the changed conditions that justify the proposed rezoning.*

**b. The property was part of an extensive public redevelopment planning process, which resulted in a redevelopment plan and subsequent General Development Plan.**

*Once the Air Force announced closure of the DFAS facility, the City encouraged the LRA to take title to the property and create a redevelopment plan for the property. The LRA initiated a collaborative community process to begin planning for the transition of the property to integrate it into the existing Lowry neighborhood. The LRA conducted a public redevelopment planning process in 2007 and 2008 involving numerous community task forces and stakeholder groups and over 60 public meetings. As a result of community input, the LRA made numerous changes to the redevelopment plan, including reducing the number of residential units from 1,200 to a maximum of 800; lowering building heights to a maximum of 65 feet; limiting buildings in mixed use sections along edge streets adjacent to residential uses to a maximum of 2.5 or 3 stories, and providing for parking beyond that required by the Denver Zoning Code. As described above, the redevelopment plan concepts were incorporated into the Buckley Annex GDP, approved by the City in May, 2013.*

*Development of the Boulevard One property will encourage the creation of livable, vibrant neighborhoods that are defined by choices, quality amenities and a range of housing types. The Boulevard One neighborhood will provide this for people at many life stages. This sustainable neighborhood will integrate with surrounding neighborhoods, provide opportunities to replace lost jobs, and create new tax revenues for the city.*

**c. The City has adopted policies that recognize the changed character of the property and encourage its redevelopment.**

*The proposed rezoning also meets the Justifying Circumstances because the City has adopted several policies that recognize the changed character of the property and encourage its redevelopment. These policies include (1) the numerous policies in Comprehensive Plan 2000 that encourage Lowry to develop as a new mixed use community; (2) Blueprint Denver, which identifies the Boulevard One property as an Area of Change; and (3) the Buckley Annex GDP, which contemplates a new mixed use community at Boulevard One.*

**d. Adjacent properties within Boulevard One already have been rezoned or are undergoing rezoning, consistent with the General Development Plan.**

*The proposed rezoning also meets Number 4 of the Justifying Circumstances because properties adjacent to the property that is the subject of this application already have been rezoned consistent with the Buckley Annex GDP. These properties have been rezoned to U-SU-A, U-SU-B, or G-RH-3 zones with waivers, and currently are being developed for single family attached and detached residences, consistent with the Buckley Annex GDP.*

2. **The proposed rezoning meets the requirements of Section 12.4.10.8 (B) (Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements) because it is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.**

- a. **Urban Neighborhood Context**

*The C-MX-5 Zone District is included in the Urban Center Neighborhood context. Section 7.1 of the Zoning Code describes the Urban Center Neighborhood context as follows.*

#### **GENERAL CHARACTER**

The Urban Center Neighborhood Context consists of multi-unit residential and mixed use commercial strips and commercial centers. Multi-unit buildings are typically Rowhouse, Courtyard Apartment and Apartment forms. Commercial buildings are typically Live-Work, Shopfront, and General Commercial forms. Multi-unit residential uses are primarily located along residential collector, mixed use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets. Zoning Code, Section 7.1.1.

*Boulevard One is intended as a mixed use community with a wide variety of housing types as well as retail and office opportunities. The proposed C-MX-5 with waivers rezoning for Parcel 5 will allow for multi-unit residential uses located along residential collector, mixed use arterial and local streets, and will allow for commercial uses along main and mixed use arterial streets.*

#### **STREET, BLOCK AND ACCESS PATTERNS**

The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback. Zoning Code, Section 7.1.2.

*The Lowry Annex GDP, as being implemented through new street infrastructure, breaks up the historic superblock and replaces it with traditionally sized blocks and an orthogonal street grid. The streets and blocks incorporate modest curves to reduce vehicular speeds and enhance pedestrian and bicycle friendliness. The GDP and approved construction documents include detached sidewalks, tree lawns, street and surface parking and landscaping in front setbacks.*

#### **BUILDING PLACEMENT AND LOCATION**

All buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building. Zoning Code, Section 7.1.3.

*The C-MX-5 with waivers zoning for Parcel 5 contains build to requirements and limits setbacks. It also requires that parking be located at the rear of buildings.*

## **BUILDING HEIGHT**

The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood. Zoning Code, Section 7.1.4.

*The C-MX-5 with waivers zoning will allow for buildings of between 3 and 5 stories. Through proposed waivers, structures along Quebec Street and First Avenue will be limited to 3 stories to allow for transitions to less dense urban neighborhoods located east and north of the property.*

## **MOBILITY**

There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system. Zoning Code, Section 7.1.4.

*The proposed C-MX-5 with waivers zoning includes design requirements that promote pedestrian and bicycle use. These include ground floor activation requirements, prohibition of parking in front of buildings, and front or side door pedestrian entrances. All of these requirements, together with design guidelines that have been adopted for Boulevard One, will promote high levels of pedestrian and bicycle use. In addition, the site connects to five RTD urban transit lines, which conveniently connect to downtown.*

### **b. Stated purpose and intent of mixed use zones**

*The general purposes of the Mixed Use zones are set forth at Section 7.2.2.1 of the Zoning Code. As stated in italics, the proposed rezoning to C-MX-5 with waivers is consistent with these stated purposes.*

#### **7.2.2.1 General Purpose**

- A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.**

*The proposed C-MX-5 with waivers zoning, combined with the other zone districts in Boulevard One, will allow for and promote safe, active, and pedestrian scaled, diverse areas, because it will allow for varied building forms that clearly define and activate the public street edge.*

- B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.**

*The intended mixed use nature of Boulevard One and the C-MX-5 with waivers zone district will provide opportunities for people to walk and shop, as well as access public transit. The public space at Boulevard One will provide opportunities for public gathering.*

- C. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.**

*The proposed waivers that reduce the number of stories and heights of buildings along Quebec Street and First Avenue are intended to allow for transition between commercial development and adjacent residential neighborhoods.*

- D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.**

*Boulevard One, including Parcel 5, is intended as a mixed use, diverse neighborhood, consistent with this stated purpose.*

- E. In the Urban Center Neighborhood Context, the Mixed Use Zone Districts require the same level of pedestrian enhancements as the Main Street Zone Districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use Zone Districts and the Main Street Zone Districts is Main Street districts mandate shopfront buildings at the street edge.**

*The GDP and approved construction documents provide these levels of pedestrian improvements.*

- F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.**

*C-MX-5 zones require substantial build-to requirements for all building forms.*

#### **Section 7.2.2.2(B) Specific Intent.**

**Mixed Use – 5 (C-MX-5)** applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.



*The proposed C-MX-5 with waivers zoning for Parcel 5 is consistent with this specific intent as Boulevard One is intended as an area served by collector or arterial streets where a building scale of 1 to 5 stories is desired.*

**Exhibit D.1**

**Parcel Legal Descriptions and Graphic Exhibits**

**Parcel 5**  
**Proposed Zoning (C-MX-5)**  
**Description**

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows;

**COMMENCING** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 120.00 feet;  
thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of said Southeast Quarter of Section 8, a distance of 30.00 feet to the southerly line of E. 1<sup>st</sup> Ave. and the northwest corner of Lowry Filing No. 3 recorded at Reception Number 9800190950 in the Clerk and Recorder's Office of said City and County of Denver and the **POINT OF BEGINING**;  
thence South 00°02'35" West, along the westerly line of said Lowry Filing No. 3 being parallel with and 120.00 feet west of said easterly line of the Southeast Quarter of Section 8, a distance of 381.74 feet to the northwest corner of Lowry Filing No. 1 recorded at Reception Number 9700089555 in said Clerk and Recorder's Office;

thence along the westerly lines of said Lowry Filing No. 1 the following three (3) courses:

- 1.) South 00°02'35" West, being parallel with and 120.00 feet west of said easterly line of the Southeast Quarter of Section 8, a distance of 186.54 feet;
- 2.) South 14°00'02" East a distance of 41.21 feet;
- 3.) South 00°02'35" West, being parallel with and 110.00 feet west of said easterly line of the Southeast Quarter of Section 8, a distance of 526.89 feet to the centerline of proposed E. Archer Pl.;

thence North 90°00'00" West, along said centerline of proposed E. Archer Pl., a distance of 385.12 feet to the centerline of proposed S. Pontiac St.

thence along said centerline of proposed S. Pontiac St. the following three (3) courses:

- 1.) North 00°00'00" East a distance of 163.73 feet to a point of curve;
- 2.) along the arc of a curve to the left having a radius of 750.00 feet, a central angle of 22°35'07", an arc length of 295.64 feet and whose chord bears North 11°17'34" West a distance of 293.73 feet;
- 3.) North 22°35'07" West a distance of 32.70 feet to a point of non-tangent curve;

thence along the arc of a curve to the left having a radius of 1200.00 feet, a central angle of 7°49'41", an arc length of 163.95 feet and whose chord bears South 68°33'33" West a distance of 163.82 feet;

thence South 64°38'42" West a distance of 118.84 feet;  
thence North 25°21'18" West a distance of 150.00 feet to the centerline of proposed E. Lowry Blvd. and a point of non-tangent curve;

thence along said centerline of proposed E. Lowry Blvd. and along the arc of a curve to the right having a radius of 1350.00 feet, a central angle of 7°06'39", an arc length of 167.54 feet and whose chord bears South 68°12'02" West a distance of 167.44 feet to the centerline of proposed Oneida Ct.;

thence along said centerline of proposed Oneida Ct. the following four (4) courses:

- 1.) North 18°14'39" West a distance of 102.50 feet to a point of curve;
- 2.) along the arc of a curve to the left having a radius of 1000.00 feet, a central angle of 7°40'29", an arc length of 133.95 feet and whose chord bears North 22°04'53" West a distance of 133.85 feet;
- 3.) North 25°55'07" West a distance of 142.69 feet to a point of curve;
- 4.) along the arc of a curve to the right having a radius of 230.00 feet, a central angle of 12°57'38", an arc length of 52.03 feet and whose chord bears North 19°26'19" West a distance of 51.92 feet;

thence North 77°02'30" East a distance of 467.96 feet to said centerline of proposed Pontiac St. and a point of non-tangent curve;

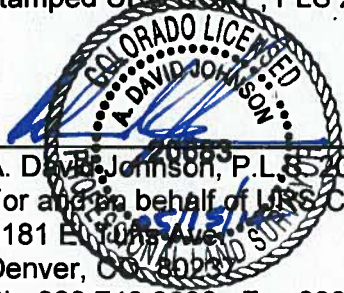
thence along said centerline of proposed Pontiac St. the following two (2) courses:

- 1.) along the arc of a curve to the right having a radius of 500.00 feet, a central angle of 12°31'19", an arc length of 109.28 feet and whose chord bears North 06°15'32" West a distance of 109.06 feet;
- 2.) North 00°00'08" East a distance of 78.61 feet to the southerly line of E. 1<sup>st</sup> Ave.;

thence South 89°59'52" East, along said southerly line of E. 1<sup>st</sup> Ave., a distance of 643.52 feet to the **POINT OF BEGINNING**.

Containing 786,127 square feet or 18.047 acres, more or less.

**Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3 1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3 1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

  
A. David Johnson, P.L.S. 20683  
For and on behalf of URS Corporation  
8181 E. Union Ave.  
Denver, CO 80231  
Ph. 303.740.2600 Fax 303.694.2770

Center of Sec 8,  
T4S, R67W, 6th P.M.  
Fnd. Witness Corner  
in Range Box

**BASIS OF BEARINGS**

**POINT OF COMMENCEMENT**  
East 1/4 Sec 8,  
T4S, R67W, 6th P.M.  
Fnd. 3-1/4" Alum Cap  
in Range Box Stamped:  
BRW INC PLS 20683"

North line of the SE 1/4 Sec 8 N89°59'52"W 2635.61'

Southerly Line  
E. 1st Ave. S89°59'52"E 643.52'

N89°59'52"W  
120.00'

N00°00'08"E 78.61'

R=500.00'  
A=12°31'19"  
L=109.28'  
CHB=N06°15'32"W  
CHD=109.06'

**POINT OF BEGINNING**  
Westerly Line  
Lowry Filing No. 3  
Reception Number  
9800190950

Oneida Ct.

Pontiac St.

E. Lowry Blvd.

S. Quebec St.

R=230.00'  
A=12°57'38"  
L=52.03'  
CHB=N19°26'19"W  
CHD=51.92'

N25°55'07"W  
142.69'

R=1000.00'  
A=7°40'29"  
L=133.95'  
CHB=N22°04'53"W  
CHD=133.85'

786,127 sq. ft. ±  
18,047 acrost ±

N181°4'39"W  
102.50'

N22°35'07"W  
32.70'

Westerly Line  
S. Quebec St.  
S00°02'35"W  
186.54'  
S14°00'02"E  
41.21'

S64°38'42"W  
118.84'

R=1350.00'  
A=7°06'39"  
L=167.54'  
CHB=S68°12'02"W  
CHD=167.44'

R=1200.00'  
A=7°49'41"  
L=163.95'  
CHB=S68°33'33"W  
CHD=163.82'

R=750.00'  
A=22°35'07"  
L=295.64'  
CHB=N11°17'34"W  
CHD=293.73'

N00°00'00"E  
163.73'

N90°00'00"W 385.12'

S00°02'35"W 526.89'

S. Quebec St.



March 12, 2015



8181 E. Turfs Ave.  
Denver, CO 80237  
ph (303)740-2600

EXHIBIT ACCOMPANYING DESCRIPTION

ZONING PARCEL 5

Proposed Zoning

(C-MX-5)

2014-09-09

DENVER

COLORADO

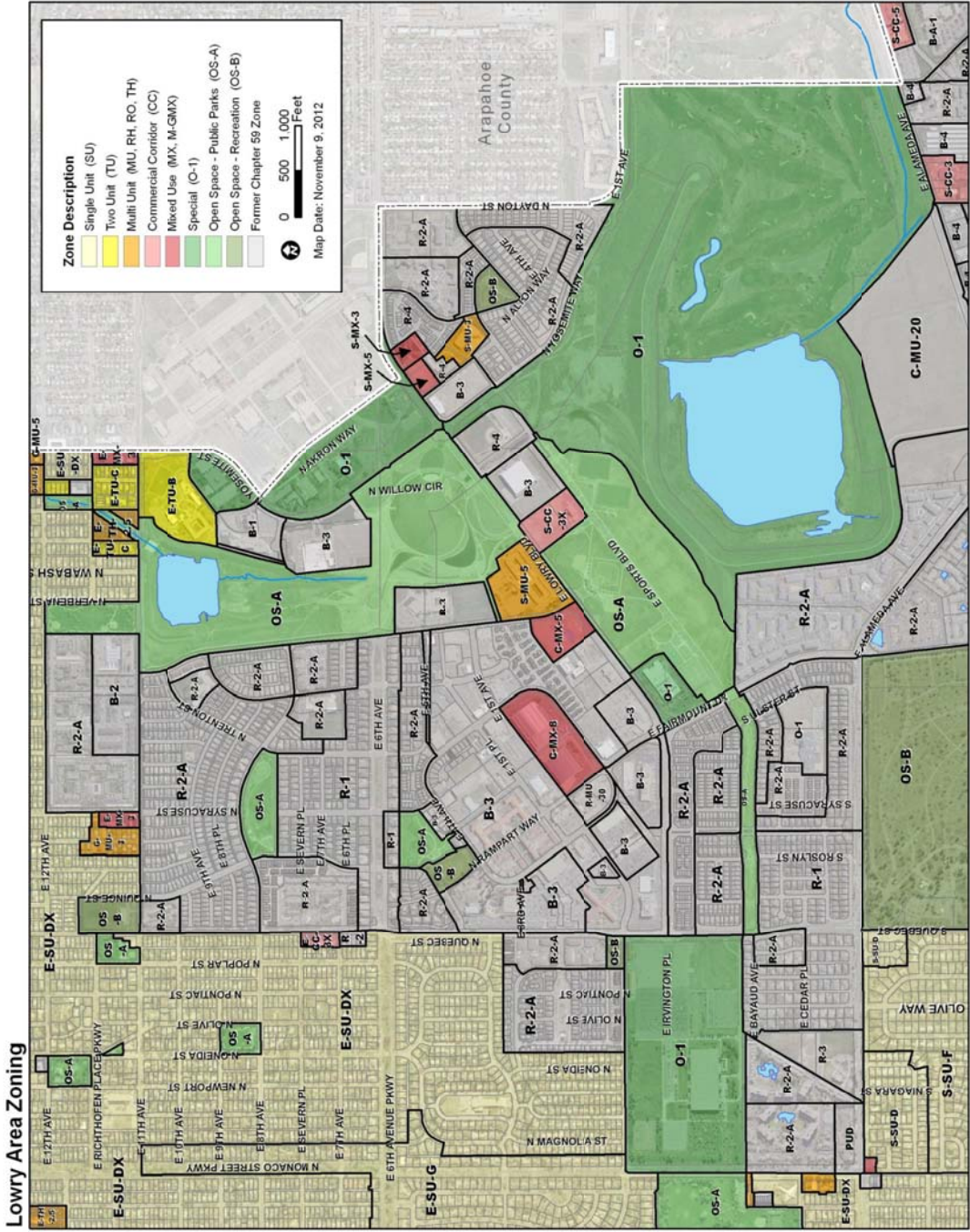
Scale:	Drawn by:	Sheet No.:	Drawing Name:
1"=200'	EBV	1 of 1 Sheet(s)	ZONING PARCEL 5
Checked by:	ADJ		

This exhibit does not represent a monumented survey.

SCALE 1"=200'



# Exhibit D.2 Surrounding Zoning



Disclaimer: The City and County of Denver shall not be liable for damages of any kind arising out of the use of this information. The information is provided "as is" without warranty of any kind, express or implied, but not limited to the fitness for a particular use. This is not a legal document.

**Exhibit E**

**Letter of Authorization**



January 29, 2015

John Putnam  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway #2300  
Denver, CO 80202

RE: Boulevard One Zoning Submittals

Dear John,

Kaplan Kirsch & Rockwell LLP is hereby authorized to act on behalf of the Lowry Redevelopment Authority for the purpose of rezoning approximately 18 acres of Boulevard One from O-1 to C-MX-5 with waivers. The site is located between Monaco Parkway on the west and Quebec Street to the east just south of 1<sup>st</sup> Avenue.

Respectfully,

A handwritten signature in blue ink that reads "Montgomery C. Force".

Montgomery C. Force  
Executive Director



## Exhibit F

### Community Outreach

This Exhibit summarizes and lists the community meetings and other events at which the Lowry Annex/Boulevard One Redevelopment Plan, GDP and zoning were discussed and developed. Because the proposed C-MX-5 with waivers zone area is the mixed-use heart of Boulevard One, it was considered and discussed at most of these meetings.

The Lowry Redevelopment Authority hosted a project update meeting for four Registered Neighborhood Organizations adjacent to the mixed-use parcel on February 11. Discussion topics included infrastructure and construction phasing as well as zoning. Adjacent RNOs include the Lowry Community Master Association, Mayfair Park Neighborhood Association, Lowry United Neighborhoods and Crestmoor Park (Filing 2) Homes Association. In addition, all property owners within 200 feet of the mixed-use parcel have been invited to meet personally or talk with LRA staff about the project and proposed zoning in mid-February. The LRA is also meeting personally and in small groups with adjacent employers and employees, homeowner groups and other interested stakeholders.

A neighborhood newsletter with information about the mixed-use zoning application will be delivered to approximately 6,000 area households in early March.

Buckley Annex Redevelopment Planning  
 General Development Plan  
 Zoning (now Boulevard One)  
 Public Meeting Outreach  
 2006-2015

<b>Date</b>	<b>Committee or Neighborhood Org</b>	<b>Place Time</b>	<b># in attendance approx - does not include committee</b>	<b>Discussion Items</b>
7/18/06	Homeless Assistance Providers/Public Benefit Conveyance screening workshop	DFAS Center a.m.	50	Buckley Annex closure, federally mandated screening procedures and timelines
2/12/07	BA Planning task force # 1	LRA evening	50	Informational and kick off meeting to establish goals and vision for plan
3/12/07	Combined task force # 2	LRA evening		
4/5/07	Housing task force	LRA	15	Discussed application from Homeless

	# 1	evening		Assistance Provider
4/11/07	Planning task force # 1	LRA evening	30	Discussed goals of plan
4/19/07	Combined task force # 3	LRA evening	50	Review of conceptual plan alternatives and shared perspectives on options
6/4/07	Housing task force # 2	LRA evening	25	Discussion of full housing spectrum
6/13/07	Combined task force # 4	LRA evening	75	Review updated market & transportation research; presented refined plan alternatives; alternatives reviewed and perspectives shared
6/26/07	Housing task force # 3	LRA evening	30	Continued discussions of housing spectrum and homeless assistance
7/11/07	Homeless Housing public hearing & open house	Eisenhower Chapel evening	150	Recommendations presented for 1.5 acre site for mixed income rental complex of up to 80 for-rent units.
8/1/07	Combined task force # 5 & open house	Lowry Elementary School evening	200	Introduction of redevelopment plan; information of BRAC process and planned disposition of property
8/22/07	Transportation task force # 1	LRA evening	60	Discussion of traffic studies and related impact issues
9/4/07	Transportation task force # 2	LRA evening	60	Continued research and discussion of transportation issues
9/6/07	Combined task force # 6	Machebeuf High School evening	250	Redevelopment plan reviewed; discussion of remaining challenges and plan enforcement with an undetermined developer
9/27/07	Planning/Disposition Subcommittee	evening		Redevelopment plan reviewed and impacts discussed
10/9/07	Lowry Community Advisory Committee	evening		Redevelopment plan reviewed and various elements discussed
10/10/07	Planning task force # 2	evening		Working session with task force members to reach a consensus on outstanding issues and balance opposing views
10/25/07	Planning/Disposition Subcommittee	evening		Report from 10/10 task force working session and further discussion
11/14/07	Final BA Redevelopment Plan Public Comment Meeting	Montclair Academy evening	300	Final plan presented and reviewed; public comments gathered
12/18/07	Combined Planning/Disposition & Community	Eisenhower Chapel evening		Reviewed plan again with action taken to recommend submittal to AF and HUD

	Advisory Committees			
1/29/08	LRA Board of Directors	Eisenhower Chapel evening		Reviewed aspects of plan with action taken to submit the plan to AF and HUD
6/5/12	Lowry Community Advisory Committee	Eisenhower Chapel 5:30-7 pm	40	BA planning history, community planning process, development timeline, GDP plan process, site plan refinements Requested recommendation to submit GDP with refinements
6/13/12	Lowry United Neighborhoods	Village at Lowry 6:30-8 pm	60	BA redevelopment planning process, proposed, site plan refinements, proposed improvements to 1 <sup>st</sup> Ave, proposed berm on 1 <sup>st</sup> Ave, GDP process, DPS and projected BA student count, demo plans, development phasing
6/21/12	Planning/Disposition Subcommittee	Eisenhower Chapel 4-5:30 pm	25	Site plan refinements Requested concurrence of CAC recommendation to submit GDP with refinements
6/26/12	LRA Board of Directors	Eisenhower Chapel 8-9:30 am	25	Proposed site plan refinements Resolution approved to submit the GDP with refinements
7/10/12	Lowry Community Advisory Committee	CO Free U. 5:30-7 pm	75	Overview of site plan, sustainability framework (LEED ND), Proposed refinements to 1 <sup>st</sup> Ave and berm, preliminary results of traffic study
7/19/12	Mayfair Park/Lowry West Neighborhoods	Village at Lowry 5:30-7 pm	32	BA redevelopment planning process, proposed site plan refinements, proposed improvements on 1 <sup>st</sup> Ave, proposed berm on 1 <sup>st</sup> Ave, GDP process, DPS and projected BA students
7/26/12	Planning/Disposition Subcommittee	Eisenhower Chapel 4-5:30 pm	20	DPS discussion of appropriate location of school for Mayfair Park and BA students, 1 <sup>st</sup> Ave berm, Updated Traffic Study
8/16/12	Planning/Disposition Subcommittee	Eisenhower Chapel 5-6:30 pm	30	Transportation Update, Demolition, Project Schedule Update
8/28/12	LRA Board of Directors	LRA 8:30-9:30 am	20	Sustainability Program
9/4/12	Lowry Community	LRA	25	Transportation Update, Demolition

	Advisory Committee	5:30-7 pm		Project Schedule Update
9/20/12	Planning/Disposition Subcommittee	LRA 5-6:30 pm	15	GDP Overview and Process, Buckley Annex Transportation Plan
10/2/12	Lowry Community Advisory Committee	LRA 5:30-7:15	30	GDP Overview & Process, Buckley Annex Transportation Planning
10/18/12	Planning/Disposition Subcommittee	LRA 5-6:15 pm	15	GDP Update and CCD Comments, First Avenue Berm
10/23/12	LRA Board of Directors	LRA 8-9:30 am	25	GDP Update
11/13/12	Lowry Community Advisory Committee	LRA 5:30-7:30 pm	40	GDP update and CCD comments; First Ave berm, DPS Update; Overview of CCD zoning code
12/4/12	LRA Board of Directors	LRA 8-9:30 am	35	GDP update that CCD requested additional traffic counts; design guidelines addendum for Buckley Annex still to come; zoning suggestions to come from CCD then for public comment; DPS plan to be in place when needed
12/11/12	CCD required public meeting	Eisenhower Chapel 6-8:30 pm	150	GDP review; public comment and Q/A session; open house period to look at the plan and ask questions
12/18/12	Open house sponsored by Councilwoman Susman	Temple Emanuel 6:30-8 pm	100	Open house format with discussion of the various elements of the GDP at stations around the room
2/5/13	Lowry Community Advisory Committee	Eisenhower Chapel 6-7:30 pm	100	Open House format with questions/discussion at stations around the room, a public comment period, discussion among the CAC with action to recommend that the LRA Board approve the updated GDP
2/26/13	LRA Board of Directors	LRA 8:30-10 am	15	Discussion and action taken to move forward with submittal of the GDP (public comment made by 5 attendees)
3/19/13	LRA Board of Directors	LRA 8:30-10 am	4	GPD status update was given that the presentation to the Denver Planning Board was moved from 3/20/13 to 4/3/13
4/24/13	Planning/Disposition Subcommittee	LRA 5-6:15 pm	1	Educational discussion on CCD zoning code and proposed zoning for Buckley Annex
5/7/13	Community Advisory Committee	LRA 5:30-7 pm	3	Educational discussion on CCD zoning code and proposed zoning for Buckley Annex (public comment made from 1 attendee)
5/21/14	LRA Board of	LRA	0	Educational discussion on CCD

	Directors	8-10:00 am		zoning code and proposed zoning for Buckley Annex
6/20/13	Planning/Disposition Subcommittee	LRA 5-6:30 pm	1	Action taken to recommend the approval of the proposed zone districts (public comment was answered in the discussion prior to action taken)
7/9/13	Community Advisory Committee	LRA 5:30-7 pm	0	Action taken to recommend that the LRA Board approve the proposed zone districts
7/23/13	LRA Board of Directors	8-10:00 am	9	Resolution passed to submit a zoning application for the proposed 5 districts with conditions for Buckley Annex (5 public comments given)
8/27/13	LRA Board of Directors	8-9:00 am	6	Zoning update that additional meetings will be done with Registered Neighborhood Organizations (RNOs) (5 public comments given)
8/27/13	Mayfair Park RNO	LRA 6-7:30 pm	10	Overview of zoning; discussed 1 <sup>st</sup> Ave.; price points & lot sizes; alleys opening to 1 <sup>st</sup> Ave.; choice of Urban rather than Urban Edge
9/3/13	Community Advisory Committee	LRA 5:30-7:00 pm	0	Zoning update for proposed LRA parking standards added as a condition to the zoning submittal pursuant to direction from the LRA Board; Park Heights neighbors have voiced concerns about the location of the DHA site and 10' setbacks
9/10/13	Crestmoor Park/CRL	LRA 4-6:00 pm		
9/13/13	Crestmoor/CCD Traffic		8	1 <sup>st</sup> Ave. & traffic patterns through Crestmoor
9/18/13	Lowry United Neighbors RNO	Village at Lowry 6:30-8 pm	30	Overview of zoning; pedestrian connection with Park Heights; DHA site location; rear setbacks adjacent to Park Heights; accessory dwelling units
9/19/13	Planning/Disposition Subcommittee	LRA 5-6:00 pm	5	Action taken to recommend modifications to the proposed zoning with 1) relocate DHA site to the west; 2) remove the option for accessory dwelling unit from U-SU-B1 district; 3) change rear setback to 20' because there is no alley nor rear-loaded garages in the U-SU-B district (public comments were taken during the discussion with the subcommittee

				members regarding action taken)
10/1/13	Community Advisory Committee	LRA 5:30-7pm	5	Action taken to accept the modifications to proposed zoning with 1) relocation of DHA site; 2) eliminate alleys in U-SU-B1 district; 3) eliminate accessory dwelling units in U-SU-B1; and 4) eliminate accessory dwelling units in U-SU-A1 (3 public comments were given)
10/2/13	Crestmoor I and II RNOs	Crestmoor II private residence 6-7:30 pm	7	Building heights; density; transportation
10/14/13	CCD Traffic/Mayfair Park/Crestmoor	LRA 4-5:30 pm	6	Discussed 1 <sup>st</sup> Ave.
10/22/13	LRA Board of Directors	LRA	1	Discussed modifications to previously presented zoning recommendations 1) DHA relocation to the west with townhomes east of them and extending single family on the southern edge by an addition 2-3 lots; 2) eliminate accessory dwelling units for districts U-SU-A and U-SU-; 3) no alleys on the southern edge so rear setback set at 20 feet; adding a condition for parking standards that reflect what has been used at Lowry from the old zone code and also having the LDRC examine and ask for more parking on a case by case basis for each project. The Board approved a resolution to move forward with the zoning submittal as presented with these modifications
1/28/14	LRA Board of Directors	LRA 8:30-10 a.m.	1	Discussed and took action to authorize removing the increased parking condition/waiver from zoning applications due to lack of support from CDP. The one public comment was very opposed to this action.
2/4/14	Community Advisory Committee	LRA 5:30-7 p.m.	0	Informed the committee of the lack of support from CPD regarding the increased parking condition/waiver included with zoning applications and the authorization from the board to remove this condition from the applications. Committee was

				disappointed with the CPD's lack of support, but were comfortable that increased parking standards would be addressed at Boulevard One via the Boulevard One Design Guidelines.
5/6/14	Community Advisory Committee	LRA 5:30-7 p.m.	0	Discussion and action taken to recommend approval of modification to C-MX-5 zoning application to 1) use overlay district for height restrictions 2) remove First Avenue Residential from C-MX-5 and use GRH-3 zoning and 3) remove community park from C-MX-5 application. CPD will designate this as private open space.
5/20/14	LRA Board of Directors	LRA 8-8:45 a.m.	0	Discussion and action taken to recommend approval of modification to C-MX-5 zoning application to 1) use overlay district for height restrictions 2) remove First Avenue Residential from C-MX-5 and use GRH-3 zoning and 3) remove community park from C-MX-5 application.
6/4/14	Denver Planning Board	Webb Building 5 <sup>th</sup> floor 3:30 p.m.		Public hearing for U-SU-A, U-SU-B and G-RH-3 (north) applications. All approved unanimously (9-0).
6/24/14	LRA Board of Directors	LRA 8-9:00 a.m.	0	An update report was given that the first 3 zoning applications had been unanimously approved by the Denver Planning Board on June 4.
6/24/14	Denver City Council Land Use and Transportation Committee	Denver City and County Building 10:30 a.m.		Meeting regarding U-SU-A, U-SU-B and G-RH-3 (north) applications. Committee moved applications to Denver City Council.
7/1/14	Denver Mayor-Council Committee	Denver City and County Building 10 a.m.		Briefing regarding U-SU-A, U-SU-B and G-RH-3 (north) applications.
7/21/14	Denver City Council	Denver City and County Building		First reading for U-SU-A, U-SU-B and G-RH-3 (north) applications. Council published public hearing.

		5:30 p.m.		
8/25/14	Denver City Council	Denver City and County Building 5:30 p.m		Public hearing for U-SU-A, U-SU-B and G-RH-3 (north) applications. Approved 12-0 with one absent member.
9/17/14	Denver Planning Board	Webb Building 5 <sup>th</sup> floor 3:30 p.m.		Public hearing for G-RH-3 application. Unanimous recommendation (9-0) for City Council approval.
10/15/14	Denver City Council Neighborhoods and Planning Committee	Denver City and County Building 10:30 a.m.		Meeting regarding G-RH-3 application. Unanimous vote (7-0) to move to Denver City Council.
10/20/14	Denver City Council	Denver City and County Building 5:30 p.m		First reading for G-RH-3 application. Council published public hearing.
10/21/14	Denver Mayor-Council Committee	Denver City and County Building 10 a.m.		Briefing regarding G-RH-3 application.
11/17/14	Denver City Council	Denver City and County Building 5:30 p.m		Public hearing for G-RH-3 application. Approved (meeting minutes not posted as of 12/23/14).
2/11/15	Adjacent RNOs (Lowry Community Master Association, Lowry United Neighborhoods, Mayfair Park Neighborhood Association, Crestmoor Park (2 <sup>nd</sup> Filing) Homes Association	8:45 a.m. LRA office		Construction update Zoning update C-MX-5 zoning application



## **Exhibit G**

### **Responses to Public Comments**

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

**Lowry Redevelopment Authority  
Boulevard One  
Plan Responses to Public Comment  
2006-2014**

Topic	Comments	Revised General Development Plan Response
Master Planning	The Buckley Annex plan should be consistent with Blueprint Denver	The former Buckley Annex, and all of Lowry, are identified as an Area of Change in Blueprint Denver. Blueprint Denver encourages a mix of land uses, diversity of homes, multimodal streets, access to transit routes and parks and open space for Areas of Change. The Boulevard One plan addresses all of these elements.
	The plan should mirror adjacent land uses	The land use plan has single family detached homes across from single family detached homes on the north (Mayfair Park, Lowry West) and the south (Park Heights). It has mixed-use on the east side, across from the Lowry Town Center and office park. It has multifamily uses on the south to mirror The Berkshires apartment community. There is significant open space on the west side, across from Crestmoor Park.
Land Uses	The GDP should be more tied to the Buckley Annex Redevelopment Plan	The GDP is based on the Buckley Annex Redevelopment Plan. Many portions of the Redevelopment Plan text have been incorporated into Sheet 3 and Sheet 4.
	The land uses depicted in the GDP are too broad	More information about land uses in each neighborhood subarea were added to Sheet 3 of the GDP
	The GDP land use map doesn't show distances	Setback language was added to Sheet 3 of the GDP
	The community park should be moved to west side of the development	The community park was located on the east side of the development because it serves a storm water detention function.
	Provide more detail on mixed use parcel in NE corner of site; prevent large format retail	The mixed-use area contemplates neighborhood-scale retail, based on market studies conducted for the Buckley Annex Redevelopment Plan. In addition, the site was not designed to accommodate the visibility and square footage needs of a typical large format retailer.
	There should be less retail on the west side of the site	The retail location and amount for the west side was reduced.
	Commercial uses should be on Lowry Boulevard	Commercial uses were planned for Lowry Boulevard.
	Offer more retail choices	Neighborhood retail services, stores and restaurants are contemplated in the plan.

**Lowry Redevelopment Authority  
Boulevard One  
Plan Responses to Public Comment  
2006-2014**

Design Guidelines	The project should be bound by the Lowry Community Design Guidelines The design guidelines should incorporate work completed by a volunteer citizen's committee. Add lively colors to existing bland color palette	This was noted on Sheet 5 of the GDP. The Boulevard One Design Guidelines are based on the Lowry Community Design Guidelines. The Boulevard One Design Guidelines included input from the citizen's committee. A member of the citizen committee now serves on the design review committee. The Boulevard One Design Guidelines allow for a wide range of colors in support of architectural character, durability and sense of permanence.
	Address solar access and other sustainability requirements for buildings	Sustainability principles were incorporated into Sheet 3 of the GDP with more detail in the Boulevard One Design Guidelines.
Zoning	Zoning contexts and classifications should be determined as part of the GDP Residential zoning should not allow accessory dwelling units	Zoning classifications were determined based on the final approved GDP land use plan. Accessory dwelling units were removed as a permitted use from U-SU-A and U-SU-B zoning applications.
Density	More specificity on proposed density, by square footage, unit count, etc.	The overall density is approximately 800 units residential (approximately 120 single family detached, 230 single family attached and 450 apartments) and up to 200,000 square feet of commercial office/neighborhood retail. Specific numbers of residential units and building square footage will depend on final product designs by third party developers and approved by the Lowry Redevelopment Authority and its committees.
	The project density should be in character with surrounding neighborhoods	Density in surrounding areas varies: Crestmoor Park (2.4 dwelling units/acre), Mayfair Park (4 du/ac), Lowry West (7.4 du/ac), Lowry Town Center district (10.3 du/ac), The Berkshires (35.5 du/ac), George Washington (3.2 du/ac), East Park Neighborhood (10 du/ac), Woodside Apartments (19.5 du/ac), Windsor Gardens (19 du/ac). The Boulevard One plan is approximately 11.4 dwelling units per acre.
	The Buckley Annex development should be limited to single family detached homes	The plan offers a variety of residential home types and prices to serve a diversity of citizens, from singles and couples without children to empty nesters and family units. This includes single family homes, rowhomes and apartments.
	There should be less residential density	The total number of residential units in the plan was reduced from 1,200 to 800.

**Lowry Redevelopment Authority  
Boulevard One  
Plan Responses to Public Comment  
2006-2014**

	Add residential above retail to capture views and activate parks	The mixed-use areas in the plan allow for residential uses above retail.
	Townhomes should be along Lowry Boulevard	A Rowhome district was added to Lowry Boulevard.
Building Heights	Label building heights on GDP land use plan	Information about maximum building heights in each subarea was added to Sheet 3 of the GDP.
	Buildings should be lower	The GDP and mixed-use zoning applications limit building to heights to a maximum of 65 feet. Buildings in other areas are limited to 2-3 stories.
Transportation	Make Lowry Boulevard curved to calm traffic	Lowry Boulevard was curved.
	Distribute traffic to minimize effects on surrounding streets	The Boulevard One street grid connects with surrounding streets. The overall plan calls for a mix of uses to distribute traffic throughout the day.
	Finalize traffic study as part of GDP	The Buckley Annex Redevelopment Transportation Analysis Addendum was submitted with the Revised GDP, approved by the City Transportation Department and posted online for public review.
	Make sure Lowry Boulevard is transit-friendly	Lowry Boulevard was designed to accommodate busses for a potential future route through the site.
	Narrow Lowry Boulevard to reduce traffic	Lowry Boulevard was reduced from 5 lanes to 3 lanes to manage traffic and support a more cohesive neighborhood at Boulevard One.
	Remove northbound right turn lane on Monaco Parkway onto First Avenue to reduce traffic on First Avenue	This lane was removed from the transportation plan.
	Ensure pedestrian access on Poplar between the library and the site	Pedestrian access from Poplar to Boulevard One was added to the plan.
	Add right-in, right-out intersection at Quebec Street and East Archer Place	This intersection was added to the plan.
	Ensure that the project is served by transit	The site is served by RTD routes 6, 65, 73, 3 and 3L. There are 13 transit stops within a short walk of future homes and offices at Boulevard One.

**Lowry Redevelopment Authority  
Boulevard One  
Plan Responses to Public Comment  
2006-2014**

	The plan should accommodate alternative transportation modes	The transportation network in the GDP (sheets 7 and 9) has a multi-modal street network to accommodate buses, bicycles and pedestrians.
Parking	Manage parking on the site	The Boulevard One Design Guidelines call for minimum parking ratios consistent with the old zoning code. The Boulevard One Design Review Committee will review parking plans for all proposed developments. They may require more parking spaces than required by Denver zoning.
	Don't repeat East Park situation with overflow apartment parking	The East Park situation is not indicative of parking at all multifamily developments at Lowry but it has raised awareness. At the Buckley Annex, the Lowry Design Review Committee will review parking plans for all proposed developments. They may require more parking spaces than required by Denver zoning.
	Provide for additional parking for Schlessman Family Library	Library parking needs were incorporated into the mixed-use area planning.
	Provide structured parking if possible	Structured parking is allowed in the mixed-use area.
Monaco Parkway Edge	Preserve existing berm	Most of the existing berm is being preserved, except the right-of-way-needed for the Lowry Boulevard extension and adjacent mixed-use development. Enhanced landscaping is being added to the berm. Reference was added to sheet 9 of the GDP.
	Don't allow commercial uses on Monaco	No commercial uses face Monaco Parkway in the plan, and documented in Sheet 3 of the GDP.
	Buildings should be set back further than 35 feet	Building setbacks planned for 35 feet from the public right-of-way east of Monaco Parkway. The right-of-way includes 27 feet of tree lawn, sidewalk and landscaped area. So buildings will be built a minimum of 100 feet from the eastern edge of Monaco Parkway. This is well in excess of the Denver requirement for a 35-foot setback from the public right-of-way for designated parkways.
First Avenue Edge	Improve First Avenue	First Avenue improvements support neighborhood desire for a residential street character. More detail was added to the GDP on Sheets 4 and 7. An enhanced landscape zone was added to the south side of the street. Bicycle lanes were added to both sides of the street.
	The transitional housing should not be located near the affordable First Avenue Townhomes	The transitional housing site was moved to the southern portion of the site, away from First Avenue.
	Consider removing the First Avenue berm	First Avenue berm was removed to allow for new Boulevard One streets to connect with the street grid for the new neighborhood to integrate with existing neighborhoods.

**Lowry Redevelopment Authority  
Boulevard One  
Plan Responses to Public Comment  
2006-2014**

	Townhomes and paired homes along First Avenue would be more sustainable	Single family detached and attached homes were planned along First Avenue to mirror existing homes in the Mayfair Park and Lowry West Neighborhoods.
	Bike lanes should not be incorporated with on-street parking	Two bike lanes, one in either direction, were added to First Avenue. There is no on-street parking planned. Detail was added to Sheets 7 and 9 of the GDP.
Quebec Street Edge	Show building setbacks, heights and parking on parcels adjacent to Quebec Street	Maximum building heights, setbacks and parking placement were added to Sheet 3 of the GDP.
	Manage wetland area	The current detention pond will be moved to the west and incorporated into the Community Park.
Southern Edge	Remove alleys backing up to Park Heights homes	Alleys were removed.
	Add pedestrian access from Park Heights to Boulevard One	Pedestrian access from Park Heights to Boulevard One was added to the plan.
	Add pedestrian access from The Berkshires to Boulevard One	Pedestrian access from The Berkshires to Boulevard One was added to the plan.
Schools	Plan for Buckley Annex schoolchildren	Engaged with Denver Public Schools to accommodate new students at Lowry Elementary School.
Pedestrian Connections	Add a pedestrian access from the Berkshire apartment community to the south	In response to community input, the LRA is willing to add this and will discuss it with The Berkshires apartment community ownership. An easement onto their property will be required.
	Provide a pedestrian crossing for the library on Poplar Street	There will be a pedestrian access at Poplar Street onto the First Avenue sidewalk. There is a signalized pedestrian crossing at First Avenue and Quebec Street. Please see Sheet 9.
Open Space	Include more open space in the plan	Approximately 19% of the total acreage for the site, or 13 acres, was dedicated to open space. This exceeds Denver's requirement of 10% of the total acreage.
	Have trails and bike paths	Trails and bike paths were included in the Parks and Open Space plan.
	Make the park multi-use	The Community Park is being designed to meet the needs of local residents.
	Preserve Montclair Creek watershed	The GDP maintains the Montclair Creek watershed drainage patterns.
	Preserve existing trees	Existing trees were evaluated and as many as possible were preserved in place or transplanted on site.

**Exhibit H**

**Legal Descriptions of Area Covered by Waivers**

**Description**


A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows;

**COMMENCING** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 150.00 feet;  
thence South 00°02'35" West, parallel with and 150.00 feet west of the easterly line of said Southeast Quarter of Section 8, a distance of 36.00 feet to the **POINT OF BEGINNING**;

thence South 00°02'35" West, parallel with and 150.00 feet west of said easterly line of the Southeast Quarter of Section 8, a distance of 30.00 feet;  
thence North 89°59'52" West, parallel with and 66.00 feet south of said northerly line of the Southeast Quarter of Section 8, a distance of 580.00 feet;  
thence North 00°00'08" East a distance of 30.00 feet;  
thence South 89°59'52" East, parallel with and 36.00 feet south of said northerly line of the Southeast Quarter of Section 8, a distance of 580.02 feet to the **POINT OF BEGINNING**;

Containing 17,400 square feet or 0.399 acres, more or less.

**Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3-1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

  
A. David Johnson, P.E. 20683  
For and on behalf of URS Corporation  
8181 E. Tenth Ave.  
Denver, CO 80231  
Ph. 303.740.2600 Fax 303.694.2770

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Projects\22243847\_Bldv\_One\_Surv\_IDIQ\Project Tasks\01002 Setbacks\Block 7 Rev 1 01-19-15.docx



Point of Commencement  
 East 1/4 corner of Section 8  
 Found 3-1/4" aluminum cap in range box  
 Stamped: BRW INC PLS 20683

Point of Beginning

Basis of Bearings

North line of the Southeast 1/4 of Section 8

N89°59'22"W 150.00'

Tract AF  
 (Proposed 1st Ave.)

N89°59'52"W

1st. Ave.

S89°59'52"E 580.02'

17,400 Sq.Ft.± or  
 0.399 Acres ±

N89°59'52"W 580.00'

Proposed Boulevard One  
 Filing No. 1

Quebec St.

East line of the Southeast 1/4 of Section 8  
 N00°02'35"E

See Sheet 2  
 Matchline

7



SCALE 1"=50'



**URS**

8181 E. Tufts Ave.  
 Denver, CO 80237  
 ph (303)740-2600

EXHIBIT ACCOMPANYING DESCRIPTION

**Part of Block 7,  
 Blvd. One, Filing No. 1**

DENVER

COLORADO

Drawn by: JKB Checked by: ADJ Sheet No. 13 of 3 Sheet(s)

*This exhibit does not represent a monumented survey.  
 It is intended only to depict the attached description.*

Center of Section 8  
 Found 3-1/4" aluminum cap Witness Corner  
 Stamped: URS CORP PLS 20683

Basis of Bearings

North line of the Southeast 1/4 of Section 8

N89°59'52"W

1st. Ave.

Tract AF  
 (Proposed 1st Ave.)

30'

S89°59'52"E 580.02'

17,400 Sq.Ft.± or  
 0.399 Acres ±

6' 30'

N00°00'08"E  
 30.00'

N89°59'52"W 580.00'

Proposed Boulevard One  
 Filing No. 1

Tract AE (Proposed Pontiac St.)

Matchline  
 See Sheet 1

7



SCALE 1"=50'



**URS**

8181 E. Tufts Ave.  
 Denver, CO 80237  
 ph (303)740-2600

EXHIBIT ACCOMPANYING DESCRIPTION

**Part of Block 7,  
 Blvd. One, Filing No. 1**

DENVER

COLORADO

Drawn by: JKB Checked by: ADJ Sheet No. 3 of 3 Sheet(s)

*This exhibit does not represent a monumented survey.  
 It is intended only to depict the attached description.*

## EXHIBIT - H

### Description

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows;

**COMMENCING** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter of Section 8, a distance of 120.00 feet;  
thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of said Southeast Quarter of Section 8, also being the westerly line of Quebec St., a distance of 536.62 feet to the **POINT OF BEGINNING**;

thence along said westerly line of Quebec St. the following three (3) courses:

1. South 00°02'35" West a distance of 61.66 feet;
2. South 14°00'02" East a distance of 41.21 feet;
3. South 00°02'35" West a distance of 498.39 feet;

thence North 90°00'00" West a distance of 30.00 feet;

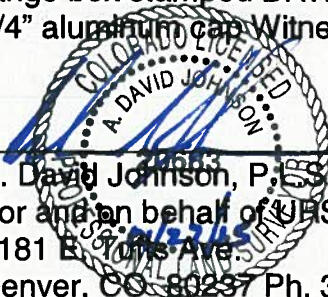
thence parallel with and 30.00 feet west of said westerly line of Quebec St. the following three (3) courses:

1. North 00°02'35" East a distance of 494.72 feet;
2. North 14°00'02" West a distance of 41.21 feet;
3. North 00°02'35" East a distance of 65.36 feet;

thence South 89°57'25" East a distance of 30.00 feet to the **POINT OF BEGINNING**;

Containing 18,038 square feet or 0.414 acres, more or less.

**Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3-1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3-1/4" aluminum cap with Witness Corner stamped URS CORP, PLS 20683.

  
A. David Johnson, P.E. 20683  
For and on behalf of URS Corporation  
8181 E. Young Ave.  
Denver, CO 80237 Ph. 303.740.2600 Fax 303.694.2770

I:\PROJECTS\_INF\22241028\_Lowry\_Master\6.0  
Projects\22243847\_Bldv\_One\_Surv\_IDIQ\Project Tasks\01002 Setbacks\Block 8 Rev 1 01-27-15.docx

# EXHIBIT-H

Basis of Bearings

North line of the Southeast 1/4 of Section 8

N89°59'52"W

Center of Section 8

Found 3-1/4" aluminum cap Witness Corner

Stamped: URS CORP PLS 20683

Point of Commencement

East 1/4 corner of Section 8

Found 3-1/4" aluminum cap in range box

Stamped: BRW INC PLS 20683

Tract AD  
(Proposed Lowry Blvd.)

S89°57'25"E  
30.00'

Point of Beginning

120'

N00°02'35"E  
65.36'

S00°02'35"W  
61.66'

8

N14°00'02"W  
41.21'

S14°00'02"E  
41.21'

18,038 Sq.Ft.± or  
0.414 Acres ±

Proposed Boulevard One  
Filing No. 1

N00°02'35"E 494.72'

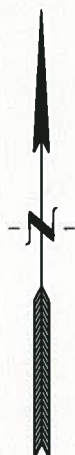
S00°02'35"W 498.39'

Quebec St.

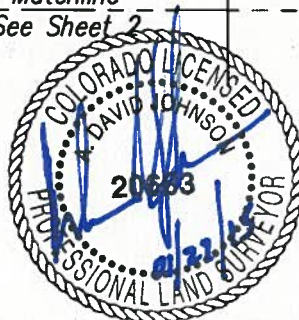
East line of the Southeast 1/4 of Section 8

N00°02'35"E

Matchline  
See Sheet 2



SCALE 1"=50'



**URS**

8181 E. Tufts Ave.  
Denver, CO 80237  
ph (303)740-2600

EXHIBIT ACCOMPANYING DESCRIPTION

Part of Block 8,  
Blvd. One, Filing No. 1

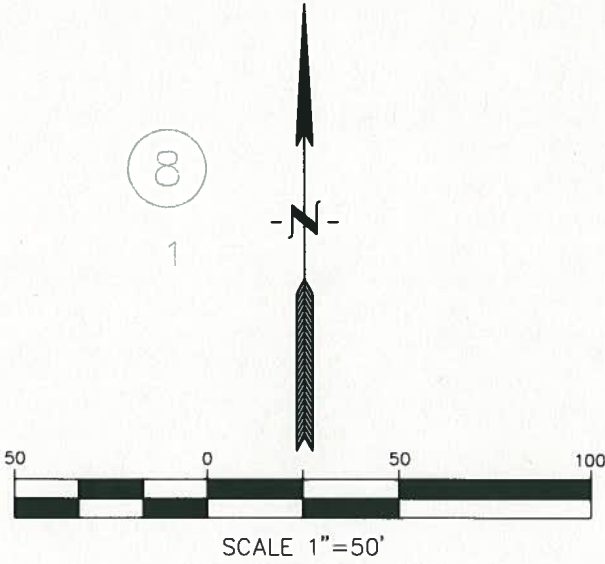
DENVER March 12, 2015 COLORADO

Drawn by: JKB Checked by: ADJ Sheet No. 2 of 3 Sheet(s)

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It is intended only to depict the attached description. Page 68 of 83

# EXHIBIT-H

See Sheet 1  
Matchline



18,038 Sq.Ft.± or  
0.414 Acres ±

Proposed Boulevard One  
Filing No. 1

N00°02'35"E 494.72'

S00°02'35"W 498.39'

Quebec St.

30'

East line of the Southeast 1/4 of Section 8  
N00°02'35"E

Tract AB  
(Proposed Archer Pl.)

N90°00'00"W  
30.00'



## URS

8181 E. Tufts Ave.  
Denver, CO 80237  
ph (303)740-2600

EXHIBIT ACCOMPANYING DESCRIPTION

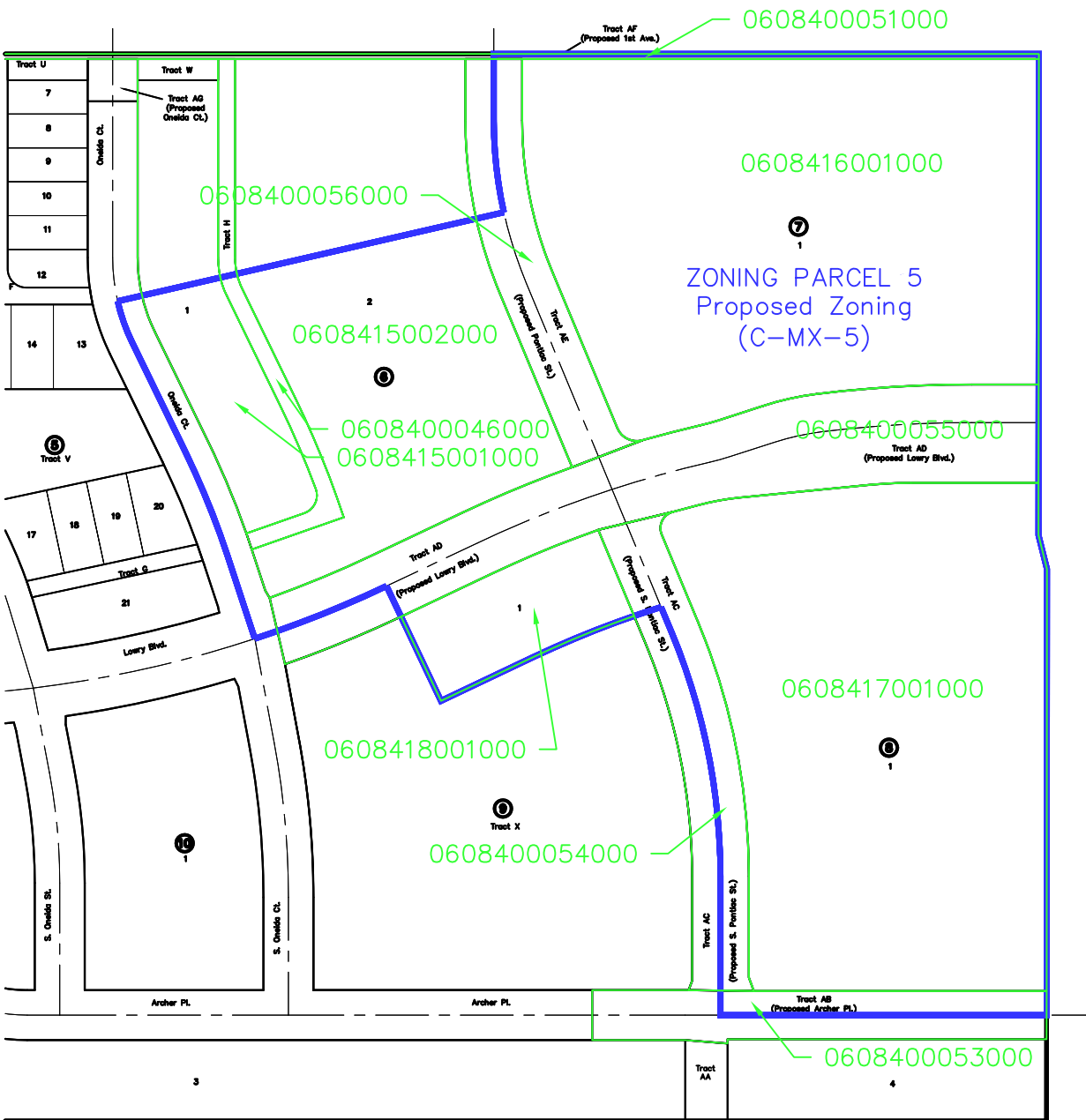
Part of Block 8,  
Blvd. One, Filing No. 1

DENVER March 12, 2015 COLORADO

Drawn by: JKB Checked by: ADJ Sheet No. 3 of 3 Sheet(s)

This exhibit does not represent a monumented survey.  
It is intended only to depict the attached description. Page 69 of 83

# BOULEVARD ONE ZONING PARCEL 5 ASSESSOR PARCEL NUMBERS



SCALE 1"=200'

*This exhibit does not represent a monumented survey. It is intended only to depict the attached legal description.*

20141-00096



8181 E. TUFTS AVE.  
DENVER, CO 80237  
P: 303-740-2600  
F: 303-694-3946  
E: dave.johnson@urs.com

**URS**

EXHIBIT ACCOMPANYING DESCRIPTION  
**Boulevard One  
Zoning Parcel 5**

DENVER COLORADO

Scale: 1"=200'	Drawn by: JKB	Sheet No: 2015	Drawing Name:
	Checked by: ADJ	of 1 Sheet(s)	

~~After recordation please send a copy of the recorded Deed to:  
AFRPA/RESTB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

## QUITCLAIM DEED

### I. PARTIES

THIS QUITCLAIM DEED is made and entered into this 3<sup>rd</sup> day of May, 2012, by and between THE UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the "Grantor"), under and pursuant to the powers and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (10 U.S.C. 2687 note), and delegations and regulations promulgated thereunder, and Lowry Economic Redevelopment Authority, a separate legal entity established pursuant to an Intergovernmental Agreement among the City of Denver, Colorado, County of Denver, Colorado and City of Aurora, Colorado (the "Grantee") and the recognized local redevelopment authority for Buckley Air Force Base Annex, Colorado ("Buckley Annex"). When used in this Deed, unless the context specifies otherwise, "Grantor" shall include the assigns of the "Grantor", and "Grantee" shall include the successors and assigns of the "Grantee".

### II. CONSIDERATION AND CONVEYANCE

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) in hand paid by the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, has remised, released, and deeded, and by these presents does remise, release, and quitclaim unto the Grantee, whose address is 200 Quebec Street, Building 600, Suite 215, Denver, Colorado 80230, all the right, title, interest, claim, and demand that the Grantor has in and to the real property, situated, lying, and being in the City of Denver and County of Denver and State of Colorado consisting of 70.2175 acres as described and depicted on **Exhibit A** attached hereto and made a part hereof by this reference.

### III. APPURTENANCES

TOGETHER WITH all the buildings and improvements erected thereon, except for monitoring wells, treatment wells, and treatment facilities and related piping, and all and singular the tenements, hereditaments, appurtenances, and improvements hereunto belonging, or in any wise appertaining thereto ( together with the real property described on Exhibit A, the "Property").

*Buckley AFB Annex Deed  
Final*

Page 1 of 9

Return to: Lowry Redevelopment Authority  
200 Quebec St., Bldg 600, Ste 215  
Denver, CO 80230  
Attn: Greg Palcanis

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AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

## QUITCLAIM DEED

### I. PARTIES

THIS QUITCLAIM DEED is made and entered into this 31<sup>st</sup> day of May, 2012, by and between THE UNITED STATES OF AMERICA, acting by and through the Secretary of the Air Force (the “**Grantor**”), under and pursuant to the powers and authority contained in the Defense Base Closure and Realignment Act of 1990, as amended (10 U.S.C. 2687 note), and delegations and regulations promulgated thereunder, and Lowry Economic Redevelopment Authority, a separate legal entity established pursuant to an Intergovernmental Agreement among the City of Denver, Colorado, County of Denver, Colorado and City of Aurora, Colorado (the “**Grantee**”) and the recognized local redevelopment authority for Buckley Air Force Base Annex, Colorado (“**Buckley Annex**”). When used in this Deed, unless the context specifies otherwise, “Grantor” shall include the assigns of the “Grantor”, and “Grantee” shall include the successors and assigns of the “Grantee”.

### II. CONSIDERATION AND CONVEYANCE

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) in hand paid by the Grantee, and other good and valuable consideration, the receipt of which is hereby acknowledged, has remised, released, and deeded, and by these presents does remise, release, and quitclaim unto the Grantee, whose address is 200 Quebec Street, Building 600, Suite 215, Denver, Colorado 80230, all the right, title, interest, claim, and demand that the Grantor has in and to the real property, situated, lying, and being in the City of Denver and County of Denver and State of Colorado consisting of 70.2175 acres as described and depicted on **Exhibit A** attached hereto and made a part hereof by this reference.

### III. APPURTENANCES

TOGETHER WITH all the buildings and improvements erected thereon, except for monitoring wells, treatment wells, and treatment facilities and related piping, and all and singular the tenements, hereditaments, appurtenances, and improvements hereunto belonging, or in any wise appertaining thereto ( together with the real property described on Exhibit A, the “**Property**”).

*Buckley AFB Annex Deed  
Final*

2014I-00096

Page 1 of 9

Page 72 of 83

Return to: Lowry Redevelopment Authority  
200 Quebec St., Bldg 600, Ste 215  
Denver, CO 80230  
Attn: Greg Palcanis

March 12, 2015



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AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

IV. EXCEPTIONS

None

V. RESERVATIONS

None, except as shown in Section VII below.

VI. CONDITION

A. The Grantee shall accept the conveyance of the Property subject to all covenants, conditions, restrictions, easements, rights-of-way, reservations, rights, agreements, and encumbrances, whether or not of record.

B. The Grantee shall accept the Property, "as is, where is" without any representation, promise, agreement, or warranty, whether express or implied, on the part of the Grantor, or otherwise provided for by law or in equity (other than as provided in Sections VII through IX, inclusive, of this Deed). The Grantor shall have no liability for any latent or patent defects in the Property, except to the extent provided in this Deed or applicable federal law or state law for which the Grantor has expressly waived its sovereign immunity.

**VII. NOTICES AND COVENANTS RELATED TO SECTION 120(h)(3) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) (42 U.S.C. § 9620(h)(3))**

Consistent with Section 120(h)(3)(A) of CERCLA (42 U.S.C. § 9620(h)(3)(A)), Grantor provides the notices and covenants and retains the access rights stated below:

A. Notices Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of CERCLA (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):

Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of CERCLA(42 U.S.C. §§ 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of on the Property as defined in Section 120(h) is provided at **Exhibit B**, Notice of Hazardous Substances Released, attached hereto and made a part hereof by this reference.

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AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

B. Covenants Pursuant to Sections 120(h)(3)(A)(ii) and (B) of CERCLA (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)):

The Grantor warrants that:

1. All remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to Section 120(h)(3)(A)(i)(I) of CERCLA remaining on the Property has been taken before the date of this Deed; and

2. Any additional remedial action found to be necessary after the date of this Deed and required by Section 120(h) of CERCLA shall be conducted by the Grantor.

C. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of CERCLA (42 U.S.C. § 9620(h)(3)(A)(iii)):

1. The Grantor retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which an environmental response or corrective action is found to be necessary on the part of the Grantor, without regard to whether such environmental response or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, testpitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the Grantor to comply with its obligations in this Deed. Such easement and right of access shall run with the land.

2. In exercising such easement and right of access, the Grantor shall provide the Grantee, with reasonable notice of its intent to enter upon the Property and exercise its rights under this Deed, which notice may be severely curtailed or even eliminated in emergency situations. The Grantor shall use all reasonable means to avoid and to minimize interference with the Grantee's quiet enjoyment of the Property. At the completion of work, the work site shall be restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the Grantor. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee for the exercise of the easement and right of access hereby retained and reserved by the Grantor.

3. In exercising such easement and right of access, the Grantee shall not have any claim at law or equity against the Grantor or any officer or employee of the Grantor based on actions taken by the Grantor or its officers, employees, agents contractors of any tier, or servants pursuant to and in accordance with this Deed: provided, however, that nothing in this paragraph

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2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

shall be considered as a waiver by the Grantee of any remedy available to it under the Federal Tort Claims Act.

## VIII. RELATED COVENANTS

A. Limitation on Warranty. The warranty set forth in subparagraph VII.B.2 above is limited to response actions found to be necessary to protect human health and the environment from “hazardous substances, pollutants or contaminants” (as such terms are defined in CERCLA) existing on the Property on the effective date of this Deed. The obligation of the Grantor under such warranty does not extend to response actions required as a result of the Grantee’s failure to comply with, or the Grantee’s acts or omissions resulting in responsibility or liability under, this Deed or applicable laws.

B. Notice of Contaminants. If the Grantee encounters what it believes to be a hazardous substance or hazardous waste during development activities on the Property, the Grantee shall immediately cease such activities in the affected area and implement controls for the exposed hazardous substance or hazardous waste to minimize the potential airborne release or migration of or exposure to such substance and promptly notify the Grantor. The Grantor shall promptly inspect the discovered substance and determine if a response or other mitigation is warranted by Grantor under CERCLA, other federal laws or state or local laws for which the Grantor has expressly waived its sovereign immunity. If such substance warrants a response or mitigation that is the responsibility of the Grantor under this Deed, then the Grantor shall take such actions. The Grantee shall not resume development activities in the affected area until it receives written notice that it may do so from the Grantor.

## IX. OTHER COVENANTS

A. Asbestos-Containing Materials (ACM). The Property may contain current and former improvement, such as buildings, facilities, equipment, and pipelines, above and below the ground that contain ACM. The Grantee shall comply with all federal, state, and local laws relating to ACM. The Grantee shall use due care during Property development activities that may uncover pipelines or other buried ACM. The Grantee shall notify the Grantor promptly of any potentially friable ACM that constitutes a release (or potential release) under CERCLA (42 U.S.C. § 9601 et seq.). The Grantor’s responsibility under this Deed for friable ACM is limited to friable ACM in demolition debris or soil associated with past Grantor activities and is limited to the actions, if any, to be taken in accordance with the covenant contained in Section VII.B herein. The Grantor will not be responsible for removing or responding to ACM in or on utility pipelines. The Grantor shall have no liability for property damage or personal injury, illness, disability, or death to the Grantee, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity which occurs after the date of this Deed and causes or leads to contact of any kind whatsoever with ACM on the Property on the date of this Deed except for ACM that constitutes a release (or potential release) under CERCLA.

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AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

**B. Lead-Based Paint (LBP) and LBP Containing Materials and Debris.**

1. LBP was commonly used prior to 1978 and may be located on the Property. The Grantee shall exercise caution during any use of the Property that may result in exposure to LBP.

2. The Grantee shall be solely responsible for managing LBP, including LBP in soils, in accordance with all applicable federal, state, and local laws and regulations. The Grantor's responsibility under this Deed for LBP is limited to LBP in soil associated with past Grantor activities that constitutes a release (or potential release) under CERCLA. The Grantor shall have no liability for property damage, personal injury, illness, disability, or death to the Grantee, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, contact, disposition, or other activity which occurs after the date of this Deed and involves LBP on the Property on the date of this Deed except for LBP in soil that constitutes a release (or potential release) under CERCLA. The Grantee shall notify the Grantor promptly of any discovery of LBP that is believed to be associated with past Grantor activities. The Grantor hereby reserves the right, in its sole discretion, to undertake an investigation and conduct any remedial action for which it is responsible under federal law that it determines is necessary.

**C. Underground and Aboveground Storage Tanks (USTs and ASTs).** There were four USTs and eleven ASTs located on the Property as listed in **Exhibit C**. All USTs on the Property have been removed. Seven of the ASTs remain on the Property. Six of these ASTs are active and one is inactive. The Grantee shall accept responsibility for complying with all applicable federal, State, and local laws and regulations relating to the use of the Tanks left in place. The Grantee assumes all liability for any leaks associated with these tanks after the date of transfer as a condition of receiving these tanks in lieu of their removal.

**D. Energy (Utilities).** Electrical utilities are in good condition and operational on the Property. These utilities could be disturbed by Property development. The Grantee accepts responsibility for complying with all applicable federal, state, and local laws and regulations relating to systems or services.

**E. Grease Trap.** A grease trap is located in Building 444 on the Property. The Grantee shall assume all liability associated with the grease trap after the date of transfer as a condition of receiving the grease trap in lieu of its removal.

**F. Military Munitions (Unexploded Ordnance (UXO)), Discarded Military Munitions (DMM), Waste Military Munitions (WMM), Explosive Soils, Explosive Debris, and/or Munitions Constitutes (MC).** Based on historical documentation, the Munitions Response Sites, Munitions storage in Facility 444 and berm areas located in the western portion of the

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AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

Property were determined not to have the potential for UXO, DMM, WMM, explosive soils, explosive debris, or MC at the sites or otherwise to affect the future use of the Property. The Grantee shall use care when conducting ground disturbing activities on the Property. Should any UXO, DMM, WMM, or MC be discovered on the Property the Grantee shall immediately notify the CDPHE and the Grantor, and the Grantor shall remove any such UXO, DMM, WMM or MC from the Property at no expense to Grantee, provided such removal is expressly required by applicable federal laws or applicable state laws for which the Grantor has expressly waived its sovereign immunity.

G. Pesticides. Registered pesticides have been applied to the Property and may continue to be present thereon. Where a pesticide was applied by the Grantor or at the Grantor's direction, to the best of the Grantor's knowledge, the pesticide was applied in accordance with its intended purpose and consistent with the Federal Insecticide, Fungicide and Rodenticide Act ( FIFRA – 7 U.S.C. §136, et. seq.) and other applicable laws. If the acts or omissions of the Grantee cause a release of any such pesticide, the Grantee assumes all resulting responsibility and liability therefor.

H. Non-Discrimination. The Grantee shall not discriminate upon the basis of race, color, religion, national origin, sex, age, or handicap in the use, occupancy, sale, or lease of the Property, or in its employment practices conducted thereon. This requirement shall not apply, however, to the lease or rental of a room or rooms within a family dwelling unit, nor shall it apply with respect to religion if the Property is on premises used primarily for religious purposes.

X. NOTICE ADDRESSES

Any notice required to be given to the Grantor pursuant to this Deed shall be given or served by personal delivery or by mailing the same by certified mail, postage prepaid, return receipt requested, addressed as follows:

Department of the Air Force  
Deputy Assistant Secretary of the Air Force  
(Installations)  
1665 Air Force Pentagon  
Washington, D.C. 20330-1665

With copies to:

Department of the Air Force  
Attn: Chief Counsel, San Antonio Office of the  
Deputy General Counsel (Environment & Installations)  
Office of the Air Force General Counsel

Mailing Address:

~~After recordation please send a copy of the recorded Deed to:  
AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

2261 Hughes Ave., Suite 121  
Lackland AFB, TX 78236-9821

Delivery Address:  
3515 S. Gen McMullen, Door 2  
San Antonio, TX 78226-1858

Department of the Air Force  
Attn: Division Chief, AFRPA/BPM  
Mailing Address:  
2261 Hughes Ave., Suite 121  
Lackland AFB, TX 78236-9821

Delivery Address:  
3515 S. Gen McMullen, Door 2  
San Antonio, TX 78226-1858

or to such other address or addresses as the Grantor may from time to time designate in the Real Property Records of Denver County, Colorado.

## XI. MISCELLANEOUS

Except for any personal covenant, each covenant of this Deed shall inure to the benefit of the Grantor; shall be binding on the Grantee; shall be deemed to touch and concern the land and shall run with the land.

## XII. EXHIBITS

Exhibit A	Legal Description and Maps
Exhibit B	Notice of Hazardous Substances Released
Exhibit C	UST, AST Table

~~After recordation please send a copy of the recorded Deed to:  
AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

IN WITNESS WHEREOF, I have hereunto set my hand at the direction of the Secretary of the Air Force, effective the day and year first above written.

THE UNITED STATES OF AMERICA,  
acting by and through the Secretary of the Air Force

By: Stephen G. TerMaath  
STEPHEN G. TERMAATH  
Chief, BRAC Program Management Division  
Air Force Real Property Agency

Witness:

Cynthia A. Hanson

STATE OF COLORADO )  
CITY AND COUNTY OF DENVER )

This document was acknowledged before me this 31st day of May, 2012 by Stephen G. TerMaath, Chief, BRAC Program Management Division, Air Force Real Property Agency.

ORENA J. LINDHOLM  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 10/15/2013

Orena J. Lindholm  
Notary Public, State of Colorado

My Commission Expires: 10/15/2013

~~After recordation please send a copy of the recorded Deed to:  
AFRPA/RETB  
2361 Hughes Avenue, Ste 121  
Lackland AFB, TX 78236-9821~~

### ACCEPTANCE

The Grantee hereby accepts this Deed and agrees to be bound by all terms and provisions, covenants, conditions, restrictions, and reservations contained in it.

DATE: May 31, 2012

Lowry Economic Redevelopment Authority  
(Designated Buckley Annex, Co LRA)

  
\_\_\_\_\_  
MONTGOMERY C. FORCE  
Executive Director



**Description**  
**Lowry Buckley Annex**

A part of the Southeast Quarter of Section 8, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows;

**Commencing** at the East Quarter Corner of said Section 8;  
thence North 89°59'52" West, along the northerly line of said Southeast Quarter, a distance of 120.00 feet;  
thence South 00°02'35" West, parallel with and 120.00 feet west of the easterly line of said Southeast Quarter, a distance of 30.00 feet to the southerly line of First Ave. and the **point of beginning**;  
thence along the westerly lines of the South Part of EDC Parcel described at Reception Number 9700080389 in the Clerk and Recorder's Office of said City and County of Denver the following two (2) courses;  
1.) South 00°02'35" West, parallel with and 120.00 feet west of said easterly line, a distance of 1260.16 feet;  
2.) North 90°00'00" West a distance of 973.87 feet to a corner in said westerly line of the South Part of EDC Parcel;  
thence North 89°59'31" West, along the northerly line of Bayaud Ave., a distance of 1455.03 feet to the easterly line of S. Monaco St. Parkway;  
thence North 00°11'21" East, parallel with and 90.00 feet east of the westerly line of said Southeast Quarter and along said easterly line of S. Monaco St. Parkway and along the easterly line of Monaco St. Parkway, a distance of 1260.06 feet to the southerly line of said First Ave.;  
thence South 89°59'52" East, parallel with and 30.00 feet south of said northerly line of the Southeast Quarter of Section 8 and along said southerly line of First Ave., a distance of 2425.68 feet to the **point of beginning**;

Containing 3,058,748 square feet or 70.219 acres, more or less.

**Basis of bearings:** Bearings are based on the northerly line of the Southeast Quarter of Section 8, Township 4 South, Range 67 West, of the Sixth Principal Meridian, City and County of Denver, State of Colorado as being North 89°59'52" West. The East Quarter Corner of said Section 8 is a 3 1/4" aluminum cap in a range box stamped BRW INC, PLS 20683. The Center of said Section 8 is a 3 1/4" aluminum cap Witness Corner stamped URS CORP, PLS 20683.

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A. David Johnson, P.L.S. 20683  
For and on behalf of URS Corporation  
8181 E. Tufts Ave.  
Denver, CO 80237  
Ph. 303.740.2600 Fax 303.694.2770



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**NOTICE OF HAZARDOUS SUBSTANCES RELEASE**

Notice is hereby given that the information set out below provides notice of hazardous substances that are known to have been disposed of or release on the Property. The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S. C. Section 9620(h).

Substance	Regulatory Synonym(s)	CAS Registry Number	Quantity kg/pounds	Date	Hazardous Waste ID Number (if applicable)	Response	Remarks
<i>Building 444</i> Polychlorinated Biphenyls	PCBs	Unknown	Unknown	1993	NA	Soil excavation was conducted in 1993. PCB-contaminated soils were disposed of at an off-site license facility.	Colorado Department of Health and U.S.EPA were notified, no further action was concurred by the two agencies.
<i>Building 409, OWS</i> Benzo(a)pyrene	NA	50-32-8	Unknown	Unknown	NA	Both OWSs were removed (409E removed in 2004, 409W removed in 2009). 409E-OWS No additional soil removal was required at 409E, all results were determined below the screening value and the detected	Colorado Department of Public Health and Environment concurred no further action for OWS 409E and OWS 409W on December 16, 2011.

EXHIBIT C  
UST and AST Table

**UST Summary Table**

Facility Number	Tank ID	Former Contents	Tank Capacity (gallons)	Tank Status	Closure Status
444	424	Fuel Oil	24,000	Removed 9/7/2010	Leak was discovered associated with the improper installation of this tank. Additional information is provided in Section 5.3. Closed – CDPHE 2/8/2007
444	425	Fuel Oil	24,000	Removed	Closed – CDPHE 2/8/2007
444	426	Fuel Oil	24,000	Removed	Closed – CDPHE 2/8/2007
444	427	Fuel Oil	24,000	Removed	Closed – CDPHE 2/8/2007

**AST Summary Table**

Facility Number	Tank ID	Former Contents	Tank Capacity (gallons)	Tank Status
444	444-1	Diesel	5,200	Active
444	444-2	Diesel	10,000	Active
444	444-3	Diesel	300	Active
444	444-4	Diesel	275	Active
444	444-5	Diesel	100	Active
444	444-6	Diesel	250	Active
444	444-7	Recovered Product	1,000	Inactive
446	446-1	Magnesium Chloride	2,000	Removed
446	446-2	Magnesium Chloride	2,000	Removed
446	446-3	Magnesium Chloride	325	Removed
446	446-4	Magnesium Chloride	100	Removed

**From:** [Susman, Mary Beth - City Council](#)  
**To:** [kevinwanebo@comcast.net](mailto: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

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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](mailto:marybeth.susman@denvergov.org) | [Dial 3-1-1 for City Services](#)

*\*\*This email is considered an "open record" under the Colorado Open Records Act and must be made available to any person requesting it, unless the email clearly requests confidentiality. Please indicate on any return email if you want your communication to be confidential.\*\**

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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

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

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

cc:

Brad Buchanan, CPD: [Brad.Buchanan@denver.gov](mailto:Brad.Buchanan@denver.gov)

Evelyn Baker, CPD: [Evelyn.Baker@denver.gov](mailto:Evelyn.Baker@denver.gov)

Denver City Council: [dencec@denvergov.org](mailto: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](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](http://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

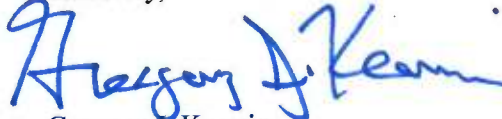
Councilwoman Susman should be able to attend both May 6 meetings, which address important zoning requests affecting her East Denver constituents in District 5.

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.

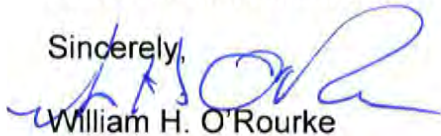
You were brought in to help "facilitate" a positive discussion and approach to bridging the differing values and priorities of the LRA and the affected neighborhoods. Securing some real consensus on the above issues would go a long way towards solving these very real problems. It has taken a while, but 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

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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

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**Venus Boatner | Associate City Planner**  
Community Planning & Development | Development Services  
City and County of Denver  
720.865.2993 Phone | [venus.boatner@denvergov.org](mailto:venus.boatner@denvergov.org)  
[DenverGov.org/CPD](http://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.<sup>1</sup> – 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.

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<sup>1</sup> 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.<sup>2</sup>

### ***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).<sup>3</sup> 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 Plan<sup>4</sup> 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

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<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Now, unless Planning Board members are willing to go out to [www.lowrynews.com](http://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.<sup>5</sup> The third, immediately prior to filing this application, and prominently

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<sup>5</sup> 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

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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.<sup>6</sup> 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.

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<sup>6</sup> 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:

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

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*







**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

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**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.

- **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

**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

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**Venus Boatner | Associate City Planner**  
Community Planning & Development | Development Services  
City and County of Denver  
720.865.2993 Phone | [venus.boatner@denvergov.org](mailto:venus.boatner@denvergov.org)  
[DenverGov.org/CPD](http://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