

CBIS - 0345

TABLE LISTING APPLICANT OR STAFF POSITIONS
AND O'CONNOR RESPONSES RE 99 QUEBEC STREET

APPLICANT OR STAFF STATEMENT	RESPONSE
<p>HEIGHT</p> <p>"Same Maximum Building Height, 65 feet, or 4-5 stories, as with the rest of Lowry." Boulevard One pamphlet provided to Planning Board.</p>	<p>65 feet is <u>not</u> the maximum height on "the rest of Lowry." Height of residential multi-unit in original Design Guidelines is limited to 45 feet, except in Town Center area where it can be 60 feet. The Town Center height exception was not explained by Councilwoman Susman or clarified by Monty Force at Council's NAP meeting, and the assumption that the 18 acres should mirror the COPIC height was left with Council.</p> <p>Aerial of town center on same page of pamphlet, as opposed to "the rest of Lowry," is misleading as well.</p>
<p>PLANNING PROCESS</p> <p>Plan mirrors adjacent land uses. LRA brochure states that: "It has mixed use on the east side, across from the Lowry Town Center and office Park."</p> <p>LRA Glossy says "The mixed-use area contemplates neighborhood—scale retail, based on market studies conducted for the Buckley Annex Redevelopment Plan.</p>	<p>The east side of Quebec has R-1 and R-2-A residential development from Alameda Ave. north to Quebec. <u>Only the extreme NE corner of the parcel is near the Office Park.</u> See attached Exhibit. Only about 10% of the perimeter of this parcel is adjacent to B-3 zone district.</p> <p>The colorful page entitled "Redesign Your Life" gives no inkling whatsoever that Urban Center Mixed Use Five Story zoning will be in place on 18 acres plus another 8 acres. I guess "puffing" is allowed, but no challenges to "Cherry Creek" zoning and building forms.</p>
<p>"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." (exhibit F Application)</p>	<p>Unsupportable statement. See O'Connor letter submitted 6.25.2015 for more detail. Zoning was never "discussed." It was announced as a package after CPD/LRA meetings that were out of the public eye.</p> <p>Executive Director of LRA admits no plan for more than 3 or 4 five-story buildings; therefore C-MX-5 not appropriate choice.</p>
<p>CONSISTENCY WITH DENVER ADOPTED PLANS</p> <p>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)</p>	<p>The General Development Plan does not constituted an Adopted Plan, was never presented to or voted upon by City Council, does not mandate approval of the proposed rezoning.</p> <p>None of the planning for Boulevard One (Reuse Plan, 2008 Buckley Annex Redevelopment Plan, or General Development Plan) mandates this zone choice.</p>

<p>The proposed rezoning is consistent with the General Development Plan (2013).</p>	<p>As Applicant notes, the City “may” take the GDP into consideration. The GDP is a 13 page infrastructure document and, as Applicant notes, “establishes a framework for future land use and development and resulting public infrastructure” and an “opportunity to identify issues. . . .”</p> <p>The City itself understands the problem involved in reliance on a GDP to determine zoning, as it has been examining this issue.</p>
<p>Since Lowry Reuse Plan (Adopted Plan 1993 and 2000) did not envision a change in use at Buckley Annex, it offers no guidance.</p>	<p>While the Lowry Reuse Plan is dated, it is the only Small Area Plan in effect, and offers general considerable guidance, including:</p> <p>(1) goal of “development of true neighborhoods, which are intended to include residential development with appropriately-scaled supporting uses;”</p> <p>(2) intent to build residential areas around perimeter of base in Planning Areas 4 and 6</p> <p>(3) “opportunity to create a highly liveable [sic] and desirable environment at Lowry by protecting mountain views and limiting heights, placing utilities underground, saving and adding indigenous trees, cleaning up environmental hazards (including asbestos), incorporating a variety of uses, and enhancing the surrounding neighborhoods;”</p> <p>(4) making density comparable to adjacent residential areas;</p> <p>(5) emphasis on including parkways with medians (i.e. Lowry Blvd.) and other streetscape elements to provide linkages between the new development and surrounding neighborhoods</p> <p>(6) the desire to “minimize negative impacts on surrounding neighborhoods;”</p> <p>(7) the plan should build upon, sustain and enhance the existing assets of the surrounding area,</p> <p>8) Planning Area 4, the SW Quadrant, included DFAS, and envisioned DFAS remaining but the entire planning area to be filled with residential which would also “buffer existing neighborhoods from non-residential uses in the Business & Training Center” to the NE of this area.</p>
<p>The proposed rezoning is consistent with Blueprint Denver.</p> <p>This parcel is an Area of Change in Blueprint Denver.</p>	<p>Blueprint Denver requires that all future development in Denver be linked to transportation. That link is missing here.</p> <p>Rezoning for “areas of change” must still meet DZC criteria; it must still be <u>compatible with surrounding neighborhoods</u>.</p>
<p>Lowry is an Area of Change under Blueprint and suitable for such an intense zone district</p>	<p>Staff Report page 13: The accompanying design guidelines developed by the Lowry Redevelopment Authority provides special attention to design, specifically by providing a</p>

	<p>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.</p> <p>In this report, staff recognizes on p. 13 what residents have long maintained – that areas of Lowry in which they have been living for 18 years constitute an Area of Stability that new development must be compatible with these areas. This includes the areas south, east and north of the site proposed for rezoning.</p>
OTHER CRITERIA	
<p>Portions of Boulevard One have already been rezoned for mixed use, thus constituting additional “changed conditions” for this rezoning.</p>	<p>The only portions of Boulevard One that have been rezoned were rezoned for attached & detached housing. These additional “changed conditions” require additional attention to <u>compatibility</u> with surrounding neighborhoods and the constraints of infrastructure.</p>
<p>C-MX-5 will encourage changing travel behavior</p>	<p>92% of Lowry residents seldom use busses because, as the surveys show, you simply can’t get to the places you need to get to (schools, doctors, work) without use of the automobile.</p>
<p>Staff Report: “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.”</p>	<p>Response: Much of pollution is caused by people looking for parking; http://www.streetline.com/downloads/Smart-City-Whitepaper.pdf No one, including LRA Board members, believes this project will significantly reduce automobile usage.</p>
<p>Staff Report: “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.”</p>	<p>Staff Report includes statement from Public Works that Wastewater approved the rezoning as follows: “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 result 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.”</p>

<p>Staff Report page 14: "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."</p>	<p>Response: As stated several times, the GDP is not adopted by City Council. It was approved by the DRC but never brought to Council and is not binding on this Council. It can be considered advisory, as can the 2008 Plan which has been removed from the record of LRA, but the only Plans Adopted by Council with respect to this property are the Lowry Reuse Plan, Blueprint and the Comp Plan.</p>
<p>Parking issues will be resolved by the Lowry Design Review Committee</p>	<p>Planning Board recognized that a zone district like this is actually more appropriate where the overall contexts are more urban. The requested zone district requires only .75 parking spaces per living unit whether one, two, or three bedroom condo or apartment. Even Cherry Creek's New Zone District (based on Urban Center Mixed Use as well) provides one space per unit. It is flawed planning to approve a zone district that doesn't really fit the broader contexts and rely on privately enforced Design Guidelines to tailor the zone district.</p> <p>Even 1.5 spaces per living unit (for apartments) will not be likely to provide adequate parking and the Design Review Committee grants variances and can change guidelines as well.</p>
<p>DENSITY</p>	
<p>Staff Report: p. 16: 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.</p>	<p>While it is always dangerous to throw around density numbers, it is likely the density at this site, specifically in the southern portion below Lowry Blvd. will be approximately 50 units/acre. Most of Lowry has far lower density, with the areas closest to this 18 acres having much lower densities.</p>
<p>Density is 11.4 units per acre and is in character with the surrounding neighborhoods.</p>	<p>Density # cited in Application is for entire 70 acre parcel and not accurate for this site. Density in the R-1 and R-2-A areas immediately adjacent to this parcel remains unexamined by staff or applicant. Applicant uses area-wide density comparisons for this portion of its analysis, thus ignoring single family townhomes and homes currently south, east and north of site, as well as those low-density areas on Boulevard One that were just zoned for single family attached and detached homes.</p>
<p>NECESSITY OF THIS ZONE CHOICE</p>	
<p>"The C-MX-5 with waivers rezoning of Parcel 5 is critical for enabling the mixed-use vision of Boulevard One."</p>	<p>Executive Director Force has said there will only be three or four buildings that will have a height of five stories. (May 7, 2013 CAC meeting.) This zone district over the entire 18 acres (plus the 8 or so acres along Monaco) is not required to implement the Boulevard One vision. There are other tools that could be used to zone for the neighborhood scale retail/pedestrian</p>

	<p>friendly community planned for Boulevard One.</p> <p>LRA has never asserted this zone district is necessary for the financial success of Boulevard One. There has never been any financial analysis demonstrating the necessity of this zone district or any unit count. LRA needs only to break even on this project.</p> <p>The 2008 Buckley Annex Redevelopment Plan provides: <i>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 multifamily and single-family residences that look onto the park and plaza.</i></p> <p>The descriptions of the subareas are nearly identical, but the GDP specifies height maximum 5 stories with maximum height of 3 stories and 2.5 stories along 1st Avenue and a maximum height of 3 stories along Quebec Street between Archer place and Lowry Boulevard. From this additional sentence, LRA makes the leap that zoning for 5 stories throughout the 18 acres is appropriate. There is no such mandate in either the 2008 Plan or the General Development Plan. To approve this zone district over 18 acres would require Council to make the determination that broad language regarding maximum heights is the same as</p>
<p>Staff Report p. 14: This GDP subarea description states: "Intent: <i>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 parkside retail; and multi-family and single-family residences that look onto the park and plaza.</i></p>	<p>Denver's website also describes the Urban Context as</p> <p>The Urban Center Neighborhood Context consists primarily of mixed-use areas, containing both multi-family residential and commercial uses, often within the same building or on the same block. <i>Urban Centers are found along major corridors, at transit station areas, and near and around downtown.</i> (emphasis added)</p> <p>http://www.denvergov.org/Zoning/NeighborhoodContext/UrbanCenterNeighborhoodContext/tabid/438042/Default.aspx</p> <p>Looking at Denver's interactive maps, it is clear most C-MX zoning is on either side of downtown, in the Central Platte Valley, east of Lincoln in Capitol Hill, north of downtown, then pockets in Cherry Creek and occasionally other locations, but it is not best suited for this site.</p>
<p>Staff Report p. 16: 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 multiunit 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. . . .</p>	

WAIVERS

<p>Staff Report: The proposed waivers are consistent with Comprehensive Plan recommendations because the waivers help new development conform to existing surrounding neighborhoods.</p> <p>Application: The proposed waiver along part of Quebec and 1st Avenue will provide "consistency with the character of the surrounding neighborhood and other parts of Lowry."</p>	<p>These two narrow waivers apply to only 4.5% of the entire 18 acre parcel and do not accomplish the stated goal of bringing 18 acres zoned C-MX-5 into conformity with two story development south, east, north and west of this large parcel.</p>
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