

18th & Sherman project denied view-plane variance



■ Planning Board says proposal meets just one of six criteria

BY VANESSA MARTIN

For the time being, the northeast corner of 18th & Sherman will remain a parking lot.

“Right now we are exploring all of our other options for the site,” project manager Andrea Wahlen of Sherman Properties told LIFE. “We will continue to work with community groups as we develop a superior product for the property.”

On March 19 the Denver Planning Board unanimously denied Sherman Properties’ request for a variance from the City Park “view-plane” or “mountain-plane” ordinance for a proposed 16-story condominium building at 1800 Sherman.

First passed in 1950, the view-plane ordinance protects views from 11 places, including City Park, Cheesman Park and the Capitol Building. The City Park view-plane starts on the third step of the Denver Museum of Nature & Science in City Park as one faces west and can be thought of as a cone widening as it approaches downtown, with Lincoln as its western edge.

“Our mountain view is what we say Denver has,” Joanne Ditmer, who worked on drafting the view-plane ordinances, told LIFE. “Pure and simple, anything that requires a variance of the view-plane is probably suspect.”

In the past 58 years the city’s Planning Board has only granted about 11 variances to the view-plane ordinance, the last in February 2003. There are six requirements a project must meet to qualify for a variance, and the Planning Board felt the 1800 Sherman project met only one of them. If the project met all six requirements, a variance would have been mandatorily granted.

The six criteria are: the proposed use and structure is a permitted use under the zoning code laws; the enforcement of the view-plane ordinance would preclude reasonable development of the land; the development of the land would not defeat the purposes of the view-plane ordinance; the requested variance is the minimum needed to secure a reasonable return in service, use or income; the development would not result in substantial injury to neighboring properties or public land; and financial hardship of the applicant is not the only reason for granting the variance.

The 11-member Planning Board felt that Sherman Properties’ application met only the first requirement: the proposed structure was permitted under the R-4-X zoning of the site.

“I believe it is our job to protect the view-plane ordinance, and unless all (six) of these criteria have been met and are rock solid I will not vote (for the variance),” Planning Board member Fred Corn said during the March public hearing.

Sherman Properties and its architect, Cahen Architectural Group, applied to build a 255,000 sf, mixed-use development at 1800 Sherman. The first four floors of the project would wrap around the north side of 18th between Grant & Sherman and along the majority of the east side of Sherman between 18th & 19th.

The first floor would house 25,000 sf of retail with 30-35 stalls of surface parking behind the structure. The next three levels would be structured parking with more than 300 spaces and a roof garden on the garage along Sherman.

A 16-story tower of condominiums would rise at the corner of 18th & Sherman to a total height of 252'. With a view-plane limit of 161' at the site, the developer’s proposal would violate the view-plane ordinance by 92'.

In his staff report to the Planning Board, city urban design architect Greg Savage recommended that the view-plane variance be denied and noted that the “development will alter the skyline and set a precedent that could cause more impacts by future developments on mountain views from the view-plane reference point in City Park.”

That was the same concern many members of the community had with the development.

The developer met with residents and neighborhood organizations twice and Cahen used a PowerPoint presentation to explain why they were requesting the variance.

The first meeting was Feb. 12 with members of the Uptown Urban Design Forum (UUDF), and the second was held March 17 and was attended by 15 people, including representatives from Capitol Hill United Neighborhoods, the Old San Rafael Neighborhood Association (OSR), the South City Park Neighborhood Association, Inter-Neighborhood Cooperation (INC), and Congress Park Neighbors.

At both community meetings, as well as his presentation to the Planning Board, Cahen emphasized that if the variance was not granted the project would not move forward.

“This project needs the height in order to generate the cost per square foot to afford all the things we are proposing,” Cahen told the Planning Board. “Without the height variance, the project will go away.”

At the March 17 community meeting Cahen said the developer felt the taller building was a better design, and “the condos will sell for a better price.”

“Is it our responsibility to bail you out?” Dave Webster of INC asked.

Benefits of the project Cahen cited included: the project meets the goals of Blueprint Denver because it accommodates mixed-used development in an urban center; the building’s shadow is minimal, especially on its neighboring building, the Portofino; the owners are committed to building the required workforce affordable housing units instead of paying cash in lieu of including the units in the project; the parking garage will be fully screened; the top of the Sherman parking garage will be a complete planted garden adding green space where there currently is none; and they are committed to having public art as part of the project.

The Planning Board received three letters opposing the variance request, including ones from OSR and the Greater Park Hill Community, a letter from the UUDF with no position and a letter from the Portofino Towers in favor of the variance.

Six people testified at the Planning Board hearing, including Carolyn Etter, the parks manager under Federico Peña.

She described herself as an advocate for the legacy of the city and called the view-plane “an extremely important ordinance. Please protect these views for my grandchildren and your grandchildren.”

Citing nine large parking lots between Downing and downtown on 18th, Michael Henry said, “Variances should not be given lightly. These are deeply held community values, and maybe it is time that City Council and this board looked at the mountain-view ordinance to consider whether it should be tweaked.”

Henry's sentiment was echoed by many at the hearing and at the public meetings. Others pointed out successful developments in the area that were built in compliance with the view-plane ordinance.

After hearing the testimony, Planning Board member Corn said, "Maybe our values have changed in 40 years, and now would be a great opportunity to find out if they haven't, by reviewing the mountain-view ordinance."

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