

Part II

**General Requirements
Exhibit "A" Subarea Plan
Exhibit "B" Existing Conditions
Exhibit "C" District Plan**

Application No. 4586

THE COMMONS

Subarea 1B is that portion of Subarea 1 located east of the Consolidated Main Line. It is a mixed-use area intended to consolidate major office and retail activity in close proximity to mass transit facilities. Office, retail, residential, and hotel uses are accommodated. Buildings will be oriented to 16th Street which will provide the primary pedestrian connection from downtown to the Commons Park and the residential neighborhoods beyond. 16th Street from Wewatta Street to the Consolidated Main Line emphasizes a continuous pedestrian-oriented space which is shared with local automobile traffic and the future light rail line. An area near the intersection of 16th Street and the Consolidated Main Line will provide pedestrians with a grade separated crossing of the railroad tracks located within the CML.

Subarea 2: Commons Park Residential Neighborhood: A high quality residential neighborhood oriented to the adjacent Commons Park. Accessory retail uses intended to serve neighborhood demand or provide live/work opportunities for neighborhood residents are allowed on the lower two floors of multi-story buildings. Development is intended to be pedestrian oriented. Buildings that front on the park are generally lower in height. Building heights increase at strategic corners and in proximity to the existing railroad tracks. Taller buildings are encouraged in proximity to the railroad tracks. Parcel 2A is located within Subarea 2 and is subject to specific restrictions regarding school uses.

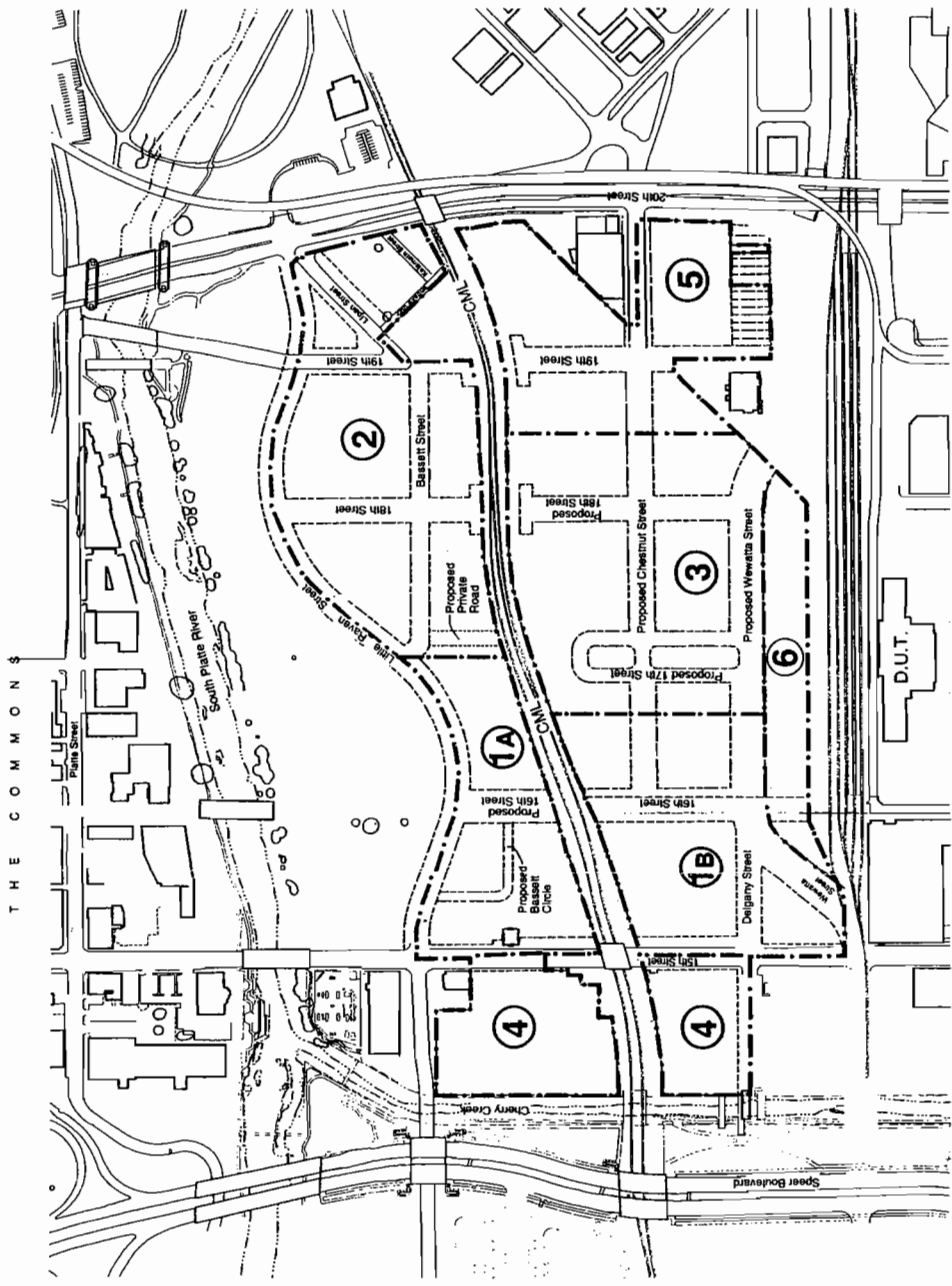
Subarea 3: 17th Street: A mixed-use area intended to accommodate residential, hotel, retail, and office uses in close proximity to mass transit facilities. Buildings on 17th Street will be oriented toward the 17th Street park which will provide a neighborhood focal point in this subarea. A view corridor which limits building heights to the elevation of the waiting room window sill at the DUT (5,209 ft. above sea level) has been placed over the 17th Street right-of-way in order to preserve quality views of Union Station. A mix of pedestrian and general retail is desired.

Subarea 4: Creekside Residential Neighborhood: A high quality residential neighborhood oriented to Cherry Creek. Accessory retail uses intended to serve neighborhood demand or provide live/work opportunities for neighborhood residents are allowed on the lower two floors of multi-story buildings. Development is intended to be pedestrian oriented.

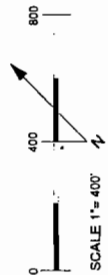
Subarea 5: 18th to 20th: A mixed use area intended to accommodate office, retail, research, development, storage, and distribution facilities. Regular automobile and/or truck traffic and loading will be allowed in areas that do not front on Chestnut Street if properly buffered from differing contiguous uses. Taller buildings are encouraged in proximity to the railroad tracks.

Subarea 6: Intermodal: A mixed-use area intended to accommodate a major intermodal transit facility as well as associated office, retail, and parking facilities. Buildings will be organized in a manner which preserves views from the 17th Street view corridor to the existing Union Station. Vehicular access will be provided from Wewatta Street.

PUD Amendment Procedure: This PUD may be amended by subarea, by metes and bounds parcel, or by platted lot rather than amending the entire PUD so long as such subarea, parcel or lot amendments are consistent with this PUD as a whole.



- Sub-Area Boundary
- ④ Sub-Area Designation
- - - Existing ROW
- Proposed ROW
- Proposed Private Road
- Existing Roads
- - - Potential Light Rail Alignment



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3. THE RELATIONSHIP OF THE P.U.D. TO THE COMPREHENSIVE PLAN

The Commons Neighborhood PUD integrates the City's plans for the valley as described in the 1991 *Central Platte Valley Comprehensive Plan Amendment*. There are several points on which the Commons Neighborhood Plan is not completely consistent with the goals and intent statements described in the Comprehensive Plan Amendment. In general, these inconsistencies result from changes in public goals which have occurred since the Plan Amendment was prepared six years ago. These areas of difference are summarized below:

- (1) *1991 Plan Intent: The 1991 CPV Plan called for the creation of a reservoir of parking for downtown.*

A parking reservoir in the Central Platte Valley would reduce the incentive to use alternative modes of transit and have a negative impact on air quality.

- (2) *1991 Plan Intent: The 1991 plan proposes the creation of a vehicular overpass across the Consolidated Main Line which would allow for the extension of the 16th Street Mall shuttle over the existing train tracks.*

A vehicular overpass across the CML creates the type of visual and physical barrier in the valley which the removal of the viaducts was intended to eliminate. Instead, pedestrian access across the CML is provided as a key element of the proposed plan and facilitates the extension of the 16th Street Mall as a pedestrian linkage over the existing train tracks to the new Commons Park.

- (3) *1991 Plan Intent: The 1991 plan shows a view corridor extending west from the DUT train room. These views were to be from elevated pedestrian bridges that crossed the station tracks and Wewatta Street to connect Union Station to the elevated Commons Plaza. As a result, the view corridor allowed buildings up to 35 feet in height to be located within the view corridor.*

The proposed plan accommodates a new intermodal transportation center on the land immediately west of the DUT tracks. In addition, a 160 foot wide view corridor is preserved along the 17th Street alignment between DUT and the new Commons Park. The view corridor will allow 30 foot tall structures immediately adjacent to the CML tracks in order to help screen views of railroad activity from key public spaces.

- (4) *1991 Plan Intent: Maximum building heights should be limited to mid-rise structures of "about 140 feet". The provision of height bonuses should be considered to encourage the development of housing in the valley.*

There are several locations within the Commons Neighborhood PUD where proposed buildings could exceed the height described in the 1991 plan. The proposed taller buildings serve to locate development density in close proximity to the intermodal site, create an architectural focus within the plan, and frame key urban spaces in the plan. The taller building sites are carefully placed to avoid creating a wall that blocks views of the existing downtown from adjacent neighborhoods.

The Commons Neighborhood plan proposes that nine buildings be allowed to maximum heights of two hundred to two hundred and fifty feet. These taller buildings contribute to the plan's ability to provide 30% of the total development as housing. As suggested in the 1991 plan, these buildings have been located:

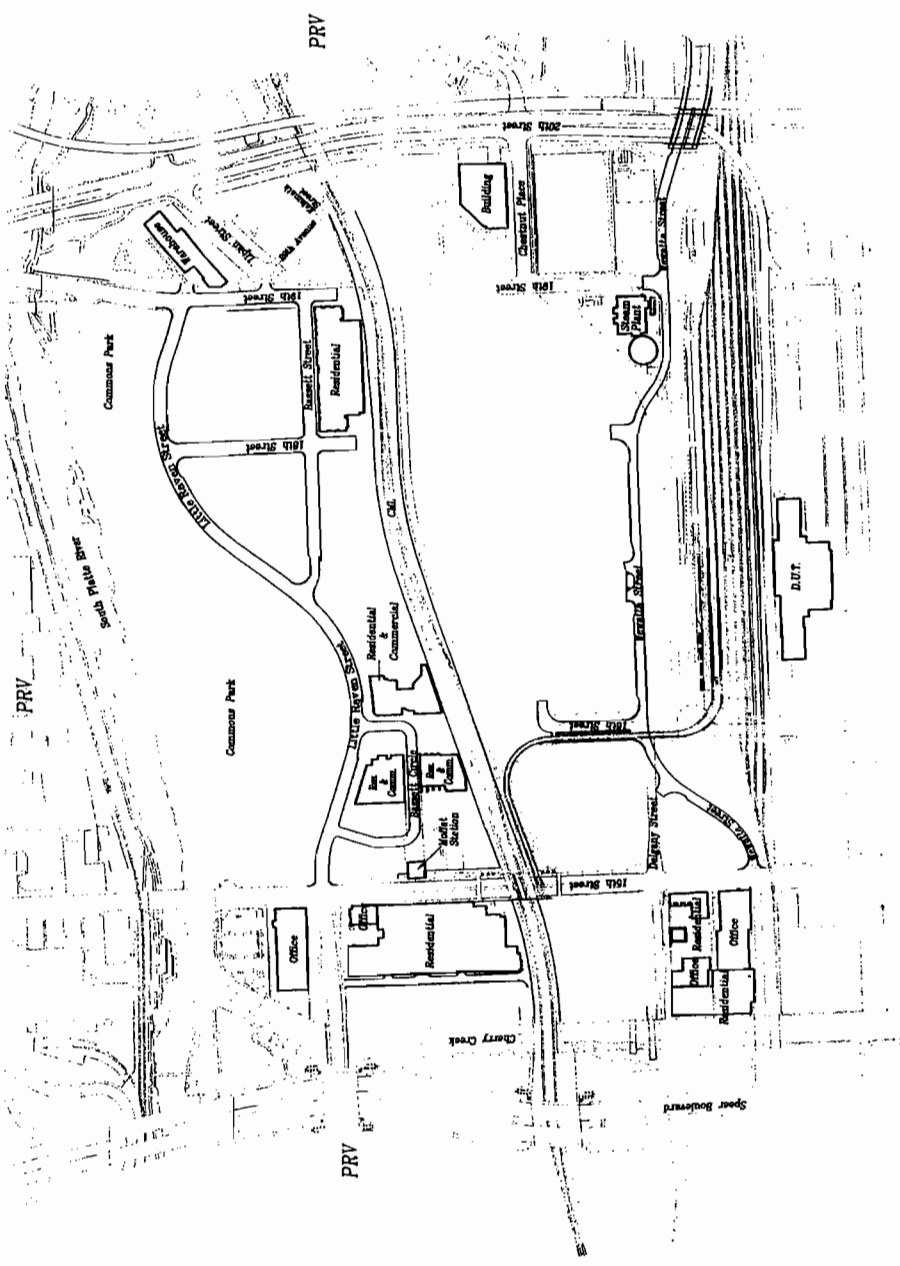
4. HOW THE PROPOSED PUD DISTRICT RELATES TO THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD.

The plan for the Commons Neighborhood is sensitive to the potential for impacting the surrounding neighborhoods. The property addressed by this PUD will continue to be relatively isolated from its neighbors by regional roadways on the north and south (20th Street, Speer Boulevard), regional roadways (Wewatta) and train tracks to the east, and the Platte River on the west. The plan incorporates strategies for organizing residential development adjacent to important public open space such as Cherry Creek, the 17th Street view corridor, and the proposed Commons Park. The extension of the 16th Street Mall is intended as a major pedestrian connection between the downtown, the Commons Park, and the residential neighborhoods west of the Platte River.

The Planning Office is authorized to develop rules and regulations establishing the Design Review Process for Design Standards and Guidelines ("Design Standards") addressing topics enumerated in Section Seven of this document. These rules and regulations will be adopted by the Planning Board. The Design Standards are intended to control the quality of the public environment within the neighborhood. They will inform decisions that affect the creation of a mixed-use neighborhood that is comfortable and exciting. The character of the Commons Neighborhood may be further protected by Design Guidelines that will be created and enforced by the developer and attached to the property through covenants. These guidelines will be organized to ensure that a high level of quality is realized through the life of the development.

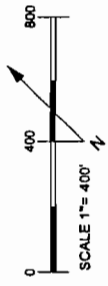
5. EXISTING CONDITIONS

The existing conditions of the site area addressed by this PUD are illustrated in Exhibit B: *Existing Conditions*.



- Existing Roads
- ▭ Existing Building / Building currently under construction
- PRV (typ.) Adjacent Zoning

Note:
 1) Information regarding average daily traffic volumes is contained in Appendix Three
 2) Certain lands are under contract to be acquired from the city. The land ownership configuration on this drawing reflects those agreements.
 3) Portions of some right-of-ways not currently dedicated



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6. DESCRIPTION OF PLANNED UNIT DEVELOPMENT (PUD)

- a. MAXIMUM GROSS FLOOR AREA FOR EACH PROPOSED USE: (Gross Floor Area shall include interior balconies and mezzanines, but shall not include parking garages or basement areas used for storage or utilities as defined in Sec. 59-2(57)).

Maximum Gross Floor Area: General Intent

The PUD describes minimum and maximum floor areas for four (4) specific uses. The minimum and maximum floor area requirements of the PUD are described as follows:

- a. A maximum floor area of 4,200,000 square feet is described for non-residential uses. The total combined gross floor area of all non-residential uses allowed by the PUD will not exceed this cap.
 b. The total number of residential units shall not be less than 2,000. There shall be no maximum gross floor area restrictions for residential use.
 c. A maximum gross floor area is described for three (3) of the land uses which are allowed by the PUD. These are *Office, Retail - Major*, and *Hotel*. The total gross floor area of these uses will not exceed the individual caps described for each.
 d. All other non-residential uses allowed by the PUD have no individual maximum or minimum gross floor area requirements and are therefore limited only by the total gross floor area described for non-residential uses (4,200,000 square feet).
 e. The gross square footage allowed in each of the land use categories of *Dwelling, Single Unit and/or Multiple Unit, Hotel, Retail-Major*, and *Office*, is described below.

Dwelling, Single Unit and/or Multiple Unit (1)	<u>2,000</u>	units minimum
Hotel (1,500 guest rooms)	<u>1,500,000</u>	sq. ft. maximum
Retail - Major	<u>550,000</u>	sq. ft. maximum
Office	<u>3,700,000</u>	sq. ft. maximum
All Other Uses	<u>NA</u>	no individual caps

- f. A minimum of 500 residential units shall be constructed in Subareas 1A, 3, and 5. Further, a minimum of 125 housing units shall be located in Subarea 1A, and a minimum of 175 housing units shall be located in Subarea 3. To administer this requirement, the following Designation Thresholds apply:
- (1) To the extent not previously designated in compliance with the Original PUD, the owner must identify the designated housing sites respectively in Subareas 1A, 3 and 5 prior to the time that either (i) building permits have been issued respectively for 50% of the net property within such Subareas, or (ii) the owner has sold 50% of the net property respectively in such Subareas.
 - (2) A site shall be designated a housing site when a notice of housing designation is filed with the department of zoning administration of the city. The notice of housing designation shall identify the property designated and once so designated, such designation shall become part of the PUD.
 - (3) To the extent not previously filed in compliance with the Original PUD, upon the sale of any net property in Subareas 1A, 3 and 5 the owner shall file a report with the zoning administrator. Said report shall state the square footage of property sold and the cumulative total in square footage of the net property sold within the applicable Subarea. Said report shall also include the name and address of the new property owner.
 - (4) Nothing in this section shall be construed to prohibit the designation of multiple sites as the designated housing site in satisfaction of the requirements set forth in paragraph (1), above.

7. AFFORDABLE HOUSING

Residential development within the PUD should include a variety of housing types and be available at a variety of prices. The owner has agreed that at least 2,000 residential units shall be built as part of the total PUD. The following affordable housing requirements shall be part of those required 2,000 residential units. Such affordable housing requirements may be met in more than one project. The owner may meet the affordable housing requirements of this PUD by complying with either subsection 1 or 2 below.

1. The owner must submit an Affordable Housing Plan, in keeping with the intent of subsection 2 below, to the Planning Board within 12 months of the approval of the PUD. The Planning Board may approve such Plan, but in no event shall a Plan be approved with less than 200 affordable for-sale or rental residential units and if tax-exempt bond money is used, all federal requirements for such bond money must be met. The Planning Board may from time to time amend such approved Affordable Housing Plan. If a plan is not submitted to the Planning Board within 12 months or if a plan acceptable to the Planning Board and the owner is not approved by the Planning Board within 60 days after submission of the Plan to the Planning Board, the owner shall comply with subsection 2 below.
2. The owner and the City will each use their best efforts to seek residential developers willing to provide affordable housing units. Within 14 months after the owner has identified such a residential developer, the City shall request City Council to allocate the lesser of \$12.3 million or 100% of the City's tax-exempt bond allocation for that year toward the development of 125 affordable rental housing units. With regard to the 125 affordable rental units, either twenty percent of the units initially must be made available to persons earning less than fifty percent of the median family income adjusted by household size or forty percent of the units must be made available to persons earning less than sixty percent of the median income adjusted by household size. Twenty-five percent of the 125 units may be rented to persons without regard to income. The remaining units must be rented to persons earning less than one-hundred percent of the median family income adjusted by household size.

If the City is unable to provide the tax-exempt bond allocation as set forth above to the residential developer selected by the owner within 14 months after such selection, the affordable rental housing requirements of this subsection 2 shall be reduced to 70 rental units that are affordable to persons earning less than one hundred percent of the median family income. The owner shall provide such 70 rental units within 24 months after the City does not provide the tax-exempt bond allocation.

In addition to the 125 affordable rental housing units described above, the owner shall provide 75 affordable for-sale units priced at no more than \$150,000.00 based upon 1997 prices, with the purchase price being adjusted upward annually, beginning on January 1, 1999, based upon the construction costs index commonly used by the American Association of General Contractors. The 75 affordable for-sale units shall include at least 850 square feet of floor space, plus one parking space. The 75 affordable for-sale units shall be provided whether or not the City provides the tax-exempt bond allocation for the affordable rental units.

8. DISTRICT PLAN

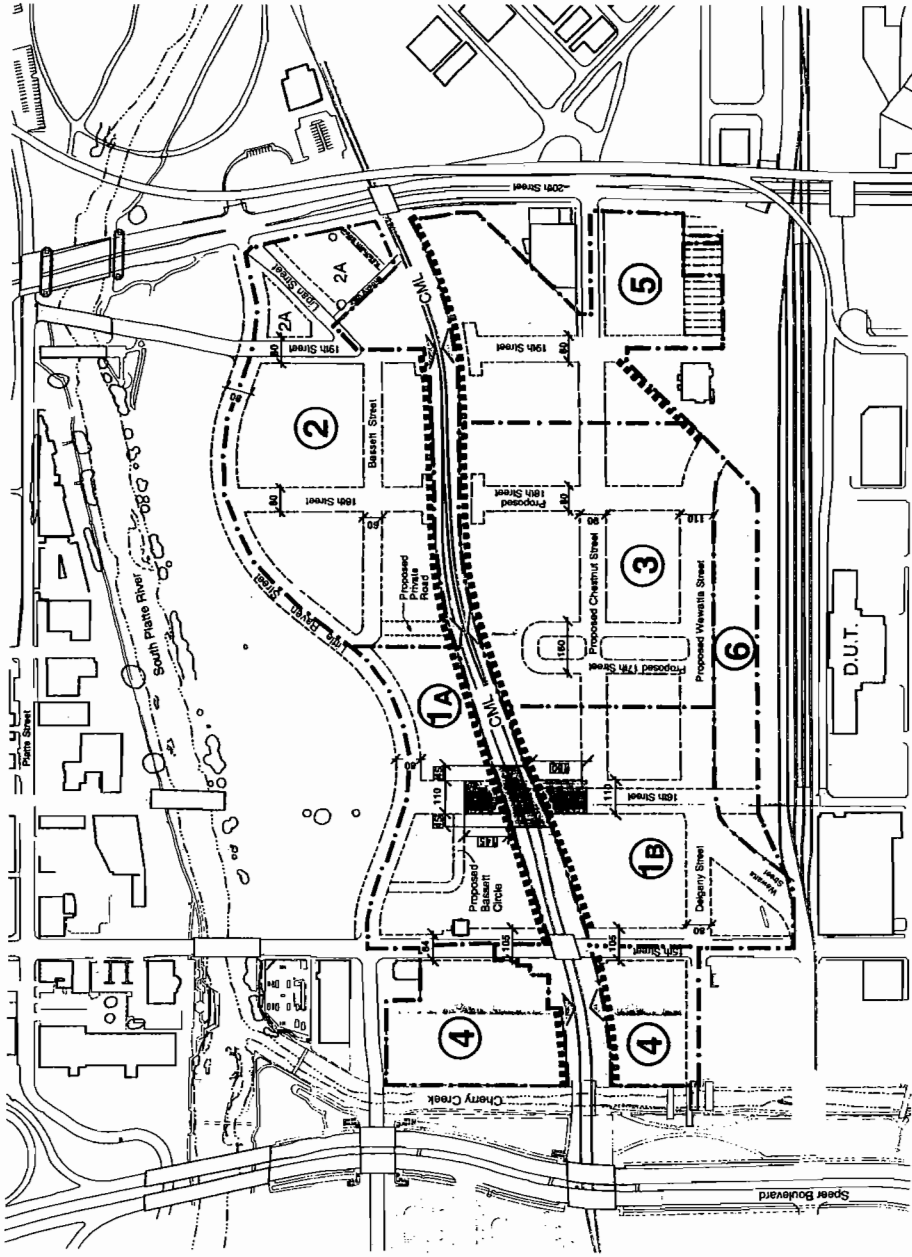
The Commons Neighborhood consists of six subareas designated 1 through 6. The District Plan contained in Exhibit C: *District Plan*, illustrates the general organization of the boundaries, subareas, and streets located within the PUD. The detailed requirements specific to each subarea are described in Sections One through Six of this document.

ACKNOWLEDGMENT:

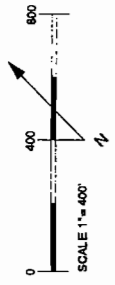
- a. The applicant for this PUD is the owner or owners of all of the property contained within the proposed PUD District or is the agent for the owner or owners of all the property contained within the proposed PUD District. (*Agents must supply proof of agency from the owner or owners of the property at time of application.*)

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- b. The applicant understands that vested property rights shall be created ninety (90) days after the approval of this Amended and Restated PUD by the Denver City Council pursuant to R.M.C. Sec. 59-29. The property right which has been vested shall be vested as follows, instead of the three (3) years prescribed by R.M.C. Section 59-29: Trillium Corporation, a Washington corporation ("Trillium"), or its successors or assigns, shall construct Little Raven from 15th Street to 19th Street, three (3) lanes of Wewatta Street from 15th Street to 20th Street, and 16th Street from Wewatta Street to Chestnut Street, within eight (8) years of the date the Original PUD was enacted. If such infrastructure is constructed within such eight (8) year period, then the Amended and Restated PUD shall remain vested until the date that is thirteen (13) years after the date the Original PUD was enacted. If such infrastructure is not constructed within such eight (8) year period due to a failure by the City to fulfill its obligations as required by law or separate agreement with Trillium regarding such infrastructure, the Amended and Restated PUD still shall remain vested until the date that is thirteen (13) years after the date the Original PUD was enacted. If such infrastructure is not constructed within eight (8) years of the date the Original PUD was enacted for any reason other than the City's failure to meet its obligations herein, then the Amended and Restated PUD shall only be vested until the date that is eight (8) years after the date the Original PUD was enacted.



- Sub-Area Boundary
- Sub-Area Designation
- Existing ROW
- Proposed ROW
- Proposed Private Road
- Existing Road
- Potential Light Rail Alignment
- Dimension of ROW
- Distance from ROW
- 15' Tall Fence / Wall allowed @ property line except as regulated by Design Standards
- Limits of footprint for CML
- Pedestrian Crossing
- 25' wide Fire Department access to CML. Specific location to be determined at site plan review.
- Fire Department Access to CML
- Parcel 2A is subject to specific restrictions regarding school uses as described in Section 2, Subarea 2



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